

ORDINANCE NO. 1151

AN ORDINANCE OF THE CITY OF LAKE WORTH, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS" OF THE LAKE WORTH CODE OF ORDINANCES, REPEALING ARTICLE 3.1700 "TECHNICAL AND CONSTRUCTION CODES ADOPTED", DIVISION 4 "INTERNATIONAL MECHANICAL CODE" BY REPEALING AND REPLACING IT WITH A NEW SECTION 4, ENTITLED "INTERNATIONAL MECHANICAL CODE ADOPTED," AND BY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, Texas (the "City") is a Home Rule City acting under its charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, a new edition of the *International Mechanical Code* ("IMC") is produced every three (3) years, and the 2018 Edition of the IMC has recently been issued by the International Code Council ("ICC"); and

WHEREAS, a committee of Mechanical code professionals in conjunction with the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG") have recommended local amendments specific to the needs of North Central Texas; and

WHEREAS, the City's mechanical code is intended to be updated periodically, and the 2018 edition of the IMC is the most current published mechanical code at this time; and

WHEREAS, the adoption of the 2018 Edition of the IMC, including local amendments, will provide the most current life safety applications with respect to construction, occupancy, use and maintenance of buildings and structures in the City; and

WHEREAS, the current mechanical code in the City is the 2012 edition of the IMC, and the City's mechanical code should be updated to the most current published code available; and

WHEREAS, the City Council of the City of Lake Worth, Texas, has determined that it is in the best interest of the citizens of the City of Lake Worth to update and adopt the 2018 edition of the IMC the minimum standard for mechanical installations, as set forth herein and as the code specifically modified by the ordinance.

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

SECTION 1.

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes:

SECTION 2.

All ordinances and provisions of the City of Lake Worth, Texas that are in conflict with this ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

SECTION 3.

From and after the effective date of this ordinance, Section 3.1700, Technical and Construction Codes, Division 4, of the Code of Ordinances of the City of Lake Worth, entitled "International Mechanical Code," is hereby repealed and replaced with a new Section 4 entitled "International Mechanical Code Adopted," to read as follows":

Sec.3.1704

International Mechanical Code Adopted

The IMC, 2018 edition, a copy of which is on file with the City Secretary, is hereby adopted and designated as the mechanical code of the city the same as though the provisions, of the IMC, 2018 edition, were copied at length in this section, subject to and modified 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. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the IMC, 2018 edition, shall be met.

- (1) Section 102.8 of the IMC, 2018 edition is hereby amended by changing the following to read as:

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 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 Electrical Code as adopted.

- (2) Section 306.3 of the IMC, 2018 edition is hereby amended by changing the following to read as:

306.3 Appliances in Attics. Attics containing appliances 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), and 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.
2. A pull-down stair with a minimum 300 lb. (136 kg) capacity.
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 text unchanged}.

- (3) Section 306.5 of the IMC, 2018 edition is hereby amended by changing the following to read as:

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}*

- (4) Section 306.5.1 of the IMC, 2018 edition is hereby amended by changing the following to read as:

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}*

- (5) Section 306 of the IMC, 2018 edition is hereby amended by adding the following section to read as:

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 maximum 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 (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

- (6) Section 307.2.3 of the IMC, 2018 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.

- (7) Section 501.3 of the IMC, 2018 edition is hereby amended by adding 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.

- (8) Section 607.5.1 of the IMC, 2018 edition is hereby 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 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 4.
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of all other ordinances of the City of Lake Worth, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5.
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Lake Worth that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.
SAVINGS CLAUSE**

All rights or remedies of the City of Lake Worth, Texas are expressly saved as to any and all violations of the provisions of any ordinance affecting zoning or land use, which have accrued at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 8.
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Lake Worth is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the Ordinance in the Ordinance Records of the City.

**SECTION 9.
PUBLICATION**

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, the penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

**SECTION 10.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on 13th day of August, 2019.



CITY OF LAKE WORTH

By: Walter Bowen
Walter Bowen, Mayor

ATTEST:

Monica Solko
Monica Solko, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin
Drew Larkin, City Attorney