

IFGC[®]

2015

CODE AND COMMENTARY

The complete IFGC with
commentary after each
section



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2015 International Fuel Gas Code® Commentary

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PREFACE

The principal purpose of the Commentary is to provide a basic volume of knowledge and facts relating to building construction as it pertains to the regulations set forth in the 2015 *International Fuel Gas Code*[®] (IFGC[®]). The person who is serious about effectively designing, constructing and regulating buildings and structures will find the Commentary to be a reliable data source and reference to almost all fuel gas components of the built environment.

As a follow-up to the *International Fuel Gas Code*, we offer a companion document, the *International Fuel Gas Code Commentary*. The basic appeal of the Commentary is that it provides in a small package and at reasonable cost thorough coverage of many issues likely to be dealt with when using the *International Fuel Gas Code*. It then supplements that coverage with historical and technical background. Reference lists, information sources and bibliographies are also included.

Throughout all of this, strenuous effort has been made to keep the vast quantity of material accessible and its method of presentation useful. With a comprehensive yet concise summary of each section, the Commentary provides a convenient reference for regulations applicable to the construction of buildings and structures. In the chapters that follow, discussions focus on the full meaning and implications of the code text. Guidelines suggest the most effective method of application, and the consequences of not adhering to the code text. Illustrations are provided to aid understanding; they do not necessarily illustrate the only methods of achieving code compliance.

The format of the Commentary includes the full text of each section, table and figure in the code, followed immediately by the commentary applicable to that text. At the time of printing, the Commentary reflects the most up-to-date text of the 2015 *International Fuel Gas Code*. Each chapter's narrative includes a section on "General Comments" and "Purpose," and each section's narrative usually includes a discussion about why the requirement commands the conditions set forth. Code text is reproduced as it appears in the *International Fuel Gas Code*, and commentary is indented below the code text, beginning with the symbol ❖. Code figures and tables are reproduced as they appear in the *International Fuel Gas Code*. Commentary figures and tables are identified in the text by the word "Commentary" (as in "see Commentary Figure 704.3"), and each has a full border.

The *International Fuel Gas Code* is segregated by section numbers into two categories: code and standard. Code sections are identified as IFGC; standard sections are identified as IFGS.

Commentary is to be used in conjunction with the *International Fuel Gas Code* and not as a substitute for the code. **The Commentary is advisory only**; the code official alone possesses the authority and responsibility for interpreting the code.

Comments and recommendations are encouraged, for through your input, we can improve future editions. Please direct your comments to the Codes and Standards Development Department at the Chicago District Office.

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Chapter 1: Scope and Administration

General Comments

The law of building regulation is grounded on the police power of the state. It is used so that the state may legislate for the general welfare of its citizens. This power enables passage of such laws as a fuel gas code. It is from the police power delegated by the state legislature that local governments are able to enact building regulations. If the state legislature has limited this power in any way, the municipality may not exceed these limitations. Although the municipality may not further delegate its police power (e.g., by delegating the burden of determining code compliance with the building owner, contractor or architect), it may turn over the administration of building regulations to a municipal official, such as a code official, if he or she is given sufficient criteria to clearly establish the basis for decisions concerning whether or not a proposed building, including its fuel gas systems, conforms to the code.

Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the performance criteria contained in the code. Only through careful observation of the administrative provisions can the code official reasonably hope to demonstrate that “equal protection under the law” has been established. Although it is generally assumed that the administrative and enforcement sections of a code are geared toward the code official, this is not entirely true. The provisions also establish the rights and privileges of the registered design professional, the contractor and the building owner. The position of the code official is merely to review the proposed and completed work and determine whether a fuel gas installation conforms to the code requirements. The registered design professional is responsible for the design of a safe, sanitary fuel gas system. The contractor is

responsible for installing the system in strict accordance with the plans.

During the course of the construction of a fuel gas system, the code official reviews the activity to verify that the spirit and intent of the law are being met and that the fuel gas system provides adequate protection of public health. As a public servant, the code official enforces the code without bias. Every individual is guaranteed equal enforcement of the code. Furthermore, design professionals, contractors and building owners have the right of due process for any requirement in the code.

Purpose

A fuel gas code, like any other code, is intended to be adopted as a legally enforceable document to safeguard health, safety, property and public welfare. A fuel gas code cannot be effective without adequate provisions for its administration and enforcement. The official charged with the administration and enforcement of fuel gas regulations has a great responsibility, and with this responsibility goes authority. No matter how detailed the fuel gas code may be, the code official must, to some extent, exercise judgment in determining compliance. The code official has the responsibility of establishing that the homes in which the citizens of the community reside and the buildings in which they work are designed and constructed to be reasonably free from hazards associated with the presence and use of fuel gas appliances, appurtenances, fixtures and systems. The code intends to establish a minimum acceptable level of safety.

PART 1—SCOPE AND APPLICATION

SECTION 101 (IFGC) GENERAL

[A] **101.1 Title.** These regulations shall be known as the *Fuel Gas Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

❖ This section identifies the adopted regulations by inserting the name of the adopting jurisdiction into the code.

[A] **101.2 Scope.** This code shall apply to the installation of fuel-gas *piping* systems, fuel gas appliances, gaseous hydro-

gen systems and related accessories in accordance with Sections 101.2.1 through 101.2.5.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

❖ This section describes the types of fuel gas systems to which the code is intended to apply and specifically lists those systems to which the code does not apply. The applicability of the code spans from the initial design of fuel gas systems, through the installation

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and construction phases, and into the maintenance of operating systems. Chapter 24 of the *International Residential Code*[®] (IRC[®]) covers fuel gas systems and is a duplication of the applicable *International Fuel Gas Code*[®] (IFGC[®]) text.

[A] 101.2.1 Gaseous hydrogen systems. Gaseous hydrogen systems shall be regulated by Chapter 7.

❖ See the general comments for Chapter 7.

[A] 101.2.2 Piping systems. These regulations cover *piping* systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in Section 402.6. Coverage shall extend from the *point of delivery* to the outlet of the *appliance* shutoff valves. *Piping* system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

❖ The code does not limit the operating pressure of systems, but rather limits the code's coverage of piping systems to those having pressures less than or equal to the stated pressures. Consistent with the definition, piping systems begin at the point of delivery and end at the outlet of the appliance shutoff valves (see Section 101.2.3 and definition of "Piping system").

[A] 101.2.3 Gas appliances. Requirements for gas appliances and related accessories shall include installation, combustion and ventilation air and venting and connections to *piping* systems.

❖ The piping and connectors between the appliance shutoff valves and the appliance served are covered by the code, although the piping and connectors are outside the scope of the definition of "Piping system."

[A] 101.2.4 Systems, appliances and equipment outside the scope. This code shall not apply to the following:

1. Portable LP-gas appliances and *equipment* of all types that is not connected to a fixed fuel *piping* system.
2. Installation of farm appliances and *equipment* such as brooders, dehydrators, dryers and irrigation *equipment*.
3. Raw material (feedstock) applications except for *piping* to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
8. LP-gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.

10. Fuel gas *piping* in power and atomic energy plants.

11. Proprietary items of *equipment*, apparatus or instruments such as gas-generating sets, compressors and calorimeters.

12. LP-gas *equipment* for vaporization, gas mixing and gas manufacturing.

13. Temporary LP-gas *piping* for buildings under construction or renovation that is not to become part of the permanent *piping* system.

14. Installation of LP-gas systems for railroad switch heating.

15. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.

16. Except as provided in Section 401.1.1, gas *piping*, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.

17. Building design and construction, except as specified herein.

18. *Piping* systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).

19. Portable fuel cell appliances that are neither connected to a fixed *piping* system nor interconnected to a power grid.

❖ This section lists the specific installations and equipment that the code does not intend to regulate. Item 19 relates to Chapter 7 and addresses portable fuel cell appliances as defined in Chapter 2.

[A] 101.2.5 Other fuels. The requirements for the design, installation, maintenance, *alteration* and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the *International Mechanical Code*.

❖ This section simply defers the coverage of all equipment other than gas-fired equipment to the *International Mechanical Code*[®] (IMC[®]). The IRC also regulates the installation of residential equipment that is not gas fired.

[A] 101.3 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

❖ This section certifies that the appendices are not part of the code unless specifically included in the adopting ordinance of the jurisdiction. Otherwise, the appendices are not intended to be enforceable.

[A] 101.4 Intent. The purpose of this code is to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems.

❖ The intent of the code is to set forth requirements that establish the minimum acceptable level to safeguard life or limb, health, property and public welfare. The intent becomes important in the application of such sections as Sections 102, 104.2, 105.2 and 108, as

well as any enforcement-oriented interpretive action or judgement. Like any code, the written text is subject to interpretation. Interpretations should not be affected by economics or the potential impact on any party. The only consideration should be protection of the public health, safety and welfare.

[A] **101.5 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

❖ Once the code is adopted, only a court can set aside any provisions of the code. This is essential to safeguard the application of the code text if a provision of the code is declared illegal or unconstitutional. This section would preserve the legislative action that established the legal provisions.

SECTION 102 (IFGC) APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

❖ The scope of the code as described in Section 101 is referenced in this section. The most restrictive code requirement is to apply where different requirements may be specified in the code for a specific installation. The code is designed to regulate new construction and new work and is not intended to be applied retroactively to existing buildings except where existing fuel-gas-related systems are specifically addressed in this section and Section 108.

[A] **102.2 Existing installations.** Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, *alteration* or abandonment of, nor prevent the continued utilization and maintenance of, existing installations lawfully in existence at the time of the adoption of this code.

❖ Existing installations are generally considered to be "grandfathered" with code adoption if the system meets a minimum level of safety. Frequently the criteria for this level are the regulations (or code) under which the existing building was originally constructed. If there are no previous code criteria to apply, the code official is to apply those provisions of the code that are reasonably applicable to existing buildings. A specific level of safety is dictated by provisions dealing with hazard abatement in existing buildings and maintenance provisions as contained in this code, the *International Property Maintenance Code*® (IPMC®) and the *International Fire Code*® (IFC®).

[A] **102.2.1 Existing buildings.** Additions, alterations, renovations or repairs related to building or structural issues shall be regulated by the *International Building Code*.

❖ This section states that the *International Building Code*® (IBC®) regulates construction related to building or structural issues.

[A] **102.3 Maintenance.** Installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards that are required by this code shall be maintained in compliance with the edition of the code under which they were installed. The owner or the owner's authorized agent shall be responsible for maintenance of installations. To determine compliance with this provision, the code official shall have the authority to require an installation to be reinspected.

❖ Fuel gas systems and equipment are subject to deterioration resulting from aging, wear, accumulation of dirt and debris, corrosion and other factors. Maintenance is necessary to keep these systems and equipment in proper operating condition. Required safety devices and controls must be maintained to continue providing the protection that they afford. Existing equipment and systems could be equipped with safety devices or other measures that were necessary because of the nature of the equipment, and such safeguards may have been required by a code that predates the current code. All such safeguards required by previous or present codes must be maintained for the life of the equipment or system served by those safeguards.

[A] **102.4 Additions, alterations or repairs.** Additions, alterations, renovations or repairs to installations shall conform to that required for new installations without requiring the existing installation to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing installation to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

❖ Simply stated, new work must comply with the current requirements for new work. Any alteration or addition to an existing system involves some extent of new work, and such new work is subject to the requirements of the code. Additions and alterations must not cause an existing system to be any less in compliance with the code than it was before the changes.

[A] **102.5 Change in occupancy.** It shall be unlawful to make a change in the *occupancy* of a structure that will subject the structure to the special provisions of this code applicable to the new *occupancy* without approval. The code

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official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new *occupancy* and that such change of *occupancy* does not result in any hazard to the public health, safety or welfare.

❖ When a building undergoes a change of occupancy, the fuel gas systems must be evaluated to determine what effect the change of occupancy has on them. If an existing system serves an occupancy that is different from the occupancy it served when the code went into effect, the fuel gas system must comply with the applicable code requirements for a system serving the newer occupancy. Depending on the nature of the previous occupancy, changing a building's occupancy classification could result in a change to the fuel gas system. For example, if a mercantile building is converted to a restaurant, additional fuel gas piping system capacity and modifications may be required.

[A] **102.6 Historic buildings.** The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings.

❖ This section gives the code official the widest possible flexibility in enforcing the code when the building in question has historic value. This flexibility, however, is not without conditions. The most important criterion for application of this section is that the building must be specifically classified as being of historic significance by a qualified party or agency. Usually, a state or local authority does this after considerable scrutiny of the historical value of the building. The agencies with this authority typically exist at the state or local government level.

[A] **102.7 Moved buildings.** Except as determined by Section 102.2, installations that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

❖ Buildings that have been relocated are subject to the requirements of the code as if they were new construction. Placing a building where one did not previously exist is the same as constructing a new building. This section requires that the existing fuel gas systems be altered to the extent necessary to bring them into compliance with the provisions of the code applicable to new construction or that the existing fuel gas system comply with Section 102.2.

[A] **102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are *listed* in Chapter 8 and such codes and standards shall be considered as part of the requirements of this code to the prescribed

extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the *equipment* or *appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.

❖ A referenced standard or portion of one is an enforceable extension of the code as if the content of the standard were included in the body of the code.

The use and application of referenced standards are limited to those portions of the standards that are specifically identified. It is the intention of the code to be in harmony with the referenced standards. In the unlikely event that conflicts occur, the code text governs. The exception recognizes the extremely unlikely but possible occurrence of the code requiring or allowing something less restrictive or stringent than the product listing or manufacturer's instructions. If the code conflicts with or deviates from the conditions of the listing, this may or may not mean that the code violated the listing. For example, the listing for an appliance might allow a particular application of an appliance that is expressly prohibited by the code. In this case, the code has not violated the listing, but instead has simply limited the application allowed by the listing. The intent is for the highest level of safety to prevail.

[A] **102.8.1 Conflicts.** Where conflicts occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

❖ There could be instances where the code is intentionally more stringent than a provision in a referenced standard; therefore, the code intends to prevail (see Section 102.8).

[A] **102.8.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

❖ This code might reference a standard that has coverage for a subject that is also covered in this code. In such case, the coverage in this code is applicable, not the coverage in the referenced standard. Otherwise, there would be dual coverage of a subject and such coverage would likely conflict or prescribe differing and incompatible requirements. For example, this code references NFPA 211 and that standard contains many installation provisions that are already covered by this code, many of which will differ. Standards are often referenced for a particular or narrow purpose and this section prevents the unintended consequence of such a reference enacting other requirements in the standard that were not meant to be included. See Section 102.8 and the commentary to Section 401.2.

[A] **102.9 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing or proposed installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

❖ New technology and unusual installations will sometimes result in a situation or circumstance not specifically covered by the code. This section of the code gives the code official the authority to decide whether and how the code can be used to cover the new situation. Clearly such a section is needed, and the code official's reasonable application of the section is necessary. The purpose of the section, however, is not to impose requirements that may be preferred when the code provides alternative methods or is not silent on the circumstances. Additionally, the section can be used to implement the general performance-oriented language of the code to specific enforcement situations.

[A] **102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

❖ In some cases, other laws enacted by the jurisdiction or the state or federal government may be applicable to a condition that is also governed by a requirement in the code. In such circumstances, the requirements of the code are in addition to the other law that is still in effect, although the code official may not be responsible for its enforcement.

[A] **102.11 Application of references.** Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

❖ In a situation where the code may make reference to a chapter or section number or to another code provision without specifically identifying its location in the code, assume that the referenced section, chapter or provision is in the code and not in a referenced code or standard.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 (IFGC) DEPARTMENT OF INSPECTION

[A] **103.1 General.** The Department of Inspection is hereby created and the executive official in charge thereof shall be known as the code official.

❖ The executive official in charge of inspections is named the "code official" by this section. In actuality, the person who is in charge of the department may hold a different title, such as building commissioner, plumbing inspector, mechanical inspector or construction official. For the purpose of the code, that person is referred to as the "code official."

[A] **103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.

❖ This section establishes the code official as an appointed position and gives the circumstances under which the official can be removed from office.

[A] **103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

❖ This section gives the code official the authority to appoint other individuals to assist with the administration and enforcement of the code. These individuals have the authority and responsibility as designated by the code official.

[A] **103.4 Liability.** The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

❖ Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code must be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate is not liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of mechanical inspection who is acting in good faith and without malice is free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties.

[A] **103.4.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

❖ See the commentary to Section 103.4.

SECTION 104 (IFGC) DUTIES AND POWERS OF THE CODE OFFICIAL

[A] **104.1 General.** The code official is hereby authorized and directed to enforce the provisions of this code. The code

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official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided in this code.

❖ The duty of the code official is to enforce the code. Because the code official must also act on all questions related to this responsibility except as specifically exempted by law or elsewhere in the code, the code official is the “authority having jurisdiction” for all matters relating to the code and its enforcement. It is the duty of the code official to interpret the code and to determine compliance with the code. Code compliance will not always be easy to determine and will require the judgement and expertise of the code official. When the code is silent with respect to a particular mechanical installation or lack thereof, the code official is obligated to secure the intent of the code by using the best possible judgement in acting on the matter.

[A] 104.2 Applications and permits. The code official shall receive applications, review *construction documents* and issue permits for installations and alterations of fuel gas systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

❖ The code enforcement process normally begins with an application for a permit. The code official is responsible for processing the applications and issuing permits for the installation, replacement, addition to or modification of fuel gas systems in accordance with the code.

[A] 104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

❖ The code official must make inspections as necessary to determine compliance with the code or to accept written reports of inspections by an approved agency. The inspection of the work in progress or accomplished is another significant element in determining code compliance. Although a department might not have the resources to inspect every aspect of all work, the required inspections are those that are dictated by administrative rules and procedures based on many factors, including available inspection resources. To expand the resources available for inspections, the code official may approve an inspection agency that, in the code official's opinion, possesses the proper qualifications to perform the inspections. When unusual, extraordinary or complex technical issues arise relative to either fuel gas instal-

lations or the safety of an existing fuel gas system, the code official has the authority to seek the opinion and advice of experts. A technical report from an expert requested by the code official can be used to assist the code official in the approval process.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the code official has recourse to every remedy provided by law to secure entry.

Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent, occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

❖ The first part of this section establishes the right of the code official to enter premises to conduct the permit inspections required by Section 107. Permit application forms typically include a statement in the certification signed by the applicant (who is the owner or the owner's agent) granting the code official the authority to enter areas covered by the permit to enforce code provisions related to the permit. The right to enter other structures or premises is more limited. First, to protect the right of privacy, the owner or occupant must grant the code official permission before an interior inspection of the property can be conducted. Permission is not required for inspections that can be accomplished from within the public right-of-way. Second, the owner or occupant may deny access. Unless the inspector has reasonable cause to believe that a violation of the code exists, access may be unattainable. Third, code officials must present proper identification (see commentary, Section 104.5) and request admittance during reasonable hours—usually, the normal business hours of the establishment. Fourth, inspections must be aimed at securing or determining compliance with the provisions and intent of the regulations that are specifically within the established scope of the code official's authority.

Searches to gather information for the enforcement of other codes, ordinances or regulations are considered unreasonable and are prohibited by the Fourth

Amendment to the U.S. Constitution. "Reasonable cause" in the context of this section must be distinguished from "probable cause," which is required to gain access to property in criminal cases. The burden of proof establishing reasonable cause may vary among jurisdictions. Usually, an inspector must show that the property is subject to inspection under the provisions of the code; that the interests of the public health, safety and welfare outweigh the individual's right to maintain privacy; and that such an inspection is required solely to determine compliance with the provisions of the code.

Many jurisdictions do not recognize the concept of an administrative warrant and may require the code official to prove probable cause in order to gain access. This burden of proof often requires the code official to state in advance why access is needed (usually access is restricted to gathering evidence for seeking an indictment or making an arrest); what specific items or information is sought; the information's relevance to the case against the subject; how knowledge of the relevance of the information or items sought was obtained; and how the evidence sought will be used. In all such cases, the right to privacy must always be weighed against the right of the code official to conduct an inspection to verify that the public health, safety and welfare are not in jeopardy. Such important and complex constitutional issues should be discussed with the jurisdiction's legal counsel. Jurisdictions should establish procedures for securing the necessary court orders when an inspection is deemed necessary following a refusal.

The last paragraph in this section requires the owner or occupant to permit entry for inspection if a proper inspection warrant or other documentation required by law has been obtained.

[A] 104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

❖ This section requires the code official (including all authorized inspection personnel) to carry identification when conducting the duties of the position. The identification removes any question of the purpose and authority of the inspector.

[A] 104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

❖ An important element of code enforcement is the necessary advisement of deficiencies and corrections that is accomplished through notices and orders. The code official is required to issue orders to abate illegal or unsafe conditions. Sections 108.7, 108.7.1, 108.7.2 and 108.7.3 contain additional information for these notices.

[A] 104.7 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the offi-

cial records for the period required for the retention of public records.

❖ Good business practice requires the code official to keep official records pertaining to permit applications, permits, fees collected, inspections, notices and orders issued. This documentation is a valuable source of information if questions arise "throughout the life of the building and its occupancy." The code does not require that the construction documents be kept after the project is complete, but other regulations or the administrative rules may state a minimum period for retaining the construction documents.

SECTION 105 (IFGC) APPROVAL

[A] 105.1 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and that such modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Inspection.

❖ The code official may amend or make exceptions to the code as needed where strict compliance with the code is impractical. Only the code official has the authority to grant modifications. Consideration of a particular difficulty is to be based on the application of the owner and a demonstration that the intent of the code is satisfied. This section is not intended to permit setting a code provision aside or ignoring a provision; rather, it is intended to provide for the acceptance of equivalent protection. Such modifications do not, however, extend to actions that are necessary to correct violations of the code. In other words, a code violation or the expense of correcting a code violation cannot constitute a practical difficulty.

Details of the modification must be filed for later retrieval to substantiate the reasons for the modification. Comprehensive written records are an essential part of an effective administrative system. Unless clearly written records of the considerations and documentation used in the modification process are created and maintained, subsequent enforcement action cannot be supported.

[A] 105.2 Alternative materials, methods, appliances and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equiva-

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lent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

❖ The code is not intended to inhibit innovative ideas or technological advances. A comprehensive regulatory document, such as a fuel gas code, cannot envision and then address all future innovations in the industry. As a result, a performance code must be applicable to and provide a basis for the approval of an increasing number of newly developed, innovative materials, systems and methods for which no code text or referenced standards yet exist. The fact that a material, product or method of construction is not addressed in the code is not an indication that prohibition of the material, product or method is intended. The code official is expected to apply sound technical judgement in accepting materials, systems or methods that, although not anticipated by the drafters of the current code text, can be demonstrated to offer equivalent performance. By virtue of its text, the code regulates new and innovative construction practices while addressing the relative safety of building occupants. The code official is responsible for determining whether a requested alternative provides a level of protection of the public health, safety and welfare as required by the code.

[A] **105.2.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

❖ When an alternative material or method is proposed for construction, it is incumbent upon the code official to determine whether this alternative is, in fact, an equivalent to the methods prescribed by the code. Reports providing evidence of this equivalency are required to be supplied by an approved source, meaning a source that the code official finds to be reliable and accurate. The ICC Evaluation Service (ICC-ES) is an example of an agency that provides research reports for alternative materials and methods.

[A] **105.3 Required testing.** Where there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

❖ Sufficient technical data, test reports and documentation must be submitted for evaluation by the code official to provide the basis on which the code official can make a decision regarding an alternative material or type of equipment. If evidence satisfactory to the code official proves that the alternative equipment, material or construction method is equivalent to that

required by the code, the code official is obligated to approve it. Any such approval cannot have the effect of waiving any requirements of the code. The burden of proof of equivalence lies with the applicant who proposes the use of alternative equipment, materials or methods.

[A] **105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

❖ The code official must require the submission of any appropriate information and data to assist in the determination of equivalency. This information must be submitted before a permit can be issued. The type of information required includes test data in accordance with the referenced standards, evidence of compliance with the referenced standard specifications and design calculations. A research report issued by an authoritative agency is particularly useful in providing the code official with the technical basis for evaluation and approval of new and innovative materials and components. The use of authoritative research reports can greatly assist the code official by reducing the time-consuming engineering analysis necessary to review materials and products. Failure to substantiate a request for the use of an alternative is a valid reason for the code official to deny a request.

[A] **105.3.2 Testing agency.** Tests shall be performed by an *approved* agency.

❖ The code official must approve the testing agency, and the agency should have technical expertise, test equipment and quality assurance to properly conduct and report the necessary testing.

[A] **105.3.3 Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

❖ Test reports are to be retained as required by public record laws. The attorney of the jurisdiction could be questioned concerning the specific time period of applicable laws of the localities.

[A] **105.4 Used material, appliances and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used appliances, *equipment* and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition, and *approved* by the code official.

❖ The code criteria for materials, equipment and devices have changed over the years. Evaluation of testing and materials technology has permitted the development of new criteria that the old materials may not satisfy. As a result, used materials must be evaluated in the same manner as new materials. Used (previously installed) equipment must be equivalent to that required by the code if it is to be used again in a new installation.

[A] **105.5 Approved materials and equipment.** Materials, *equipment* and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

❖ The code is a compilation of criteria with which materials, equipment, devices and systems must comply to be suitable for a particular application. The code official has a duty to evaluate such materials, equipment, devices and systems for code compliance and, when compliance is determined, approve the same for use. The materials, equipment, devices and systems must be constructed and installed in compliance with, and all conditions and limitations considered as a basis for, that approval. For example, the manufacturer's instructions and recommendations are to be followed if the approval of the material was based even in part on those instructions and recommendations. The approval authority given to the code official is a significant responsibility and is a key to code compliance. The approval process is first technical and then administrative and must be approached as such. For example, if data to determine code compliance is required, such data should be in the form of test reports or engineering analysis and not simply taken from a sales brochure.

SECTION 106 (IFGC) PERMITS

[A] **106.1 Where required.** An owner, owner's authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace an installation regulated by this code, or to cause such work to be performed, shall first make application to the code official and obtain the required permit for the work.

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department of Inspection.

❖ In general, a permit is required for all activities that are regulated by the code, and these activities cannot begin until the permit is issued.

A fuel gas permit is required for the installation, replacement, alteration or modification of fuel gas systems and components that are in the scope of applicability of the code. Replacement of an existing piece of equipment or related piping is treated no differently than a new installation in new building construction. A permit causes the work to be inspected to determine compliance with the intent of the code.

The exception provides for prompt permit applications for situations where equipment and appliance replacements and repairs are done to address an emergency. This action enables the department having jurisdiction to promptly inspect the work.

[A] **106.1.1 Annual permit.** Instead of an individual construction permit for each alteration to an already *approved* system or *equipment* installation, the code official is authorized to issue an annual permit upon application therefor to

any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

❖ Sometimes the authority having jurisdiction (AHJ) will issue an annual permit for buildings, such as hospitals, school campuses, industrial and manufacturing plants, and the like, where work that requires a permit is ongoing throughout the year. Such occupancies typically have their own full-time engineering and trades employees to design, oversee and perform the work. Some buildings are altered continuously because of changes in technologies and changing operations within the occupancy; therefore, it would be burdensome to obtain numerous permits throughout the year on a continuous basis. It is the responsibility of the permit holder to make arrangements with the code official regarding periodic inspections for the work. This is especially important for work that will be concealed.

[A] **106.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times or such records shall be filed with the code official as designated.

❖ Annual permits need to be monitored to prevent abuse of the privilege and to allow for changes in the scope of the work or changes in who is performing the work. Accurate record keeping of the work performed will advise the code official of situations where a project-specific permit needs to be issued instead of being under the umbrella of an annual permit.

[A] **106.2 Permits not required.** Permits shall not be required for the following:

1. Portable heating *appliances*.
2. Replacement of any minor component of an *appliance* or *equipment* that does not alter approval of such *appliance* or *equipment* or make such *appliance* or *equipment* unsafe.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or of other laws or ordinances of this jurisdiction.

❖ The installations exempt from the requirement for a permit are very limited as evidenced by Items 1 and 2. Item 1 pertains to appliances and equipment that are used temporarily and that are not designed for permanent installation. Examples of portable heating appliances and equipment include space heaters and construction site heaters.

Item 2 applies to the replacement of minor equipment and appliance components. A permit would be required if the component replacement could potentially affect either the safety of the equipment or the conditions of approval of the equipment. For example, replacement of a defective control with a control of the same type and specifications as the original factory-

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supplied control would not require a permit. Replacement of a burner assembly with a burner assembly having a different input capacity or one that is designed to burn a different fuel would require a permit.

[A] 106.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an owner's authorized agent. The permit application shall indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

❖ This section states that the building owner or an authorized agent of the owner is the only person who can apply for a building permit. An owner's authorized agent could be anyone who is given written permission to act in the owner's interest to obtain a permit, such as an architect, engineer, contractor or tenant. Permit forms will generally have enough space for a very brief description of the work to be accomplished, which is sufficient for small jobs. For larger projects, the description will be contained in construction documents.

[A] 106.3.1 Construction documents. *Construction documents*, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit. The code official shall require *construction documents*, computations and specifications to be prepared and designed by a registered design professional where required by state law. *Construction documents* shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. *Construction documents* for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of *construction documents*, calculations or other data if the nature of the work applied for is such that reviewing of *construction documents* is not necessary to determine compliance with this code.

❖ When the work is of a "minor nature," either in scope or needed description, the code official may use judgement in determining the need for a detailed description of the work. An example of minor work that may not involve a detailed description is the replacement of an existing piece of equipment in a mechanical system or the replacement or repair of a defective portion of a piping system.

These provisions are intended to reflect the minimum scope of information needed to determine code compliance. A statement on the construction documents, such as "All fuel gas systems must comply

with the 2009 edition of the *International Fuel Gas Code*® (IFGC®)," is not an acceptable substitute for showing the required information.

This section also requires the code official to determine that state professional registration laws are complied with as they apply to the preparation of construction documents.

[A] 106.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated.

❖ Typically, an application for a permit is submitted and goes through a review process that ends with the issuance of a permit. If a permit has not been issued 180 days after the date of filing, the application is considered to be abandoned, unless the applicant was diligent in efforts to obtain the permit. The code official has the authority to extend this time limitation, provided that there is reasonable cause. This would cover delays beyond the applicant's control, such as prerequisite permits or approvals from other authorities within the jurisdiction or state. The intent of this section is to limit the time between the review process and the issuance of a permit.

[A] 106.4 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, *equipment*, buildings, devices, premises and spaces or areas to be used.

❖ The code official is granted authority to inspect the site before permit issuance. This may be necessary to verify existing conditions that impact the plan review and permit approval. This section provides the code official with the right-of-entry authority that otherwise does not occur until after the permit is issued.

[A] 106.5 Permit issuance. The application, *construction documents* and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.6 have been paid, a permit shall be issued to the applicant.

❖ This section requires the code official to review submittals for a permit for compliance with the code and verify that the project will be carried out in accordance with other applicable laws. This may involve interagency communication and cooperation so that all laws are being obeyed. Once the code official finds this to be so, a permit may be issued upon payment of the required fees.

[A] 106.5.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped "APPROVED." Such *approved con-*

struction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the *approved construction documents*.

The code official shall have the authority to issue a permit for the construction of part of an installation before the *construction documents* for the entire installation have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire installation will be granted.

❖ Construction documents that reflect compliance with code requirements form an integral part of the permit process. Successful completion of the work depends on these documents. This section requires the code official to stamp the complying construction documents as being "APPROVED" and fix the status of the document in time. Once approved, the documents may not be revised without the express authorization of the code official. This maintains the code-compliance level of the documents.

[A] **106.5.2 Validity.** The issuance of a permit or approval of *construction documents* shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall be invalid.

The issuance of a permit based upon *construction documents* and other data shall not prevent the code official from thereafter requiring the correction of errors in said *construction documents* and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

❖ This powerful code section states the fundamental premise that the permit is only "a license to proceed with the work." It is not a license to "violate, cancel or set aside any provisions of the code." This statement is important because, despite any errors in the approval process, the permit applicant is responsible for code compliance.

[A] **106.5.3 Expiration.** Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work recommences, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for a new permit for such work, provided that changes have not been and will not be made in the original *construction documents* for such work, and further that such suspension or abandonment has not exceeded one year.

❖ The permit becomes invalid in two distinct situations, but both are based on a 6-month period. The first situation is when no work has started 6 months from issuance of the permit. The second situation is when

there is no continuation of authorized work for 6 months. The person who was issued the permit should be notified in writing that the permit is invalid and what steps must be taken to allow work to begin again.

This section also gives the administrative authority a means of offsetting the costs associated with the administration of expired, reissued permits by charging a nominal fee for permit reissuance. If, however, the nature or scope of the work to be resumed is different from that indicated on the original permit, the permit process essentially starts all over again, and full fees are charged. The same procedure would also apply if the work has not commenced within 1 year of the date of permit issuance or if work has been suspended for a year or more.

[A] **106.5.4 Extensions.** A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which he or she will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. A permit shall not be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

❖ Although it is customary for a project to begin immediately following issuance of a permit, there may be occasions when an unforeseen delay may occur. This section affords the permit holder an opportunity to apply for and receive a single, 180-day extension within which to begin a project under a still-valid permit (less than 180 days old). The applicant must, however, submit to the code official an adequate explanation for the delay in starting a project that could include such things as the need to obtain approvals or permits for the project from other agencies having jurisdiction. This section requires the code official to determine what constitutes "good and satisfactory" reasons for any delay and further allows the jurisdiction to offset its administrative costs for extending the permit by charging one-half the permit fee for the extension.

[A] **106.5.5 Suspension or revocation of permit.** The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

❖ A permit is, in reality, a license to proceed with the work. The code official, however, must revoke all permits shown to be based, all or in part, on any false statement or misrepresentation of fact. An applicant may subsequently reapply for a permit with the appropriate corrections or modifications made to the application and construction documents.

[A] **106.5.6 Retention of construction documents.** One set of *approved construction documents* shall be retained by the

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code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of *approved construction documents* shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

❖ Once the code official has stamped or endorsed as approved the construction documents on which the permit is based (see commentary, Section 106.5.1), one set of approved construction documents must be kept on the construction site to serve as the basis for all subsequent inspections. To avoid confusion, the construction documents on the site must be precisely the documents that were approved and stamped because inspections are to be performed based on the approved documents. Additionally, the contractor cannot determine compliance with the approved construction documents unless those documents are readily available. If the approved construction documents are not available, the inspection should be postponed and work on the project halted.

[A] **106.5.7 Previous approvals.** This code shall not require changes in the *construction documents*, construction or designated *occupancy* of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

❖ Under circumstances where a new edition of the code is adopted by the legislative body of the jurisdiction at the same time that construction is proceeding at an acceptable pace on a project where a permit has been issued, requiring that the building be constructed to conform to the new edition of the code is unreasonable. This section provides for the continuity of permits issued under previous codes, as long as such permits are being "actively prosecuted" subsequent to the effective date of the ordinance adopting this edition of the code.

[A] **106.5.8 Posting of permit.** The permit or a copy shall be kept on the site of the work until the completion of the project.

❖ The permit, or copy thereof, is to be kept on the job site and made available to the code official or representative to conveniently make required entries thereon until the work is complete.

[A] **106.6 Fees.** A permit shall not be issued until the fees prescribed in Section 106.6.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the installation, has been paid.

❖ All fees are to be paid prior to permit issuance. This requirement facilitates payment and also establishes that the permit applicant intends to proceed with the work.

[A] **106.6.1 Work commencing before permit issuance.** Any person who commences work on an installation before

obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

❖ This section is intended to serve as a deterrent to proceeding with work on a fuel gas system without a permit (except as provided in Section 106.2). As a punitive measure, it doubles the cost of the permit fee to be charged. This section does not, however, intend to penalize a contractor called upon to do emergency work after hours if he or she promptly notifies the code official the next business day, obtains the requisite permit for the work done and has the required inspections performed.

[A] **106.6.2 Fee schedule.** The fees for work shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]

❖ A published fee schedule must be established for plans examination, permits and inspections. Ideally, the department should generate revenues that cover operating costs and expenses. The permit fee schedule is an integral part of this process.

[A] **106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid where 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.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

❖ The code official must not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 107 (IFGC) INSPECTIONS AND TESTING

[A] **107.1 General.** The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the pro-

visions of this code or of other ordinances of the jurisdiction shall not be valid.

❖ The inspection function is one of the more important aspects of building department operations. This section authorizes the code official to inspect the work for which a permit has been issued and requires that the work to be inspected remain accessible to the code official until inspected and approved. Any expense incurred in removing or replacing material that conceals an item to be inspected is not the responsibility of the code official or the jurisdiction. As with the issuance of permits (see Section 106.5), approval as a result of an inspection is not a license to violate the code and an approval in violation of the code does not relieve the applicant from complying with the code and is not valid.

[A] 107.2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. The holder of the permit shall be responsible for scheduling such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, *piping* is installed and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the *piping* or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the installation.

The requirements of this section shall not be considered to prohibit the operation of any heating *appliance* installed to replace an existing heating *appliance* serving an occupied portion of a structure in the event a request for inspection of such heating *appliance* has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such *appliance* is concealed by any permanent portion of the structure.

❖ Inspections are necessary to determine that an installation conforms to all code requirements. Because the majority of a fuel gas piping system could be hidden within the building enclosure, periodic inspections are necessary before portions of the system are concealed. The code official is required to determine that fuel gas systems and equipment are installed in accordance with the approved construction documents and the applicable code requirements. Inspections that are necessary to provide verification must be conducted. Generally, the administrative rules of a department may list the interim inspections judged to

be required. Construction that occurs in steps or phases may necessitate multiple inspections; therefore, an exact number of required inspections cannot be specified. Where violations are noted and corrections are required, reinspections may be necessary. As time permits, frequent inspections of some job sites, especially where the work is complex, can be beneficial if the inspector detects code-compliance problems or potential problems before they develop or become more difficult to correct. The contractor, builder, owner or other authorized party is responsible for arranging for the required inspections and coordinating inspections to prevent work from being concealed before it is inspected.

1. Inspection of underground piping is especially important because once it is covered, it is the most challenging part of a fuel gas system in which to detect a leak. If repairs are necessary, underground repairs are proportionally more expensive because of the need for heavy equipment and the more labor-intensive nature of working below ground. To reduce possible damage to pipe from rubble, rocks and other rough materials, excavations must be bedded and backfilled with clean fill materials spread and tamped to provide adequate support and protection for piping.
2. A rough-in inspection is an inspection of all parts of the fuel gas system that will eventually be concealed in the building structure. The inspection must be made before any of the system is closed up or hidden from view. To gain approval, the fuel gas systems must pass the required rough-in tests.
3. A rough-in inspection may be completed all at one time or as a series of inspections. This is administratively determined by the local inspections department and is typically dependent on the size of the job.
4. A final inspection may be done as a series of inspections or all at one time, similar to a rough-in inspection. A final inspection is required prior to the approval of mechanical work and fuel gas installations. For the construction of a new building, final approval is required prior to the issuance of the certificate of occupancy as specified in the building code. To verify that all previously issued correction orders have been complied with and to determine whether subsequent violations exist, a final inspection must be made. Violations observed during the final inspection must be noted, and the permit holder must be advised of them.

The final inspection is made after the completion of the work or installation. Typically, the final inspection is an inspection of all that was installed after the rough-in inspection and not concealed in the building construction. Subse-

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quent reinspections are necessary if the final inspection has generated a notice of violation.

The last paragraph of this section is emergency related and provides for prompt operation of replacement heating equipment, allowing the occupied areas of a facility to be heated as soon as the new heating equipment is installed. Such installations are subject to all requirements of the code.

[A] 107.2.1 Other inspections. In addition to the inspections specified in Section 107.2, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

❖ Any item regulated by the code is subject to inspection by the code official to determine compliance with the applicable code provision, and no list can include all items in a given project. This section, therefore, gives the code official the authority to inspect any regulated items.

[A] 107.2.2 Inspection requests. It shall be the duty of the holder of the permit or his or her duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide *access* to and means for inspection of such work that is required by this code.

❖ It is the responsibility of the permit holder or other authorized person, such as the contractor performing the work, to arrange for the required inspections when completed work is ready and to allow for sufficient time for the code official to schedule a visit to the site to prevent work from being concealed prior to being inspected. Access to the work to be inspected must be provided, including any special means such as a ladder.

[A] 107.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

❖ This section establishes that work cannot progress beyond the point of a required inspection without the code official's approval. Upon making the inspection, the code official must either approve the completed work or notify the permit holder or other responsible party of that which does not comply with the code. Approvals and notices of noncompliance must be in writing, as required by Section 104.3, to avoid any misunderstanding as to what is required. Any item not approved cannot be concealed until it has been corrected and approved by the code official.

[A] 107.2.4 Approved inspection agencies. The code official is authorized to accept reports of *approved* agencies, pro-

vided that such agencies satisfy the requirements as to qualifications and reliability.

❖ As an alternative to conducting the inspection, the code official can accept inspections and reports by approved inspection agencies. Appropriate criteria on which to base approval of an inspection agency include competence, objectivity, certifications and experience.

[A] 107.2.5 Evaluation and follow-up inspection services. Prior to the approval of a prefabricated construction assembly having concealed work and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the installation, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information and other data as necessary for the code official to determine conformance to this code.

❖ As an alternative to the physical inspection by the code official in the plant or location where prefabricated components are fabricated (such as modular homes and prefabricated structures), the code official has the option of accepting an evaluation report from an approved agency detailing such inspections. These evaluation reports can serve as the basis upon which the code official will determine code compliance.

[A] 107.2.5.1 Evaluation service. The code official shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

❖ The code official must review all submitted reports for conformity to the applicable code requirements. If in the judgment of the code official the submitted reports are acceptable, the code official should document the basis for the approval.

[A] 107.2.5.2 Follow-up inspection. Except where ready *access* is provided to installations, appliances, service *equipment* and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the installation shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

❖ The owner must provide special inspections of fabricated assemblies at the fabrication plant. The code official or an approved inspection agency must conduct periodic in-plant inspections to ensure conformance to the approved evaluation report described in Section 107.2.5. Such inspections are required if the fuel gas systems cannot be inspected completely at the job site.

[A] 107.2.5.3 Test and inspection records. Required test and inspection records shall be available to the code official

at all times during the fabrication of the installation and the erection of the building; or such records as the code official designates shall be filed.

- ❖ All testing and inspection records related to a fabricated assembly must be filed with the code official to maintain a complete and legal record of the assembly and erection of the building.

[A] 107.3 Testing. Installations shall be tested as required in this code and in accordance with Sections 107.3.1 through 107.3.3. Tests shall be made by the permit holder and observed by the code official.

- ❖ Testing of fuel gas systems is required where testing is specified in the technical chapters of the code. See Section 406 for specific requirements and methods of testing gas piping systems.

[A] 107.3.1 New, altered, extended or repaired installations. New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

- ❖ Testing is necessary to make sure that the system is free from leaks and other defects. To the extent specified in the technical chapters of the code, testing is also required for portions of existing systems that have been altered, extended, renovated or repaired.

[A] 107.3.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder.

- ❖ The permit holder is responsible for performing tests, as well as for supplying all of the labor and apparatus necessary to conduct the tests. The code official observes, but never performs, the test.

[A] 107.3.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

- ❖ If a system or portion of a system does not pass the initial test or inspection, violations must be corrected and the system must be reinspected.

[A] 107.4 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

- ❖ After the code official has performed the required inspections and observed any required equipment and system tests (or has received written reports of the results of such tests), he or she must determine whether the installation or work is in compliance with all applicable sections of the code. The code official must issue a written notice of approval if the subject work or installation is in apparent compliance with the code. This notice is given to the permit holder, and a copy of the notice is retained on file by the code official.

[A] 107.4.1 Revocation. The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

- ❖ The code official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance, regulation or any of the provisions of this code.

This section is needed to give the code official the authority to revoke a certificate of occupancy for the reasons indicated in the code text. The code official may also suspend the certificate of occupancy until all of the code violations are corrected.

[A] 107.5 Temporary connection. The code official shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy.

- ❖ Typical procedure for a local jurisdiction is to withhold the issuance of the certificate of occupancy until approvals have been received from each code official responsible for inspection of the structure. The code official is permitted to issue a temporary authorization to make connections to the public utility system prior to the completion of all work. The certification is intended to acknowledge that, because of seasonal limitations, time constraints or the need for testing or partial operation of equipment, some building systems may be connected even though the building is not suitable for final occupancy. The intent of this section is that a request for temporary occupancy or the connection and use of mechanical equipment or systems should be granted when the requesting permit holder has demonstrated to the code official's satisfaction that the public health, safety and welfare will not be endangered. The code official should view the issuance of a "temporary authorization or certificate of occupancy" as substantial an act as the issuance of the final certificate. Indeed, the issuance of a temporary certificate of occupancy offers a greater potential for conflict because once the building or structure is occupied, it is very difficult to remove the occupants through legal means.

[A] 107.6 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

- ❖ This section establishes the authority of the code official to approve utility connections to a building for items such as water, sewer, electricity, gas and

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steam, and to require their disconnection when hazardous conditions or emergencies exist.

The approval of the code official is required before a connection can be made from a utility to a building system that is regulated by the code. This includes utilities supplying water, sewer, electricity, gas and steam services. For the protection of building occupants, including workers, such systems must have had final inspection approvals, except as allowed by Section 110.3 for temporary connections.

SECTION 108 (IFGC) VIOLATIONS

[A] 108.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize an installation, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

❖ Violations of the code are unlawful. This is the basis for all citations and correction notices related to violations of the code.

[A] 108.2 Notice of violation. The code official shall serve a notice of violation or order to the person responsible for the erection, installation, *alteration*, extension, repair, removal or demolition of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

❖ The code official must notify the person responsible for the erection or use of a building found to be in violation of the code. The section that is allegedly being violated must be cited so that the responsible party can respond to the notice.

[A] 108.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

❖ The code official must pursue legal means to correct the violation through the use of legal counsel of the jurisdiction. This is not optional.

[A] 108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues

after due notice has been served shall be deemed a separate offense.

❖ This section prescribes a standard fine or other penalty as deemed appropriate by the jurisdiction. Additionally, this section identifies a principle that "each day that a violation continues . . . shall be deemed a separate offense" for the purpose of applying the prescribed penalty to facilitate prompt resolution.

[A] 108.5 Stop work orders. Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's authorized agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

❖ Upon receipt of a violation notice from the code official, the builders must immediately cease construction activities identified in the notice, except as expressly permitted to correct the violation. A stop work order can result in inconvenience and monetary loss to the affected parties; therefore, justification must be evident and judgment must be exercised before a stop work order is issued. A stop work order can prevent a violation from becoming worse and more difficult or expensive to correct.

A stop work order may be issued where work is proceeding without a permit to perform the work. Hazardous conditions could develop when the code official is unaware of the nature of the work and a permit for the work has not been issued.

The issuance of a stop work order on a fuel gas system may result from work done by the contractor that affects a building component that is not fuel-gas related. For example, if a contractor cuts a structural element to install piping, the structure may be weakened enough to cause a partial or complete structural failure. As determined by the adopting jurisdiction, a penalty may be assessed for failure to comply with this section, and the dollar amount is to be inserted in the blanks shown.

[A] 108.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction, restrain, correct or abate a violation, prevent illegal occupancy of a building, structure or premises, or stop an illegal act, conduct, business or utilization of the installations on or about any premises.

❖ Despite the assessment of a penalty in the form of a fine or imprisonment against a violator, the violation itself must still be corrected. Failure to make the nec-

essary corrections will result in the violator being subject to additional penalties as described in the preceding section.

[A] 108.7 Unsafe installations. An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe installation. Use of an installation regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

❖ In the course of performing duties, the code official may identify a hazardous condition that must be declared in violation of the code and, therefore, must be abated.

[A] 108.7.1 Authority to condemn installations. Whenever the code official determines that any installation, or portion thereof, regulated by this code has become hazardous to life, health or property, he or she shall order in writing that such installations either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective installation after receiving such notice.

Where such installation is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

❖ When a system is determined to be unsafe, the code official must notify the owner or the agent of the building as the first step in correcting the difficulty. The notice is to describe the repairs and improvements necessary to correct the deficiency or require removal or replacement of the unsafe equipment or system. Such notices must specify a time frame in which the corrective actions must occur. Additionally, the notice should require the immediate response of the owner or the agent. If the owner or the agent is not available, public notice of the declaration should suffice for complying with this section. The code official may also determine that disconnecting the system is necessary to correct an unsafe condition and must give written notice to that effect (see commentary, Section 108.2), unless immediate disconnection is essential for public health and safety reasons (see commentary, Section 108.7.2).

[A] 108.7.2 Authority to disconnect service utilities. The code official shall have the authority to require disconnection of utility service to the building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, struc-

ture or service system shall be notified in writing, as soon as practicable thereafter.

❖ Disconnecting the utility service is the most radical method of hazard abatement available to the code official and should be reserved for cases in which all other lesser remedies have proven ineffective. Such an action must be preceded by written notice to the owner and any occupants of the building being ordered to disconnect. Disconnection must be accomplished within the time frame established by the code official in the written notification to disconnect. When the hazard to the public health and welfare is so imminent as to mandate immediate disconnection, the code official has the authority and even the obligation to cause disconnection without notice.

[A] 108.7.3 Connection after order to disconnect. A person shall not make energy source connections to installations regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such installations.

Where an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

❖ When any fuel gas system is maintained in violation of the code and in violation of any notice issued pursuant to the provisions of this section, the code official is to institute appropriate action to prevent, restrain, correct or abate the violation.

Once the reason for discontinuation of use or disconnection of the fuel gas system no longer exists, only the code official may authorize resumption of use or reconnection of the system after it is demonstrated to the code official's satisfaction that all repairs or other work are in compliance with applicable sections of the code. This section also requires the code official to take action to abate code violations (see commentary, Section 108.2).

SECTION 109 (IFGC) MEANS OF APPEAL

[A] 109.1 Application for appeal. 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 20 days after the notice was served.

❖ This section holds that any aggrieved party with a material interest in the decision of the code official may appeal that decision before a board of appeals.

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This provides a forum other than the court of jurisdiction in which to review the code official's actions.

This section allows any person to appeal a decision of the code official. In practice, this section has been interpreted to permit appeals only by those aggrieved parties with a material or definitive interest in the decision of the code official. An aggrieved party may not appeal a code requirement per se. The intent of the appeal process is not to waive or set aside a code requirement; rather, it is intended to provide a means of reviewing a code official's decision on an interpretation or application of the code or to review the equivalency of protection to the code requirements.

[A] 109.2 Membership of board. The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years; one for 3 years; one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

❖ The board of appeals is to consist of five members appointed on a rotating basis by the "chief appointing authority"—typically, the mayor or city manager. This method of appointment allows for a smooth transition of board of appeals members, thus ensuring continuity of action over the years.

[A] 109.2.1 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.
 2. Registered design professional with structural engineering or architectural experience.
 3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.
 4. Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.
 5. Registered design professional with fire protection engineering experience; or a fire protection contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.
- ❖ The board of appeals consists of five persons with the qualifications and experience indicated in this section. One must be a registered design professional (see Item 2) with structural or architectural experience. The others must be registered design professionals, construction superintendents or contractors with experience in the various areas of building construction. These requirements are important in that technical people rule on technical matters. The board of appeals is not the place for policy or political deliberations. The intent is that these matters be

decided purely on their technical merits with the appropriate regard for state-of-the-art construction technology.

[A] 109.2.2 Alternate members. The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

❖ This section authorizes the chief appointing authority to appoint two alternate members who are to be available if the principal members of the board are absent or disqualified. Alternate members must possess the same qualifications as the principal members and are appointed for a term of 5 years, or until such time that a successor is appointed.

[A] 109.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

❖ It is customary to determine chairmanship annually so that a regular opportunity is available to evaluate and either reappoint the current chairman or appoint a new one.

[A] 109.2.4 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

❖ Members must not participate in the hearing of any appeal in which they have a personal, professional or financial interest.

[A] 109.2.5 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

❖ The chief administrative officer is to designate a qualified clerk to serve as secretary to the board. The secretary is required to file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 109.2.6 Compensation of members. Compensation of members shall be determined by law.

❖ Members of the board of appeals need not be compensated unless required by the local municipality or jurisdiction.

[A] 109.3 Notice of meeting. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

❖ The board must meet within 10 days of the filing of an appeal or at regularly scheduled meetings.

[A] 109.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

❖ Hearings before the board must be open to the public. The person who filed the appeal, his or her representative, the code official and any person whose interests are affected must be heard.

[A] **109.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

❖ The board is required to establish and make available to the public written procedures detailing how hearings are to be conducted. Additionally, this section provides that although strict rules of evidence are not applicable, the information presented must be deemed relevant.

[A] **109.5 Postponed hearing.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

❖ When all five members of the board are not present, either the person making the appeal or his or her representative may request a postponement of the hearing.

[A] **109.6 Board decision.** The board shall modify or reverse the decision of the code official by a concurring vote of three members.

❖ A concurring vote of three members of the board is needed to modify or reverse the decision of the code official.

[A] **109.6.1 Resolution.** The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

❖ A formal decision in the form of a resolution is required to provide an official record. Copies of this resolution are to be furnished to both the person making the appeal and the code official. The code official is bound by the action of the board of appeals, unless it is the opinion of the code official that the board of appeals has acted improperly. In such cases, relief through the court having jurisdiction may be sought by corporate council.

[A] **109.6.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

❖ To avoid any unnecessary delay in the progress of construction, the code official is required to act quickly on the board's decision. This action may be to enforce the decision or to seek legislative relief if the board's action can be demonstrated to be inappropriate.

[A] **109.7 Court review.** Any person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

❖ This section allows any person to request a review by the court of jurisdiction if that person believes errors of law have occurred. Review must be applied for after the decision of the board is filed with the chief

administrative officer. This helps to establish the observance of due process for all concerned.

SECTION 110 (IFGC)

TEMPORARY EQUIPMENT, SYSTEMS AND USES

[A] **110.1 General.** The code official is authorized to issue a permit for temporary *equipment*, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

❖ In the course of construction or other activities, equipment or systems are sometimes needed or desired for a short time. This section contains the administrative provisions that permit such temporary equipment, systems, or uses without full compliance with the code requirements for permanently installed systems.

This section allows the code official to issue permits for temporary equipment, systems or uses. The applicant must specify the time period desired for the temporary equipment, system, or use, but the approval period cannot exceed 180 days. Equipment, systems, or uses that are temporary but are anticipated to be in existence for more than 180 days are required to conform to code requirements for permanent systems and uses. The section also authorizes the code official to grant extensions to this time period if the applicant can provide a valid reason for the extension, which typically includes circumstances beyond the applicant's control. This provision is not intended to be used to circumvent the 180-day limitation.

[A] **110.2 Conformance.** Temporary *equipment*, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

❖ This section prescribes those categories of the code requirements that must be complied with, despite the fact that the system will be removed or the use discontinued some time in the near future. These criteria are essential for measuring the safety of any system or use, temporary or permanent; therefore, the application of these criteria to a temporary system cannot be waived.

"Structural strength" refers to the ability of the temporary structure to resist anticipated live, environmental and dead loads (see Chapter 16 of the IBC). It also applies to anticipated live and dead loads imposed by a temporary equipment, system or use on the structure.

"Fire safety" provisions are those required by Chapters 7, 8 and 9 of the IBC or by provisions in the IMC and this code invoked by virtue of the type of temporary system or use, and the potential for increased fire risk.

"Means of egress" refers to full compliance with Chapter 10 of the IMC.

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“Accessibility” refers to full compliance with Chapter 11 of the IBC for making buildings accessible to physically disabled persons.

“Light, ventilation and sanitary” requirements are those imposed by Chapter 12 of the code or applicable sections of the *International Plumbing Code*[®] (IPC[®]) or IMC.

[A] 110.3 Temporary utilities. The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

❖ Commonly, heating appliances/equipment are installed and operated during construction of a building. This section allows the code official to grant permission for fuel and power supplies to be connected to the building on a temporary basis.

[A] 110.4 Termination of approval. The code official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

❖ This section provides the code official with the necessary authority to terminate the permit for temporary equipment, systems or uses. The code official can order that temporary equipment or systems be removed or temporary uses be discontinued if conditions of the permit have been violated or the structure or use poses an imminent hazard to the public. This text is important because it allows the code official to act quickly when time is of the essence in order to protect public health, safety and welfare.

Chapter 2: Definitions

General Comments

The words or terms defined in this chapter are deemed to be of prime importance in either specifying the subject matter of code provisions or in giving meaning to certain terms used throughout the code for administration or enforcement. The user of the code should be familiar with the terms found in this chapter, because the definitions are essential to the correct interpretation of the code and because the user might not be aware that a particular term found in the text is defined.

Purpose

Codes, by their very nature, are technical documents. Every word, term and punctuation mark can alter a sentence's meaning and, if misused, muddy its intent.

Further, the code, with its broad scope of applicability, includes terms used in a variety of construction disciplines. These terms can often have multiple meanings depending on the context or discipline being used at the time.

For these reasons, a consensus must be reached on the specific meaning of terms contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.

SECTION 201 (IFGC) GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code and standard, have the meanings indicated in this chapter.

- ❖ In the application of the code, the terms used have the meanings given in Section 202.

201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

- ❖ Although the definitions contained in Section 202 are to be taken literally, gender and tense are considered to be interchangeable; thus, any grammatical inconsistencies within the code text will not hinder the understanding or enforcement of the requirements.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Mechanical Code* or *International Plumbing Code*, such terms shall have meanings ascribed to them as in those codes.

- ❖ When a word or term appears in the code that is not defined in this chapter, other references may be used to find its definition. These include the *International Building Code*® (IBC®), the *International Fire Code*® (IFC®), the *International Mechanical Code*® (IMC®) and the *International Plumbing Code*® (IPC®). These codes contain additional definitions (some parallel and duplicative) that may be used in the enforcement

of the code or in the enforcement of the other codes by reference.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

- ❖ Another resource for defining words or terms not defined in this chapter or in other codes is their "ordinarily accepted meanings." The intent of this statement is to indicate that a dictionary definition may suffice if the definition is in the proper context.

Construction terms used throughout the code might not be defined in Chapter 2 or in a dictionary. In such cases, one would first turn to the definitions contained in the referenced standards (see Chapter 8) and then to textbooks on the subject in question.

SECTION 202 (IFGC) GENERAL DEFINITIONS

- ❖ This section contains definitions of terms that are associated with the subject matter of the code. Definitions of terms are necessary for the understanding and application of the code requirements. The meaning of a term as used in the code might be different than an ordinarily understood meaning of that term. Some terms are unique to the code. A code provision could be misinterpreted if the definition of a term, as used in the context of the code, is not understood.

[M] ACCESS (TO). That which enables a device, *appliance* or *equipment* to be reached by ready *access* or by a means