

ORDINANCE NO. 2009-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, REPEALING THE CURRENT SECTIONS 3-7-1 AND 3-7-2 OF ARTICLE 3-7, "GAS CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; ADOPTING NEW SECTIONS 3-7-1 AND 3-7-2 OF ARTICLE 3-7, "GAS CODE", OF CHAPTER 3, "BUILDING REGULATIONS"; ADOPTING AN AMENDED VERSION OF THE 2006 INTERNATIONAL FUEL GAS CODE AND SUBSEQUENT 2006 INTERNATIONAL FUEL GAS CODE SUPPLEMENTS IN ORDER TO REGULATE THE DESIGN AND INSTALLATION OF GAS SYSTEMS, TOGETHER WITH CERTAIN RELATED MATTERS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Odessa desires to adopt an amended version of the 2006 INTERNATIONAL FUEL GAS CODE, 1st printing, 2006 INTERNATIONAL FUEL GAS CODE Supplements, the same to replace the City's existing fuel gas code as amended; and

WHEREAS, the City of Odessa desires that there be no interval or intervening time between the effective date of this ordinance and the date of repeal of existing ordinances, and that this ordinance will not in any way repeal such existing ordinances until after publication and this ordinance is legally in effect;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. That the current Sections 3-7-1 and 3-7-2 of Article 3-7, "Gas Code", of Chapter 3, "Building Regulations" of the City Code are to be repealed and that new Sections 3-7-1 and 3-7-2 of Article 3-7, "Gas Code", of Chapter 3, "Building Regulations", of the City Code are hereby adopted, which Sections shall read as follows:

Chapter 3 Building Regulations
Article 3-7 Gas Code

Sec. 3-7-1 Adoption

The 2006 International Fuel Gas Code, 1st printing, as amended by subsequent provisions of the chapter and 2006 International Fuel Gas Code Supplements, is hereby adopted by the City.

Sec. 3-7-2 Amendments

The hereinafter set forth amendments to the 2006 International Fuel Gas Code, 1st printing, are hereby adopted by the City. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2006 International Fuel Gas Code, 1st printing, the language of such amendment, to the extent that it is not in conflict with this ordinance, shall supersede the language of the respective [portion amended. Amendments to the] 2006 International Fuel Gas Code, 1st printing, consisting of the addition of new articles, sections, subsections, errata, tables or other portions shall constitute supplements to such code. Any

references to the code, gas code, this code, etc., shall mean the code and the adopted appendixes and supplements.

Insert the following:

101.1 Title. City of Odessa.

Add the following:

106.1.1 Persons who may obtain a plumbing permit for fuel gas systems.

- (a) Fuel gas system work done by a property owner in a building owned and occupied by him as his homestead.
- (b) Any master plumber licensed by the Texas Board of Plumbing Examiners and the City of Odessa as a plumbing contractor.
- (c) Any agent of a licensed master plumber specifically named on the plumbing contractor's registration on file with the Building Inspection Division office.
- (d) An appropriate LP contractor licensed by the Texas Commission on Environmental Quality (TCEQ) registered as a contractor with the Building Inspection Division office or an agent authorized by the license holder on the contractor registration documents may obtain a permit to install liquid propane gas (LPG). An LPG contractor is restricted to perform only LP installations as limited by their LP license.
- (e) The certificate of insurance must indicate the certificate holder as the City of Odessa, Building Inspection Division, PO Box 4398, Odessa, TX 79760
- (f) The registration of contractors shall remain valid for two years at which time the contractor shall submit new registration.

Delete as written and substitute the following:

106.5.2 Fees Schedule. See the City Ordinance on fees.

Amend the following as written:

106.5.3 Fees refunds. Upon written request from the original permittee to which the permit was issued, detailing the reason(s) for the request and submitted within 180 days of the date the permit was issued, the code official shall authorize a refund of a permit fee as follows:

1. A partial refund may be requested when the permit holder has permanently terminated work prior to 50 percent completion of a project. The Building Official shall calculate the percent of work performed and shall refund no more than 80 percent of the permit fee of the remaining work to be performed. Permits charged a minimum permit fee shall not be refundable.
2. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended. Charges for the minimum plan review fee shall not be refundable.

Amend the following as written:

108.4 Violations and penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, installs, demolishes or moves any structure or electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, or electrical, gas, mechanical or plumbing system, in violation of a statement or drawing submitted and permitted thereunder, or in violation of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that violation continues shall be deemed a separate offense.

108.5 Stop work orders. *Amend to delete the last sentence and insert the following:*

Any person who continues any work in or about the structure or on the installation of plumbing or gas lines after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed a separate offense.

Delete Section 109 as written. Replace with the following:

Section 109 Means of Appeal

109.1 *Amend to add the following:*

109.1 Application for appeal. Upon payment of the appropriate filing fee, a person shall have the right to appeal a decision of the Code Official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within twenty (20) days after the notice was served. The board shall have no authority to waive requirements of the code. *See building code.*

109.2 Membership of board. *Delete sections 109.2 thru 107.7 and insert the following:*

109.2 Membership of board. The Building Board of Appeals is hereby created, in order to hear and decide appeals or orders, decisions or determinations made by the Building Official relative to the application and interpretation of the building code; the one- and two family dwelling code; the plumbing code; the fuel and gas code; the mechanical code; the electrical code; the energy conservation code; the Existing building code; the performance code; or the property maintenance code. The Building Official shall be an ex officio member of said board but shall have no vote on any matter before the board. *See building code.*

109.2.1 Qualifications. *Delete as written and amend as follows:* See building code amendments.

109.2.2 Alternate members. *Delete as written and amend as follows:* See building code amendments.

109.2.3 Chairman. *Delete as written and amend as follows:* See building code amendments.

109.2.4 Disqualification of member. *Delete as written and amend as follows:* See building code amendments.

109.2.5 Secretary. *Delete as written and amend as follows:* See building code amendments.

109.2.6 Compensation of member. *Delete this section.*

109.3 Notice of meeting. *Delete as written and amend as follows:* See building code amendments.

109.4 Open hearing. *Delete as written and amend as follows:* See building code amendments.

109.5 Postponed hearing. *Delete as written and amend as follows:* See building code amendments.

109.6 Board decision. *Delete as written and amend as follows:* See building code amendments.

109.6.1 Resolution. *Delete as written and amend as follows:* See building code amendments.

109.6.2 Administration. *Delete as written and amend as follows:* See building code amendments.

109.7 Court review. *Delete as written and amend as follows:* See building code amendments.

Amend the following as written:

Chapter 2, Definitions.

● **POINT OF DELIVERY.** *Change the first sentence in the paragraph to read as follows:* For natural gas systems, the point of delivery is the customer outlet at the utility company service meter assembly.

Amend to add the following:

404.1.1 Service pipe installation. The installation of new gas service lines or piping systems or the replacement of existing gas service lines or piping systems shall be installed the shortest distance possible from the gas utility meter to the property line.

Amend to add the following:

402.8 Minimum size of gas service. The minimum pipe size for the gas service line from the utility meter to any structure shall be one inch (1") pipe.

Exception: In areas of the City where a minimum of two pounds of pressure is available, smaller gas supply piping may be approved by the Code Official with evidence that the gas utility company has adequate pressure to supply a two pound system and submittal of an approved schematic sizing diagram showing the layout and calculations of the size of lines and pressure required for each branch of the gas distribution system with the BTU listing of each gas appliance.

Amend to add the following:

406.4.3 Alternate pressure tests. Before appliances are connected, gas piping systems shall stand the pressure equal to a minimum of at least ten (10) inches mercury on 12-inch gauge, or sixty (60) ounces air on ounce gauge, for a period of at least ten (10) minutes without showing

any drop in pressure. The source of pressure shall be isolated before the pressure tests are made.

Amend to add the following:

409.3.4 Exterior shutoff. A listed shutoff valve shall be installed aboveground outside on the service line and at each entry of a gas line into the structure.

Section 2. That the herein adopted amended version of the 2006 INTERNATIONAL FUEL GAS CODE shall be in full force and effect 30 days after its adoption. On the date that the said amended version of the 2006 INTERNATIONAL FUEL GAS CODE is in full force and effect, then Ordinance No. 2002-29 as amended and such other and further existing ordinances as are inconsistent and incompatible with any provisions of the herein adopted amended version of the 2006 INTERNATIONAL FUEL GAS CODE shall be wholly repealed. In addition, nothing in this ordinance shall be construed to invalidate or cause to be void any of those provisions of the 2006 INTERNATIONAL FUEL GAS CODE that are not amended in this ordinance. Provided, further, that notwithstanding any of the foregoing, all buildings, structures, work, etc. for which a permit has been issued and/or work legally begun prior to the date the said amended version of the 2006 INTERNATIONAL FUEL GAS CODE is in full force and effect shall continue to be constructed, repaired, altered, moved, etc., under the provisions of the presently existing codes of the City of Odessa.

Section 3. That nothing contained in this ordinance shall in any manner whatsoever change, alter or otherwise affect the commission of or punishment for any offense, crime or act committed or done prior hereto, or any penalty or forfeiture incurred, or any prosecution whatsoever, or any suit or other proceedings pending, or any judgment rendered on or before the passage and publication of this ordinance, nor shall anything herein change, alter or otherwise affect any cause or action, contract or right established or accruing to the City or to any person, association or corporation, or any contract or obligation by or in favor of the City before same.

Section 4. If any section, subsection, sentence, clause or phrase herein is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of same shall not be affected thereby, it being the intent of the City Council in passing and adopting this ordinance that no portion hereof or provisions or regulations contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, portion, provision or regulation.

Section 5. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,000.00 as provided in Section 1-1-9, "General Penalty, continuing violations, right of entry, enforcement officers" Chapter 1, Odessa City Code, which section is adopted by reference and made a part hereof. Each day any such violation shall continue shall constitute a separate offense.

Section 6. The City Secretary is hereby directed to effect such publication as may be required by law in connection with the passage of this ordinance.

The foregoing ordinance was first approved on the 11th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

The foregoing ordinance was adopted on second and final approval on the 25th day of August, A.D., 2009, by the following vote:

Bill Cleaver	AYE
James B. Goates	AYE
Royce Bodiford	AYE
Dean Combs	AYE
Benjamin Velasquez	AYE

Approved this the 25th day of August, A.D., 2009.

Larry L. Melton, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Larry Long, City Attorney