AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. 2013-07-12

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 6, MECHANICAL CODE, SECTION 6.04.251 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND SECTION 6.04.252 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 6, Mechanical Code, Section 6.04.251 to provide for the adoption of the International Mechanical Code, 2012 Edition, and Section 6.04.252 to provide for the exceptions and amendments thereto, which shall read as follows:

"ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

. . . .

Division 6. Mechanical Code

Sec. 6.04.251. Adoption

There is hereby adopted as the mechanical code for the city for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city the International Mechanical Code, 2012 Edition, subject to the exceptions and amendments provided in Section 3.602, and the same are incorporated by reference herein as if fully copied. One copy of each such code, together with the exceptions and amendments thereto, shall be kept at all times in the office of the city secretary.

Sec. 6.04.252. Exceptions and Amendments

The International Mechanical Code, 2012 Edition, adopted in this article shall be subject to the exceptions and amendments which are as follows:

***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 amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

****Section "106.2, "Permit Not Required" Delete section in its entirety and amend section 106.5.4 as follows:**

106.5.4 Work without a permit.

106.5.4.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

106.5.4.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

***Section 106.6; change to read as follows:*

106.6 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

***Section 109 Means of Appeal, Delete section in its entirety and replace with new section Means of Appeal as attached.*

Board of Appeals

(a) Any reason directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the "Board", provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An

application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.

(1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.

(2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.

(3) Chairman. The board shall annually select one of its members to serve as chairman.

(4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

(d) Open hearing. All 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.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) 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 within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

**Section 304.6; delete.

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

306.3 Appliances in attics. Attics containing appliances requiring access 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. No hot water heater shall be installed in any attic unless 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.
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 and appliances requiring access are installed on roofs or elevated structures at ~~a~~ an aggregate height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access.~~, the extent of which shall be from~~ 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. 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).

****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 three units vertical in 12 units horizontal (25-percent slope) or greater~~ 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*.

*****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 max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder. No hot water heater shall be installed in any attic unless approved by the Building Official.
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> **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.

******Section 307.2.2; change 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 schedule 80 PVC pipe or tubing when exposed to ultra violet light. All components shall be selected for the pressure, ~~and~~ temperature, and exposure rating of the installation. *{Remainder unchanged}*

******Section 307.2.3; amend # 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 501.2; add an exception 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 not less than the distances specified in Section 501.2.1. 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 or crawl space.

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

*****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."

SECTION 2. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand ($2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the 22nd day of July, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)