

ORDINANCE NO. 3606

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 98 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES, ADOPTING THE 2018 INTERNATIONAL MECHANICAL CODE AS AMENDED AS THE MECHANICAL CODE OF THE CITY OF NORTH RICHLAND HILLS; PROVIDING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas (“the City”) is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the International Mechanical Code is developed by construction industry professionals and adopted around the world as the model code based on the best, most recent building science; and

WHEREAS, updates to the building codes are meant to track with changes in building industry standards, practices, innovations, and technologies; and

WHEREAS, the North Richland Hills City Council desires to adopt the 2018 International Mechanical Code with amendments recommended by the North Central Texas Council of Governments and other local amendments in order to better provide for the health, safety, and welfare of its residents, businesses and their property, as well as all occupants and users of buildings and structures within the community; and

WHEREAS, it is the policy of the City of North Richland Hills to update its building codes every six years; and

WHEREAS, updated codes benefit North Richland Hills citizens by establishing consistency of code adoptions with other local jurisdictions; ensuring the best rating possible by the Insurance Services Organization (ISO); Contributes to the city's good standing in FEMA's Community Rating System (CRS) which enables discounted flood insurance rates for our residents; and

WHEREAS, the North Richland Hills Construction Code Appeals Board acting in its capacity as the Construction Advisory Board on August 15, 2019 reviewed and unanimously recommended the adoption of the 2018 International

Mechanical Code with the amendments recommended by the North Central Texas Council of Governments and other local amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

SECTION 1: The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

SECTION 2: THAT Section 98-332 of the North Richland Hills Code of Ordinances be amended to read as follows:

Sec. 98-332. International Mechanical Code adopted.

The International Mechanical Code, 2018 Edition, as published by the International Code Council, Inc., as amended by the recommended amendments of the North Central Texas Council of Governments, as further modified by the city technical code committee, a copy of which is on file in the office of the city secretary, is hereby adopted by reference and designated as the mechanical code of the city, the same as though such code were copied at length herein.

SECTION 3: THAT Section 98-333 of the North Richland Hills Code of Ordinances be amended to read as follows:

Sec. 98-333. Amendments to the International Mechanical Code.

The following sections, paragraphs, and sentences of the 2018 International Mechanical Code are hereby amended as follows:

**** 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 amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

****Section 109; Delete entire section and replace as follows:**

SECTION 109 MEANS OF APPEAL

[A] 109.1 Application for appeal. (See Sec. 98-42, 98-43, and 98-185(f) of the North Richland Hills Code of Ordinances).

**** Section 304.13; Add new section as follows:**

304.13 Minimum burial depth. Underground fuel piping systems shall be installed a minimum depth of 18 inches (458 mm) below grade.

****Section 306.3; change to read as follows:**

306.3 Appliances in attics. Attics containing appliances requiring access 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), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. 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 section unchanged}*

**** 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*.

**** Add section 306.6 to read as follows:**

306.6 Water heaters above ground or floor. When the mezzanine or platform in which a water heater is installed is more than eight feet (2,438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

306.6.1 Whenever the mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with section 306.3.1.

**** Section 307.2.1; modify second sentence to read as follows:**

307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent). Condensate shall not discharge into a street, alley, sidewalk or other areas so as to cause a nuisance. Rooftop units may be piped to discharge into roof drains when such drains do not discharge in a publicly exposed area as listed above. Condensate shall not discharge into pit without specific approval by the building official.

**** Section 307.2.3; amend 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 hazard or nuisance.

****Section 403.2.1; add an item 5 to read as follows:**

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an *approved* mechanical recirculating fan or similar device designed to remove odors from the air in cases where direct ventilation cannot be achieved.

****Section 501.2; add an exception to read as follows:**

501.2 Exhaust discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and not less than the distances specified in Section 501.2.1. 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 or crawl space.

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. When approved by the code official, toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

****Section 504.6.4.2; change to read as follows:**

504.6.4.2 Manufacturer's instructions. When approved by the Building Official, where clothes dryers to be installed are provided and maintained by the building owner and the manufacturer's installation instructions for such dryer(s) are provided, the maximum length of the exhaust duct, including any transition duct, may be permitted to be in accordance with the dryer manufacturer's installation instructions, and provided that a 4 inch by 6 inch sign red in color with white letters is permanently affixed to the structure near the clothes dryer stating the following:

WARNING

Clothes dryer must be provided by the building owner and shall support a maximum discharge length of (insert maximum total developed length allowed by the manufacturer). Contact the North Richland Hills Building Inspection Department for noncompliance issues at 817-427-6300.

****Section 506.3.11; replace first sentence to read as follows:**

506.3.11 Grease duct enclosure. A grease duct serving a Type I hood shall be enclosed. *{remainder of paragraph unchanged}*.

Exception: *Deleted*

****Section 507.3, add exception #1 as follows:**

Exception #1:

1. Commercial dishwashing machines and other commercial dishwashers that do not heat water above 130 degrees Fahrenheit and utilize approved detergents and/or cleaning agents for sanitization purposes.

****Section 507.2.3; change to read as follows:**

507.2.3 Domestic cooking appliances used for non-residential purposes. Domestic cooking appliances utilized for non-residential purposes shall be provided with Type I or Type II hoods as required for the type of appliances and processes in accordance with Section 507.2.

Exception: When approved by the building official and the fire marshal, domestic cooking appliances intended for limited or occasional use may be installed without Type I or Type II hoods when equipped with approved domestic-type exhaust hoods that are vented to the exterior of the building and equipped with approved automatic fire suppression equipment; and where it can be demonstrated that concentrated cooking activities will not take place. Concentrated cooking activities include, but are not limited to, frying and other cooking methods that produce grease laden vapors. Cooking areas shall be posted with a permanent plaque that states the following:

NOTICE

Cooking equipment is for warming foods only. Frying, grilling, or other cooking processes that produce grease laden vapors are prohibited by order of the Fire Marshal.

The use of this exception may be revoked by the building official or the fire marshal for non-compliance.

****Section 510.2.1.1; added to read as follows:**

510.2.1.1 Woodworking (or cabinet) shop. Where more than three fixed or table mounted pieces of dust producing equipment exists, each fixed or table mounted piece shall be connected to a dust collection system, in accordance with this section and Section 511, which is interconnected so that dust collection is automatically activated whenever the equipment is in operation.

**** Section 515; add new section as follows:**

SECTION 515 RESTROOM VENTILATION FANS

515.1 General. When required, individual restroom ventilation fan equipment and appliances shall be installed as required by the terms of their approval, in accordance with the conditions of the listing, the manufacturer's installation instructions and this code. Manufacturer's installation instructions shall be available on the job site at the time of inspection.

515.2 Exhaust penetrations. Where a restroom ventilation fan exhaust duct penetrates a wall or ceiling membrane, the annular space shall be sealed with noncombustible material, *approved* fire caulking or a noncombustible exhaust duct wall receptacle. Ducts that exhaust restroom ventilation fans shall not penetrate or be located within any fireblocking, draftstopping or any wall, floor/ceiling or other assembly required by the *International Building Code* to be fire-resistance rated, unless such duct is constructed of galvanized steel or aluminum of the thickness specified in Section 603.4 and the fire-resistance rating is maintained in accordance with the *International Building Code*. Fire dampers, combination fire/smoke dampers and any similar devices that will obstruct the exhaust flow shall be prohibited in clothes dryer exhaust ducts.

515.3 Exhaust installation. Exhaust ducts shall terminate on the outside of the building and shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination. Exhaust ducts shall not be connected to a vent connector, vent or *chimney*. Exhaust ducts shall not extend into or through ducts or plenums.

515.4 Ducts. Exhaust ducts for restroom ventilation fans shall conform to the requirements of Sections 515.4.1 through 515.4.3.

515.4.1 Material and size. Ducts within concealed construction such as wall and floor cavities shall have a smooth interior finish and shall be constructed of metal a minimum 0.016 inch (0.4 mm) thick. The exhaust duct size shall meet the manufacturer's installation instructions.

515.4.2 Flexible air connectors. Flexible air connectors shall be metallic and be tested in accordance with UL 181. Connectors shall be listed and labeled as Class 0 or Class 1 flexible air connectors and shall only be installed in areas that provide access for maintenance and repair.

515.4.3 Flexible air connector length. Flexible air connectors shall be limited in length to 14 feet (4267 mm).

515.4.4 Flexible air connector penetration limitations. Flexible air connectors shall not pass through any wall, floor or ceiling.

*****Section 607.5.1; change 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: Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed two thousand dollars (\$2,000). Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.

SECTION 5: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that 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 7: 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8: 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 this 23rd day of September, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Clayton Comstock, Director of Planning