

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City of Arlington, Texas, 1987, as amended, **Article I, General Provisions, Sections 1.01 through 1.04**, are hereby repealed and replaced in their entirety and shall hereafter read as follows: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

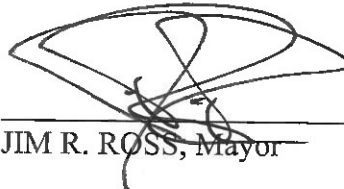
7.

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



ARLINGTONSM