

REGULAR

NUMBER: 65.135

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADDING CHAPTER 170 TO TITLE II OF THE MILPITAS MUNICIPAL CODE RELATED TO REQUIRED INSTALLATION OF AUTOMATIC GAS SHUT-OFF DEVICES

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____ upon motion by _____, and was adopted (second reading) by the City Council at its meeting of _____ upon motion by _____. Said Ordinance was duly passed and ordered published in accordance with the law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDINANCE CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance adds Chapter 170 to the Milpitas Municipal Code to require the installation of Excess Flow Gas Shut-off Devices (non-motion sensitive) or Seismic Gas Shut-off Devices (motion sensitive) and Excess Flow Gas Shut-off Devices at each gas fuel appliance outlet. These devices are to be installed on gas services-downstream of meter in new construction.

Section 2. Automatic Gas Shut-off Devices. Chapter 170 of Title II of the Milpitas Municipal Code is hereby added to the Milpitas Municipal Code to read:

CHAPTER 170
GAS SHUT-OFF DEVICES

II-170-1.00 Definitions

II-170-1.01 “Downstream of Gas Utility Meter”

“Downstream of Gas Utility Meter” shall refer to all customer-owned gas piping.

II-170-1.02 “Residential Building”

“Residential Building” shall mean any single-family dwelling, duplex, multi-family dwelling, apartment building, condominium building, townhouse building, lodging house, congregate residence, hotel, or motel.

II-170-1.03 “Excess Flow Gas Shut-off Device”

“Excess Flow Gas Shut-off Device” shall mean those valves or devices that are not actuated by motion, but are activated by significant gas leaks or overpressure surges, which can occur when pipes rupture inside the structure. The design of the device shall provide a proven method to provide automatically for expedient and safe gas Shut-off in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner. The device shall be certified by the Office of State Architect or the operational and functional design of the device shall meet or exceed the device certified by the Office of the State Architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the Office of State Architect may be made by one of the following: the Independent Laboratory of the International Accreditation Services (IAS), Underwriter’s Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.

II-170-1.04 “Seismic Gas-Shut-Off Device”

“Seismic Gas Shut-off Device” shall mean a system consisting of a seismic sensing device and a gas Shut-off device designed to actuate automatically. The system may consist of separable components or may incorporate all functions in a single body. Where separable components are utilized, the companion gas-shut-off will be installed in a gas piping system in order to shut off the gas downstream of the location of the gas seismic sensing device in the event of a severe seismic disturbance. The device shall be certified by the Office of State Architect and the operational functional design of the device shall meet or exceed the device certified by the Office of State Architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the Office of State Architect may be made by

one of the following: the Independent Laboratory of the International Accreditation Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.

II-170-1.05 "Upstream of Gas Utility Meter"

"Upstream of Gas Utility Meter" shall refer to all gas piping installed by the utility up to and including the meter and the utility's bypass tee at the connection to the customer owned piping.

II-170-1.06 "Automatic Gas Shut-off Device,"

"Automatic Gas Shut-off Device," shall refer to either: a Seismic Gas Shut-off Device or Excess Flow Gas Shut-off Device.

II-170-2.00 Location of Installation

An approved Seismic Gas Shut-off Device (motion sensitive) or an approved Excess Flow Gas Shut-off Device (non-motion sensitive) shall be installed downstream of the gas utility meter and Excess Flow Gas Shut-off Devices shall be installed at each gas fuel appliance outlet on each fuel gas line where the gas line serves any new building (commercial, industrial or residential) containing fuel gas piping for which a building permit is first issued on or after the effective date of the ordinance.

II-170-2.01 Exceptions

- (a) Automatic Gas Shut-off Devices installed on a gas distribution system owned or operated by a public utility shall not be subject to the requirements of this chapter.
- (b) This ordinance shall not apply to mechanical process equipment used in manufacturing.

II-170-3.00 Automatic Gas Shut-off Devices

Gas Shut-off Devices-either installed in compliance with this ordinance or voluntarily, with a permit issued on or after the effective date of this ordinance, shall comply with the following requirements:

- (a) Automatic Gas Shut-off Devices shall be installed by a contractor licensed in the appropriate classification by the State of California and in accordance with the manufacturer's instructions.
- (b) Seismic Gas Shut-off Devices (motion sensitive) must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the Building and Safety Division determines that the Seismic Gas Shut-off Device (motion sensitive) has been tested and listed for an alternate method of installation.
- (c) Seismic Gas Shut-off Devices (motion sensitive) must be certified by the Office of State Architect and be listed by an approved listing and testing agency such as IAS, IAMPO, UL or the Office of State Architect. In the case of Excess Flow Gas Shut-off Devices only, be certified by the Office of State Architect or be listed by an approved listing and testing agency such as IAS, IAMPO, UL or the Office of the State Architect.

- (d) Both Excess Flow Gas Shut-off Devices and Seismic Gas Shut-off Devices must have a thirty (30) year warranty which warrants that the valve or device is free from defects and will continue to operate properly for thirty (30) years from the date of installation.
- (e) Where Automatic Gas Shut-off Devices are installed voluntarily or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.

II-170-3.01 List of Approved Valves and Devices.

The Building and Safety Division shall maintain a list of all Seismic Gas Shut-off Devices (motion sensitive) and Excess Flow Gas Shut-off Devices (non-motion sensitive) which meet or exceed the requirements of devices certified by the Office of the State Architect for installation in the State of California and which comply with the standards and criteria set forth in Health and Safety Code Section 19180 et seq., including quality and design regulation for earthquake actuated automatic gas Shut-off systems (see 24 Cal. Cod Regs. Ch. 12-16-1).

II-170-4.00. Enforcement.

The City of Milpitas Building and Safety Division shall administer and enforce the provisions of this ordinance.

SECTION 3. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 4. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.