

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON BY REPEALING THE 2012 EDITION OF THE *INTERNATIONAL MECHANICAL CODE* IN SECTIONS 28-251 AND 28-252 AND ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL MECHANICAL CODE* IN SECTIONS 28-76 AND 27-77, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Health & Building Standards Commission at its March 24, 2022 meeting, the City Council now finds it is in the best interests of public health, safety, and welfare to repeal the 2012 edition of the *International Mechanical Code* and to adopt the 2021 edition of the *International Mechanical Code*; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Chapter 28, Buildings and Building Regulations, Section 28-251 and 28-252, of the Denton Code of Ordinances are repealed in their entirety and replaced with new Article IX, Sections 28-76 through 28-77, to read as follows:

Section 28-76. 2021 International Mechanical Code adopted.

The International Mechanical Code, 2021 edition, published by the International Code Council, a copy of which shall be filed in the office of the city secretary and available for public inspection, is hereby adopted, the same as if copied at length herein, subject to the deletions and amendments enumerated in Section 28-77.

Section 28-77. Deletions and Amendments to the 2021 International Mechanical Code.

1. Section 101.1. is deleted in its entirety and replaced with the following:

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

2. Section 103.1 is deleted in its entirety and replaced with the following:

103.1 Creation of agency. The Building Safety Department is hereby created and the executive 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.

3. Section 106.4.3 is deleted in its entirety and replaced with the following:

106.5.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or is

suspended or abandoned at any time after the work is commenced for a period of 180 days.

4. Section 109.2 is deleted in its entirety and replaced with the following:

109.2 Schedule of permit fees. Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority or ordinance of the City.

5. Section 109.4 is deleted in its entirety and replaced with the following:

109.4 Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to the required permit fees, as set by the current schedule of fees adopted by ordinance of the City.

6. Section 113 Means of Appeals, is deleted in its entirety and replaced with the following:

113 HEALTH AND BUILDING STANDARDS COMMISSION

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official, or fire marshal relative to the application and interpretation of the requirements of this Code and all other applicable codes of the City of Denton, there shall be a health and building standards commission.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The health and building standards commission shall not have authority to waive requirements of this code.

7. Section 114 Board of appeals, is deleted in its entirety.

8. Section 115.4 Violation penalties, is deleted in its entirety.

9. A new Section 306.3.2 is created and shall read as follows:

As a minimum, for access to the attic space, one of the following shall be provided:

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.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum not to exceed two thousand dollars (\$2,000.00) for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. Pursuant to Section 2.09(c) of the Charter for the City of Denton and Section 214.218 of the Texas Local Government Code, this ordinance shall become effective on June 1, 2022, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage and approval.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

The motion to approve this ordinance was made by Jesse Davis and seconded by Alison Maguire, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	_____	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____
Brian Beck, District 2:	<u>✓</u>	_____	_____	_____
Jesse Davis, District 3:	<u>✓</u>	_____	_____	_____
Alison Maguire, District 4:	<u>✓</u>	_____	_____	_____
Deb Armintor, At Large Place 5:	<u>✓</u>	_____	_____	_____
Paul Meltzer, At Large Place 6:	<u>✓</u>	_____	_____	_____

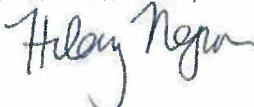
PASSED AND APPROVED this, the 5th day of April, 2022.



GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY
 Hilary Negron
2022.03.31 15:55:56
BY: _____ -05'00'

