

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 5-316 AND 5-317 OF ARTICLE VII IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-316 AND 5-317 TO ARTICLE VII THEREBY ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION, AND PROVIDING CERTAIN ADDITIONS AND DELETIONS THERETO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 5 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Sections 5-316 and 5-317 of Article VII in their entirety and adding new Sections 5-316 and 5-317 to Article VII to read as follows, in all other respects said Code, Chapter and Article to remain in full force and effect:

ARTICLE VII. MECHANICAL CODE

DIVISION 1. GENERALLY

Sec. 5-316. Adopted.

The *International Mechanical Code*, 2015 Edition, a publication of the International Code Council (ICC), is hereby adopted and designated as the official mechanical code of the City of Mesquite to the same extent as if such Code were copied verbatim in this Article subject to the amendments prescribed in this Article. The Code shall be applicable to all construction, alterations, repairs and maintenance of all buildings, structures, materials and equipment related to the building industry in the City. A copy of the *International Mechanical Code*, 2015 Edition, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

DIVISION 2. AMENDMENTS

Sec. 5-317. Amendments to the International Mechanical Code, 2015 Edition.

The following amendments are made to the *International Mechanical Code*, 2015 Edition:

- (1) *Chapter 1, Scope and Administration.*

- (a) *Section 102.8.* Amend by deleting the section in its entirety and adding a new Section 102.8 to read as follows:

Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 when specifically adopted by the City, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the *National Electrical Code* as adopted.

- (b) *Section 106.4.3.* Amend by deleting the section in its entirety and adding a new section 106.4.3 to read as follows:

Expiration. Every permit issued shall expire and become null and void if (i) the permittee fails to commence work on the site authorized by such permit within 30 days after its issuance, or (ii) the permittee fails to have the work authorized on the site by such permit inspected during any 90-day period after the work has commenced. It shall be unlawful to commence or recommence work after a permit expires without obtaining a new permit or receiving an extension from the Building Official. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- (c) *Section 109.* Amend by deleting the section in its entirety and adding a new Section 109 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board established in Section 5-25 according to the procedures and time for appeal set forth therein.

(2) *Chapter 2, Definitions.*

- (a) *Section 202.* Amend by deleting the definition of Code Official in its entirety under the section and adding a new definition for Code Official under Section 202 to read as follows:

Code Official. The Building Official or other authority designated by the Building Official charged with the administration and enforcement of this code.

(3) *Chapter 3, General Regulations.*

- (a) *Section 304.6.* Amend by deleting the section in its entirety.
- (b) *Section 306.3.* Amend by deleting the section in its entirety and adding a new Section 306.3 to read as follows:

Appliances in attics. Attics containing appliances requiring access shall be provided with an opening and a clear and unobstructed passageway large enough to allow removal of the largest appliance, but not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6,096 mm) in length when measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring in accordance with Chapter 5 not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present along sides of the appliance where access is required. The clear access opening dimensions shall be a minimum of 20 inches (508 mm) by 30 inches (762 mm) or larger where such dimensions are not large enough to allow removal of the largest appliance. At a minimum, access to the attic space shall be provided by one of the following:

1. A permanent stair.
2. A pull-down stair with a minimum of a 300 lb. (136kg) capacity.
3. An access door from an upper floor level.
4. An access panel may be used in lieu of items 1, 2, and 3 with prior approval of the Code Official due to building conditions.

Exception: The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.

- (c) *Section 306.5.* Amend by deleting the section in its entirety and adding a new Section 306.5 to read as follows:

Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet (4,877 mm), such access shall be provided by a permanent approved means of access.

Permanent exterior ladders providing roof access need not extend closer than 12 feet (3657 mm) to the finish grade or floor level below and shall extend to the equipment and appliance's level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope).

A receptacle outlet shall be provided at or near the equipment and appliance location in accordance with the *National Electrical Code* as adopted.

- (d) *Section 306.5.1.* Amend by deleting the section in its entirety and adding a new Section 306.5.1 to read as follows:

Sloped roofs. Where appliances, equipment, fans or other components that require service are installed, on roofs having slopes greater than four units vertical in 12 units horizontal, and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, maintenance or repair. The platform shall not be less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1,067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

- (e) *Section 306.6.* Amend by adding a new Section 306.6 to read as follows:

Water heaters aboveground or floor. When the mezzanine or platform in which a water heater is installed is more than eight feet (2,438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10-gallon water heater that is capable of being accessed through a lay in ceiling and is installed not more than 10 feet (3,048 mm) above the ground or finished floor and is capable of being reached by a portable ladder.

- (4) *Chapter 5, Exhaust Systems.*

- (a) *Section 501.3.* Amend by adding a fourth exception in Section 501.3 to read as follows:

4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

- (b) *Section 504.8.2.* Amend by adding a sentence at the end of Section 504.8.2 to read as follows:

The size of duct shall not be reduced along its developed length nor at the point of termination.

- (5) *Chapter 6, Duct Systems.*

- (a) *Section 607.5.1.* Amend by deleting the section in its entirety and adding a new Section 607.5.1 to read as follows:

Fire walls. Ducts and transfer openings permitted in fire walls in accordance with Section 706.11 of the *International Building Code* shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 of the IMC.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That all chapters, sections and subsections amended by this ordinance are intended to amend the specified corresponding chapters, sections and subsections of the *International Mechanical Code*, 2015 Edition, even though applicable intervening articles and divisions or similar subparts may not be set out in this ordinance.

SECTION 5. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 6. That this ordinance shall take effect on and after May 15, 2017.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 3rd day of April, 2017.

Stan Pickett
Mayor

ATTEST:

APPROVED:



Sonja Land
City Secretary

B. J. Smith
City Attorney