

ORDINANCE NO. 2091

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS REPEALING CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.06 MECHANICAL CODE, OF THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, AND ALL ORDINANCES, OR AMENDMENTS THERETO, THAT CONFLICT WITH THE TERMS OR CONDITIONS OF THIS ORDINANCE AND ENACTING IN LIEU THEREOF A NEW CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.06 MECHANICAL CODE, ADOPTING THE INTERNATIONAL MECHANICAL CODE 2021 EDITION AS THE OFFICIAL MECHANICAL CODE OF THE TOWN OF HIGHLAND PARK, TEXAS SUBJECT TO CERTAIN AMENDMENTS CONTAINED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, § 214.216 et seq. of the Texas Local Government Code adopt International Codes and authorizes municipalities to make amendments to those codes;

**WHEREAS**, all constitutional, statutory, and legal prerequisites for the passage of this Ordinance have been met, including but not limited to the Open Meetings Act; and

**WHEREAS**, the Town is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State of Texas; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the public to adopt this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.06 MECHANICAL CODE, is hereby repealed.

SECTION 2. That, a new CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.06 MECHANICAL CODE, of the Code of Ordinances of the Town of Highland Park is hereby adopted and shall read as follows:

Sec. 3.06.001 Title

This article shall be known as the Town mechanical code and may be cited as such, and will be referred to in this article as "the mechanical code."

Sec. 3.06.002 Adopted

The International Mechanical Code, 2021 edition, together with all amendments thereto, shall be and same is hereby made a part of this article by reference, the same as if copied herein and made a part hereof, and copies of said International Mechanical Code, 2021 edition, and all

amendments thereto, shall be kept on file in the office of the Mechanical Inspector.

Sec. 3.06.003 Requirements varying from or not covered by code

Any requirement considered necessary for the safety, strength or stability of an existing or proposed mechanical installation, or for the safety of the occupants thereof, which varies from provisions of the International Mechanical Code, 2021 edition, and all amendments thereto, or which is not specifically covered by the International Mechanical Code, 2021 edition, and all amendments thereto, shall be determined by the Mechanical Inspector subject to appeal to the Town Council.

Sec. 3.06.004 References in code

The International Mechanical Code, 2021 edition, and all amendments thereto, is hereby amended as follows:

- (1) Throughout the International Mechanical Code, 2021 edition, and all amendments thereto, wherever the term "Mechanical Official" is used, there may be substituted therefor the term "Mechanical Inspector."
- (2) Throughout the International Mechanical Code, 2021 edition, and all amendments thereto, wherever the term "Board of Adjustment and Appeals" is used, there shall be substituted therefor the term "Town Council."

Sec. 3.06.005 Amendments

The following deletions, additions, and amendments to the International Mechanical Code contained herein are hereby approved and adopted:

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 shall mean the National Electrical Code as adopted.

Section 106.4.3, Expiration, shall be amended in part as follows:

Every permit issued shall become invalid unless work authorized by such permit is commenced within ninety (90) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of ninety (90) days after the time the work has commenced.

Add Section 106.6, which shall read as follows:

106.6 Registration of Contractors.

- (a) Any person who installs, repairs or alters environmental air conditioning, refrigeration, or process cooling or heating systems or ventilation shall be licensed by the State of Texas to perform such work as a mechanical contractor.
- (b) Mechanical contractors are required to register annually with the Town. Registration will expire 365-days from issuance. To register, an application shall be made in writing on forms furnished for that purpose by the Building Inspection Department along with a registration fee, as established by Town Council resolution, and filed with the Building Inspection Department. This application shall contain a copy of the person's State air conditioning and refrigeration licensed a copy of their driver's license.

Exception: a homeowner is not required to be licensed as a registered contractor to perform work on his/her homestead.

Section 106.5.2, Fee Schedule; shall be deleted in its entirety.

Section 106.5.3, Fee Refunds; shall be deleted in its entirety.

Section 108.2 shall be deleted in its entirety.

Section 108.3 shall be deleted in its entirety.

Section 108.4 shall be deleted in its entirety and replaced with the following: "The penalty for violation of this Code is as set out in the Highland Park Code of Ordinances section 1.01.009."

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 interior or exterior means of access shall be provided. Exterior ladders providing roof *access* need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such *access* shall . . . *{bulk of section to read the same}* . . . on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). ... *{remainder of text unchanged}*.

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 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*...*{remainder of text unchanged}*.

Add Section 306.6, which shall read as follows:

306.6 Water heaters above ground or floor. When the mezzanine or platform in which a

water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A 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.

Section 307.2.3; amend item 2 to read as follows:

1. 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 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 706.11 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 International Mechanical Code.

The following appendices in the International Mechanical Code, 2021 edition, and all amendments thereto, are hereby adopted as follows:

A. Appendix "A," Chimney Connector Pass-

Throughs Sec. 3.06.007 Appendices not adopted

The following appendices in the International Mechanical Code, 2021 edition, are hereby deleted as follows:

B. Appendix "B," Fee Schedule, shall be deleted in its entirety.

Sec. 3.06.008 Permit required

It shall be unlawful for any person, firm, or corporation to install, alter, repair, or replace a mechanical system, equipment, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems, or other energy-related systems, until a mechanical permit has been issued. Plans and specifications to cover proposed work must be submitted to and approved by the Mechanical Inspector prior to issuance of a permit.

Sec. 3.06.009 Permit fees

(a) Permit fees covering the installation, alteration, repair, or replacement of mechanical systems, equipment, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems or other energy-related systems, shall be established by Town Council resolution.

(b) Any and all fees shall be paid at the time of application by the person, or his representative, to whom the permit is to be issued. All but \$50.00 of the permit fee can be refunded if work has not commenced and request for refund is made in writing no more than thirty (30) days from issuance of permit.

SECTION 3. That, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid and the same shall not affect the validity of the Code of Ordinances of the Town of Highland Park as a whole.


SECTION 4. That, the penalty provision of Section 1.01.009 of the Code of Ordinances of the Town of Highland Park is hereby adopted for this ordinance.

SECTION 5. That, this ordinance shall be deemed to be incorporated into The Code of Ordinances of the Town of Highland Park, Texas.

SECTION 6. That, this ordinance shall become effective January 1, 2022. Permits obtained from this date forward shall adhere to the established requirements.

PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this the 7<sup>th</sup> day of December, 2021.

APPROVED AS TO FORM:



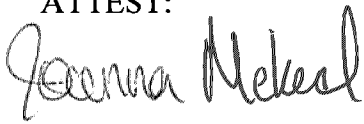
Matthew Boyle  
Town Attorney

APPROVED:



Margo Goodwin  
Mayor

ATTEST:



Joanna Mekeal  
Town Secretary