

**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. 14-11**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE IV, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL MECHANICAL CODE*, 2009 EDITION, BY AMENDING SECTION 14-101, ENTITLED "INTERNATIONAL MECHANICAL CODE ADOPTED," AND BY AMENDING SECTION 14-102, ENTITLED "AMENDMENTS TO INTERNATIONAL MECHANICAL CODE"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the International Code Council (ICC) has developed a set of comprehensive and coordinated national model construction codes (known as the "International Codes"), and the Town of Flower Mound has been involved throughout the development process of the International Codes, through the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

**WHEREAS**, the *International Mechanical Code* has been prepared by the ICC, and in addition to review by the NCTCOG, has been reviewed by Town staff; and

**WHEREAS**, the Town's mechanical code is intended to be updated periodically, and the 2009 edition of the *International Mechanical Code* is the most current published mechanical code at this time; and

**WHEREAS**, the 2009 edition of the *International Mechanical Code* addresses the general design and construction aspects of all mechanical systems in the Town, except one- and two-family dwellings and townhouses (which are covered by the International Residential Code); and

**WHEREAS**, the current mechanical code in the Town is the 2006 edition of the *International Mechanical Code*, and the Town's mechanical code should be updated to the most current published mechanical code available; and

**WHEREAS**, the Town Council of the Town of Flower Mound has determined that it is in the best interest of the citizens of the Town of Flower Mound to update and adopt the 2009 edition of the *International Mechanical Code* as the minimum standard for the construction, use, occupancy, and maintenance of mechanical systems in buildings and structures within Town limits, as set forth herein and as that code is specifically modified by this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

### **SECTION 1**

All of the above premises are found to be true and correct factual and legislative determinations of the Town of Flower Mound and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

### **SECTION 2**

From and after the effective date of this Ordinance, Section 14-101 of the Code of Ordinances of the Town of Flower Mound, entitled "International Mechanical Code Adopted," is hereby deleted and is replaced with the following provision:

#### **Sec. 14-101. International Mechanical Code Adopted.**

The *International Mechanical Code*, 2009 edition, a copy of which is on file in the office of the town secretary, is hereby adopted and designated as the mechanical code of the town, the same as though the provisions of the *International Mechanical Code*, 2009 edition, were copied at length in this section, subject to the deletions, amendments, and additions provided in section 14-102.

### **SECTION 3**

From and after the effective date of this Ordinance, Section 14-102 of the Code of Ordinances of the Town of Flower Mound, entitled "Amendments to International Mechanical Code," is hereby deleted and is replaced with the following provision:

#### **Sec. 14-102. Amendments to International Mechanical Code.**

The *International Mechanical Code*, 2009 edition, is hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect:

- (a) Section 101.1 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 101.1. Title.** These regulations shall be known as the mechanical code of the town, hereinafter referred to as "this code."

- (b) Section 101.5 of the *International Mechanical Code*, 2009 edition, is hereby added to read as follows:

**Section 101.5. License and registration required.** It shall be unlawful for any person, firm, or corporation to make or perform any installation, alteration, repair, replacement, or remodel of any mechanical system

regulated by this code without having registered a valid Texas Mechanical License, or other applicable license, with the town. Said registration shall be upon forms supplied by the building official and shall become null and void on December 31st of each year. An appropriate fee for registration shall be assessed in accordance with the provisions of Appendix A of the Code of Ordinances of the Town of Flower Mound, Texas.

**Exception:** Any residential property owner who, at his legal residence, desires to personally make or perform any installation, alteration, repair, replacement, or remodel of any mechanical system regulated by this code shall be exempt from paying a registration fee. For this section, *legal residence* shall be defined as property for which a property owner shows proof of a homestead exemption.

Any contractor registration regulated by this code may be placed on hold or suspended by the building official preventing any additional permits being issued, if it is determined by the building official that corrective action is needed for compliance with the requirements of Chapter 18, Article II, Section 18-32, of the Code of Ordinances of the Town of Flower Mound. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II, of the Code of Ordinances of the Town of Flower Mound shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the building official.

- (c) Section 102.8 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 102.8. Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in chapter 15, and such codes, when specifically adopted, and standards shall be considered as 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.

- (d) Section 106.4.3 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 106.4.3. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance. Similarly, every permit issued shall become invalid if the work authorized on the site by such permit is

suspended or abandoned at any time after the work has commenced for a period of 180 days. For this section, *suspended or abandoned* will be defined as an elapsed time between any two approved required inspections. Once a permit becomes invalid and before such building or work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such building or work, provided no changes have been made or will be made in the original plans and specifications for such building or work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration of more than one year, the permittee shall submit a new application and pay a new full permit fee.

- (e) Section 106.5.2 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 106.5.2. Fee schedule.** The fees for all mechanical work shall be as adopted by the town.

- (f) Section 106.5.3 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 106.5.3. Fee refunds.** The building official shall establish a policy authorizing the refunding of fees.

- (g) Sections 109.1 through 109.7 of the *International Mechanical Code*, 2009 edition, are hereby amended by deleting such sections in their entirety and replacing them with the following provision, to read as follows:

**Section 109.1. Application for appeal.** Any person shall have the right to appeal a decision of the building official to the board of appeals established by ordinance.

- (h) Section 304.6 of the *International Mechanical Code*, 2009 edition, is hereby amended by deleting it, as follows:

**Section 304.6. Private garages.** Deleted.

- (i) Section 306.3 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 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 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, for access to the attic space, provide one of the following:

1. A permanent stair.

A pull-down stair with a minimum 300 lb (136 kg) capacity.

3. An access door from an upper floor level.

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.

- (j) Section 306.5 of the *International Mechanical Code*, 2009 edition, is hereby amended by deleting the first sentence of said section and replacing such sentence with a new sentence to read as follows and making no other changes to such provision:

**Section 306.5. Equipment and appliances on roofs or elevated structures.** Where equipment and appliances requiring access are installed on roofs or elevated structures at an aggregate 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 12 feet (3038 mm) to the finish grade or floor level below and shall extend to the equipment and appliance's level service space. *{Remainder unchanged.}*

- (k) Section 306.5.1 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 306.5.1. Sloped roofs.** Where appliances, equipment, fans, or other components that require service are installed on roofs having slopes greater than 4 units vertical in 12 units horizontal and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, 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*.

- (l) Section 306.6 of the *International Mechanical Code*, 2009 edition, is hereby added to read as follows:

**Section 306.6. Water heaters above ground or floor.** When the mezzanine or platform in which a water heater is installed is more than eight feet (8') (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) may be accessed through a lay-in ceiling when the water heater is installed not more than 10 feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

- (m) Section 306.6.1 of the *International Mechanical Code*, 2009 edition, is hereby added to read as follows:

**Section 306.6.1.** 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.

- (n) Section 307.2.2 of the *International Mechanical Code*, 2009 edition, is hereby amended, in part, by adding certain provisions to the first and second sentences thereof to read as follows:

**Section 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 schedule 80 PVC pipe or tubing when exposed to ultraviolet light. All components shall be selected for the pressure, temperature, and exposure rating of the installation. *{Remainder unchanged.}*

- (o) Section 307.2.3 of the *International Mechanical Code*, 2009 edition, is hereby amended by changing 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.

- (p) Section 403.2.1 of the *International Mechanical Code*, 2009 edition, is hereby amended by adding a new 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.

- (q) Section 501.2 of the *International Mechanical Code*, 2009 edition, is hereby amended by adding a third exception to read as follows:

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

- (r) Section 504.6 of the *International Mechanical Code*, 2009 edition, is hereby amended by adding a sentence to the end of such Section to read as follows:

The size of duct shall not be reduced along its developed length or at the point of termination.

- (s) Section 607.5.1 of the *International Mechanical Code*, 2009 edition, is hereby amended to read as follows:

**Section 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 approved fire dampers installed in accordance with their listing. For hazardous exhaust systems, see Sections 510.1 through 510.9.

#### **SECTION 4**

All ordinances, orders, or resolutions heretofore passed and adopted by the Town of Flower Mound, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

#### **SECTION 5**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

**SECTION 6**

Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 7**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS 18<sup>TH</sup> DAY OF APRIL, 2011.**

**APPROVED:**

\_\_\_\_\_  
**Melissa D. Northern, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Theresa Fawcett, INTERIM TOWN SECRETARY**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**