

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 2015 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 2015 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Existing Article 3.09, "Mechanical Code," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety and replaced with a new Article 3.09, "Mechanical Code," to read as follows: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, 2015 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 "2015 International Mechanical Code"). The 2015

International Mechanical Code is made a part of this Article as if fully set forth herein. A copy of the International Mechanical Code, 2015 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 2015 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 (1) or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 5**

This Ordinance shall become effective January 1, 2019, 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 11<sup>TH</sup> DAY OF DECEMBER, 2018.**

**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

#### 2015 INTERNATIONAL MECHANICAL CODE

The following additions, deletions, and amendments to the 2015 International Mechanical Code are hereby approved and adopted.

**Section [A] 101.1 Title** of the 2015 International Mechanical Code is amended to read 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 2015 International Mechanical Code is amended to read 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 2015 International Mechanical Code is amended to read 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 ninety (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 (1) or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable caused demonstrated.

**Section [A] 106.4.3 Expiration** of the 2015 International Mechanical Code is amended to read 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 (1) 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 2015 International Mechanical Code is amended to read as follows:

**[A] 106.5.2 Fee schedule.** The fee 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 2015 International Mechanical Code is amended to read 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 eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than eighty percent (80%) 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 2015 International Mechanical Code is amended to read 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 2015 International Mechanical Code is amended to read as follows:

**[A] 108.5 Stop work orders.** Upon notice from the Code Official, work on any mechanical 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, 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 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] 109.1 Application for appeal** of the 2015 International Mechanical Code is amended to read as follows:

**[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, as established by ordinance. The Board shall be governed by the Town of Prosper's enabling ordinance.

**Section 306.3 Appliances in attics** of the 2015 International Mechanical Code is amended to read as follows:

**306.3 Appliances in Attics.** Attics containing appliances shall be provided . . . *{bulk of Section unchanged}* . . . side of the appliance. The clear access opening dimensions shall be a minimum of twenty inches (20") by thirty inches (30") (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 (1) 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; or,
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... *{no change to remaining text}*
2. Where the passageway is unobstructed and not less than six feet (6') (1,829 mm) high and twenty-two inches (22") (559 mm) wide for its entire length, the passageway shall be not greater than fifty feet (50') (15,240 mm) in length.

**Section 306.5 Equipment and appliances on roofs or elevated structures** of the 2015 International Mechanical Code is amended 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 sixteen feet (16') (4,877 mm) above grade to access, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than twelve feet (12') (3,657 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 unchanged}* . . . on roofs having a slope greater than four (4) units vertical in twelve (12) units horizontal (33% slope)... *{bulk of Section unchanged}*.

**Section 306.5.1 Sloped roofs** of the 2015 International Mechanical Code is amended 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 (3) units vertical

in twelve (12) units horizontal (25% slope) or greater and having an edge more than thirty inches (30") (762 mm) above grade at such edge, a catwalk at least sixteen inches (16") in width with substantial cleats spaced not more than sixteen inches (16") 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 thirty inches (30") (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than forty-two inches (42") (1,067 mm) above the platform, shall be constructed so as to prevent the passage of a twenty-one inch (21") diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the currently adopted International Building Code.

**Section 306 ACCESS AND SERVICE SPACE** of the 2015 International Mechanical Code is amended by adding **Section 306.6 Water heaters above ground or floor** and an **Exception** 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 feet (8') (2,438 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 ten (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 feet (10') (3,048 mm) above the ground or floor level and may be reached with a portable ladder.

**Section 307.2.3 Auxiliary and secondary drain systems 2.** of the 2015 International Mechanical Code is amended 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 Recirculation of air** of the 2015 International Mechanical Code is amended by adding **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 Exhaust discharge** of the 2015 International Mechanical Code is amended by adding an **Exception 4.** to read as follows:

**Exception:**

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

**Section 607.5.1 Fire walls** of the 2015 International Mechanical Code is amended 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 currently adopted 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.

End of Exhibit "A"