

Ordinances Governing
THE MECHANICAL CODE
of the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 12-023
(April 24, 2012)

(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</u> , Section 3.01 , <u>Permit Issued Only to Registrant</u> ; relative to adoption of the International Mechanical Code, 2009 Edition.

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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. (Amend Ord 10-015, 1/12/10)

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

- 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. (Amend Ord 12-023, 4/24/12)

- 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.

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 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 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.

(Amend Ord 12-023, 4/24/12)

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.

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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)