

ORDINANCE NO. 1889

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE VI "MECHANICAL STANDARDS", OF THE BRYAN CITY CODE; REPEALING THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND ADOPTING LOCAL AMENDMENTS TO THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION IN THE NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council of the City of Bryan, Texas to repeal the 2003 Edition of the International Mechanical Code; and

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2009 Edition of the International Mechanical Code, published by the International Code Council; and

WHEREAS, the adoption of additional local amendments to the code will facilitate proper inspection activities by the City of Bryan, Texas relating to the construction and maintenance of buildings within the corporate limits of the City and relating to public, health, safety and welfare;

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

1.

That Chapter 14, Article VI, "Mechanical Standards" is amended to read as follows:

ARTICLE VI. MECHANICAL STANDARDS

Sec. 14-145. International Mechanical Code adopted by reference.

(a) The International Mechanical Code, 2009 Edition, published by the International Code Council (the "2009 International Mechanical Code") is adopted and incorporated by reference into this section as if set out at length herein with deletions and amendments contained in subsection (b) and in section 14-146 (local amendments to the mechanical code). From the date on which this section shall take effect, the provisions contained therein shall be controlling in the construction of all buildings and other structures within the corporate limits of the city.

(b) The following provisions of the 2009 International Mechanical Code are deleted:

Section 109 (Means of appeal).

Section 304.7 (Private garages).

Section 507.16.1 (Capture and containment test).

(c) The city secretary shall retain a copy of the amendments to the 2009 International Mechanical Code, with the official ordinances of the city. A copy of the 2009 International Mechanical Code shall be maintained on file by the chief building official.

Sec. 14-146. Amendments to code.

The following sections of the Mechanical Code are hereby amended:

Section 102.8 (Referenced codes and standards) is amended by adding the following exception:

Exception: Any reference to the ICC Electrical Code shall mean the National Electrical Code, as adopted and amended by the city.

Section 103 (Department of Mechanical Inspection) is amended by deleting "Department of Mechanical Inspections" and replacing with "Building Services Division of the Development Services Department".

Section 105.1 (Modifications) is amended by deleting the last sentence and replacing with: "The details of action granting modifications shall be recorded and entered in the files of the Building Services Division."

Section 106.3 (Application for permit) is amended by deleting the text in said section and replacing it with the following: "The code official may require a permit application for work regulated by this code."

Section 106.5.1 (Work commencing before permit issuance) is amended by deleting the text in said section and replacing with the following: "Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to five times the usual permit fee."

Section 106.5.2 (Fee schedule) is amended to read: The fees for mechanical work shall be in accordance with the schedule of fees as established by the city.

Section 106.5.3 (Fee refunds) is amended by deleting the text in said section and replacing it with the following: The city manager or his or her designee is authorized to establish a refund policy.

Section 108.4 (Violation; penalties) is amended by deleting and replacing the penalty provision to read as follows: "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 provision of this code, shall be guilty of a Class C Misdemeanor, punishable by a fine as set forth in section 1-14. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 108.5 (Stop work orders) is amended by deleting the last sentence and replacing with: "Any person who shall continue any work on the system 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 subject to a fine as set forth in section 1-14."

Section 301.13 (Flood Hazard) is amended by deleting the text and replacing with: "Equipment and appliances located on property with 100 year flood plain limits and where a City Development Permit and/or Elevation Certificates are required shall be elevated one foot minimum above the base flood elevation as established by the City. All installations of appliances, systems, and equipment in flood

hazard areas shall comply with flood-resistant construction requirements of the International Building Code.”

Section 304.10 (Clearances from grade) is amended by replacing "six inches (152 mm)" with "three inches" and adding the following sentence to the end of the section: “Equipment and appliances located on property with 100 year flood plain limits and where a City Development Permit and/or Elevation Certificates are required shall be elevated one foot minimum above the base flood elevation as established by the City.”

Section 307.2.1 (Condensate Disposal) is amended by replacing “an approved place of disposal” with “sanitary sewer with working trap or an approved place of disposal per city policy”.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provision of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

8.

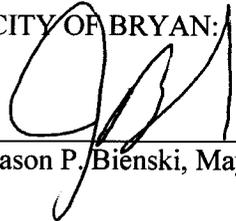
This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this ordinance will be December 1, 2010.

PRESENTED AND GIVEN first reading the 26th day of October, 2010, at a Regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, passed and approved on the 9th day of November, 2010, by a vote of 7 yeses and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.

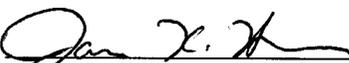
ATTEST:


Mary Lynne Stratta, City Secretary

CITY OF BRYAN:


Jason P. Bienski, Mayor

APPROVED AS TO FORM:


Janis K. Hampton, City Attorney