

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.09, "MECHANICAL CODE," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER AND REPLACING IT WITH A NEW ARTICLE 3.09, "MECHANICAL CODE"; ADOPTING THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; REGULATING THE DESIGN, INSTALLATION, MAINTENANCE, ADDITION, ALTERATION AND INSPECTION OF MECHANICAL SYSTEMS THAT ARE PERMANENTLY INSTALLED AND UTILIZED TO PROVIDE CONTROL OF ENVIRONMENTAL CONDITIONS AND RELATED PROCESSES WITHIN BUILDINGS LOCATED IN THE TOWN OF PROSPER, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Prosper"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal existing Article 3.09, "Mechanical Code," of the Code or Ordinances and replace it with a new Article 3.09, "Mechanical Code"; and

WHEREAS, the Town Council also has investigated and determined that it would be advantageous and beneficial to the citizens of the Prosper to adopt the 2012 Edition of the International Mechanical Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Existing Article 3.09, "Mechanical Code," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety and replaced with a new Article 3.09, "Mechanical Code," to read as follows:

"ARTICLE 3.09 MECHANICAL CODE

Sec. 3.09.001 Code Adopted; amendments

The International Mechanical Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A," attached hereto and incorporated herein for all purposes, is hereby adopted as the Mechanical Code for the town, regulating the design, installation, maintenance, addition, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of

environmental conditions and related processes within the Town (the "2012 International Mechanical Code"). The 2012 International Mechanical Code is made a part of this article as if fully set forth herein. A copy of the 2012 International Mechanical Code, 2012 Edition, copyrighted by the International Code Council, Inc., is on file in the office of the Town Secretary of Prosper being marked and so designated as the 2012 International Mechanical Code.

Sec. 3.09.002 Penalty for violation

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. The town retains all legal rights and remedies available to it pursuant to local, state and federal law."

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

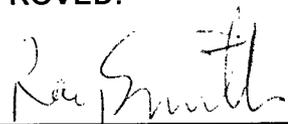
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

This Ordinance shall become effective October 1, 2014, after its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 22ND DAY OF JULY, 2014.

APPROVED:



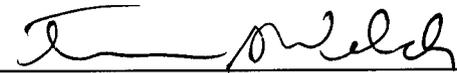
Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

Exhibit A

TOWN OF PROSPER AMENDMENTS

2012 INTERNATIONAL MECHANICAL CODE

The following additions, deletions and amendments to the 2012 International Mechanical Code are hereby approved and adopted.

Section [A] 101.1 Title of the 2012 International Mechanical Code is amended as follows:

[A] 101.1 Title. These regulations shall be known as the *Mechanical Code* of The Town of Prosper hereinafter referred to as “this code.”

Section [A] 102.8 Referenced codes and standards of the 2012 International Mechanical Code is amended as follows:

[A] 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.

Section [A] 106.3.3 Time limitation of application of the 2012 International Mechanical Code is amended as follows:

[A] 106.3.3 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable caused demonstrated.

Section [A] 106.4.3 Expiration of the 2012 International Mechanical Code is amended as follows:

[A] 106.4.3 Expiration. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after the issuance, or if the work authorized by such *permit* is suspended, abandoned or lacks any required inspection for a period of 180 days after the time the work is commenced. The *code official* is authorized to grant, in writing, one or more

extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section [A] 106.5.2 Fee Schedule of the 2012 International Mechanical Code is amended as follows:

[A] 106.5.2 Fee Schedule. The fees schedule for all mechanical work shall be as indicated in the Town of Prosper Fee Schedule as adopted by the City Council.

Section [A] 106.5.3 Fee refunds of the 2012 International Mechanical Code is amended as follows:

[A] 106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section [A] 108.4 Violation; penalties of the 2012 International Mechanical Code is amended as follows:

[A] 108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor and upon conviction may be fined up to the maximum amount allowed by Texas law. Each day that a violation continues after due notice has been served shall be deemed a separate offence.

Section [A] 108.5 Stop work orders of the 2012 International Mechanical Code is amended as follows:

[A] 108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which

work is authorized to resume. Where an emergency exists, the code official shall not be required to give a notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code.

Section [A] 109 MEANS OF APPEAL of the 2012 International Mechanical Code is amended as follows; delete entire section and insert the following:

[A] 109.1 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the Town of Prosper's enabling ordinance.

Section 306.3 Appliances in attics of the 2012 International Mechanical Code is amended as follows:

306.3 Appliances in attics. Attics containing appliances 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 center line of the passageway from the opening to the appliance. The passageway shall have continuous unobstructed 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 and 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. Permanent stairs or ladder fastened to the building.
2. A pull down stair with a 300 lb. rating.
3. An access door from an upper floor.

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.

End of Exhibit "A"