

ORDINANCE NO. 2529

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE VI “MECHANICAL STANDARDS”, OF THE BRYAN CITY CODE; REPEALING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE, ADOPTING THE 2021 EDITION, AND ADOPTING LOCAL AMENDMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2021 edition of the International Mechanical Code, published by the International Code Council, as well as local amendments to same, and to repeal the 2015 edition currently in effect; 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; and

WHEREAS, the City of Bryan’s Board of Adjustment and Appeals recommended approving the adoption of the 2021 edition of the International Mechanical Code with local amendments during a public meeting held on October 4, 2021.

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, 2021 Edition, published by the International Code Council (the "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 2021 International Mechanical Code are deleted:

Section 507.16.1 (Capture and containment test).
- (c) The city secretary shall retain a copy of the amendments to the 2021 International Mechanical Code, with the official ordinances of the city. A copy of the 2021 International Mechanical Code shall be maintained on file by the chief building official.

Sec. 14-146. - Amendments to code.

The following sections of the International 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 (Code Compliance Agency) is amended by deleting "Code Compliance Agency" 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 109.4 (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 109.6 (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 113.4 (Failure to comply) is amended by deleting the existing text and replacing with: "Any person who shall continue any work 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 fines as set forth in section 1-14."

Section 114 (Means of Appeals) is amended by deleting text in said section and replacing with: "means of appeals shall be per adopted International Building Code (IBC) and city amendments.

Section 115.4 (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 301.16 (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 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" at the end of the first sentence with "sanitary sewer with working trap" and adding: "Exception: If there exist hardship in routing a condensate drain to a sanitary sewer working trap, an alternative design and details for an approvable place of disposal that will not create a nuisance may be submitted for review and approval by the Plumbing Inspector and/or City Environmental Department. If approved, any drain routed to an exterior pit or French Drain shall be protected to prevent damage and have an air gap or means of secondary overflow to prevent the condensate line from backing up into the building".

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 meeting at which this Ordinance was passed was 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 meeting 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 provisions 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 January 1, 2022.

PASSED, ADOPTED, AND APPROVED after the first and only reading on the 9th day of November, 2021, at a regular meeting of City Council of the City of Bryan, Texas, by a vote of 6 yeses and 0 noes.

ATTEST:

Mary L Stratta

Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

Andrew Nelson

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper

Thomas A. Leeper, Interim City Attorney

