

ORDINANCE NO. 2019-06

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS CONSOLIDATING INTO ONE CITY ORDINANCE THE NFPA 70® 2017 NATIONAL ELECTRIC CODE AND THE 2018 INTERNATIONAL BUILDING CODES, AS AMENDED, RELATED TO ALL RESIDENTIAL AND COMMERCIAL BUILDINGS; AMENDING SPECIFIC SECTIONS OF THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE AND NATIONAL ELECTRIC CODE; DESIGNATING A CITY BUILDING OFFICIAL; PROVIDING FOR INSPECTION ACTIVITIES BY THE BUILDING OFFICIAL; PROVIDING A PENALTY NOT TO EXCEED \$500 FOR VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A CLAUSE REPEALING THE CITY CODE REGARDING CITY BUILDING AND ELECTRIC CODES AS AMENDED; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE ON OR AFTER PUBLICATION AS PROVIDED BY LAW

WHEREAS, the City of Montgomery has adopted in City Code Section 18-21 Building Codes; and

WHEREAS, the City of Montgomery has adopted in City Code Section 18-21 the National Electric Code;

WHEREAS, it is the desire of the City Council of the City of Montgomery, Texas to consolidate into one city ordinance the NFPA 70® 2017 National Electric Code as published by the National Fire Protection Association, and certain codes published by the International Code Council relating to all applicable building, mechanical and plumbing codes for both commercial and residential structures (hereinafter collectively, “the Codes”); and

WHEREAS, the adoption and consolidation of these Codes, as amended, is done to facilitate proper inspection activities by the City of Montgomery, Montgomery County, Texas, relating to construction and maintenance of all buildings and structures within the corporate limits of Montgomery, Texas, and relating to public health, safety, and general welfare; and

WHEREAS, upon the recommendation of City staff, the City Council desires to consolidate these Codes for the convenience of all parties as they relate to improving the public health, safety, and general welfare of the residents of the City of Montgomery;

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

SECTION I.

That Section 18-21 of the City Code be amended to read:

The following International Code Council Editions including Appendix Chapters (“the Building Codes”) are hereby adopted by reference as though they were copied herein fully:

2018 International Residential Code ® (for 1 & 2 Family Dwellings only) including Appendices:

- A: Sizing and Capacities of Gas Piping,
- B: Sizing of Venting Systems Serving Appliances,
- C: Exit Terminal of Mechanical Draft and Direct-Vent Venting Systems,
- D: Recommended Procedures for Safety Inspection of an Existing Appliance Installation,
- E: Manufactured Housing Used as Dwellings,
- G: Piping Standards for Various Applications,
- H: Patio Covers,
- J: Existing Building and Structures,
- N: Venting Methods,
- O: Automatic Vehicular Gates,
- P: Sizing of Water Piping Systems and
- Q: Tiny Houses.

2018 International Building Code ® (for all other residential and commercial construction)

2018 International Fire Code ®

2018 International Mechanical Code ®

2018 International Plumbing Code ® including Appendices:

- C: Structural Safety,
- E: Sizing of Water Piping Systems

2018 International Fuel Gas Code ®

2018 International Energy Conservation Code ®

2018 International Swimming Pool & Spa Code ®

2018 International Property Maintenance Code ®

2018 International Existing Building Code ®

2018 International Performance Code ® including Appendices:

- A: Risk Factors of Use and Occupancy Classifications,
- B: Worksheet for Assigning Specific Structures,
- C: Individually Substantiated Design Method,
- D: Qualification of Characteristics for Design and Review, and
- E: Use of Computer Models

SECTION II.

That Section 18-21 of the City Code be amended to read:

The following edition of the NFPA 70® National Electric Code® (“the Electric Code”) is hereby adopted by reference as though it was copied herein fully:

2017 National Electric Code® as published by the National Fire Protection Association

SECTION III.

AMENDMENTS TO INTERNATIONAL PLUMBING AND RESIDENTIAL CODES AND THE NATIONAL ELECTRIC CODE: The following amendments to the International Code Council Editions including Appendix Chapters (“the Building Codes”) and to the NFPA 70® National Electric Code® are hereby adopted by reference as though they were copied herein fully:

A. INTERNATIONAL RESIDENTIAL CODE

1. PLUMBING: Water Supply and Distribution - Materials, Joints and Connections.

Sections 2906.4, 2906.5 and 2906.06 of the 2018 International Residential Code is amended by the addition of the following:

- a. The use of ABS plastic piping and fittings is prohibited.
- b. All PVC or CPVC plastic shall be schedule 40 or better.

2. SANITARY DRAINAGE: Materials

Section 3002.1 of the 2018 International Residential Code is amended by the addition of the following:

- a. All PVC plastic pipe shall be Schedule 40.
- b. No-hub pipe (also known as hubless pipe) shall not be allowed under ground.
- c. All plastic pipe underground covered by concrete shall be schedule 40 or better.
- d. Outside building sewer schedule shall be schedule 40 or SDR 26 only.

B. INTERNATIONAL PLUMBING CODE

1. PLUMBING: Water Supply and Distribution - Materials, Joints and Connections

Sections 605.3, 605.04 and 605.05 of the 2018 International Plumbing Code is amended by the addition of the following:

- a. The use of ABS plastic piping and fittings is prohibited.
- b. All PVC or CPVC plastic shall be schedule 40 or better.

2. SANITARY DRAINAGE: Materials

Section 702 of the 2018 International Plumbing Code is amended by the addition of the following:

All PVC plastic pipe shall be Schedule 40.

- a. The use of ABS plastic piping and fittings is prohibited.
- b. No-hub pipe (also known as hubless pipe) shall not be allowed under ground.
- c. All plastic pipe underground covered by concrete shall be Schedule 40 or better.
- d. Outside building sewer shall be Schedule 40 or SDR 26 only.

C. NATIONAL ELECTRIC CODE: Conductors for General Wiring

Section 310 of the NFPA 70® 2017 National Electric Code® is amended to adopt the following wiring methods and materials:

1. General requirements:

- a. No conductor smaller than #12 AWG Copper shall be permitted within the city limits with the exception of control wiring. All receptacles shall be the grounding type.
- b. Requirements applying to all overhead service conductors: All service conductors shall be installed in galvanized metal conduit.
- c. Aluminum or copper-clad aluminum is permissible for use only on 120/240-volt, single phase, four-wire systems limited to 50 amps or less for temporary

illumination lighting on wooden poles with a minimum clearance of 12 feet at its lowest point.

- d. All underground service conductors shall be encased in conduit, including where they extend up the pole, and shall be placed on the face of the pole designated by the power company, and to the height designated by them.
- e. Aluminum or copper-clad aluminum is permissible for use only on 120/240-volt, single phase, four-wire systems as a sub-feed from the main service panel, encased in approved conduit, not passing through building envelope.

SECTION IV.

BUILDING OFFICIAL. When reference is made to the duties of a certain official named within said Codes, that designated official of the City of Montgomery, Montgomery County, Texas, who has duties corresponding to those of the named official in the Codes shall be deemed the ***Building Official*** or his/her designee. The Building Official shall periodically review amendments to the International Codes, the National Electric Code, and other building codes, and may recommend adoption of such amendments to the City Council. The Building Official may also recommend other local amendments to the International Codes and National Electric Code. Local amendments to the International Codes and the National Electric Code shall be adopted by ordinance and shall control over any conflicting provisions of the International Codes and National Electric Code.

SECTION V.

BUILDING PERMIT PROCEDURES AND INSTRUCTIONS. The City Council hereby authorizes the Building Official to implement Building Permit procedures and instructions for construction of all buildings and structures in the City of Montgomery which are consistent with the Codes and this Ordinance.

SECTION VI.

PERMIT APPLICATION FORMS. The City Council hereby authorizes the Building Official to issue permits for all buildings and structures, mechanical, plumbing, and electrical installations which are consistent with the Codes and this Ordinance.

SECTION VII.

CRIMINAL PENALTIES.

- A. A person, firm or corporation violating any provision of this Ordinance shall be guilty of

a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 for each act of violation, and each day of violation shall be considered a separate violation.

- B. In addition to proceeding under authority of this Ordinance, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or ordinances against a person continuing to violate this Ordinance.

SECTION VIII.

REPEALING CLAUSE. City Ordinances No. 2015-09, No. 2015-10, and No. 2015-11 and matters in said Codes and Appendixes which are contrary to existing Ordinances and Code of Ordinance of the City of Montgomery, Montgomery County, Texas, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

SECTION IX.

SEVERABILITY. If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION X.

TEXAS OPEN MEETINGS ACT. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION XI.

EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after September 1, 2019 as provided by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the 26th day of February 2019.

THE CITY OF MONTGOMERY, TEXAS

/s/Sara Countryman, Mayor

ATTEST:

/s/Susan Hensley, City Secretary

APPROVED AS TO FORM:

/s/Larry L. Foerster, City Attorney