

Ordinances Governing
THE MECHANICAL CODE
of the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 22-057
(November 1, 2022)

(Chapter Designator: MECHANICAL)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
89-43	04/18/89	Amend Subsection 1.04(B)(6) , readopting standards for fee administration.
89-106	09/19/89	Amend Ordinance No. 89-43 relative to Subsection 1.04(B)(6) , readopting standards for fee administration.
92-37	04/07/92	Amend Section 3.09 , <u>Business Registration</u> , Subsection (B) , relative to contractor's public liability insurance.
92-58	07/09/92	Amend Section 2.03 , <u>Rules and Procedures</u> , removing power of the Mechanical Board to appoint its chairperson.
93-113	10/26/93	Repeal existing Article I and adopt new Article I , <u>General Provisions</u> , to adopt the 1991 <u>Uniform Mechanical Code</u> with certain deletions, amendments and addenda; amend Article II , Section 2.01 , <u>Board Created</u> , and Section 2.05(A) , <u>Appeals, Time Limit</u> , requiring two members of the Mechanical Code Board to be mechanical contractors and increasing the administrative fee; amend Article III , Section 3.06(F) , <u>General License Requirements</u> , and Section 3.09(D) , <u>Business Registration</u> , relative to vehicle markings, insurance requirements and homeowner and maintenance personnel exemptions.
96-97	07/02/96	Repeal of the existing Mechanical Chapter and adoption of a new Mechanical Chapter, relative to the adoption of the 1994 Uniform Mechanical Code.
03-035	03/25/03	Amend Article I , <u>General Provisions</u> , relative to the adoption of the International Mechanical Code, 2000 Edition, and the International Fuel Gas Code, 2000

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		Edition; amend Article III , <u>Individual License and Business Registration</u> , relative to registration.
03-107	09/30/03	Delete Article IV , entitled <u>Examinations</u> .
04-044	05/11/04	Amend Article I , <u>General Provisions</u> , Section 1.04 , <u>Amendments, Additions and Deletions</u> ; amend Article II , <u>Mechanical Code Board</u> , Section 2.01 , <u>Board Created</u> ; Section 2.02 , <u>Records of the Board</u> ; Section 2.03 , <u>Rules and Procedures</u> , Section 2.04 , <u>Quorum</u> ; amend Article III , <u>Registration</u> , Section 3.05 , <u>Registration Suspension And Revocation</u> .
04-088	09/21/04	Amend Article I , <u>General Provisions</u> , Section 1.04 , Subsection (B)(8) , at 106.5.2.3.2, relative to the deletion of the reference to Schedule 3-A.
05-062	07/26/05	Amend Article I , <u>General Provisions</u> , Section 1.04 , <u>Amendments, Additions and Deletions</u> , Subsection (B)(7) , by the addition of an exception relative to a third party provider; Amend Section 1.04 , by the addition of a new Subsection (B)(9) , relative to a third party provider, and the renumbering of the remaining subsections.
05-069	08/23/05	Amend Article I , <u>General Provisions</u> , Section 1.02 , <u>Adoption of the International Mechanical Code and the International Fuel Gas Code</u> , Subsection (A) , relative to adoption of the 2003 International Mechanical Code and the 2003 International Fuel Gas Code; Amend Section 1.04 , <u>Amendments, Additions and Deletions</u> , Subsection (B) , relative to adoption of the 2003 International Mechanical Code.
06-029	03/14/06	Amend Article II , <u>Mechanical and Plumbing Board of Appeals</u> , Section 2.01 , <u>Board Created</u> , relative to the terms of board members.

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
08-089	09/30/08	Amend Article II , <u>Mechanical and Plumbing Board of Appeals</u> , Section 2.05 , <u>Appeals; Time Limit, Subsection (A)</u> , related to the fee for appeals to the Mechanical and Plumbing Board of Appeals.
09-034	06/23/09	Amend Article II , <u>Mechanical and Plumbing Board of Appeals</u> , by the addition of Section 2.08 , <u>Model Code Adoption or Amendment</u> , related to procedures for adopting or amending a model code.
10-015	01/12/10	Amend Article I , <u>General Provisions</u> , by the addition of Section 1.015 , <u>Electronic Submittal of Final Plans and Other Documents</u> , relative to a requirement that final plans or other documents that will be archived must be submitted in electronic format.
12-023	04/24/12	Amend Article I , <u>General Provisions</u> , Section 1.02 , <u>Adoption of the International Mechanical Code and the International Fuel Gas Code</u> , Subsection (A) ; Section 1.04 , <u>Amendments, Additions and Deletions, Subsection (B)</u> ; amend Article III , <u>Registration, Section 3.01</u> , <u>Permit Issued Only to Registrant</u> ; relative to adoption of the International Mechanical Code, 2009 Edition.
18-020	04/10/18	Amend Article I , <u>General Provisions</u> , relative to adopting the 2015 Edition of the International Mechanical Code; adopting local amendments and associated appendices.
22-057	11/01/22	Amend Article I , <u>General Provisions</u> , relative to adopting the 2021 Edition of the International Mechanical Code and the 2021 Edition of the International Fuel Gas Code; adopting local amendments and associated appendices.

TABLE OF CONTENTS

ARTICLE I GENERAL PROVISIONS

Section 1.01	Designation of Code
Section 1.015	Electronic Submittal of Final Plans and Other Documents
Section 1.02	Adoption of the International Mechanical Code and the International Fuel Gas Code
Section 1.03	Intent and Purpose
Section 1.04	Amendments, Additions and Deletions

ARTICLE II MECHANICAL AND PLUMBING BOARD OF APPEALS

Section 2.01	Board Created
Section 2.02	Records of the Board
Section 2.03	Rules and Procedures
Section 2.04	Quorum
Section 2.05	Appeals; Time Limit
Section 2.06	Board Decisions: Variations and Modifications
Section 2.07	Board Decisions; Procedure
Section 2.08	Model Code Adoption or Amendment

ARTICLE III REGISTRATION

Section 3.01	Permit Issued Only to Registrant
Section 3.02	Registration
Section 3.03	Responsibilities of Registrant
Section 3.04	Exemption from Registration Requirement
Section 3.05	Registration Suspension and Revocation

ARTICLE I
GENERAL PROVISIONS

Section 1.01 Designation of Code

The provisions of this Chapter, including the adopted provisions of the International Mechanical Code, as amended, are hereby designated the Mechanical Code of the City of Arlington, also referred to in this Chapter as "the Code" or "this Code".

Section 1.015 Electronic Submittal of Final Plans and Other Documents

Final plans or other documents required to be submitted under this Chapter and that will be archived must be submitted in an electronic format specified by the Building Official as a condition to issuance of any type of permit, approval, or other action related to the final plans or documents. The Building Official shall provide a schedule indicating which documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.

Section 1.02 Adoption of the International Mechanical Code and the International Fuel Gas Code

- A. The International Mechanical Code, 2021 Edition ("IMC"), as adopted and published by the International Code Council ("ICC"), is herein adopted together with the additions, deletions, and amendments hereinafter contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

Copies of the IMC and the Appendices adopted in this Section shall be kept on file in the Office of the Building Official.

The International Fuel Gas Code, 2021 Edition ("IFGC"), is adopted and amended in the Plumbing Chapter of the Code of Ordinances. Those provisions of the IFGC that are applicable to the scope of mechanical work being performed shall be as if the same provisions are adopted in this chapter.

- B. In the event of a conflict between the adopted provisions of the IMC and other provisions of this Chapter, the other (non-IMC) provisions of this Chapter shall be controlling.

Section 1.03 Intent and Purpose

The purpose of this Code is to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

Section 1.04 Amendments, Additions and Deletions

The adoption by reference of the International Mechanical Code, as provided in Section 1.02 hereof, is made subject to and is modified and amended as follows:

- A. By the addition thereto of Article II et seq. of this Chapter.
- B. By the amendments and deletions to Sections of the International Mechanical Code as follows:
 - 1. The deletion of Section 101.1, entitled **Title**, in its entirety.
 - 2. The deletion of Section 101.3, entitled **Intent**, in its entirety.
 - 3. The amendment of Section 102.8, entitled **Referenced codes and standards**, to read as follows:

102.8 Referenced Codes and Standards.

The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, 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 adopted amendments. Any reference to NFPA 70 or the *National Electrical Code* (NEC) shall mean the Electrical Code as adopted.

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.

- 4. The amendment of Section 103.1, entitled **General**, to read as follows:

103.1 General.

The executive official in charge of mechanical inspection shall be the Code Official, also known as the Building Official or Administrative Authority.

5. The amendment of Section 104.4, entitled **Right of entry**, to read as follows:

104.4 Right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code. If such building or premises is occupied, the Administrative Authority or their authorized representative shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the Administrative Authority or their authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, the Administrative Authority or their authorized representative has recourse to every remedy provided by law to secure entry.

6. The amendment of Section 106.4, entitled **Permit issuance**, to read as follows:

106.4 Permit issuance.

The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Administrative Authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Administrative Authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees specified in Section 106.5 have been paid, they shall issue a permit therefore to the applicant. "Applicant" in this usage shall conform to the provisions of Sections 3.02 of the Mechanical Code of the City of Arlington.

7. The amendment of Section 106, entitled **PERMITS**, by adding Section 106.5, entitled **Fees and refunds**, et seq., which shall read as follows:

106.5 Fees and refunds.

106.5.1 Any person, firm or corporation desiring a permit as required by this Mechanical Code shall, at or before the time of permit issuance, pay a fee as specified in the fee structure as approved by the City Council of the City of Arlington by resolution and which may be amended from time to time by said City Council.

106.5.2 Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

106.5.3 Standards. The fee standards as set out in the Construction Chapter shall apply to calculations and fees.

106.5.4 Refund of a fee submitted for any administrative action under this Chapter shall be made in accordance with Section 4.12 of the "Construction" Chapter of the Arlington City Code.

106.5.5 When the replacement of a contractor occurs during a project for which a permit has been issued pursuant to this Mechanical Code, the Administrative Authority may prorate the amount of the permit fee for the new contractor based on said Administrative Authority's determination of the percentage of work remaining.

106.5.6 When it is determined after a permit has been issued that the scope of work is to be significantly changed, the Administrative Authority may authorize and require that appropriate adjustments be effected to the permit fee. Any increase in the permit fee shall be paid prior to performing any part of such increased scope of work. Any decrease in the permit fee which is based on previously approved work which will not be performed as earlier defined may be refunded in the amount of fifty percent (50%) of the fee represented by the percentage of work not to be performed; provided, however, that determination of such percentage and specific authorization of such refund shall

be issued by the Administrative Authority. Refunds, if made, shall be made to the original permittee in accordance with Article IV of the Construction Chapter.

8. The deletion of Section 109, entitled **FEES**, in its entirety.
9. The amendment of Section 112.3, entitled **Testing**, to read as follows:

112.3 Testing.

Mechanical systems shall be tested as required in this code and in accordance with Sections 112.3.1 through 112.3.3. Tests shall be made by the permit holder and shall be observed by the code official or his designee.

10. The deletion of Section 113, entitled **MEANS OF APPEAL**, in its entirety.
11. The amendment of Section 114, **BOARD OF APPEALS**, to read as follows:

**SECTION 114
BOARD OF APPEALS**

114.1 Board of Appeals.

The Mechanical and Plumbing Board of Appeals shall act as a Board of Appeals as provided in Article II of this Chapter.

12. The amendment of Section 115.2, entitled **Notice of violation**, to read as follows:

115.2 Notice of violation.

The Code Official is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this Chapter, 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 Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

13. The deletion of Section 115.3, entitled **Prosecution of violation**, in its entirety.

14. The amendment of Section 115.4, entitled **Violation penalties**, to read as follows:

115.4 Violation Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

The issuing or granting of a permit or approval of plans and specifications by the City shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of this Code, or any other ordinance of the City, shall be valid, except insofar as the work or use which is authorized is lawful.

The issuing or granting of a permit or approval of plans by the City shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance of the City, or from revoking any certificate of approval when issued in error.

15. The amendment of Section 116, entitled **STOP WORK ORDER**, to read as follows:

**SECTION 116
STOP WORK ORDER**

116.1 Stop work orders.

Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person shall forthwith stop such work until:

- a. He or she is authorized by the Building Official to proceed with the work; or
- b. An appeal perfected pursuant to Section 2.05 has resulted in a waiver of the condition causing the stop order, or a finding that there is no cause for a stop order.

Failure to stop such work, in addition to penalties and remedies elsewhere set forth, shall void any appeal.

16. The amendment of Section 202, entitled **GENERAL DEFINITIONS**, by adding definitions for "Building Code" and "Shall", and amending the definition of "Code Official":

BUILDING CODE. The "Construction" Chapter of the Code of the City of Arlington, 1987, as amended.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The Code Official is also the Building Official and Administrative Authority.

SHALL. As it applies to an act or duty to be performed by the Administrative Authority pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

17. The amendment of Section 306.3, entitled **Appliances in attics**, to read as follows:

306.3 Appliances in Attics.

Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest

appliance. The passageway shall be not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

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

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
 2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.
18. The amendment of Section 306.5, entitled **Equipment and appliances on roofs or elevated structures**, so that the first paragraph reads as follows:

306.5 Equipment and Appliances on Roofs or Elevated Structures.

Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, an interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and

appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

19. The amendment of Section 306.5.1, entitled **Sloped roofs**, to read as follows:

306.5.1 Sloped Roofs.

Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater 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, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 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. Access shall not require walking on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). Where access involves obstructions greater than 30 inches (762 mm) in height, such obstructions shall be provided with ladders installed in accordance with Section 306.5 or stairways installed in accordance with the requirements specified in the International Building Code in the path of travel to and from appliances, fans or equipment requiring service.

20. The amendment of Section 306, entitled **ACCESS AND SERVICE SPACE**, by adding Section 306.6, entitled **Water Heaters Above Ground or Floor**, which shall read as follows:

306.6 Water Heaters Above Ground or Floor.

When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 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 (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

21. The amendment of Section 307.2.1, entitled **Condensate disposal**, to read as follows:

307.2.1 Condensate disposal.

Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a permanently wet p-trap. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk or other areas so as to cause a nuisance.

Exceptions:

1. Condensate may discharge directly to a roof drain that connects to an underground storm sewer system,
2. Condensate may discharge directly onto roofs covered with membrane type roof coverings where the condensate will drain to a roof drain that connects to an underground storm sewer system,
3. Condensate may discharge to a landscaped area containing flowers and other bedding plants other than turf. There must be five square feet of landscaped area for each ton of refrigeration, or
4. Condensate may discharge to a French drain consisting of a pit excavated below grade that is not less than 24 inches (610 mm) in any dimension. The pit shall be filled with coarse gravel and the drainpipe shall extend into the pit and be securely anchored. A single drain shall not receive the condensate discharge of more than 10 tons nominal of combined cooling capacity. The pit shall be covered with sod after inspection. The French drain shall not be located so that it will receive direct discharge from a roof or a downspout.

22. The amendment of Section 307.2.3, entitled **Auxiliary and secondary drain systems**, by amending Item 2 to read as follows:
 2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.
23. The amendment of Section 403.2.1, entitled **Recirculation of air**, by adding Item 5, which shall read as follows:
 5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.
24. The amendment of Section 501.3, entitled **Exhaust Discharge**, to read as follows:

501.3 Exhaust Discharge.

The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.
3. Where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided

in accordance with Chapter 4, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.

4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.
25. The amendment of Section 607.5.1, entitled **Fire walls**, to read as follows:

607.5.1 Fire walls.

Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 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 IMC.

(Amend Ord 22-057, 11/1/22)

ARTICLE II

MECHANICAL AND PLUMBING BOARD OF APPEALS

Section 2.01 Board Created

A Mechanical and Plumbing Board of Appeals is hereby created, consisting of nine (9) voting members who are citizens of the City. The Board shall include at least one Mechanical Engineer, one Responsible Plumber (as defined by the Texas State Board of Plumbing Examiners), one Master Plumber (that is not a Responsible Master Plumber), one Journeyman Plumber, two Air Conditioning Contractors, with the remaining three voting members representing the construction industry. In addition, nonvoting ex-officio members may consist of the Director of Public Utilities or his/her representative and a representative of a public utility company selling gas to the general public. The Mayor and each City Council member shall nominate a voting member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. Members shall serve at the will and pleasure of the City Council. The terms of office for the membership shall be two (2) years. Vacancies shall be filled for the unexpired terms of any members whose place or places on the Board have become vacant for any reason.

In addition to its authority under the "Mechanical" Chapter, the Mechanical and Plumbing Board of Appeals shall have authority relative to appeals, revocation and suspension of registration under the "Plumbing" Chapter of the Code of the City of Arlington." (Amend Ord 06-029, 3/14/06)

Section 2.02 Records of the Board

The Building Official shall act as Secretary of the Board and shall keep a record of all examinations held, all applicants examined, and the results thereof, together with such other records as the Board may direct. (Amend Ord 04-044, 5/11/04)

Section 2.03 Rules and Procedures

The Mechanical and Plumbing Board of Appeals shall have the power to make and promulgate its own rules and

procedures governing its meetings and proceedings subject to the provisions of the Code of the City of Arlington. (Amend Ord 04-044, 5/11/04)

Section 2.04 Quorum

Five (5) members of the Board present at any meeting shall constitute a quorum for the transaction of any business or the carrying out of any duties, and any action taken at any meeting shall require the affirmative vote of a majority of the members present. The Chairman of any meeting of the Board shall vote. (Amend Ord 04-044, 5/11/04)

Section 2.05 Appeals; Time Limit

- A. Whenever the Administrative Authority shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the installation or alteration of a mechanical system, or when it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or the duly authorized agent, may appeal from the decision of the Administrative Authority to the Board. Notice of appeal shall be made in writing and filed within thirty (30) days after the decision is rendered by the Administrative Authority. An administrative fee in the amount set by City Council resolution shall accompany such notice of appeal, which shall be made on a form provided by the Administrative Authority. (Amend Ord 08-089, 9/30/08)
- B. For a condition which, in the opinion of the Administrative Authority, is unsafe or dangerous, the Administrative Authority may, in their order, limit the time for such appeal to a shorter period.
- C. Initiating work, or progressing with that portion of work, which is the particular issue on appeal, or progressing with work which would cover the matter on appeal, shall void such appeal.

Section 2.06 Board Decisions: Variations and Modifications

- A. The Board, when appealed to, shall conduct a hearing, and after such hearing, may vary the application of any provisions of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or the public interest, or when, in its opinion, the interpretation of the Administrative Authority should be modified or reversed.
- B. A decision of the Board to vary the application of any provision of this Code or to modify an order of the Administrative Authority shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

Section 2.07 Board Decisions; Procedure

- A. Every decision of the Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Administrative Authority, and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be publicly posted in the office of the Administrative Authority for two (2) weeks after the filing thereof.
- B. The Board shall in every case reach a decision without unreasonable or unnecessary delay, making specific effort to reach a decision not later than thirty (30) days (excluding Saturdays, Sundays, and holidays) from the date of registering of appeal with the Secretary of the Board.
- C. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Administrative Authority, or varies the application of any provision of this Code, the Administrative Authority shall immediately take action in accordance with such decision.
- D. Any person, firm or corporation aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such deci-

sion is illegal, in whole or in part, specifying the grounds of the illegality. Unless such petition (appeal) shall be presented to the court within ten (10) days of the decision of the Board, the decision of the Board shall become final. (Amend Ord 96-97, 7/2/96)

Section 2.08 Model Code Adoption or Amendment

- A. In this section, "national model code" means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. National model codes include the International Mechanical Code, the International Plumbing Code, and the International Fuel Gas Code.
- B. The Board is established as an advisory board for the purpose of obtaining public comment on the proposed adoption of or amendment to a national model code, and providing a recommendation to City Council. On or before the 10th day before the date the Board conducts a public hearing to consider the adoption of or amendment to a national model code, the City shall publish notice of the proposed action and the date of the public hearing conspicuously on the City's Internet website.
- C. Except as provided by Subsection (D), adoption of an ordinance or national model code provision that is intended to govern the construction, renovation, use, or maintenance of buildings and building systems in the City shall have a delayed effective date that will delay implementing and enforcing the ordinance or code provision for at least 30 days after final adoption of the ordinance, to permit persons affected to comply with the ordinance or code provision.
- D. If a delay in implementing or enforcing the ordinance or code provision would cause imminent harm to the health or safety of the public, the City may enforce the ordinance or code provision immediately on the effective date of the ordinance or code provision. (Amend Ord 09-034, 6/23/09)

ARTICLE III
REGISTRATION

Section 3.01 Permit Issued Only to Registrant

A permit to perform, or cause to be performed, any work regulated by this Code shall only be issued to a Registrant, as provided for in this Chapter, and only after the requirements defined in this Chapter have been accomplished. For work requiring State licensing under this Article, no permit shall be issued unless Registrant designates the license holder of the appropriate classification for the work category. Prior to issuance of the permit, the Administrative Authority may review the proposed project with other departments of the City to ensure that no conflict with other City regulations is created or perpetuated by issuance of the permit. An adverse determination in this review may be grounds for denial of the permit. (Amend Ord 12-023, 4/24/12)

Section 3.02 Registration

- A. Registration Required: Except as specifically exempted within this Chapter, it shall be unlawful for any person, firm, corporation or other entity to perform, or cause to be performed, any work described in this Chapter as requiring a permit unless such person, firm, corporation or other entity is the holder of a valid registration with the City to perform such work. Such person, firm, corporation, or other entity shall be termed Registrant. In extending the rights and privileges of such registration, the City makes no statement or representation of any kind as to the competency of those so registered, and no manner of registration is proffered.
- B. Information to be Provided: An applicant for registration under this Section shall provide to the Administrative Authority the following information:
1. The complete name, complete mailing address and telephone number of the person, firm, corporation, or other entity.
 2. The name and private mailing address of a principal of the firm or corporation who is a person authorized to bind the firm or corporation in legal agreements.

MECHANICAL

3.02

3. The name, mailing address and telephone number of the individual that is properly licensed in accordance with the requirements of the Air Conditioning and Refrigeration Contractor License Law, as amended, (Texas Civil Statutes, Article 8861) along with the class of the license and all endorsements. This shall apply to persons, firms or corporations registering to perform mechanical work defined as environmental air conditioning, commercial refrigeration and process cooling and heating as defined by the Air Conditioning and Refrigeration Contractor License Law, as amended, (Texas Civil Statutes, Article 8861).
4. The name of the individual that is responsible for the day to day operation of the business and who has the authority to supervise work and direct changes as may be required to comply with this Chapter. This shall apply to persons, firms or corporations registering to perform mechanical works that is not defined as environmental air conditioning, commercial refrigeration and process cooling and heating in accordance with the Air Conditioning and Refrigeration Contractor License Law, as amended, (Texas Civil Statutes, Article 8861).
5. Other pertinent information deemed necessary by the Administrative Authority.

Every Registrant shall contact the office of the Building Official to ensure the accurate revision of registration information, including any change of address or telephone number, within ten (10) days from the date that the previous information supplied in the application becomes invalid for any reason. Failure to revise inaccurate information, or providing false, misleading or inaccurate information when applying for registration, shall constitute an offense.

Every Registrant doing work in any City rights-of-way shall carry Contractor's Public Liability Insurance with a combined single limit of not less than Five Hundred Thousand and No/100 Dollars (\$500,000) per occurrence, with an aggregate of not less than Five Hundred Thousand and No/100 Dollars (\$500,000).

The Registrant shall make the City of Arlington a Certificate Holder and present proof of insurance at the time of registration and all subsequent renewals. Notice of policy cancellations, or failure to renew coverage shall be cause for revocation of registration, denial of inspections or cancellation of permits.

- C. Building Official Shall Respond: After application for registration has been received, the Building Official shall act promptly to issue the registration or to determine upon what basis the registration will not be issued. The Building Official shall respond to the applicant not later than two (2) weeks following receipt of the application.
- D. Transfer of Registration Prohibited: No Registrant under this Section shall allow his or her registration, by name or other identification, to be transferred or assigned to, or in any manner directly or indirectly used by, any person, firm or corporation other than the one to whom issued by the Administrative Authority, for any purpose.
- E. Registration Fee: For a Registration, pursuant to this Chapter, a fee shall be paid in addition to the other provisions provided herein. The fee will be specified by the fee structure as approved by the Arlington City Council by resolution and which may be amended from time to time by the Arlington City Council.
- F. Expiration and Renewal of Registration: Registration shall expire annually and shall be routinely reactivated by payment of a renewal fee if application information remains accurate. A registration may be renewed, as herein provided, at any time from sixty (60) days preceding the date of expiration through ninety (90) days following the date of expiration. A registration not renewed for ninety (90) days beyond the date of expiration shall require resubmittal of registration information and payment of fee as for initial registration.

Section 3.03 Responsibilities of Registrant

- A. Operations: Registrants shall be responsible for the performance of permitted work in compliance with this Code.
- B. Administration: Registrants shall be responsible for the payment of fees as required by this Chapter.

Section 3.04 Exemption from Registration Requirement

A homeowner may personally install, service, or repair mechanical equipment within their own home without a registration, provided they obtain such mechanical permits as may be required in this Code for such work, and receive required inspections. Such homeowner installation shall only be performed by the owner of the structure, who

has their legal residence there, and who is not assisted by any other person for remuneration.

Section 3.05 Registration Suspension and Revocation

A. Registration Suspended: The Mechanical and Plumbing Board of Appeals shall have the authority to suspend any Registration issued under this Code for any of the following acts by the Registrant: (Amend Ord 04-044, 5/11/04)

1. Forfeiting an appeal from the Board under Section 2.05(C) by initiating work in violation of the Board's decision or prior to the Board's decision.
2. Causing or permitting the unauthorized or prohibited use of a valid Registration, such as to allow the rights and privileges of Registration to be applied to one not duly registered.
3. Convictions of two (2) violations of any of the provisions of this Code committed within a period of twelve (12) consecutive months.

Such suspension of Registration shall be for a time not to exceed six (6) months. After expiration of such period of time as the Board shall have designated and after payment of any outstanding fines and routine renewal fee, if it has become due in the interim, the suspended Registration shall again become valid and effective.

B. Registration Revoked: The Mechanical and Plumbing Board of Appeals shall have the authority to revoke any Registration issued under this Code for any of the following acts by the Registrant: (Amend Ord 04-044, 5/11/04)

1. Conviction of a violation constituting the practice of any fraud or deceit in securing (a) a Registration or (b) a permit.
2. Convictions of three (3) violations of the Mechanical Code committed within a period of twelve (12) consecutive months.
3. Accumulation of two (2) decisions of the Board for suspensions of Registration.

Such revocation of Registration by the Board shall be full and final cancellation of same, made effective on the date of the Board's decision. Any Registrant so judged by the Board shall not again be issued a Registration in the City.

- C. Suspension or Revocation Hearing: In considering charges under this Section regarding suspension or revocation of a Registration, the Board shall proceed upon sworn information furnished it by an official of the City, or by any person. Such information shall be in writing and shall be duly verified by the person familiar with the allegations made. The Board shall make an order setting the matter for hearing at a specified time and place, and the Secretary of the Board, with the advice of the City Attorney, shall cause a copy of the Board's order, and of the pertinent information, to be served upon the Registrant in person or by registered mail at least fifteen (15) days before the date set for the hearing. The Registrant may appear in person or by counsel at the time and place named in the order and present his defense to the Board. The City Attorney shall provide counsel for the Board. If the Registrant fails or refuses to appear, the Board may proceed to hear and determine the charge in his absence. If the Registrant pleads guilty or if, upon a hearing of the charge, the Board finds any of the charges to be true, it may enter an order suspending or revoking the registration. Failure to properly perfect an appeal in a court of competent jurisdiction within ten (10) days of receipt of the Board's decision shall render final the Board's decision. Suspension or revocation resulting from a decision of the Board shall preclude the Registrant from securing a permit for work controlled by that registration in the City, or from becoming so registered under alternate identification, as long as the suspension or revocation is in effect. (Amend Ord 03-035, 3/25/03)

ORDINANCE NO. 96-97

AN ORDINANCE AMENDING THE **"MECHANICAL"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE REPEAL OF THE EXISTING **"MECHANICAL"** CHAPTER AND THE ADOPTION OF A NEW **"MECHANICAL"** CHAPTER, RELATIVE TO THE ADOPTION OF THE 1994 UNIFORM MECHANICAL CODE; PROVIDING FOR A FINE UP TO **\$2,000** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Mechanical"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the repeal of the existing **"Mechanical"** Chapter and the adoption of a new **"Mechanical"** Chapter, so that hereafter said Chapter shall be and read as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Designation of Code

The provisions of this Chapter, including the adopted provisions of the Uniform Mechanical Code, as amended, are hereby designated the Mechanical Code of the City of Arlington, also referred to in this Chapter as "the Code" or "this Code".

Section 1.02 Adoption of the Uniform Mechanical Code

The Uniform Mechanical Code, 1994, Edition ("UMC"), as adopted and published by the International Conference of

Building Officials (ICBO), and the International Association of Plumbing and Mechanical Officials (IAPMO), is herein adopted together with the additions, deletions, and amendments hereinafter contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

Copies of the UMC and the Appendices adopted in this Section shall be kept of file in the Office of the City Secretary.

Section 1.03 Intent and Purpose

The purpose of this Code is to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

Section 1.04 Amendments, Additions and Deletions

The adoption by reference of the Uniform Mechanical Code, as provided in Section 1.02 hereof, is made subject to and is modified and amended as follows:

- A. By the addition thereto of Article II et seq. of this Chapter.
- B. By the amendments and deletions to Sections and Chapters of the Uniform Mechanical Code as follows:
 - 1. The deletion of Section 101.
 - 2. The deletion of Section 102.
 - 3. The amendment of Section 108.3 to read as follows:

Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the

Administrative Authority or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code. If such building or premises be unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, the Administrative Authority or their authorized representative shall obtain a warrant pursuant to the guidelines of Article V of the "Municipal Court" Chapter of the Code of the City of Arlington.

4. The amendment of Section 108.4 to read as follows:

Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the Administrative Authority may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person shall forthwith stop such work until:

- a. He or she is authorized by the Administrative Authority to proceed with the work; or
- b. An appeal perfected pursuant to Section 2.05 has resulted in a waiver of the condition causing the stop order, or a finding that there is no cause for a stop order.

Failure to stop such work, in addition to penalties and remedies elsewhere set forth, shall void any appeal.

5. The amendment of Section 110 to read as follows:

Board of Appeals. The Mechanical Board shall act as a Board of Appeals as provided in Article II of this Chapter.

6. The amendment of Section 111 to read as follows:

Violations; Penalty. It shall be unlawful for any person, firm or corporation to erect, construct,

enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code.

A person convicted of violating any of the provisions of this Code shall be guilty of a misdemeanor and each day or portion thereof during which any such violation continues shall be a separate offense. Each offense shall be punishable by a fine of not more than \$2,000.00.

The issuing or granting of a permit or approval of plans and specifications by the City shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of this Code, or any other ordinance of the City, shall be valid, except insofar as the work or use which is authorized is lawful.

The issuing or granting of a permit or approval of plans by the City shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance of the City, or from revoking any certificate of approval when issued in error.

7. The amendment of Section 114.1 to read as follows:

Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Administrative Authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Administrative Authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees specified in Section 115 have been paid, they shall issue a permit therefor to the applicant. "Applicant" in

this usage shall conform to the provisions of Sections 3.09 and 3.12 of the Mechanical Code of the City of Arlington.

8. The amendment of Section 115 to read as follows:

Fee Schedule.

- a. Any person, firm or corporation desiring a permit as required by this Mechanical Code shall, at the time of permit application, pay a fee as specified in Schedule 3-A, which shall set forth the fee structure as approved by the City Council of the City of Arlington by resolution and which may be amended from time to time by said City Council.
- b. Standards. The following standards shall apply to calculations and fees related to Schedule 3-A:
- (1) Final calculations shall be carried to the nearest whole dollar. Fractions greater than forty-nine one hundredths (0.49) shall be extended upward;
 - (2) For any installation not clearly defined herein, the Administrative Authority shall designate the applicable method of calculation;
 - (3) There shall be no full refund of any permit fee except when:
 - (a) The permit has been issued and no part of the work has commenced; or
 - (b) The permit has been issued through an error on the part of the City of Arlington, and it is found that the work applied for cannot be allowed.

The Administrative Authority shall not authorize the full refund of any fee paid under Schedule 3-A unless a written request is submitted by the original permittee no later than one hundred eighty (180) days after the date of the fee payment;

- (4) Refund of a fee submitted for any administrative action under this Chapter of the Code of the City of Arlington, other than a mechanical permit, shall be made in accordance with Section 4.12 of the "Construction" Chapter of said Code;
- (5) When the replacement of a contractor occurs during a project for which a permit has been issued pursuant to this Mechanical Code, the Administrative Authority may prorate the amount of the permit fee for the new contractor based on said Administrative Authority's determination of the percentage of work remaining; and
- (6) When it is determined after a permit has been issued that the scope of work is to be significantly changed, the Administrative Authority may authorize and require that appropriate adjustments be effected to the permit fee. Any increase in the permit fee shall be paid prior to performing any part of such increased scope of work. Any decrease in the permit fee which is based on previously approved work which will not be performed as earlier defined may be refunded in the amount of fifty percent (50%) of the fee represented by the percentage of work not to be performed; provided, however, that determination of such percentage and specific authorization of such refund shall be issued by the Administrative Authority. Refunds, if made, shall be made to the original permittee not later than sixty (60) days following approval of the permittee's written request for a refund determination.

9. The amendment of Section 204 so that the definition of "Building Code" is amended to read as follows:

BUILDING CODE is the "Construction" Chapter of the Code of the City of Arlington, 1987.

10. The amendment of Section 207 to add the following definition:

EXISTING MECHANICAL SYSTEM is any system, apparatus or equipment that has been approved for operation within the City by the Administrative Authority prior to the adoption of this Code.

11. The amendment of Section 221 to add the following definition:

SHALL, as it applies to an act or duty to be performed by the Administrative Authority pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

12. The amendment of Section 317.6.6 to read as follows:

A closet, bathroom or toilet room.

13. The amendment of Section 327.6 to read as follows:

Unvented. No unvented fuel-burning room heater shall be installed in any building, whether as a new or a replacement installation, unless permitted by this Section. This subsection shall not apply to portable oil-fired unvented heating appliances used as supplemental heating in Groups S and U Occupancies and regulated by the Fire Code.

14. The amendment of Section 601.1 by the addition of:

EXCEPTION: Ducted systems may pass through ceiling areas used as return air plenums.

15. The amendment of Table 6-F, Alternate Supports For Factory Made Air Ducts, to read:

ALTERNATE SUPPORTS FOR FACTORY MADE AIR DUCTS

Class 1 duct Material	Min. Support Material	Max. Support Spacing, Ft.
Rigid Round Fibrous	No. 26 gage x 5/8" wide galvanized iron strap	6
Corrugated Metal	No. 18 gage galvanized iron wire	6
Flexible	No. 30 gage x 3" wide galvanized iron strip	4

16. The amendment of Section 504.1 to add the following exceptions:

EXCEPTION: Ducted systems may pass through ceiling areas used as return air plenums.

17. The amendment of Section 508.10 to read as follows:

Prior to operation of the kitchen ventilation system, the fire extinguishing system shall be tested by an approved agency in the presence of the Administrative Authority. The fire extinguishing system may be approved by the Administrative Authority on the basis of the test results.

ARTICLE II

MECHANICAL CODE BOARD

Section 2.01 Board Created

A Mechanical Code Board is hereby created, consisting of five citizens of the City, to include two (2) licensed Mechanical Contractors and a Mechanical Engineer. They shall be appointed by the Arlington City Council for terms of two (2) years, except that the Council, for the first appointments to the Board, shall appoint two (2) members to a one (1) year term. The City Council may, prior to the expiration of any Board member's appointed term, remove said member for cause. A final conviction of any Board member of any provision of this Code or four (4) or more consecutive failures by a member to attend meetings of the Board without reasonable cause shall constitute cause for removal from office. Vacancies shall be filled for the unexpired terms of any members whose place or places on the Board have become vacant for any reason.

Section 2.02 Records of the Board

The Administrative Authority shall act as Secretary of the Board and shall keep a record of all examinations held, all applicants examined, and the results thereof, together with such other records as the Board may direct.

Section 2.03 Rules and Procedures

The Mechanical Board shall have the power to make and promulgate its own rules and procedures governing its meetings and proceedings subject to the provisions of the Code of the City of Arlington.

Section 2.04 Quorum

Three (3) members of the Board present at any meeting shall constitute a quorum for the transaction of any business or the carrying out of any duties, and any action taken at any meeting shall require the affirmative vote of at least three (3) members. The Chairman of any meeting of the Board shall vote.

Section 2.05 Appeals; Time Limit

- A. Whenever the Administrative Authority shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the installation or alteration of a mechanical system, or when it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or the duly authorized agent, may appeal from the decision of the Administrative Authority to the Board. Notice of appeal shall be made in writing and filed within thirty (30) days after the decision is rendered by the Administrative Authority. An administrative fee in the amount of fifty dollars (\$50.00) shall accompany such notice of appeal, which shall be made on a form provided by the Administrative Authority.
- B. For a condition which, in the opinion of the Administrative Authority, is unsafe or dangerous, the Administrative Authority may, in their order, limit the time for such appeal to a shorter period.
- C. Initiating work, or progressing with that portion of work, which is the particular issue on appeal, or progressing with work which would cover the matter on appeal, shall void such appeal.

Section 2.06 Board Decisions: Variations and Modifications

- A. The Board, when appealed to, shall conduct a hearing, and after such hearing, may vary the application of any provisions of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Code or the public interest, or when, in its opinion, the interpretation of the Administrative Authority should be modified or reversed.
- B. A decision of the Board to vary the application of any provision of this Code or to modify an order of the Administrative Authority shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

Section 2.07 Board Decisions; Procedure

- A. Every decision of the Board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Administrative Authority, and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be publicly posted in the office of the Administrative Authority for two (2) weeks after the filing thereof.

- B. The Board shall in every case reach a decision without unreasonable or unnecessary delay, making specific effort to reach a decision not later than thirty (30) days (excluding Saturdays, Sundays, and holidays) from the date of registering of appeal with the Secretary of the Board.

- C. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Administrative Authority, or varies the application of any provision of this Code, the Administrative Authority shall immediately take action in accordance with such decision.

- D. Any person, firm or corporation aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Unless such petition (appeal) shall be presented to the court within ten (10) days of the decision of the Board, the decision of the Board shall become final.

ARTICLE III

INDIVIDUAL LICENSE AND BUSINESS REGISTRATION

Section 3.01 Individual License

- A. License Required: Except as specifically exempted within this Article or by State law, it shall be unlawful for any person to engage in any business or perform any work in connection with constructing, installing, maintaining, extending, repairing or replacing any mechanical system, apparatus, or equipment, unless such person is the holder of a valid license to perform such work in the City of Arlington, except as provided in Section 3.08 of this Article; provided, however, that a helper may perform work prescribed for them by a holder of a Mechanical Contractor's License on such work repair and installation. Helpers may perform other work prescribed for them by the holder of a license, provided they are in the presence of and being supervised by the holder of such license and all other provisions of this Ordinance have been complied with in full.
- B. Limit of Work: It shall be unlawful for the holder of any license issued under the provision of this Code to engage in any phase of the mechanical business or perform any work of the mechanical trade other than such business or work authorized by that grade of license.
- C. State License: The holder of a valid State of Texas Air Conditioning Contractor's License shall be authorized to perform the work allowed by the state license. The holder of such state license shall register with the City as provided in Section 3.09. When business registration has been properly issued to the holder of such state license, a separate license shall not be required.

Section 3.02 Grades of License

- A. Mechanical Contractor's License: A Mechanical Contractor's License shall entitle the holder to contract for and engage in any work of the mechanical trade and to request inspections on permitted work. Such license shall also authorize the holder to install, alter,

maintain, relocate, or repair any type of air conditioning, heating, ventilation, and refrigeration equipment or other mechanical systems such as incinerators or other miscellaneous heat-producing appliances.

- B. Mechanical Service Contractor's License: This license shall authorize the Service Contractor to perform work such as servicing, repairing, or replacing existing mechanical equipment and to request inspections on such permitted work. Replacement of mechanical equipment shall be the same size (KW or BTU) and nature as existing equipment. This license shall not authorize the holder to add to an existing system or to install mechanical equipment in a new system.

- C. Heating and Air Conditioning Mechanic's License: This license shall authorize the holder to perform work as prescribed by the holder of a Mechanical Contractor's License or Mechanical Service Contractor's License, such work being performed under the supervision of the Contractor licensee and a permit having been issued according to Section 3.09 of this Article. This license shall not authorize the Mechanic to engage in the mechanical trade other than performing work for a Mechanical Contractor or Mechanical Service Contractor, and shall not authorize the Mechanic to request inspections.

- D. Temporary License: A temporary license may be issued to an applicant who qualifies under Section 4.03(c) for Mechanic's License; provided he has paid an examination fee and submitted an examination application for the next scheduled examination date. Such Temporary License shall be valid only until the next regularly scheduled examination, but in no case valid for more than sixty (60) days from the date of issuance.

Section 3.03 Individual License Fees; Schedule of Fees and Payment

The fees for licenses issued under this Section will be as specified by Schedule 3-B which shall set forth the fee structure as approved by the City Council by resolution and which may be amended from time to time by the City Council. An initial license fee shall be payable by a new licensee when the necessary examination, as provided in Article IV, has been passed. Renewal fees are payable from sixty (60)

days prior to the expiration date of the license through one hundred eighty (180) days following the expiration date. License renewal beyond this time, but less than two (2) years after the expiration date, shall be renewed only by payment again of the initial fee.

Section 3.04 Expiration of License

A license issued according to this Code shall expire annually, and shall be routinely reactivated by payment of renewal fee if application information remains accurate. A license not renewed for two (2) years or longer after the date of expiration may only be renewed upon compliance with the application and examination provisions of the Code, as if the holder thereof had never been licensed, and payment of the Initial Fee.

Section 3.05 License Suspension and Revocation

- A. License Suspended: The Mechanical Code Board shall have the authority to suspend any license issued under this Code for any of the following acts by the Licensee:
1. Forfeiting an appeal of a Stop Order under Section 201(d) by continued work, whether of Licensee or of one under his supervision, after the issuance of a Stop Order.
 2. Forfeiting an appeal from the Board under Section 2.05(c) by initiating work in violation of the Board's decision or prior to the Board's decision.
 3. Causing or permitting the unauthorized or prohibited use of a valid license, by Licensee or another, such as to allow the rights and privileges of licensing to be applied to one not duly licensed.
 4. Convictions of two (2) violations of any of the provisions of this Code committed within a period of twelve (12) consecutive months (except that remedy of the violation within twenty (20) days of notice of violation shall cause the waiver of such conviction for the purpose of this Subsection).

Such suspension of license shall be for a time not to exceed six (6) months. After expiration of such period of time as the Board shall have designated and after payment of any outstanding fines and routine renewal fee, if it has become due in the interim, the suspended license shall again become valid and effective.

- B. License Revoked: The Mechanical Code Board shall have the authority to revoke any license issued under this Code for any of the following acts by the Licensee:
1. Conviction of a violation constituting the practice of any fraud or deceit in securing (a) a license for Licensee or another or (b) a permit.
 2. Convictions of three (3) violations of the Mechanical Code committed within a period of twelve (12) consecutive months, subject to waiver provision in Section 3.05(a)(4).
 3. Accumulation of two (2) decisions of the Board for suspensions of license.
 4. Accumulation of two (2) forfeitures of appeals, as set forth in Section 3.05(a)(1) and (2), within a period of twelve (12) consecutive months.

Such revocation of license by the Board shall be full and final cancellation of same, made effective on the date of the Board's decision. Any Licensee so judged by the Board shall not again be issued that grade of license in the City.

- C. Suspension or Revocation Hearing: In considering charges under this Section regarding suspension or revocation of a license, the Board shall proceed upon sworn information furnished it by an official of the City, or by any person. Such information shall be in writing and shall be duly verified by the person familiar with the allegations made. The Board shall make an order setting the matter for hearing at a specified time and place, and the Secretary of the Board, with the advice of the City Attorney, shall cause a copy of the Board's order, and of the pertinent information, to be served upon the Licensee in person or by registered mail at least fifteen (15) days before the date set for the hearing. The Licensee may appear in person or by counsel at the time and place named in the order and present his defense to the Board. The City Attorney

shall provide counsel for the Board. If the Licensee fails or refuses to appear, the Board may proceed to hear and determine the charge in his absence. If the Licensee pleads guilty or if, upon a hearing of the charge, the Board finds any of the charges to be true, it may enter an order suspending or revoking the license. Failure to properly perfect an appeal in a court of competent jurisdiction within ten (10) days of receipt of the Board's decision shall render final the Board's decision. Suspension or revocation resulting from a decision of the Board shall preclude the Licensee from securing a permit for work controlled by that license in the City, or from becoming so licensed under alternate identification, as long as the suspension or revocation is in effect.

Section 3.06 General License Requirements

A. Transfer of License Prohibited:

1. No license issued or renewed under the terms of this Code shall ever be transferred to or used by a person other than the one to whom it has been issued.
2. It shall be unlawful for the holder of a license of any grade to allow their name or license to be used by any other person, firm or corporation, directly or indirectly, for the purpose of obtaining a permit or for performing work under his license.
3. Notwithstanding the other provisions of Section 3.05 herewith, upon final conviction of any violation of Parts (1) and (2) above, the license of such person shall be automatically suspended for a period of six months.

B. Age: No person under eighteen (18) years of age shall be licensed as a Mechanical Contractor or a Mechanical Service Contractor.

C. Employment or Unlicensed Workers: It shall be unlawful for a Mechanical Contractor or a Mechanical Service Contractor to employ any person to do or to perform any work governed by this Code for which a license is required unless such person holds a license authorizing

him to perform such work, except as expressly provided under Section 3.01(a).

- D. Display of License: The holder of a license granted under this Code shall carry his license on or about his person at all times while performing mechanical work and shall present such license immediately upon request of the Administrative Authority or their designated representative.
- E. Address and Telephone Number: The holder of a license of any grade shall furnish the Administrative Authority with a written notice of their permanent address. The holder of any Contractor's License shall furnish, in addition, a written notice of the address and telephone number of their regularly established place of business.
- F. Vehicle Markings: A street vehicle, operated by a licensee or an employee of a licensee, and used in the business of performing work under this Code, shall bear markings clearly expressing, in letters not less than two inches (2") in height, the name of the firm or corporation for which work is being performed by the licensee.

Section 3.07 Licensing Under New License Grade

- A. When it is found judicious by the City of Arlington to define a grade of license under this Code not previously established, provisions shall be made for individuals practically performing, at the time of pertinent ordinance adoption or amendment, the work to be licensed, such that said individuals may be lawfully enrolled with the City and may continue an existing operation without disruption, provided that such continuance is in compliance with the newly established regulations.
- B. An individual currently, as of the date of pertinent ordinance adoption or amendment, performing work being brought under license as expressed in (A) above may become automatically licensed by the City upon approval of their application by the Mechanical Code Board, payment of necessary fees, and submitting satisfactory evidence to the Administrative Authority showing accomplishment of the specific qualifications listed for the subject license.

- C. An application for automatic licensing, as provided in (B) above, must be received by the Administrative Authority within sixty (60) days following the date of the pertinent ordinance adoption or amendment. Applications received later than sixty (60) days following such date shall require standard examination procedures as defined for the subject license.

Section 3.08 Exemption from License Requirement

- A. Homeowner: A homeowner may personally install, service, or repair mechanical equipment within their own home without a license, provided they obtain such mechanical permits as may be required in this Code for such installation, and receive required inspections, and satisfy the Administrative Authority as to their ability to install such equipment according to the City of Arlington Mechanical Code. Such homeowner installation shall only be performed by the owner of the structure, who has their legal residence there, and who is not assisted by any other person for remuneration.
- B. Hood: A license under this Article shall not be required for the installation of a Hood. A person, firm or corporation seeking to install a Hood for a cooking appliance shall submit, along with permit application, plans and specifications sufficient to show the work to be in compliance with this Code. License exemption notwithstanding, a Hood shall be installed and inspected as provided in this Code.
- C. Dry Chemical Extinguisher System: A license under this Article shall not be required for the installation of a dry chemical fire extinguishing system. A person, firm or corporation seeking to install such a system shall submit, along with permit application, evidence of licensing by the State of Texas for the installation of such a system, and plans and specifications sufficient to show the work to be in compliance with this Code. License exemption notwithstanding, a dry chemical fire extinguishing system shall be installed and inspected as provided in this Code.

Section 3.09 Business Registration

- A. Registration Required: Except as specifically exempted within this Article, it shall be unlawful for any

person, firm or corporation to perform, or cause to be performed, any work described in this Code as requiring a permit unless such person, firm or corporation is the holder of a valid registration with the City to perform such work. Such person, firm or corporation shall be herein termed Registrant. In extending the rights and privileges of such registration, the City makes no statement of the technical competency of those so registered, and no manner of license is proffered.

B. Information to be Provided: An applicant for registration under this Section shall provide to the Administrative Authority the following information:

1. The complete name, complete mailing address and telephone number of the firm or corporation.
2. The name and private mailing address of a principal of the firm or corporation who is a person authorized to bind the firm or corporation in legal agreements.
3. The name and license identification of the Licensed Individual, as provided for in Section 3.01 of this Code, through whom the person, firm or corporation is to be represented in all activities before the Administrative Authority (except registration for a person, firm or corporation specifically exempted from license requirements).
4. Other pertinent information deemed necessary by the Administrative Authority.

Every Registrant doing work in any City rights-of-way shall carry Contractor's Public Liability Insurance in not less than the following amounts.

Mechanical Contractor's or Class "A" State License:

\$300,000 Combined Property Damage & Bodily Injury
Service Contractor's, Fire Extinguisher or Class "B"
State License:

\$100,000 Combined Property Damage & Bodily Injury

The Registrant shall make the City of Arlington a Certificate Holder and present proof of insurance at the time of registration and all subsequent renewals. Notice of policy cancellations, or failure to renew

coverage shall be cause for revocation of registration, denial of inspections or cancellation of permits.

- C. Transfer of Registration Prohibited: No Registrant under this Section shall allow his registration, by name or other identification, to be transferred or assigned to, or in any manner directly or indirectly used by, any person, firm or corporation other than the one to whom issued by the Administrative Authority, for any purpose.
- D. 1. Exemption for Homeowner: No such registration requirements shall exist for alteration or repair work to be performed on a residential structure when the person performing the alteration or repair work is the owner of the structure, and has his legal residence there, and is not assisted by any other person for remuneration. The homeowner shall be automatically termed Registrant for the purposes of such a project. Notwithstanding such relief from registration, all requirements for permits for the work shall remain in force.
2. Exemption for Maintenance Personnel: These registration requirements shall not apply to mechanical work necessary for the continued normal performance of any mechanical system when such work is performed by bona fide maintenance personnel or maintenance engineers, incidental to and in connection with the business in which he is employed or engaged and who does not engage in the occupation of air conditioning and refrigeration contracting for the general public. Notwithstanding such relief from registration, all requirements for permits for the work shall remain in force.
- E. Business Registration Fee: For a Business Registration, pursuant to Section 3.09, a fee shall be paid in addition to the other provisions provided herein. The fee will be specified by Schedule 3-C which shall set forth the fee structure as approved by the City Council by resolution and which may be amended from time to time by the City Council.
- F. Expiration and Renewal of Business Registration: Registration shall expire annually and shall be routinely reactivated by payment of a renewal fee if application information remains accurate. A registration may be renewed, as herein provided, at any time

from sixty (60) days preceding the date of expiration through ninety (90) days following the date of expiration. A registration not renewed for ninety (90) days beyond the date of expiration shall require resubmittal of registration information and payment of fee as for initial registration.

Section 3.10 Permit Issued Only to Registrant

A permit to perform, or cause to be performed, any work regulated by this Code shall only be issued to a Registrant, as provided for in Section 3.09, and only after the requirements defined in this Article have been accomplished. For work requiring licensing under this Article, no permit shall be issued unless Registrant designates the Mechanical Contractor or the Mechanical Service Contractor, whichever is applicable, who will be responsible to the Administrative Authority for the prosecution and supervision of the work to be performed; only such designated Contractor may request inspections. Prior to issuance of the permit, the Administrative Authority may review the proposed project with other departments of the City to ensure that no conflict with other City regulations is created or perpetuated by issuance of the permit. An adverse determination in this review may be grounds for denial of the permit.

Section 3.11 Responsibilities of Licensee and Registrant

- A. Operations: Licensed Contractors and Mechanics shall be responsible for the performance of permitted work in compliance with this Code.
- B. Administration: Registrants shall be responsible for the employment of licensed personnel to perform the permitted work, and for the payment of fees as required by this Code.

Section 3.12 Registration Suspension and Revocation

The provisions contained in Section 3.05 for suspension or revocation of individual license shall apply as well to Business Registration. For purposes of this Section, reference within Section 3.05 to "license" shall necessarily denote "registration", and reference to "Licensee" shall necessarily denote "Registrant".

ARTICLE IV

EXAMINATIONS

Section 4.01 Examination Prerequisite to License

An applicant for a license of any grade shall pass a designated examination precedent to the issuance of such license, unless otherwise provided in Section 3.07. Such examinations shall be prepared and administered by the City of Arlington, shall be appropriate to the grade of license for which the applicant is examined, and shall inquire into the applicant's knowledge of this Code and such other matters of technical knowledge as may be deemed necessary or advisable.

Section 4.02 Time and Place of Examination

Examinations shall be held at a time and place designated by the City of Arlington.

Section 4.03 Qualifications of Applicants

- A. An examinee for Mechanical Contractor's License shall be of good moral character, and shall have at least three (3) years' experience in the mechanical (heating and air conditioning) trade; or shall have a degree in mechanical engineering from an accredited college or university; or shall have an associate of applied science degree from an accredited two-year college or university for refrigeration and air conditioning technology and at least one (1) year's practical mechanical experience; or shall have earned a diploma from a recognized trade school and have at least one (1) year's practical mechanical experience. All applicants shall hold a valid Mechanic's License issued by the City of Arlington in compliance with all provisions of this Code.
- B. An examinee for Mechanical Service Contractor's License shall be of good moral character, and shall have at least two (2) years' experience in the mechanical (heating and air conditioning) trade; or shall have a degree in mechanical engineering from an accredited college or university; or shall have an associate of applied science degree from an accredited two-year

college or university for refrigeration and air conditioning technology and at least one (1) year's practical mechanical experience. All applicants shall hold a valid Mechanic's License issued by the City of Arlington in compliance with all provisions of this Code.

- C. An examinee for Heating and Air Conditioning Mechanic's License shall be of good moral character, and shall have at least one (1) year's experience in the repairing and service of mechanical equipment; or shall have a degree in mechanical engineering from an accredited college or university; or shall have an associate of applied science degree from an accredited two-year college or university for refrigeration and air conditioning technology; or shall have earned a diploma from a recognized trade school.

Section 4.04 Examination Fees

In order to take the examination each examinee shall pay a fee as specified by Schedule 4-A which shall set forth the fee structure as approved by the City Council by resolution and which may be amended from time to time by the City Council.

Section 4.05 Examination After Failure

An applicant who fails to pass his first examination shall not be examined again prior to the expiration of one (1) calendar month from the date of said first examination. An applicant who fails to pass his second examination shall not be examined again prior to the expiration of six (6) calendar months from the date of said first examination. An applicant who fails to pass his third examination shall not be examined again prior to the expiration of twelve (12) months from the date of said first examination. An applicant who fails to pass three (3) examinations for any license shall be entitled to examination for such license one time within any period of twelve (12) consecutive months, as long as he shall so desire.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof

shall be fined an amount not to exceed **Two Thousand and No/100 Dollars (\$2,000)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this

ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **25th** day of **June, 1996**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **2nd** day of **July, 1996**, by a vote of **7** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 03-035

AN ORDINANCE AMENDING "**THE MECHANICAL CODE**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED GENERAL PROVISIONS, RELATIVE TO THE ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2000 EDITION, AND THE INTERNATIONAL FUEL GAS CODE, 2000 EDITION; THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED INDIVIDUAL LICENSE AND BUSINESS REGISTRATION, RELATIVE TO REGISTRATION; PROVIDING FOR A FINE UP TO **\$2,000** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Mechanical**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended by the amendment of Article I so that hereafter said Article shall be and read as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Designation of Code

The provisions of this Chapter, including the adopted provisions of the International Mechanical Code, as amended, are hereby designated the Mechanical Code of the City of Arlington, also referred to in this Chapter as "the Code" or "this Code".

Section 1.02 Adoption of the International Mechanical Code and the International Fuel Gas Code

A. The International Mechanical Code, 2000 Edition ("IMC"), as adopted and published by the International Code Council ("ICC"), is herein adopted together with the additions, deletions, and amendments hereinafter

contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

Copies of the IMC and the Appendices adopted in this Section shall be kept on file in the Office of the City Secretary.

The International Fuel Gas Code, 2000 Edition ("IFGC"), is adopted and amended in the Plumbing Chapter of the Code of Ordinances. Those provisions of the IFGC that are applicable to the scope of mechanical work being performed shall be as if the same provisions are adopted in this chapter.

- B. In the event of a conflict between the adopted provisions of the IMC and other provisions of this Chapter, the other (non-IMC) provisions of this Chapter shall be controlling.

Section 1.03 Intent and Purpose

The purpose of this Code is to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

Section 1.04 Amendments, Additions and Deletions

The adoption by reference of the International Mechanical Code, as provided in Section 1.02 hereof, is made subject to and is modified and amended as follows:

- A. By the addition thereto of Article II et seq. of this Chapter.
- B. By the amendments and deletions to Sections and Chapters of the International Mechanical Code as follows:
 - 1. The deletion of Section 101.1, entitled Title.
 - 2. The deletion of Section 101.3, entitled Intent.
 - 3. The amendment of Section 102.8, entitled Referenced codes and standards, to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, 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 Electrical Code as adopted.

4. The amendment of Section 103.1, entitled General, to read as follows:

103.1 General. The executive official in charge of mechanical inspection shall be the Code Official, also known as the Building Official or Administrative Authority.

5. The amendment of Section 104.1, entitled General, to read as follows:

104.1 General. The Code Official shall enforce the provisions of this code and shall act on any question relative to the installation, alteration, repair, maintenance or operation of mechanical systems, except as otherwise specifically provided in statutory requirements.

6. The amendment of Section 104.5, entitled Right of entry, to read as follows:

104.5 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code. If such building or premises be unoccupied, they shall first make a reasonable effort to locate the owner or other

persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, the Administrative Authority or their authorized representative shall obtain a warrant pursuant to the "Municipal Court" Chapter of the Code of the City of Arlington.

7. The amendment of Section 106.4, entitled Permit issuance, to read as follows:

106.4 Permit issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Administrative Authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Administrative Authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees specified in Section 106.5 have been paid, they shall issue a permit therefore to the applicant. "Applicant" in this usage shall conform to the provisions of Sections 3.02 of the Mechanical Code of the City of Arlington.

8. The amendment of Section 106.5, entitled Fees, to read as follows:

106.5 Fees.

106.5.1 Any person, firm or corporation desiring a permit as required by this Mechanical Code shall, at the time of permit application, pay a fee as specified in the fee structure as approved by the City Council of the City of Arlington by resolution and which may be amended from time to time by said City Council.

106.5.2 Standards. The following standards shall apply to calculations and fees:

106.5.2.1 Final calculations shall be carried to the nearest whole dollar. Fractions greater than forty-nine one hundredths (0.49) shall be extended upward;

106.5.2.2 For any installation not clearly defined herein, the Administrative Authority shall designate the applicable method of calculation;

106.5.2.3 There shall be no full refund of any permit fee except when:

106.5.2.3.1 The permit has been issued and no part of the work has commenced; or

106.5.2.3.2 The permit has been issued through an error on the part of the City of Arlington, and it is found that the work applied for cannot be allowed.

The Administrative Authority shall not authorize the full refund of any fee paid under Schedule 3-A unless a written request is submitted by the original permittee no later than one hundred eighty (180) days after the date of the fee payment;

106.5.3 Refund of a fee submitted for any administrative action under this Chapter of the Code of the City of Arlington, other than a mechanical permit, shall be made in accordance with Section 4.12 of the "Construction" Chapter of said Code;

106.5.4 When the replacement of a contractor occurs during a project for which a permit has been issued pursuant to this Mechanical Code, the Administrative Authority may prorate the amount of the permit fee for the new contractor based on said Administrative Authority's determination of the percentage of work remaining; and

106.5.5 When it is determined after a permit has been issued that the scope of work is to be significantly changed, the Administrative Authority may authorize and require that appropriate adjustments be effected to the permit fee. Any increase in the permit fee shall be paid prior to performing any part of such increased scope of work. Any decrease in the permit fee which is based on previously approved work which will not be performed as earlier defined may be refunded in the amount of fifty percent (50%) of the fee represented

by the percentage of work not to be performed; provided, however, that determination of such percentage and specific authorization of such refund shall be issued by the Administrative Authority. Refunds, if made, shall be made to the original permittee not later than sixty (60) days following approval of the permittee's written request for a refund determination.

9. The deletion of Section 107.2, entitled Testing.
10. The deletion of Section 107.3, entitled Coordination of inspections.
11. The deletion of Section 108.3, entitled Prosecution of violation.
12. The amendment of Section 108.4, entitled Violation penalties, to read as follows:

108.4 Violation Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code.

A person convicted of violating any of the provisions of this Code shall be guilty of a misdemeanor and each day or portion thereof during which any such violation continues shall be a separate offense. Each offense shall be punishable by a fine of not more than \$2,000.00.

The issuing or granting of a permit or approval of plans and specifications by the City shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of this Code, or any other ordinance of the City, shall be valid, except insofar as the work or use which is authorized is lawful.

The issuing or granting of a permit or approval of plans by the City shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in

violation of this Code or of any other ordinance of the City, or from revoking any certificate of approval when issued in error.

13. The amendment of Section 108.5, entitled Stop work orders, to read as follows:

108.5 Stop work orders. Whenever any work is being done contrary to the provisions of this Code, the Administrative Authority may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person shall forthwith stop such work until:

- a. He or she is authorized by the Administrative Authority to proceed with the work; or
- b. An appeal perfected pursuant to Section 2.05 has resulted in a waiver of the condition causing the stop order, or a finding that there is no cause for a stop order.

Failure to stop such work, in addition to penalties and remedies elsewhere set forth, shall void any appeal.

14. The amendment of Section 109, entitled Means of Appeal, to read as follows:

109.1 Board of Appeals. The Mechanical Board shall act as a Board of Appeals as provided in Article II of this Chapter.

15. The amendment of Section 202, entitled General Definitions, to add the following definition:

BUILDING CODE. The "Construction" Chapter of the Code of the City of Arlington, 1987, as amended.

16. The amendment of Section 202 so that the definition of "Code Official" is amended to read as follows:

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The Code Official is also the Building Official and Administrative Authority.

17. The amendment of Section 202 to add the following definition:

EXISTING MECHANICAL SYSTEM. Any system, apparatus or equipment that has been approved for operation within the City by the Administrative Authority prior to the adoption of this Code.

18. The amendment of Section 202 to add the following definition:

SHALL. As it applies to an act or duty to be performed by the Administrative Authority pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

19. The amendment of Section 302.3, entitled Cutting, notching and boring in wood framing, to read as follows:

302.3 Cutting, notching and boring in wood framing. When permitted by the International Building Code, the cutting, notching and boring of wood framing members shall comply with Sections 302.3.1 through 302.3.3.

20. The deletion of Section 304.5, entitled Private garages.

21. The amendment of Section 304.8, entitled Clearances from grade, to read as follows:

304.8 Clearances from grade. Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining grade a minimum of 3 inches (76 mm) or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade.

22. The amendment of Section 306.3, entitled Appliances in attics, to read as follows:

306.3 Appliances in attics. Attics containing appliances requiring access shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24

inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. As a minimum, access to the attic space of residential uses shall be provided by one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.

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

23. The amendment of Section 306.3.1, entitled Electrical requirements, to read as follows:

306.3.1 Electrical requirements. A lighting fixture controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with the ICC Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

24. The amendment of Section 306.4.1, entitled Electrical requirements, to read as follows:

306.4.1 Electrical requirements. A lighting fixture controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with the ICC Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

25. The amendment of Section 306.5, entitled Equipment and appliances on roofs or elevated structures, to read as follows:

306.5 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 (4877 mm), such access shall be provided by a permanent approved means of access. Permanent exterior ladders providing roof access need not extend closer than 8 feet (2438 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 4 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 Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

26. The amendment of Section 306.6, entitled Sloped roofs, to add a second paragraph to read as follows:

A receptacle outlet shall be provided at or near the appliance location in accordance with the Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

27. The addition of Section 306.6.1, entitled Catwalk, to read as follows:

306.6.1 Catwalk. On roofs having slopes greater than 4 units vertical in 12 units horizontal, 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 the working platform at the appliance.

28. The addition of Section 306.7, entitled Water heaters above ground or floor, to read as follows:

306.7 Water heaters above ground or floor. When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

306.7.1 Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet

shall be provided in accordance with Section 306.3.1.

29. The amendment of Section 307.2.1, entitled Condensate disposal, to read as follows:

307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a permanently wet p-trap. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk or other areas so as to cause a nuisance.

EXCEPTIONS:

1. Condensate may discharge directly to a roof drain that connects to an underground storm sewer system,
2. Condensate may discharge directly onto roofs covered with membrane type roof coverings where the condensate will drain to a roof drain that connects to an underground storm sewer system,
3. Condensate may discharge to a landscaped area containing flowers and other bedding plants other than turf. There must be five square feet of landscaped area for each ton of refrigeration, or
4. Condensate may discharge to a French drain consisting of a pit excavated below grade that is not less than 24 inches (610 mm) in any dimension. The pit shall be filled with coarse gravel and the drainpipe shall extend into the pit and be securely anchored. A single drain shall not receive the condensate discharge of more than 10 tons nominal of combined cooling capacity. The pit shall be covered with sod after inspection. The French drain shall not be located so that it will receive direct discharge from a roof or a downspout.

30. The amendment of Section 307.2.2, entitled Drain pipe materials and sizes, to add a second paragraph to read as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. All components shall be selected for the pressure and temperature rating of the installation. Condensate waste and drain line size shall be not less than ¾-inch (19 mm)

internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with an approved method. All horizontal sections of drain piping shall be installed in uniform alignment at a uniform slope.

Condensate waste pipes from air-cooling coils may be sized in accordance with equipment capacity as follows:

Equipment Capacity in tons of refrigeration	Minimum Condensate Pipe Inside Diameter
Up to 20 tons	¾ inch
Over 20 to 40 tons	1 inch
Over 40 to 90 tons	1 ¼ inch
Over 90 to 125 tons	1 ½ inch
Over 125 to 250 tons	2 inch

The size of condensate waste pipes may be for one unit or a combination of units, or as recommended by the manufacturer. The minimum slope for all condensate piping is 1/8 inch per foot.

31. The amendment of Section 307.2.3, entitled Auxiliary and secondary drain systems, to add item #4 to read as follows:

307.2.3 Auxiliary and secondary drain systems. In addition to the requirements of Section 307.2.1, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil where damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping. One of the following methods shall be used:

1. An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1.5 inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion-resistant material. Metallic

pans shall have a minimum thickness of not less than 0.0276-inch (0.7 mm) galvanized sheet metal. Non-metallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.
 3. An auxiliary drain pan without a separate drain line shall be provided under the coils on which condensate will occur. Such pan shall be equipped with a water-level detection device that will shut off the equipment served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.
 4. Discharge, as noted, shall be to a conspicuous point of disposal to alert occupants in the event of a stoppage of the drain.
32. The amendment of Section 401.5, entitled Opening location, to modify the Exception to read as follows:

401.5 Opening location. Outside air exhaust and intake openings shall be located a minimum of 10 feet (3048 mm) from lot lines or buildings on the same lot. Where openings front on a street or public way, the distance shall be measured to the centerline of the street or public way.

EXCEPTIONS:

1. Group R-3.
 2. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.
33. The amendment of Section 403.2, entitled Outdoor air required, to add an exception to read as follows:

403.2 Outdoor air required. The minimum ventilation rate of required outdoor air shall be determined in accordance with Section 403.3.

EXCEPTION: Where the design professional demonstrates that an engineered ventilation system is designed in accordance with ASHRAE 62, the minimum required rate of outdoor air shall be permitted to be as specified in such engineered system design.

34. The amendment of Section 403.2.1, entitled Recirculation of air, to add item #4 to read as follows:

403.2.1 Recirculation of air. The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.
 2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces.
 3. Where mechanical exhaust is required by Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3
 4. Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.
35. The amendment of Table 403.3, entitled Required Outdoor Ventilation Air, to change footnote g to read as follows:
- g. Transfer air permitted in accordance with Section 403.2.2. Toilet rooms within private

dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

36. The amendment of Section 501.3, entitled Outdoor discharge, to read as follows:

501.3 Outdoor discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawl space.

Exceptions:

1. Whole-house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall not be prohibited.
 2. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.
37. The amendment of Section 504.6, entitled Domestic clothes dryer ducts, to read as follows:

504.6 Domestic clothes dryer ducts. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of 4 inches (102 mm) in diameter. The entire exhaust system shall be supported and secured in place. The male end of the duct at overlapped duct joints shall extend in the direction of airflow. Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single lengths not to exceed 8 feet (2438 mm) and shall be listed and labeled for the application. Transition ducts shall not be concealed within construction. The size of the duct shall not be reduced along its developed length nor at the point of termination.

38. The amendment of Section 504.6.1, entitled Maximum length, to read as follows:

504.6.1 Maximum length. The maximum length of a clothes dryer exhaust duct shall not exceed 25

feet (7620 mm) from the dryer location to the outlet terminal with not more than two bends. When extra bends are installed, the maximum length of the duct shall be reduced 2.5 feet (762 mm) for each 45-degree (0.79 rad) bend and 5 feet (1524 mm) for each 90-degree (1.6 rad) bend that occur after the first two bends, measuring in the direction of airflow.

Exception: Where the make and model of the clothes dryer to be installed is known and the manufacturer's installation instructions for such dryer are provided to the code official, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the dryer manufacturer's installation instructions.

39. The amendment of Section 506.3.11, entitled Duct enclosure, to read as follows:

506.3.11 Duct enclosure. A grease duct serving a Type I hood that penetrates a ceiling, wall or floor shall be enclosed from the point of penetration to the outlet terminal. A duct shall only penetrate exterior walls at locations where unprotected openings are permitted by the International Building Code. Ducts shall be enclosed in accordance with the International Building Code requirements for shaft construction. The duct enclosure shall be sealed around the duct at the point of penetration and vented to the outside of the building through the use of weather-protected openings. The enclosure shall be separated from the duct by a minimum of 3 inches (76 mm) and a maximum of 12 inches (305 mm) and shall serve a single grease exhaust duct system.

Exceptions:

1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration firestop system classified in accordance with ASTM E 814 and having an "F" and "T" rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling wall or floor to the outlet terminal with a classified and labeled material, system, method of construction or

product specifically evaluated for such purpose, in accordance with a nationally recognized standard for such enclosure materials.

2. A duct enclosure shall not be required for a grease duct that penetrates only a nonfire-resistance-rated roof/ceiling assembly.

40. The amendment of Section 507.17, entitled Performance test, to read as follows:

507.17 Performance test. Prior to operation of the kitchen ventilation system, the fire extinguishing system shall be tested by an approved agency in the presence of the Administrative Authority. The fire extinguishing system may be approved by the Administrative Authority on the basis of the test results.

41. The amendment of Section 510.7, entitled Suppression required, to read as follows:

510.7 Suppression required. Ducts shall be protected with an approved automatic fire suppression system installed in accordance with the *International Building Code*.

Exceptions:

1. An approved automatic fire suppression system shall not be required in ducts conveying materials, fumes, mists and vapors that are nonflammable and noncombustible.
2. Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).

42. The amendment of Section 607.2.2, entitled Hazardous exhaust ducts, to read as follows:

607.2.2 Hazardous exhaust ducts. Hazardous exhaust duct systems shall extend directly to the exterior of the building and shall not extend into or through ducts and plenums. Penetration of structural elements shall conform to this section and the *International Building Code* except that fire dampers are not required at penetration of fire-resistance-rated assemblies.

43. The amendment of Section 607.5.1, entitled Fire walls, to read as follows:

607.5.1 Fire walls. Ducts and transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with approved fire dampers installed in accordance with their listing. Hazardous exhaust ducts shall not penetrate fire walls.

44. The amendment of Section 607.6.1, entitled Through penetrations, to read as follows:

607.6.1. Through penetrations. In occupancies other than Groups I-2 and I-3, penetrations by an air duct through a fire-resistive-rated floor/ceiling assembly that connects not more than two stories are permitted without shaft enclosure protection where a fire damper is installed at the floor line.

45. The deletion of Chapter 14, entitled Solar Systems.

Further, Article III, Individual License and Business Registration, is hereby amended so that hereafter said Article shall be and read as follows:

ARTICLE III

REGISTRATION

Section 3.01 Permit Issued Only to Registrant

A permit to perform, or cause to be performed, any work regulated by this Code shall only be issued to a Registrant, as provided for in this Chapter, and only after the requirements defined in this Chapter have been accomplished. Prior to issuance of the permit, the Administrative Authority may review the proposed project with other departments of the City to ensure that no conflict with other City regulations is created or perpetuated by issuance of the permit. An adverse determination in this review may be grounds for denial of the permit.

Section 3.02 Registration

- A. Registration Required: Except as specifically exempted within this Chapter, it shall be unlawful for any person, firm, corporation or other entity to perform, or cause to be performed, any work described in this

Chapter as requiring a permit unless such person, firm, corporation or other entity is the holder of a valid registration with the City to perform such work. Such person, firm, corporation, or other entity shall be termed Registrant. In extending the rights and privileges of such registration, the City makes no statement or representation of any kind as to the competency of those so registered, and no manner of registration is proffered.

B. Information to be Provided: An applicant for registration under this Section shall provide to the Administrative Authority the following information:

1. The complete name, complete mailing address and telephone number of the person, firm, corporation, or other entity.
2. The name and private mailing address of a principal of the firm or corporation who is a person authorized to bind the firm or corporation in legal agreements.
3. The name, mailing address and telephone number of the individual that is properly licensed in accordance with the requirements of the Air Conditioning and Refrigeration Contractor License Law, as amended, (Texas Civil Statutes, Article 8861) along with the class of the license and all endorsements. This shall apply to persons, firms or corporations registering to perform mechanical work defined as environmental air conditioning, commercial refrigeration and process cooling and heating as defined by the Air Conditioning and Refrigeration Contractor License Law, as amended, (Texas Civil Statutes, Article 8861).
4. The name of the individual that is responsible for the day to day operation of the business and who has the authority to supervise work and direct changes as may be required to comply with this Chapter. This shall apply to persons, firms or corporations registering to perform mechanical works that is not defined as environmental air conditioning, commercial refrigeration and process cooling and heating in accordance with the Air Conditioning and Refrigeration Contractor License Law, as amended, (Texas Civil Statutes, Article 8861).
5. Other pertinent information deemed necessary by the Administrative Authority.

Every Registrant shall contact the office of the Building Official to ensure the accurate revision of registration information, including any change of address or telephone number, within ten (10) days from the date that the previous information supplied in the application becomes invalid for any reason. Failure to revise inaccurate information, or providing false, misleading or inaccurate information when applying for registration, shall constitute an offense.

Every Registrant doing work in any City rights-of-way shall carry Contractor's Public Liability Insurance with a combined single limit of not less than Five Hundred Thousand and No/100 Dollars (\$500,000) per occurrence, with an aggregate of not less than Five Hundred Thousand and No/100 Dollars (\$500,000).

The Registrant shall make the City of Arlington a Certificate Holder and present proof of insurance at the time of registration and all subsequent renewals. Notice of policy cancellations, or failure to renew coverage shall be cause for revocation of registration, denial of inspections or cancellation of permits.

- C. Building Official Shall Respond: After application for registration has been received, the Building Official shall act promptly to issue the registration or to determine upon what basis the registration will not be issued. The Building Official shall respond to the applicant not later than two (2) weeks following receipt of the application.
- D. Transfer of Registration Prohibited: No Registrant under this Section shall allow his or her registration, by name or other identification, to be transferred or assigned to, or in any manner directly or indirectly used by, any person, firm or corporation other than the one to whom issued by the Administrative Authority, for any purpose.
- E. Registration Fee: For a Registration, pursuant to this Chapter, a fee shall be paid in addition to the other provisions provided herein. The fee will be specified by the fee structure as approved by the Arlington City Council by resolution and which may be amended from time to time by the Arlington City Council.
- F. Expiration and Renewal of Registration: Registration shall expire annually and shall be routinely reactivated by payment of a renewal fee if application information remains accurate. A registration may be

renewed, as herein provided, at any time from sixty (60) days preceding the date of expiration through ninety (90) days following the date of expiration. A registration not renewed for ninety (90) days beyond the date of expiration shall require resubmittal of registration information and payment of fee as for initial registration.

Section 3.03 Responsibilities of Registrant

- A. Operations: Registrants shall be responsible for the performance of permitted work in compliance with this Code.
- B. Administration: Registrants shall be responsible for the payment of fees as required by this Chapter.

Section 3.04 Exemption from Registration Requirement

A homeowner may personally install, service, or repair mechanical equipment within their own home without a registration, provided they obtain such mechanical permits as may be required in this Code for such work, and receive required inspections. Such homeowner installation shall only be performed by the owner of the structure, who has their legal residence there, and who is not assisted by any other person for remuneration.

Section 3.05 Registration Suspension and Revocation

- A. Registration Suspended: The Mechanical Code Board shall have the authority to suspend any Registration issued under this Code for any of the following acts by the Registrant:
 - 1. Forfeiting an appeal from the Board under Section 2.05(C) by initiating work in violation of the Board's decision or prior to the Board's decision.
 - 2. Causing or permitting the unauthorized or prohibited use of a valid Registration, such as to allow the rights and privileges of Registration to be applied to one not duly registered.
 - 3. Convictions of two (2) violations of any of the provisions of this Code committed within a period of twelve (12) consecutive months.

Such suspension of Registration shall be for a time not to exceed six (6) months. After expiration of such period of time as the Board shall have designated and after payment of any outstanding fines and routine renewal fee, if it has become due in the interim, the suspended Registration shall again become valid and effective.

B. Registration Revoked: The Mechanical Code Board shall have the authority to revoke any Registration issued under this Code for any of the following acts by the Registrant:

1. Conviction of a violation constituting the practice of any fraud or deceit in securing (a) a Registration or (b) a permit.
2. Convictions of three (3) violations of the Mechanical Code committed within a period of twelve (12) consecutive months.
3. Accumulation of two (2) decisions of the Board for suspensions of Registration.

Such revocation of Registration by the Board shall be full and final cancellation of same, made effective on the date of the Board's decision. Any Registrant so judged by the Board shall not again be issued a Registration in the City.

C. Suspension or Revocation Hearing: In considering charges under this Section regarding suspension or revocation of a Registration, the Board shall proceed upon sworn information furnished it by an official of the City, or by any person. Such information shall be in writing and shall be duly verified by the person familiar with the allegations made. The Board shall make an order setting the matter for hearing at a specified time and place, and the Secretary of the Board, with the advice of the City Attorney, shall cause a copy of the Board's order, and of the pertinent information, to be served upon the Registrant in person or by registered mail at least fifteen (15) days before the date set for the hearing. The Registrant may appear in person or by counsel at the time and place named in the order and present his defense to the Board. The City Attorney shall provide counsel for the Board. If the Registrant fails or refuses to appear, the Board may proceed to hear and determine the charge in his absence. If the Registrant pleads guilty or if, upon a hearing of the charge, the Board finds any of the charges to be true, it may enter an order

suspending or revoking the registration. Failure to properly perfect an appeal in a court of competent jurisdiction within ten (10) days of receipt of the Board's decision shall render final the Board's decision. Suspension or revocation resulting from a decision of the Board shall preclude the Registrant from securing a permit for work controlled by that registration in the City, or from becoming so registered under alternate identification, as long as the suspension or revocation is in effect.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Two Thousand and No/100 Dollars (\$2,000)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **18th** day of **March, 2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **25th** day of **March, 2003**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 03-107

AN ORDINANCE AMENDING "**THE MECHANICAL CODE**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE DELETION OF **ARTICLE IV**, ENTITLED EXAMINATIONS; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Mechanical**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended by the **deletion** of Article IV.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in

addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **23rd** day of **September, 2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **30th** day of **September, 2003**, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-044

AN ORDINANCE AMENDING THE “**MECHANICAL CODE**” CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED GENERAL PROVISIONS, AT **SECTION 1.04**, AMENDMENTS, ADDITIONS AND DELETIONS; THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED MECHANICAL CODE BOARD, AT **SECTION 2.01**, BOARD CREATED; AT **SECTION 2.02**, RECORDS OF THE BOARD; AT **SECTION 2.03**, RULES AND PROCEDURES, AND AT **SECTION 2.04**, QUORUM; AND THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED REGISTRATION, AT **SECTION 3.05**, REGISTRATION SUSPENSION AND REVOCATION; PROVIDING FOR A FINE OF UP TO \$2,000 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Mechanical Code**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, General Provisions, by the amendment of **Section 1.04**, Amendments, Additions and Deletions, at Subsection (B)(14) so that said subsection shall be and read as follows:

14. The amendment of Section 109, entitled Means of Appeal, to read as follows:

109.1 **Board of Appeals.** The Mechanical and Plumbing Board of Appeals shall act as a Board of Appeals as provided in Article II of this Chapter.

Further, Article II, Mechanical Code Board, is hereby amended by the **renaming** of Article II to read “**Mechanical and Plumbing Board of Appeals**”.

Further, Article II is hereby amended by the amendment of **Section 2.01**, Board Created, so that said section shall be and read as follows:

Section 2.01 Board Created

A Mechanical and Plumbing Board of Appeals is hereby created, consisting of nine (9) voting members who are citizens of the City. The Board shall include at least one Mechanical Engineer, one Responsible Master Plumber (as defined by the Texas State Board of Plumbing Examiners), one Master Plumber (that is not a Responsible Master Plumber), one Journeyman Plumber, two Air Conditioning Contractors, with the remaining three voting members representing the construction industry. In addition, nonvoting ex-officio members may consist of the Director of Public Utilities or his/her representative and a representative of a public utility company selling gas to the general public. The Mayor and each City Council member shall nominate a voting member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. Members shall serve at the will and pleasure of the City Council. The terms of office for the membership shall be two (2) years, not to exceed three (3) full terms. Vacancies shall be filled for the unexpired terms of any members whose place or places on the Board have become vacant for any reason.

In addition to its authority under the “Mechanical” Chapter, the Mechanical and Plumbing Board of Appeals shall have authority relative to appeals, revocation and suspension of registration under the “Plumbing” Chapter of the Code of the City of Arlington.

Further, Article II is hereby amended by the amendment of **Section 2.02, Records of the Board**, so that said section shall be and read as follows:

Section 2.02 Records of the Board

The Building Official shall act as Secretary of the Board and shall keep a record of all examinations held, all applicants examined, and the results thereof, together with such other records as the Board may direct.

Further, Article II is hereby amended by the amendment of **Section 2.03, Rules and Procedures**, so that said section shall be and read as follows:

Section 2.03 Rules and Procedures

The Mechanical and Plumbing Board of Appeals shall have the power to make and promulgate its own rules and procedures governing its meetings and proceedings subject to the provisions of the Code of the City of Arlington.

Further, Article II is hereby amended by the amendment of **Section 2.04, Quorum**, so that said section shall be and read as follows:

Section 2.04 Quorum

Five (5) members of the Board present at any meeting shall constitute a quorum for the transaction of any business or the carrying out of any duties, and any action taken at any meeting shall require the affirmative vote of a majority of the members present. The Chairman of any meeting of the Board shall vote.

Further, Article III, Registration, is hereby amended by the amendment of **Section 3.05, Registration Suspension and Revocation**, at the first paragraph of Subsection (A) so that the first paragraph of said subsection shall be and read as follows:

- A. Registration Suspended: The Mechanical and Plumbing Board of Appeals shall have the authority to suspend any Registration issued under this Code for any of the following acts by the Registrant:

Further, Article III is hereby amended by the amendment of **Section 3.05, Registration Suspension and Revocation**, at the first paragraph of Subsection (B) so that the first paragraph of said subsection shall be and read as follows:

- B. Registration Revoked: The Mechanical and Plumbing Board of Appeals shall have the authority to revoke any Registration issued under this Code for any of the following acts by the Registrant:

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **27th** day of **April, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **11th** day of **May, 2004**, by a vote of **8** ayes and **1** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-088

AN ORDINANCE AMENDING "**THE MECHANICAL CODE**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED GENERAL PROVISIONS, **SECTION 1.04**, SUBSECTION (B)(8), AT 106.5.2.3.2, RELATIVE TO THE DELETION OF THE REFERENCE TO SCHEDULE 3-A; PROVIDING FOR A FINE OF UP TO \$2,000 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE JULY 1, 2004

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Mechanical**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, General Provisions, **Section 1.04**, Amendments, Additions and Deletions, Subsection (B)(8) at 106.5.2.3.2, so that hereafter said subsection shall be and read as follows:

106.5.2.3.2 The permit has been issued through an error on the part of the City of Arlington, and it is found that the work applied for cannot be allowed.

The Administrative Authority shall not authorize the full refund of any fee paid unless a written request is submitted by the original permittee no later than one hundred eighty (180) days after the date of the fee payment;

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective July 1, 2004.

PRESENTED AND GIVEN FIRST READING on the **14th** day of **September, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and **GIVEN SECOND READING**, passed and approved on the **21st** day of **September, 2004**, by a vote of **7** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 05-062

AN ORDINANCE AMENDING "**THE MECHANICAL CODE**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED GENERAL PROVISIONS, BY THE AMENDMENT OF **SECTION 1.04**, AMENDMENTS, ADDITIONS AND DELETIONS, SUBSECTION (B)(7), BY THE ADDITION OF AN EXCEPTION RELATIVE TO A THIRD PARTY PROVIDER; BY THE AMENDMENT OF **SECTION 1.04**, BY THE ADDITION OF A NEW **SUBSECTION (B)(9)**, RELATIVE TO A THIRD PARTY PROVIDER, AND THE **RENUMBERING** OF THE REMAINING SUBSECTIONS; PROVIDING FOR A FINE OF UP TO \$2,000 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Mechanical**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, General Provisions, **Section 1.04**, Amendments, Additions and Deletions, **Subsection (B)(7)**, by the addition of the following Exception:

EXCEPTION: The owner of a property may choose to contract with a Third Party Provider that is properly registered with the City for plan review. Plan reviews performed by Third Party Organizations are subject to the terms of the program as authorized by resolution of the City Council of the City of Arlington.

Further, Article I, **Section 1.04**, **Subsection (B)**, is hereby amended by the addition of a new Subsection (9) and the **renumbering** of the following subsections:

9. The amendment of Section 107.1, entitled Required Inspections and testing., by numbering the

existing exception and adding exception number two to read as follows:

2. The owner of a property may choose to contract with a Third Party Provider that is properly registered with the City for inspections. Inspections performed by Third Party Organizations are subject to the terms of the program as authorized by resolution of the City Council of the City of Arlington.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result

of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **5th** day of **July, 2005**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **26th** day of **July, 2005**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

Ordinance No. 05-069

an ordinance amending "The Mechanical Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, entitled General Provisions, by the amendment of Section 1.02, Adoption of the International Mechanical Code and the International Fuel Gas Code, Subsection (A), relative to adoption of the 2003 International Mechanical Code and the 2003 International Fuel Gas Code; by the amendment of Section 1.04, Amendments, Additions and Deletions, subsection (B), relative to adoption of the 2003 International Mechanical Code; providing for a fine of up to \$2,000 for each violation of this ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective November 1, 2005

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Mechanical**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, General Provisions, **Section 1.02**, Adoption of the International Mechanical Code and the International Fuel Gas Code, **Subsection (A)**, so that said subsection shall read as follows:

- A. The International Mechanical Code, 2003 Edition ("IMC"), as adopted and published by the International Code Council ("ICC"), is herein adopted together with the additions, deletions, and amendments hereinafter contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

Copies of the IMC and the Appendices adopted in this Section shall be kept on file in the Office of the City Secretary.

The International Fuel Gas Code, 2003 Edition ("IFGC"), is adopted and amended in the Plumbing Chapter of the

Code of Ordinances. Those provisions of the IFGC that are applicable to the scope of mechanical work being performed shall be as if the same provisions are adopted in this chapter.

Further, Article I, **Section 1.04, Amendments, Additions and Deletions, Subsection (B)**, is hereby amended so that said subsection shall read as follows:

B. By the amendments and deletions to Sections and Chapters of the International Mechanical Code as follows:

1. The deletion of Section 101.1, entitled Title.
2. The deletion of Section 101.3, entitled Intent.
3. The amendment of Section 102.8, entitled Referenced codes and standards, to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, 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 Electrical Code as adopted.

4. The amendment of Section 103.1, entitled General, to read as follows:

103.1 General. The executive official in charge of mechanical inspection shall be the Code Official, also known as the Building Official or Administrative Authority.

5. The amendment of Section 104.1, entitled General, to read as follows:

104.1 General. The Code Official shall enforce the provisions of this code and shall act on any question relative to the installation, alteration,

repair, maintenance or operation of mechanical systems, except as otherwise specifically provided in statutory requirements.

6. The amendment of Section 104.5, entitled Right of entry, to read as follows:

104.5 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code. If such building or premises be unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, the Administrative Authority or their authorized representative shall obtain a warrant pursuant to the "Municipal Court" Chapter of the Code of the City of Arlington.

7. The amendment of Section 106.4, entitled Permit issuance, to read as follows:

106.4 Permit issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Administrative Authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Administrative Authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees specified in Section 106.5 have been paid, they shall issue a permit therefore to the applicant. "Applicant" in this usage shall conform to the provisions of Sections 3.02 of the Mechanical Code of the City of Arlington.

EXCEPTION: The owner of a property may choose to contract with a Third Party Provider that is properly registered with the City for plan review. Plan reviews performed by Third Party Organizations are subject to the terms of the program as authorized by resolution of the City Council of the City of Arlington.

8. The amendment of Section 106.5, entitled Fees, to read as follows:

106.5 Fees.

106.5.1 Any person, firm or corporation desiring a permit as required by this Mechanical Code shall, at the time of permit application, pay a fee as specified in the fee structure as approved by the City Council of the City of Arlington by resolution and which may be amended from time to time by said City Council.

106.5.2 Standards. The following standards shall apply to calculations and fees:

106.5.2.1 Final calculations shall be carried to the nearest whole dollar. Fractions greater than forty-nine one hundredths (0.49) shall be extended upward;

106.5.2.2 For any installation not clearly defined herein, the Administrative Authority shall designate the applicable method of calculation;

106.5.2.3 There shall be no full refund of any permit fee except when:

106.5.2.3.1 The permit has been issued and no part of the work has commenced; or

106.5.2.3.2 The permit has been issued through an error on the part of the City of Arlington, and it is found that the work applied for cannot be allowed.

The Administrative Authority shall not authorize the full refund of any fee paid unless a written request is submitted by the original permittee no later than sixty (60) days after the date of the fee payment.

106.5.3 Refund of a fee submitted for any administrative action under this Chapter of the Code of the City of Arlington, other than a mechanical permit, shall be made in accordance with Section 4.12 of the "Construction" Chapter of said Code;

106.5.4 When the replacement of a contractor occurs during a project for which a permit has been issued pursuant to this Mechanical Code, the Administrative Authority may prorate the amount of the permit fee for the new contractor based on said Administrative Authority's determination of the percentage of work remaining; and

106.5.5 When it is determined after a permit has been issued that the scope of work is to be significantly changed, the Administrative Authority may authorize and require that appropriate adjustments be effected to the permit fee. Any increase in the permit fee shall be paid prior to performing any part of such increased scope of work. Any decrease in the permit fee which is based on previously approved work which will not be performed as earlier defined may be refunded in the amount of fifty percent (50%) of the fee represented by the percentage of work not to be performed; provided, however, that determination of such percentage and specific authorization of such refund shall be issued by the Administrative Authority. Refunds, if made, shall be made to the original permittee not later than sixty (60) days following approval of the permittee's written request for a refund determination.

9. The amendment of Section 107.1, entitled Required Inspections and testing., by numbering the existing exception and adding exception number two to read as follows:
 2. The owner of a property may choose to contract with a Third Party Provider that is properly registered with the City for inspections. Inspections performed by Third Party Organizations are subject to the terms of the program as authorized by resolution of the City Council of the City of Arlington.
10. The deletion of Section 107.2, entitled Testing.

11. The deletion of Section 108.3, entitled Prosecution of violation.
12. The amendment of Section 108.4, entitled Violation penalties, to read as follows:

108.4 Violation Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code.

A person convicted of violating any of the provisions of this Code shall be guilty of a misdemeanor and each day or portion thereof during which any such violation continues shall be a separate offense. Each offense shall be punishable by a fine of not more than \$2,000.00.

The issuing or granting of a permit or approval of plans and specifications by the City shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of this Code, or any other ordinance of the City, shall be valid, except insofar as the work or use which is authorized is lawful.

The issuing or granting of a permit or approval of plans by the City shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance of the City, or from revoking any certificate of approval when issued in error.

13. The amendment of Section 108.5, entitled Stop work orders, to read as follows:

108.5 Stop work orders. Whenever any work is being done contrary to the provisions of this Code, the Administrative Authority may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person shall forthwith stop such work until:

- a. He or she is authorized by the Administrative Authority to proceed with the work; or
- b. An appeal perfected pursuant to Section 2.05 has resulted in a waiver of the condition causing the stop order, or a finding that there is no cause for a stop order.

Failure to stop such work, in addition to penalties and remedies elsewhere set forth, shall void any appeal.

- 14. The amendment of Section 109, entitled Means of Appeal, to read as follows:

109.1 **Board of Appeals.** The Mechanical and Plumbing Board of Appeals shall act as a Board of Appeals as provided in Article II of this Chapter.

- 15. The amendment of Section 202, entitled General Definitions, to add the following definition:

BUILDING CODE. The "Construction" Chapter of the Code of the City of Arlington, 1987, as amended.

- 16. The amendment of Section 202 so that the definition of "Code Official" is amended to read as follows:

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The Code Official is also the Building Official and Administrative Authority.

- 17. The amendment of Section 202 to add the following definition:

EXISTING MECHANICAL SYSTEM. Any system, apparatus or equipment that has been approved for operation within the City by the Administrative Authority prior to the adoption of this Code.

- 18. The amendment of Section 202 to add the following definition:

SHALL. As it applies to an act or duty to be performed by the Administrative Authority pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

19. The deletion of Section 304.6, entitled Private garages.

20. The amendment of Section 304.9, entitled Clearances from grade, to read as follows:

304.9 Clearances from grade. Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining grade a minimum of 3 inches (76 mm) or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade.

21. The amendment of Section 306.3, entitled Appliances in attics, to read as follows:

306.3 Appliances in attics. Attics containing appliances requiring access shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. As a minimum, access to the attic space of residential uses shall be provided by one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.

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

22. The amendment of Section 306.3.1, entitled Electrical requirements, to read as follows:

306.3.1 Electrical requirements. A lighting fixture controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with the ICC Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

23. The amendment of Section 306.4.1, entitled Electrical requirements, to read as follows:

306.4.1 Electrical requirements. A lighting fixture controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with the ICC Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

24. The amendment of Section 306.5, entitled Equipment and appliances on roofs or elevated structures, to read as follows:

306.5 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 (4877 mm), such access shall be provided by a permanent approved means of access. Permanent exterior ladders providing roof access need not extend closer than 8 feet (2438 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 4 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 Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

25. The amendment of Section 306.6, entitled Sloped roofs, to add a second paragraph to read as follows:

A receptacle outlet shall be provided at or near the appliance location in accordance with the

Electrical Code. Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

26. The amendment of Section 307.2.1, entitled Condensate disposal, to read as follows:

307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a permanently wet p-trap. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk or other areas so as to cause a nuisance.

EXCEPTIONS:

1. Condensate may discharge directly to a roof drain that connects to an underground storm sewer system,
 2. Condensate may discharge directly onto roofs covered with membrane type roof coverings where the condensate will drain to a roof drain that connects to an underground storm sewer system,
 3. Condensate may discharge to a landscaped area containing flowers and other bedding plants other than turf. There must be five square feet of landscaped area for each ton of refrigeration, or
 4. Condensate may discharge to a French drain consisting of a pit excavated below grade that is not less than 24 inches (610 mm) in any dimension. The pit shall be filled with coarse gravel and the drainpipe shall extend into the pit and be securely anchored. A single drain shall not receive the condensate discharge of more than 10 tons nominal of combined cooling capacity. The pit shall be covered with sod after inspection. The French drain shall not be located so that it will receive direct discharge from a roof or a downspout.
27. The amendment of Section 307.2.2, entitled Drain pipe materials and sizes, to add a second paragraph to read as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall

be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. All components shall be selected for the pressure, temperature and exposure rating of the installation. Condensate waste and drain line size shall be not less than ¾-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with an approved method. All horizontal sections of drain piping shall be installed in uniform alignment at a uniform slope.

Condensate waste pipes from air-cooling coils may be sized in accordance with equipment capacity as follows:

Equipment Capacity in tons of refrigeration	Minimum Condensate Pipe Inside Diameter
Up to 20 tons	¾ inch
Over 20 to 40 tons	1 inch
Over 40 to 90 tons	1 ¼ inch
Over 90 to 125 tons	1 ½ inch
Over 125 to 250 tons	2 inch

The size of condensate waste pipes may be for one unit or a combination of units, or as recommended by the manufacturer. The minimum slope for all condensate piping is 1/8 inch per foot.

28. The amendment of Section 307.2.3, entitled Auxiliary and secondary drain systems, to add item #4 to read as follows:

307.2.3 Auxiliary and secondary drain systems.

In addition to the requirements of Section 307.2.1, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil where damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping. One of the following methods shall be used:

1. An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan

shall have a minimum depth of 1.5 inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion-resistant material. Metallic pans shall have a minimum thickness of not less than 0.0276-inch (0.7 mm) galvanized sheet metal. Non-metallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.
 3. An auxiliary drain pan without a separate drain line shall be provided under the coils on which condensate will occur. Such pan shall be equipped with a water-level detection device that will shut off the equipment served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.
 4. Discharge, as noted, shall be to a conspicuous point of disposal to alert occupants in the event of a stoppage of the drain. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.
29. The amendment of Section 401.5, entitled Opening location, to modify the Exception to read as follows:

401.5 Opening location. Outside air exhaust and intake openings shall be located a minimum of 10 feet (3048 mm) from lot lines or buildings on the same lot. Where openings front on a street or public way, the distance shall be measured to the centerline of the street or public way.

EXCEPTIONS:

1. Group R-3.

2. Toilet room exhaust ducts may terminate in a warehouse or shop area when adequate infiltration of outside air is present.
30. The amendment of Section 403.2, entitled Outdoor air required, to add an exception to read as follows:

403.2 Outdoor air required. The minimum ventilation rate of required outdoor air shall be determined in accordance with Section 403.3.

EXCEPTION: Where the design professional demonstrates that an engineered ventilation system is designed in accordance with ASHRAE 62, the minimum required rate of outdoor air shall be permitted to be as specified in such engineered system design.

31. The amendment of Section 403.2.1, entitled Recirculation of air, to add item #4 to read as follows:

403.2.1 Recirculation of air. The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces.
3. Where mechanical exhaust is required by Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.
4. Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or

similar device designed to remove odors from the air.

32. The amendment of Table 403.3, entitled Required Outdoor Ventilation Air, to change footnote g to read as follows:

g. Transfer air permitted in accordance with Section 403.2.2. Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

33. The amendment of Section 501.2, entitled Outdoor discharge, to read as follows:

501.2 Outdoor discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawl space.

EXCEPTIONS:

1. Whole-house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall not be prohibited.
2. Commercial cooking recirculating systems.
3. Toilet room exhaust ducts may terminate in a warehouse or shop area when adequate infiltration of outside air is present.

34. The amendment of Section 504.6, entitled Domestic clothes dryer ducts, to read as follows:

504.6 Domestic clothes dryer ducts. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of 4 inches (102 mm) in diameter. The entire exhaust system shall be supported and secured in place. The male end of the duct at overlapped duct joints shall extend in the direction of airflow. Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single

lengths not to exceed 8 feet (2438 mm) and shall be listed and labeled for the application. Transition ducts shall not be concealed within construction. The size of the duct shall not be reduced along its developed length nor at the point of termination.

35. The amendment of Section 504.6.1, entitled Maximum length, to read as follows:

504.6.1 Maximum length. The maximum length of a clothes dryer exhaust duct shall not exceed 25 feet (7620 mm) from the dryer location to the outlet terminal with not more than two bends. When extra bends are installed, the maximum length of the duct shall be reduced 2.5 feet (762 mm) for each 45-degree (0.79 rad) bend and 5 feet (1524 mm) for each 90-degree (1.6 rad) bend that occur after the first two bends, measuring in the direction of airflow. The maximum length of the exhaust duct does not include the transition duct.

EXCEPTION: Where the make and model of the clothes dryer to be installed is known and the manufacturer's installation instructions for such dryer are provided to the code official, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the dryer manufacturer's installation instructions.

36. The amendment of Section 506.3.10, entitled Grease Duct enclosure, to read as follows:

506.3.10 Grease Duct enclosure. A grease duct serving a Type I hood that penetrates a ceiling, wall or floor shall be enclosed from the point of penetration to the outlet terminal. A duct shall penetrate exterior walls only at locations where unprotected openings are permitted by the International Building Code. Ducts shall be enclosed in accordance with the International Building Code requirements for shaft construction. The duct enclosure shall be sealed around the duct at the point of penetration and vented to the outside of the building through the use of weather-protected openings. Clearance from the duct to the interior surface of enclosures of combustible construction shall be not less than 18 inches (457 mm). Clearance from the duct to the interior surface of enclosures of noncombustible construction or gypsum wallboard attached to noncombustible structures shall be not less than 3

inches (76 mm) or more than 12 inches (305 mm). The duct enclosure shall serve a single grease exhaust duct system and shall not contain any other ducts, piping, wiring and systems.

EXCEPTIONS:

1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration firestop system classified in accordance with ASTM E 814 and having an "F" and "T" rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling wall or floor to the outlet terminal with a classified and labeled material, system, method of construction or product specifically evaluated for such purpose, in accordance with a nationally recognized standard for such enclosure materials. Exposed duct wrap systems shall be protected where subject to physical damage.
37. The amendment of Section 507.16, entitled Performance test, to read as follows:

507.16 Performance test. Prior to operation of the kitchen ventilation system, the fire extinguishing system shall be tested by an approved agency in the presence of the Administrative Authority. The fire extinguishing system may be approved by the Administrative Authority on the basis of the test results.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington,

and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective November 1, 2005.

PRESENTED AND GIVEN FIRST READING on the **9th** day of **August, 2005**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **23rd** day of **August, 2005**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

Ordinance No. 06-029

An ordinance amending the “Mechanical Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, entitled Mechanical and Plumbing Board of Appeals, at Section 2.01, Board Created, relative to the terms of board members; providing for a fine of up to \$2,000 for each violation of this ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Mechanical Code” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Mechanical and Plumbing Board of Appeals, by the amendment of Section 2.01, Board Created, so that said section shall be and read as follows:

Section 2.01 Board Created

A Mechanical and Plumbing Board of Appeals is hereby created, consisting of nine (9) voting members who are citizens of the City. The Board shall include at least one Mechanical Engineer, one Responsible Plumber (as defined by the Texas State Board of Plumbing Examiners), one Master Plumber (that is not a Responsible Master Plumber), one Journeyman Plumber, two Air Conditioning Contractors, with the remaining three voting members representing the construction industry. In addition, nonvoting ex-officio members may consist of the Director of Public Utilities or his/her representative and a representative of a public utility company selling gas to the general public. The Mayor and each City Council member shall nominate a voting member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. Members shall serve at the will and pleasure of the City Council. The terms of office for the membership shall be two (2) years. Vacancies shall be filled for the unexpired terms of any members whose place or places on the Board have become vacant for any reason.

In addition to its authority under the “Mechanical” Chapter, the Mechanical and Plumbing Board of Appeals shall have authority relative to appeals, revocation and suspension of registration under the “Plumbing” Chapter of the Code of the City of Arlington.”

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

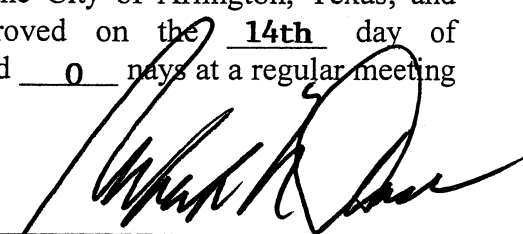
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 28th day of February, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of March, 2006, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 08-089

An ordinance amending the "Mechanical Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, Mechanical and Plumbing Board of Appeals, Section 2.05, Appeals; Time Limit, Subsection (A), related to the fee for appeals to the Mechanical and Plumbing Board of Appeals; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Mechanical Code**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article II, Mechanical and Plumbing Board of Appeals, Section 2.05, Appeals; Time Limit**, Subsection (A), so that hereafter that Subsection shall be and read as follows:

- A. Whenever the Administrative Authority shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the installation or alteration of a mechanical system, or when it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or the duly authorized agent, may appeal from the decision of the Administrative Authority to the Board. Notice of appeal shall be made in writing and filed within thirty (30) days after the decision is rendered by the Administrative Authority. An administrative fee in the amount set by City Council resolution shall accompany such notice of appeal, which shall be made on a form provided by the Administrative Authority.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand (\$2000) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

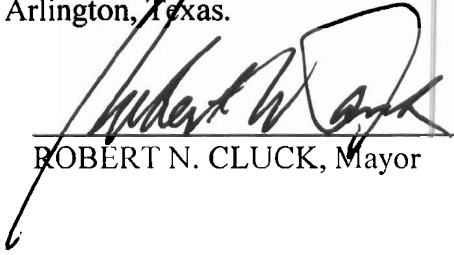
The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective upon second publication.


PRESENTED AND GIVEN FIRST READING on the 16th day of September, 2008, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 30th

day of September, 2008, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



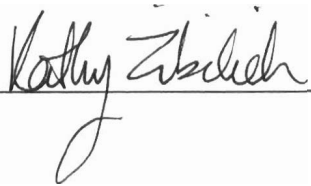
ROBERT N. CLUCK, Mayor

ATTEST:



KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 09-034

An ordinance amending the “Mechanical Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, Mechanical and Plumbing Board of Appeals, by the addition of Section 2.08, Model Code Adoption or Amendment, related to procedures for adopting or amending a model code; providing this ordinance be cumulative, providing for severability, governmental immunity, injunctions, publication and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Mechanical Code**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article II, Mechanical and Plumbing Board of Appeals**, by the addition of **Section 2.08, Model Code Adoption or Amendment**, so that hereafter that section shall be and read as follows:

Section 2.08 Model Code Adoption or Amendment

- A. In this section, "national model code" means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. National model codes include the International Mechanical Code, the International Plumbing Code, and the International Fuel Gas Code.
- B. The Board is established as an advisory board for the purpose of obtaining public comment on the proposed adoption of or amendment to a national model code, and providing a recommendation to City Council. On or before the 10th day before the date the Board conducts a public hearing to consider the adoption of or amendment to a national model code, the City shall publish notice of the proposed action and the date of the public hearing conspicuously on the City's Internet website.
- C. Except as provided by Subsection (D), adoption of an ordinance or national model code provision that is intended to govern the construction, renovation, use, or maintenance of buildings and building systems in the City shall have a delayed effective date that will delay implementing and enforcing the ordinance or code provision for at least 30 days after final adoption of the ordinance, to permit persons affected to comply with the ordinance or code provision.

D. If a delay in implementing or enforcing the ordinance or code provision would cause imminent harm to the health or safety of the public, the City may enforce the ordinance or code provision immediately on the effective date of the ordinance or code provision.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

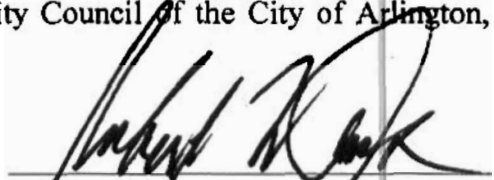
The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

(2)

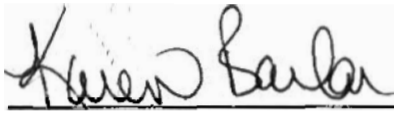
7.

This ordinance shall become effective upon second publication.

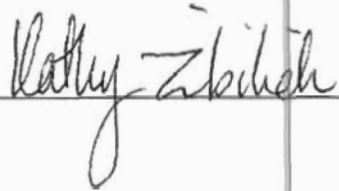
PRESENTED AND GIVEN FIRST READING on the 9th day of June, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 23rd day of June, 2009, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 10-015

An ordinance amending the "Mechanical Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, by the addition of Section 1.015, Electronic Submittal of Final Plans and Other Documents, relative to a requirement that final plans or other documents that will be archived must be submitted in electronic format; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative, providing for severability, governmental immunity, injunctions, publication and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Mechanical Code**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, General Provisions, by the addition of **Section 1.015, Electronic Submittal of Final Plans and Other Documents**, so that hereafter that section shall be and read as follows:

Section 1.015 Electronic Submittal of Final Plans and Other Documents

Final plans or other documents required to be submitted under this Chapter and that will be archived must be submitted in an electronic format specified by the Director of Community Development and Planning ("CDP Director") as a condition to issuance of any type of permit, approval, or other action related to the final plans or documents. The City may provide an electronic conversion service for a fee in the amount set forth by City Council resolution. The CDP Director shall provide a schedule indicating which documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or

affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 15th day of December, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 12th day of January, 2010, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor



APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY *[Handwritten signature]*

Ordinance No. 12-023

An ordinance amending the “Mechanical Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, by the amendment of Section 1.02, Adoption of the International Mechanical Code and the International Fuel Gas Code, Subsection (A); Section 1.04, Amendments, Additions and Deletions, Subsection (B); and through the amendment of Article III, Registration, Section 3.01, Permit Issued Only to Registrant; relative to adoption of the International Mechanical Code, 2009 Edition; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative, providing for severability, governmental immunity, injunctions, publication and becoming effective May 24, 2012

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Mechanical Code” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, General Provisions**, by the amendment of **Section 1.02, Adoption of the International Mechanical Code and the International Fuel Gas Code**, **Subsection (A)**, so that hereafter that subsection shall be and read as follows:

- A. The International Mechanical Code, 2009 Edition (“IMC”), as adopted and published by the International Code Council (“ICC”), is herein adopted together with the additions, deletions, and amendments hereinafter contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

Copies of the IMC and the Appendices adopted in this Section shall be kept on file in the Office of the City Secretary.

The International Fuel Gas Code, 2009 Edition (“IFGC”), is adopted and amended in the Plumbing Chapter of the Code of Ordinances. Those provisions of the IFGC that are applicable to the scope of mechanical work being performed shall be as if the same provisions are adopted in this chapter.

Further, **Article I, Section 1.04, Amendments, Additions and Deletions, Subsection (B)**, is hereby amended so that said subsection shall be and read as follows:

B. By the amendments and deletions to Sections and Chapters of the International Mechanical Code as follows:

1. The deletion of Section 101.1, entitled Title.
2. The deletion of Section 101.3, entitled Intent.
3. The amendment of Section 102.8, entitled Referenced codes and standards, to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, 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 Electrical Code as adopted.

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.

4. The amendment of Section 103.1, entitled General, to read as follows:

103.1 General. The executive official in charge of mechanical inspection shall be the Code Official, also known as the Building Official or Administrative Authority.

5. The amendment of Section 104.4, entitled Right of entry, to read as follows:

104.4 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code. If such building or premises be

unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, the Administrative Authority or their authorized representative shall obtain a warrant pursuant to the "Municipal Court" Chapter of the Code of the City of Arlington.

6. The amendment of Section 106.4, entitled Permit issuance, to read as follows:

106.4 Permit issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Administrative Authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Administrative Authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees specified in Section 106.5 have been paid, they shall issue a permit therefore to the applicant. "Applicant" in this usage shall conform to the provisions of Sections 3.02 of the Mechanical Code of the City of Arlington.

EXCEPTION: The owner of a property may choose to contract with a Third Party Provider that is properly registered with the City for plan review. Plan reviews performed by Third Party Organizations are subject to the terms of the program as authorized by resolution of the City Council of the City of Arlington.

7. The amendment of Section 106.5, entitled Fees, to read as follows:

106.5 Fees and refunds.

106.5.1 Any person, firm or corporation desiring a permit as required by this Mechanical Code shall, at or before the time of permit issuance, pay a fee as specified in the fee structure as approved by the City Council of the City of Arlington by resolution and which may be amended from time to time by said City Council.

106.5.2 Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

106.5.3 Standards. The fee standards as set out in the Construction Chapter shall apply to calculations and fees.

106.5.4 Refund of a fee submitted for any administrative action under this Chapter shall be made in accordance with Section 4.12 of the "Construction" Chapter of said Code.

106.5.5 When the replacement of a contractor occurs during a project for which a permit has been issued pursuant to this Mechanical Code, the Administrative Authority may prorate the amount of the permit fee for the new contractor based on said Administrative Authority's determination of the percentage of work remaining.

106.5.6 When it is determined after a permit has been issued that the scope of work is to be significantly changed, the Administrative Authority may authorize and require that appropriate adjustments be effected to the permit fee. Any increase in the permit fee shall be paid prior to performing any part of such increased scope of work. Any decrease in the permit fee which is based on previously approved work which will not be performed as earlier defined may be refunded in the amount of fifty percent (50%) of the fee represented by the percentage of work not to be performed; provided, however, that determination of such percentage and specific authorization of such refund shall be issued by the Administrative Authority. Refunds, if made, shall be made to the original permittee in accordance with Article IV of the Construction Chapter.

8. The amendment of Section 107.2, entitled Required Inspections and testing., by numbering the existing exception and adding exception number two to read as follows:
 2. The owner of a property may choose to contract with a Third Party Provider that is properly registered with the City for inspections. Inspections performed by Third Party Organizations are subject to the terms of the program as authorized by resolution of the City Council of the City of Arlington.
9. The amendment of Section 107.3, entitled Testing., to read as follows:

107.3 Testing. Mechanical systems 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 may be observed by the code official.
10. The deletion of Section 108.3, entitled Prosecution of violation.
11. The amendment of Section 108.4, entitled Violation penalties, to read as follows:

108.4 Violation Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code.

A person convicted of violating any of the provisions of this Code shall be guilty of a misdemeanor and each day or portion thereof during which any such violation continues shall be a separate offense. Each offense shall be punishable by a fine of not more than \$2,000.00.

The issuing or granting of a permit or approval of plans and specifications by the City shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of this Code, or any other ordinance of the City, shall be valid, except insofar as the work or use which is authorized is lawful.

The issuing or granting of a permit or approval of plans by the City shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance of the City, or from revoking any certificate of approval when issued in error.

12. The amendment of Section 108.5, entitled Stop work orders, to read as follows:

108.5 Stop work orders. Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person shall forthwith stop such work until:

- a. He or she is authorized by the Building Official to proceed with the work; or
- b. An appeal perfected pursuant to Section 2.05 has resulted in a waiver of the condition causing the stop order, or a finding that there is no cause for a stop order.

Failure to stop such work, in addition to penalties and remedies elsewhere set forth, shall void any appeal.

13. The amendment of Section 109 in its entirety, entitled Means of Appeal, to read as follows:

SECTION 109 BOARD OF APPEALS

109.1 Board of Appeals. The Mechanical and Plumbing Board of Appeals shall act as a Board of Appeals as provided in Article II of this Chapter.

14. The amendment of Section 202, entitled General Definitions, by the addition of the definitions of "Building Code", "Existing Mechanical System", and "Shall", and the amendment of the definition of "Code Official":

BUILDING CODE. The "Construction" Chapter of the Code of the City of Arlington, 1987, as amended.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The Code Official is also the Building Official and Administrative Authority.

EXISTING MECHANICAL SYSTEM. Any system, apparatus or equipment that has been approved for operation within the City by the Administrative Authority prior to the adoption of this Code.

SHALL. As it applies to an act or duty to be performed by the Administrative Authority pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

15. The amendment of Section 306.3, entitled Appliances in attics, to read as follows:

306.3 Appliances in attics. Attics containing appliances requiring access shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest

appliance. As 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 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

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

16. The amendment of Section 307.2.1, entitled Condensate disposal, to read as follows:

307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a permanently wet p-trap. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk or other areas so as to cause a nuisance.

EXCEPTIONS:

1. Condensate may discharge directly to a roof drain that connects to an underground storm sewer system,
2. Condensate may discharge directly onto roofs covered with membrane type roof coverings where the condensate will drain to a roof drain that connects to an underground storm sewer system,
3. Condensate may discharge to a landscaped area containing flowers and other bedding plants other than turf. There must be five square feet of landscaped area for each ton of refrigeration, or
4. Condensate may discharge to a French drain consisting of a pit excavated below grade that is not less than 24 inches (610 mm) in any dimension. The pit shall be filled with coarse gravel and the drainpipe shall extend into the pit and be securely anchored. A single drain shall not receive the condensate discharge of more than 10 tons nominal of combined cooling capacity. The pit shall be covered with sod after inspection. The French drain shall not be located so that it will receive direct discharge from a roof or a downspout.

17. The amendment of Section 307.2.2, entitled Drain pipe materials and sizes, to read as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC or PVC pipe or tubing. When piping is installed to be exposed to sunlight, the components of the condensate disposal system shall be cast iron, galvanized steel, copper, or schedule 80 PVC pipe or tubing. All components shall be selected for the pressure, temperature and exposure rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 of the International Plumbing Code relative to the material type. Condensate waste and drain line size shall be not less than 3/4-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

18. The amendment of Section 501.2, entitled Exhaust discharge, to read as follows:

501.2 Exhaust discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or crawl space.

EXCEPTIONS:

1. Whole-house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall not be prohibited.
 2. Commercial cooking recirculating systems.
 3. Toilet room exhaust ducts may terminate in a warehouse or shop area when adequate infiltration of outside air is present.
19. The amendment of Section 504.6, entitled Domestic clothes dryer ducts, to read as follows:

504.6 Domestic clothes dryer ducts. Exhaust ducts for domestic clothes dryers shall conform to the requirements of Sections 504.6.1 through 504.6.7. The size of duct shall not be reduced along its developed length nor at the point of termination.

20. The deletion of Section 504.6.4.2 entitled Manufacturer's instructions., in its entirety.
21. The deletion of Section 504.6.5 entitled Length identification., in its entirety.
22. The deletion of the exception to Section 504.6.6 entitled Exhaust duct required., in its entirety.
23. The amendment of Section 507.16, entitled Performance test, to read as follows:

507.16 Performance test. A performance test shall be conducted upon completion and before final approval of the installation of a ventilation system serving commercial cooking appliances. The test shall verify the rate of exhaust airflow required by Section 507.13, makeup airflow required by Section 508 and proper operation as specified in this chapter. The permit holder shall furnish the necessary test equipment and devices required to perform the tests.

Prior to operation of the kitchen ventilation system, the fire extinguishing system shall be tested by an approved agency in the presence of the Administrative Authority. The fire extinguishing system may be approved by the Administrative Authority on the basis of the test results.

24. The amendment of Section 607.5.1, entitled Fire walls, to read as follows:

607.5.1 Fire walls. Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with listed fire dampers installed in accordance with their listing. Hazardous ducts shall not penetrate a fire wall.

Further, **Article III, Registration, Section 3.01, Permit Issued Only to Registrant**, is hereby amended so that said section shall be and read as follows:

Section 3.01 Permit Issued Only to Registrant

A permit to perform, or cause to be performed, any work regulated by this Code shall only be issued to a Registrant, as provided for in this Chapter, and only after the requirements defined in this Chapter have been accomplished. For work requiring State licensing under this Article, no permit shall be issued unless Registrant designates the license holder of the appropriate classification for the work category. Prior to issuance of the permit, the Administrative Authority may review the proposed project with other departments of the City to ensure that no conflict with other City regulations is created or

perpetuated by issuance of the permit. An adverse determination in this review may be grounds for denial of the permit.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

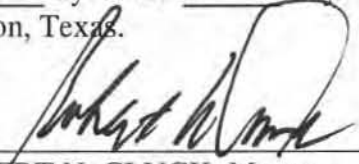
The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII,

Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

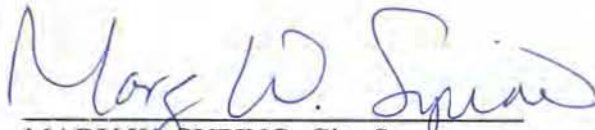
This ordinance shall become effective May 24, 2012, which is 30 days after the final adoption of the ordinance at the second reading on April 24, 2012.

PRESENTED AND GIVEN FIRST READING on the 3rd day of April, 2012, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 24th day of April, 2012, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 18-020

An ordinance amending the “Mechanical Code” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, relative to adopting the 2015 Edition of the International Mechanical Code; adopting local amendments and associated appendices; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after receipt of public comment in accordance with Section 214.217 of the Texas Local Government Code, and upon the advice and recommendation of the Mechanical and Plumbing Board of Appeals, the City Council finds that it is in the public interest to adopt the 2015 Edition of the International Mechanical Code for the preservation of public safety and the general welfare of its citizens; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Mechanical Code” Chapter of the Code of the City of Arlington, Texas, 1987, as amended, **Article I, General Provisions, Sections 1.01 through 1.04**, are hereby repealed and replaced in their entirety and shall hereafter read as follows:

ARTICLE I
GENERAL PROVISIONS

Section 1.01 Designation of Code

The provisions of this Chapter, including the adopted provisions of the International Mechanical Code, as amended, are hereby designated the Mechanical Code of the City of Arlington, also referred to in this Chapter as “the Code” or “this Code”.

Section 1.015 Electronic Submittal of Final Plans and Other Documents

Final plans or other documents required to be submitted under this Chapter and that will be archived must be submitted in an electronic format specified by the Director of Community Development and Planning (“CDP Director”) as a condition to issuance of any type of permit, approval, or other action related to the final plans or documents. The City may provide an electronic conversion service for a fee in the amount set forth by City Council resolution. The CDP Director shall provide a schedule indicating which

documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.

Section 1.02 Adoption of the International Mechanical Code and the International Fuel Gas Code

- A. The International Mechanical Code, 2015 Edition (“IMC”), as adopted and published by the International Code Council (“ICC”), is herein adopted together with the additions, deletions, and amendments hereinafter contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

Copies of the IMC and the Appendices adopted in this Section shall be kept on file in the Office of the City Secretary.

The International Fuel Gas Code, 2015 Edition (“IFGC”), is adopted and amended in the Plumbing Chapter of the Code of Ordinances. Those provisions of the IFGC that are applicable to the scope of mechanical work being performed shall be as if the same provisions are adopted in this chapter.

- B. In the event of a conflict between the adopted provisions of the IMC and other provisions of this Chapter, the other (non-IMC) provisions of this Chapter shall be controlling.

Section 1.03 Intent and Purpose

The purpose of this Code is to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

Section 1.04 Amendments, Additions and Deletions

The adoption by reference of the International Mechanical Code, as provided in Section 1.02 hereof, is made subject to and is modified and amended as follows:

- A. By the addition thereto of Article II et seq. of this Chapter.
- B. By the amendments and deletions to Sections of the International Mechanical Code as follows:
1. The deletion of Section 101.1, entitled **Title**, in its entirety.
 2. The deletion of Section 101.3, entitled **Intent**, in its entirety.

3. The amendment of Section 102.8, entitled **Referenced codes and standards**, to read as follows:

102.8 Referenced Codes and Standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, 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 adopted amendments. Any reference to NFPA 70 or the *National Electrical Code* (NEC) shall mean the Electrical Code as adopted.

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.

4. The amendment of Section 103.1, entitled **General**, to read as follows:

103.1 General. The executive official in charge of mechanical inspection shall be the Code Official, also known as the Building Official or Administrative Authority.

5. The amendment of Section 104.4, entitled **Right of entry**, to read as follows:

104.4 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code. If such building or premises is occupied, the Administrative Authority or their authorized representative shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the Administrative Authority or their authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the building or premises can be located, the Administrative Authority or their authorized representative has recourse to every remedy provided by law to secure entry.

6. The amendment of Section 106.4, entitled **Permit issuance**, to read as follows:

106.4 Permit issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Administrative Authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Administrative Authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees specified in Section 106.5 have been paid, they shall issue a permit therefore to the applicant. "Applicant" in this usage shall conform to the provisions of Sections 3.02 of the Mechanical Code of the City of Arlington.

7. The amendment of Section 106.5, entitled **Fees**, to read as follows:

106.5 Fees and refunds.

106.5.1 Any person, firm or corporation desiring a permit as required by this Mechanical Code shall, at or before the time of permit issuance, pay a fee as specified in the fee structure as approved by the City Council of the City of Arlington by resolution and which may be amended from time to time by said City Council.

106.5.2 Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

106.5.3 Standards. The fee standards as set out in the Construction Chapter shall apply to calculations and fees.

106.5.4 Refund of a fee submitted for any administrative action under this Chapter shall be made in accordance with Section 4.12 of the "Construction" Chapter of the Arlington City Code.

106.5.5 When the replacement of a contractor occurs during a project for which a permit has been issued pursuant to this Mechanical Code, the Administrative Authority may prorate the amount of the permit fee for the new contractor based on said Administrative Authority's determination of the percentage of work remaining.

106.5.6 When it is determined after a permit has been issued that the scope of work is to be significantly changed, the Administrative Authority may authorize and require that appropriate adjustments be effected to the permit fee. Any increase in the permit fee shall be

paid prior to performing any part of such increased scope of work. Any decrease in the permit fee which is based on previously approved work which will not be performed as earlier defined may be refunded in the amount of fifty percent (50%) of the fee represented by the percentage of work not to be performed; provided, however, that determination of such percentage and specific authorization of such refund shall be issued by the Administrative Authority. Refunds, if made, shall be made to the original permittee in accordance with Article IV of the Construction Chapter.

8. The amendment of Section 107.3, entitled **Testing**, to read as follows:

107.3 Testing. Mechanical systems 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 shall be observed by the code official or his designee.

9. The amendment of Section 108.2, entitled **Notice of violation**, to read as follows:

108.2 Notice of violation. The Code Official is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this Chapter, 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 Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

10. The deletion of Section 108.3, entitled **Prosecution of violation**, in its entirety.

11. The amendment of Section 108.4, entitled **Violation penalties**, to read as follows:

108.4 Violation Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire

safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

The issuing or granting of a permit or approval of plans and specifications by the City shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of this Code, or any other ordinance of the City, shall be valid, except insofar as the work or use which is authorized is lawful.

The issuing or granting of a permit or approval of plans by the City shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance of the City, or from revoking any certificate of approval when issued in error.

12. The amendment of Section 108.5, entitled **Stop work orders**, to read as follows:

108.5 Stop work orders. Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person shall forthwith stop such work until:

- a. He or she is authorized by the Building Official to proceed with the work; or
- b. An appeal perfected pursuant to Section 2.05 has resulted in a waiver of the condition causing the stop order, or a finding that there is no cause for a stop order.

Failure to stop such work, in addition to penalties and remedies elsewhere set forth, shall void any appeal.

13. The amendment of Section 109 in its entirety, entitled **Means of Appeal**, to read as follows:

**SECTION 109
BOARD OF APPEALS**

109.1 Board of Appeals. The Mechanical and Plumbing Board of Appeals shall act as a Board of Appeals as provided in Article II of this Chapter.

14. The amendment of Section 202, entitled **General Definitions**, by the addition of the definitions of “Building Code”, “Existing Mechanical System”, and “Shall”, and the amendment of the definition of “Code Official”:

BUILDING CODE. The “Construction” Chapter of the Code of the City of Arlington, 1987, as amended.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The Code Official is also the Building Official and Administrative Authority.

EXISTING MECHANICAL SYSTEM. Any system, apparatus or equipment that has been approved for operation within the City by the Administrative Authority prior to the adoption of this Code.

SHALL. As it applies to an act or duty to be performed by the Administrative Authority pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

15. The amendment of Section 306.3, entitled **Appliances in attics**, to read as follows:

306.3 Appliances in Attics. Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall be not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb. (136 kg) capacity.

3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
 2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.
16. The amendment of Section 306.5, entitled **Equipment and appliances on roofs or elevated structures**, so that the first paragraph read as follows:

306.5 Equipment and Appliances on Roofs or Elevated Structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such *access* shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

17. The amendment of Section 306.5.1, entitled **Sloped roofs**, to read as follows:

306.5.1 Sloped Roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater 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, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 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.

18. The amendment of Section 306 by adding a new Section 306.6 to read as follows:

306.6 Water Heaters Above Ground or Floor. When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 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 (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

19. The amendment of Section 307.2.1, entitled **Condensate disposal**, to read as follows:

307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a permanently wet p-trap. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk or other areas so as to cause a nuisance.

Exceptions:

1. Condensate may discharge directly to a roof drain that connects to an underground storm sewer system,
2. Condensate may discharge directly onto roofs covered with membrane type roof coverings where the condensate will drain to a roof drain that connects to an underground storm sewer system,
3. Condensate may discharge to a landscaped area containing flowers and other bedding plants other than turf. There must be five square feet of landscaped area for each ton of refrigeration, or
4. Condensate may discharge to a French drain consisting of a pit excavated below grade that is not less than 24 inches (610 mm) in any dimension. The pit shall be filled with coarse gravel and the drainpipe shall extend into the pit and be securely anchored. A single drain shall not receive the condensate discharge of more than 10 tons nominal of combined cooling capacity. The pit shall be covered with sod after inspection. The French drain shall not be located so that it will receive direct discharge from a roof or a downspout.

20. The amendment of Section 307.2.3, entitled **Auxiliary and secondary drain systems**, to amend Item 2 to read as follows:

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

21. The amendment of Section 403.2.1, entitled **Recirculation of air**, to add an Item 5 to read as follows:

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an *approved* mechanical recirculating fan or similar device designed to remove odors from the air.

22. The amendment of Section 607.5.1, entitled **Fire walls**, to read as follows:

607.5.1 Fire walls. Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 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 IMC.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

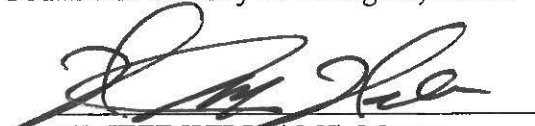
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.


8.

This ordinance shall become effective thirty days after adoption.

PRESENTED AND GIVEN FIRST READING on the 20th day of March, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 10th day of April, 2018, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Ordinance No. 22-057

An ordinance amending the "Mechanical Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, relative to adopting the 2021 Edition of the International Mechanical Code and the 2021 Edition of the International Fuel Gas Code; adopting local amendments and associated appendices; providing for a fine of up to \$2,000 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after receipt of public comment in accordance with Section 214.217 of the Texas Local Government Code, the City Council finds that it is in the public interest to adopt the 2021 Edition of the International Mechanical Code and the 2021 Edition of the International Fuel Gas Code for the preservation of public safety and the general welfare of its citizens; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Mechanical Code" Chapter of the Code of the City of Arlington, Texas, 1987, as amended, **Article I, General Provisions, Sections 1.01 through 1.04**, are hereby repealed and replaced in their entirety and shall hereafter read as follows:

ARTICLE I
GENERAL PROVISIONS

Section 1.01 Designation of Code

The provisions of this Chapter, including the adopted provisions of the International Mechanical Code, as amended, are hereby designated the Mechanical Code of the City of Arlington, also referred to in this Chapter as "the Code" or "this Code".

Section 1.015 Electronic Submittal of Final Plans and Other Documents

Final plans or other documents required to be submitted under this Chapter and that will be archived must be submitted in an electronic format specified by the Building Official as a condition to issuance of any type of permit, approval, or other action related to the final plans or documents. The Building Official shall provide a schedule indicating

which documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.

Section 1.02 Adoption of the International Mechanical Code and the International Fuel Gas Code

- A. The International Mechanical Code, 2021 Edition ("IMC"), as adopted and published by the International Code Council ("ICC"), is herein adopted together with the additions, deletions, and amendments hereinafter contained, as the Mechanical Code of the City, the same as though such code were copied at length herein.

Copies of the IMC and the Appendices adopted in this Section shall be kept on file in the Office of the Building Official.

The International Fuel Gas Code, 2021 Edition ("IFGC"), is adopted and amended in the Plumbing Chapter of the Code of Ordinances. Those provisions of the IFGC that are applicable to the scope of mechanical work being performed shall be as if the same provisions are adopted in this chapter.

- B. In the event of a conflict between the adopted provisions of the IMC and other provisions of this Chapter, the other (non-IMC) provisions of this Chapter shall be controlling.

Section 1.03 Intent and Purpose

The purpose of this Code is to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

Section 1.04 Amendments, Additions and Deletions

The adoption by reference of the International Mechanical Code, as provided in Section 1.02 hereof, is made subject to and is modified and amended as follows:

- A. By the addition thereto of Article II et seq. of this Chapter.
- B. By the amendments and deletions to Sections of the International Mechanical Code as follows:
1. The deletion of Section 101.1, entitled **Title**, in its entirety.

2. The deletion of Section 101.3, entitled **Intent**, in its entirety.
3. The amendment of Section 102.8, entitled **Referenced codes and standards**, to read as follows:

102.8 Referenced Codes and Standards.

The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, 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 adopted amendments. Any reference to NFPA 70 or the *National Electrical Code* (NEC) shall mean the Electrical Code as adopted.

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.

4. The amendment of Section 103.1, entitled **General**, to read as follows:

103.1 General.

The executive official in charge of mechanical inspection shall be the Code Official, also known as the Building Official or Administrative Authority.

5. The amendment of Section 104.4, entitled **Right of entry**, to read as follows:

104.4 Right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or their authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or their authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code. If such building or premises is occupied, the Administrative Authority or their authorized representative shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the Administrative Authority or their authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if no owner or other person having charge or control of the

building or premises can be located, the Administrative Authority or their authorized representative has recourse to every remedy provided by law to secure entry.

6. The amendment of Section 106.4, entitled **Permit issuance**, to read as follows:

106.4 Permit issuance.

The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Administrative Authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Administrative Authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees specified in Section 106.5 have been paid, they shall issue a permit therefore to the applicant. "Applicant" in this usage shall conform to the provisions of Sections 3.02 of the Mechanical Code of the City of Arlington.

7. The amendment of Section 106, entitled **PERMITS**, by adding Section 106.5, entitled **Fees and refunds**, et seq., which shall read as follows:

106.5 Fees and refunds.

106.5.1 Any person, firm or corporation desiring a permit as required by this Mechanical Code shall, at or before the time of permit issuance, pay a fee as specified in the fee structure as approved by the City Council of the City of Arlington by resolution and which may be amended from time to time by said City Council.

106.5.2 Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

106.5.3 Standards. The fee standards as set out in the Construction Chapter shall apply to calculations and fees.

106.5.4 Refund of a fee submitted for any administrative action under this Chapter shall be made in accordance with Section 4.12 of the "Construction" Chapter of the Arlington City Code.

106.5.5 When the replacement of a contractor occurs during a project for which a permit has been issued pursuant to this Mechanical Code, the Administrative Authority may prorate the

amount of the permit fee for the new contractor based on said Administrative Authority's determination of the percentage of work remaining.

106.5.6 When it is determined after a permit has been issued that the scope of work is to be significantly changed, the Administrative Authority may authorize and require that appropriate adjustments be effected to the permit fee. Any increase in the permit fee shall be paid prior to performing any part of such increased scope of work. Any decrease in the permit fee which is based on previously approved work which will not be performed as earlier defined may be refunded in the amount of fifty percent (50%) of the fee represented by the percentage of work not to be performed; provided, however, that determination of such percentage and specific authorization of such refund shall be issued by the Administrative Authority. Refunds, if made, shall be made to the original permittee in accordance with Article IV of the Construction Chapter.

8. The deletion of Section 109, entitled **FEES**, in its entirety.
9. The amendment of Section 112.3, entitled **Testing**, to read as follows:

112.3 Testing.

Mechanical systems shall be tested as required in this code and in accordance with Sections 112.3.1 through 112.3.3. Tests shall be made by the permit holder and shall be observed by the code official or his designee.

10. The deletion of Section 113, entitled **MEANS OF APPEAL**, in its entirety.
11. The amendment of Section 114, **BOARD OF APPEALS**, to read as follows:

**SECTION 114
BOARD OF APPEALS**

114.1 Board of Appeals.

The Mechanical and Plumbing Board of Appeals shall act as a Board of Appeals as provided in Article II of this Chapter.

12. The amendment of Section 115.2, entitled **Notice of violation**, to read as follows:

115.2 Notice of violation.

The Code Official is authorized to serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair,

removal or demolition of mechanical work in violation of the provisions of this Chapter, 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 Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

13. The deletion of Section 115.3, entitled **Prosecution of violation**, in its entirety.
14. The amendment of Section 115.4, entitled **Violation penalties**, to read as follows:

115.4 Violation Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

The issuing or granting of a permit or approval of plans and specifications by the City shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of this Code, or any other ordinance of the City, shall be valid, except insofar as the work or use which is authorized is lawful.

The issuing or granting of a permit or approval of plans by the City shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing

construction operations being carried on thereunder when in violation of this Code or of any other ordinance of the City, or from revoking any certificate of approval when issued in error.

15. The amendment of Section 116, entitled **STOP WORK ORDER**, to read as follows:

**SECTION 116
STOP WORK ORDER**

116.1 Stop work orders.

Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person shall forthwith stop such work until:

- a. He or she is authorized by the Building Official to proceed with the work; or
- b. An appeal perfected pursuant to Section 2.05 has resulted in a waiver of the condition causing the stop order, or a finding that there is no cause for a stop order.

Failure to stop such work, in addition to penalties and remedies elsewhere set forth, shall void any appeal.

16. The amendment of Section 202, entitled **GENERAL DEFINITIONS**, by adding definitions for "Building Code" and "Shall", and amending the definition of "Code Official":

BUILDING CODE. The "Construction" Chapter of the Code of the City of Arlington, 1987, as amended.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The Code Official is also the Building Official and Administrative Authority.

SHALL. As it applies to an act or duty to be performed by the Administrative Authority pursuant to any section of this Code, is discretionary. Its use in all other applications in this Code shall be mandatory.

17. The amendment of Section 306.3, entitled **Appliances in attics**, to read as follows:

306.3 Appliances in Attics.

Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall be not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

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

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
 2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.
18. The amendment of Section 306.5, entitled **Equipment and appliances on roofs or elevated structures**, so that the first paragraph reads as follows:

306.5 Equipment and Appliances on Roofs or Elevated Structures.

Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, an interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than

30 inches (762 mm) in height or walking on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

19. The amendment of Section 306.5.1, entitled **Sloped roofs**, to read as follows:

306.5.1 Sloped Roofs.

Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater 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, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 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. Access shall not require walking on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). Where access involves obstructions greater than 30 inches (762 mm) in height, such obstructions shall be provided with ladders installed in accordance with Section 306.5 or stairways installed in accordance with the requirements specified in the International Building Code in the path of travel to and from appliances, fans or equipment requiring service.

20. The amendment of Section 306, entitled **ACCESS AND SERVICE SPACE**, by adding Section 306.6, entitled **Water Heaters Above Ground or Floor**, which shall read as follows:

306.6 Water Heaters Above Ground or Floor.

When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 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 (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

21. The amendment of Section 307.2.1, entitled **Condensate disposal**, to read as follows:

307.2.1 Condensate disposal.

Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a permanently wet p-trap. Condensate shall not discharge in a publicly exposed area such as into a street, alley, sidewalk or other areas so as to cause a nuisance.

Exceptions:

1. Condensate may discharge directly to a roof drain that connects to an underground storm sewer system,
2. Condensate may discharge directly onto roofs covered with membrane type roof coverings where the condensate will drain to a roof drain that connects to an underground storm sewer system,
3. Condensate may discharge to a landscaped area containing flowers and other bedding plants other than turf. There must be five square feet of landscaped area for each ton of refrigeration, or
4. Condensate may discharge to a French drain consisting of a pit excavated below grade that is not less than 24 inches (610 mm) in any dimension. The pit shall be filled with coarse gravel and the drainpipe shall extend into the pit and be securely anchored. A single drain shall not receive the condensate discharge of more than 10 tons nominal of combined cooling capacity. The pit shall be covered with sod after inspection. The French drain shall not be located so that it will receive direct discharge from a roof or a downspout.

22. The amendment of Section 307.2.3, entitled **Auxiliary and secondary drain systems**, by amending Item 2 to read as follows:

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as

dripping over a walking surface or other areas so as to create a nuisance.

23. The amendment of Section 403.2.1, entitled **Recirculation of air**, by adding Item 5, which shall read as follows:

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

24. The amendment of Section 501.3, entitled **Exhaust Discharge**, to read as follows:

501.3 Exhaust Discharge.

The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.
3. Where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.
4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

25. The amendment of Section 607.5.1, entitled **Fire walls**, to read as follows:

607.5.1 Fire walls.

Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 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 IMC.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.


7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on January 1, 2023.

PRESENTED AND GIVEN FIRST READING on the 25th day of October, 2022, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 1st day of November, 2022, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



JIM R. ROSS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
MOLLY SHORTALL, City Attorney

BY 

