

CITY OF FORNEY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING ARTICLE 3.02, DIVISION 7, “MECHANICAL CODE,” ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL MECHANICAL CODE* BY THE AMENDMENT OF SECTION 3.02.301, “ADOPTION,” AND ESTABLISHING AMENDMENTS TO THE 2021 EDITION OF THE *INTERNATIONAL MECHANICAL CODE* IN ACCORDANCE WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS’ RECOMMENDED AMENDMENTS, LOCAL AMENDMENTS AND INDUSTRY STANDARDS THROUGH THE AMENDMENT OF SECTION 3.02.302, “AMENDMENTS”; PROVIDING A PENALTY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the International Code Council (“ICC”) has developed a set of comprehensive and coordinated national model construction codes (known as the “International Codes”), and the City of Forney, Texas (“City”) has been involved throughout the development process of the International Codes, through the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (“NCTCOG”); and

WHEREAS, the *International Mechanical Code* has been prepared by the ICC, and in addition to review by the NCTCOG, has been reviewed by City staff; and

WHEREAS, the City’s mechanical code is intended to be updated periodically, and the 2021 edition of the *International Mechanical Code* is the most current, published mechanical code at this time; and

WHEREAS, the 2021 edition of the *International Mechanical Code* addresses the general design and construction aspects of all mechanical systems in the City, except one- and two-family dwellings and townhouses (which are covered by the International Residential Code); and

WHEREAS, the current mechanical code in the City is the 2018 edition of the *International Mechanical Code*, and the City’s mechanical code should be updated to the most current, published mechanical code available; and

WHEREAS, the City Council of the City of Forney, Texas (“City Council”) has determined that it is in the best interest of the citizens of the City of Forney to update and adopt the 2021 edition of the *International Mechanical Code* as the minimum standard for the construction, use, occupancy, and maintenance of mechanical systems in buildings and structures within city limits, as set forth herein and as that code is specifically modified by this Ordinance.

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

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct factual and legislative determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDMENT OF ORDINANCE

From and after the effective date of this Ordinance, Chapter 3, Article 3.02, Division 7, of the Code of Ordinances of the City of Forney, Texas, entitled "Mechanical Code," is hereby amended by amending Sections 3.02.301, entitled "Adoption," and 3.02.302, entitled "Amendments," in their entirety and replacing said provisions with new Sections 3.02.301, entitled "Adoption of *International Mechanical Code*," and 3.02.302, entitled "*International Mechanical Code* Amendments," to read as follows:

"Sec. 3.02.301 Adoption of *International Mechanical Code*.

The *International Mechanical Code*, 2021 edition, a copy of which is on file in the offices of the City of Forney, is hereby adopted and designated as the Mechanical Code of the City, the same as though the provisions of the *International Mechanical Code*, 2021 edition, were copied at length in this section, subject to the deletions, amendments, and additions provided in section 3.02.302.

Sec. 3.02.302 *International Mechanical Code* Amendments.

The following amendments repeal and reenact or add sections to the *International Mechanical Code*, 2021 edition, adopted by Section 3.02.301 of this Code for the purpose of consistency with specific past practices and the recommendations of the North Central Texas Council of Governments, and all sections not expressly amended remain in full force and effect as adopted.

- (1) Section 101.1 of the *International Mechanical Code*, 2021 edition, is hereby amended to read as follows:

101.1. Title. These regulations shall be known as the Mechanical Code for the City of Forney and shall be cited as such. It is referred to herein as the "this code."

- (2) Section 102.8 of the *International Mechanical Code*, 2021 edition, is hereby amended 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.

- (3) Section 306.5 of the *International Mechanical Code*, 2021 edition, is hereby 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 16 feet (4877 mm) above grade to access, an a permanent 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 4 units vertical in 12 units horizontal (33-percent slope). ... {*remainder of text unchanged*}.

- (4) Section 306.5.1 of the *International Mechanical Code*, 2021 edition, is hereby 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 3 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 501.3 of the *International Mechanical Code*, 2021 edition, is hereby amended to 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 3. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council 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 unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

Upon its passage and publication as required by law, this Ordinance shall become effective on January 1, 2023.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, on this the _____ day of _____, 2022.

Amanda Lewis, Mayor

ATTEST:

Laura Calcote, Interim City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jennifer Barnes Smith, City Attorney