

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.09, "MECHANICAL CODE," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, AND REPLACING IT WITH A NEW ARTICLE 3.09, "MECHANICAL CODE"; ADOPTING THE 2021 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; 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 (the "Town Council"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal the existing Article 3.09, "Mechanical Code," of the Code of Ordinances and replace it with a new Article 3.09, "Mechanical Code"; and,

WHEREAS, the Town Council has also investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to adopt the 2021 Edition of the International Mechanical Code, save and except the amendments and deletions 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Existing Article 3.09, "Mechanical Code," of the Code of Ordinances of the Town of Prosper Texas, is hereby repealed in its entirety and replace with a new Article 3.09, "Mechanical Code," to read as follows: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, 2021 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 "2021 International Mechanical Code"). The 2021 International Mechanical Code is made a part of this Article as if fully set forth herein. A copy of the International Mechanical Code, 2021 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 2021 International Mechanical Code."

SECTION 3

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 4

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 from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

Any person, firm, corporation, or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6

This Ordinance shall become effective on April 1, 2023, after its adoption and publication as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 24TH DAY OF JANUARY, 2023.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

Exhibit A
Town of Prosper Amendments to the
2021 International Mechanical Code
The following additions, deletions, and amendments to the 2021 International Mechanical
Code are hereby approved and adopted.

Section 101.1; change to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the Town of Prosper, hereinafter referred to as “this code.”

Section 102.8; change 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.

Section 103.1; change to read as follows:

103.1 Creation of agency. The BUILDING INSPECTION DIVISION OF THE TOWN OF PROSPER is hereby created and the official in charge thereof shall be known as the Code Official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

Section 109.6; change to read as follows:

109.6 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 114.1; change to read as follows:

114.1 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 115.4; change to read as follows:

115.4 Violation penalties. Persons 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 offense.

Section 306.3; change to read as follows:

306.3 Appliances in attics. Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall be not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous unobstructed solid flooring not less than 24 inches (610 mm) wide. The passageway shall be rated as a floor as determined by the Code Official. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. At a minimum, access to the attic space shall be provided by one of the following:

1. Permanent stairs or ladder fastened to the building;
2. A pull down stair with a minimum 300 lb. (136 kg) capacity;
3. An access door from an upper floor level; or
4. An 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 through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

Section 306.5; change 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 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}*.

Section 306.5.1; change 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 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}*.

END