

ORDINANCE

NO. OR09-2017-58

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, AMENDING TITLE XV: LAND USAGE, CHAPTER 150: BUILDING REGULATIONS, SECTION 150.030 “ADOPTED” OF OF THE CODE OF ORDINANCES ADOPTING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE WITH THE RECOMMENDED AMENDMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Mechanical Code with their recommended amendments; and

WHEREAS, staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018; and

WHEREAS, staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

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

SECTION ONE. Title XV: Land Usage; Chapter 150: Building Regulations, Section 150.030: “Adopted”, of the Code of Ordinances of the City of Cleburne is hereby repealed in its entirety with amendments and shall hereafter read as follows:

§ 150.030 MECHANICAL CODE ADOPTED.

The *2015 International Mechanical Code* as well as recommended amendments are fully incorporated by reference as though copied into this section in its entirety. The material contained in the *International Mechanical Code* shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record and will be available for public inspection and copying during regular business hours.

SECTION TWO. Cumulative Clause. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that

any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION THREE. Severability Clause. That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION FOUR. Savings Clause. That all provisions of the Code of Ordinances of the City of Cleburne, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION FIVE. Penalty Clause. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense.

SECTION SIX. Publication Clause. The City Secretary of the City of Cleburne, Texas, is directed to publish the caption, including the penalty of this Ordinance at least once within 10 days after its passage in the official newspaper of the City of Cleburne, Texas, as authorized by Section 3.16 of the Cleburne City Charter.

SECTION SEVEN. Effective Clause. This Ordinance shall become effective January 1, 2018 and upon its publication as required by law.

PASSED AND APPROVED this the 26th day of September, 2017 at a Regular Meeting of the City Council of the City of Cleburne, Texas.



CITY OF CLEBURNE

BY:

A handwritten signature in blue ink, appearing to read "Scott Cain", is written over a horizontal line.

Scott Cain, Mayor

A handwritten signature in blue ink, appearing to read "Shelly Doty", is written over a horizontal line.

Shelly Doty, City Secretary

EXHIBIT "A"

**Amendments to the 2015 International Mechanical Code
Adopted by Cleburne City Council Ordinance #OR09-2017-58
Section 150.030: Mechanical Code Adopted**

The following sections, paragraphs, and sentences of the *2015 International Mechanical Code* (IMC) are hereby amended as follows: Standard type is text from the IMC. Underlined type is text inserted. ~~Lined through type is deleted text from the IMC.~~ A double asterisk at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple asterisk identifies a new or revised amendment with the 2015 edition of the code.

(A) **Section 101.1;** Insert "City of Cleburne, Texas".

****Section 102.8; change 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.

****Section 106.5.3 Fee refunds.** Change to read as follows and the remaining unchanged.

(2&3) **Section 106.5.3;** Insert "50%; 50% "

****Section 108 Fee refunds.** Change to read as follows and the remaining unchanged.

Section 108.4; Insert "a misdemeanor"; "\$2,000.00"; "no days".

Section 108.5; Insert "\$100.00"; "\$2,000.00".

****Section 106.5.3 Fee refunds.** Change to read as follows and the remaining unchanged.

~~**Section 109**~~

~~**MEANS OF APPEAL**~~

~~**[A] 109.1 Application for appeal.** A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.~~

~~**[A] 109.1.1 Limitation of authority.** The board of appeals shall not have authority relative to interpretation of the administration of this code nor shall such board be empowered to waive requirements of this code.~~

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

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

~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

~~2. Registered design professional with structural engineering or architectural experience.~~

~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

~~4. Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

~~5. Registered design professional with fire protection engineering experience; or a fire protection contractor with not less than 10 years' experience, 5 of which shall have been in responsible charge of work.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~[A] 109.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application

for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

****Section 306.3; change to read as follows:**

306.3 Appliances in Attics. Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . 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... *{remainder of section unchanged}*

****Section 306.5; change to 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, ~~an~~ a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 8-12 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 . . . {bulk of section to read the same} . . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). ... *{bulk of section to read the same}*.

****Section 306.5.1; change 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*.

****Section 306; add 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.

****Section 307.2.3; 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.

****Section 403.2.1; 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.

****Section 501.3; add an exception 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.

****Section 507.12** Change to read as follows

Domestic cooking appliances utilized for commercial purposes shall provided with Type I or ~~Type H~~. The remain unchanged

****Section 607.5.1; change 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.

End