

ORDINANCE NO. 19603-03-2011

AN ORDINANCE AMENDING THE FORT WORTH MECHANICAL CODE, BY ADOPTING THE 2009 INTERNATIONAL MECHANICAL CODE, WITH LOCAL AMENDMENTS; AMENDING SECTIONS 7-166, 7-167, 7-168 AND 7-169 OF THE CODE OF THE CITY OF FORT WORTH (1986); REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, EQUIPMENT, DESIGN, QUALITY OF MATERIALS, USE AND MAINTENANCE OF HEATING, COMFORT COOLING AND VENTILATING SYSTEMS IN THE CITY OF FORT WORTH, TEXAS; DEFINING CERTAIN TERMS; ESTABLISHING MINIMUM REQUIREMENTS FOR THE INSTALLATION, ALTERATION OR REPAIR OF MECHANICAL SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREOF; PROVIDING FOR THE INSPECTION OF SUCH SYSTEMS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1.

That Section 7-166 of the Code of the City of Fort Worth (1986) is hereby amended to read as follows:

Sec. 7-166. THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE ADOPTED.

(a) The Mechanical Code of the City Of Fort Worth is hereby revised and amended to conform, with certain exceptions as specified below, to the 2009 International Mechanical Code of the International Code Council (ICC), and the same as amended is hereby adopted as the City's Mechanical Code. One (1) copy of the 2009 International Mechanical Code marked Exhibit "A", is incorporated herein by reference and shall be filed in the Office of the City Secretary for permanent record and inspection.

(b) The mechanical provisions of the *International Residential Code*, as adopted elsewhere, shall be used as the mechanical provisions for buildings and structures applicable to that code except as provided for in that code.

(c) Any Errata corrections published by the International Code Council for the 2009 International Mechanical Code, as they are discovered, are considered as part of this code.

SECTION 2.

That Section 7-167 of the Code of the City of Fort Worth (1986) is hereby amended as follows:

Sec. 7-167. Amendments.

(a) Chapter 1 "SCOPE AND ADMINISTRATION" of the 2009 International Mechanical Code is hereby deleted and replaced with following:

PART 1 – SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Fort Worth ~~*Mechanical Code* of [NAME OF JURISDICTION]~~ hereinafter referred to as "this code."

101.2 Scope. This code shall regulate the design, installation, maintenance, *alteration* and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, *equipment* and appliances specifically addressed herein. The installation of fuel gas distribution piping and *equipment*, fuel gas-fired appliances and fuel gas-fired *appliance* venting systems shall be regulated by the *International Fuel Gas Code, a part of the Fort Worth Plumbing Code.*

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code, except as provided for in that code. For application of this code to such uses under the Residential Code, they shall be considered to be Group R-3 residential uses with Group U accessory uses, unless a more appropriate occupancy group is assigned by the building official.*

The provisions of this code shall also apply to usage of the surrounding site and access to and from the building, structure or site, as necessary to achieve the purpose of this code, and to obtain compliance with other codes and ordinances of this jurisdiction.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.3 Intent. The purpose of this code is to provide minimum standards to safeguard life or

limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of mechanical systems and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If any section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 Existing installations. Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, *alteration* or abandonment of, nor prevent the continued utilization and maintenance of, a mechanical system lawfully in existence at the time of the adoption of this code if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such mechanical system.

Exception: A kitchen exhaust system with a Type I hood for collecting and removing grease and smoke, and a fire extinguishing system shall be installed at or above all existing cooking equipment in commercial food processing establishments as required by Chapter 5 of this code.

102.6.1 Annexation. Upon annexation, all existing structures and buildings are subject to inspection for compliance with the provisions of this section, Section 108.7 of this code for unsafe installations, Chapter 34 of the Building Code, the Minimum Building Standards Code and the Fire Code, except as specifically deleted by such annexation ordinance.

102.3 Maintenance. Mechanical systems, both existing and new, and all parts thereof shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed.

The owner or the owner's designated agent shall be responsible for maintenance of mechanical systems. To determine compliance with this provision, the code official shall have the authority to require a mechanical system to be reinspected.

102.4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any mechanical system shall conform to that required for a new mechanical system without

requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

102.5 Change in occupancy. It shall be unlawful to make a change in the *occupancy* of any structure which will subject the structure to any special provision of this code applicable to the new *occupancy* without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new *occupancy* and that such change of *occupancy* does not result in any hazard to the public health, safety or welfare.

No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the code official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Whenever the change of occupancy involves a change in the character or level of activity, without a change in the Group or Division within the same Group, only the applicable provisions that apply to the new character or level of activity shall be required.

An example of a change of character would be a change from an office, Group B, to a medical office, Group B, or to an Ambulatory Health Care facility, Group B. While each has the same basic requirements, height, area, means of egress, etc. they also have different specific requirements; e.g. handicap limitations, smoke partitions, fire area, sprinklers, etc.

An example of a change in the level of activity would be obtaining an increase in the occupant load of a building or space, such as a bar, that might now exceed the limits requiring a fire sprinkler or alarm system, or if already exceeding the limits, would increase the non-conformity of the space.

102.6 Historic buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings.

Exception: Buildings undergoing a change of occupancy.

102.7 Moved buildings. ~~Except as determined by Section 101.2,~~ Mechanical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

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 as 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.

~~**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the *equipment or appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.~~

102.8.1 Rehabilitation Code. Chapter 34 of the Building Code shall be considered as the Fort Worth Rehab Code. Any code amendment designed to provide assistance in the rehabilitation of buildings shall be designated as (RH).

102.9 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.10 Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.10.1 State Law. Amendments based on State Law may be placed in this ordinance as a tool for information and enforcement purposes and will be identified with its corresponding State Law house bill or senate bill number (SL – HB # or SB #). Unless State Law allows, local variances to such provisions are not permitted.

102.10.2 Elevator Code. While the Elevator Code is an adopted standard in the building code, amendments based on extracts from the ASME A17.1 Elevator Code may be placed in this ordinance as a tool for information and enforcement purposes and will be identified with (ASME A17.1 – ?????????). Final interpretation and appeals shall fall under the authority of Texas Department of License and Regulation.)

102.11 Application of references. Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or

provisions of this code.

102.12 Minimum Building Standards Code. As provided for in Section 7-67, and as further detailed in Sections 7-87, 7-88, 7-89, 7-90 and 7-91 of the City Code, which is more specifically known as the Minimum Building Standards Code, those provisions setting minimum standards that relate to Mechanical Code items for buildings and structures shall be considered as part of this code.

Enforcement of these sections may be performed by other departments or divisions of the City of Fort Worth. However, as provisions of this code, final interpretation, appeals of interpretation, requests for variances, etc. shall be handled as described in this code.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF ~~MECHANICAL INSPECTION~~ PLANNING AND DEVELOPMENT

103.1 General. The department of Planning and Development ~~mechanical inspection~~ is hereby created as specified in the City Code and shall be referred to as “the department.” ~~and the executive official in charge thereof shall be known as the code official.~~ Any reference to the “department of mechanical inspection” or “department of inspection” shall mean the Department of Planning and Development.

Primary enforcement of the provisions of this code shall rest with the Department of Planning and Development as specified under the duties and powers of the building official.

The provisions of this code may be enforced by other code enforcement divisions of this city but interpretation authority shall be retained by the building official.

103.2 Appointment. The code official shall be appointed as specified in the City Code ~~by the chief appointing authority of the jurisdiction.~~

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official. For the purpose of this code, the regularly authorized deputy code official shall be the Chief Mechanical Inspector.

103.3.1 Restriction of employees. An official or employee connected with the mechanical inspection enforcement of this code shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction,

alteration or maintenance of a building; and such officer or employee shall not engage in any work that conflicts with official duties or with the interests of the department.

Further no official or employee shall be permitted to work for, or be connected with, any mechanical contractor, HVAC manufacturer or wholesale supply company, or do any mechanical work while employed as a mechanical inspector by the city.

103.4 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code. Any judgment resulting therefrom shall be assumed by this jurisdiction.

103.4.1 The liability exemption and defense protection provided in this section are not extended to Third Party Companies, or their employees, agents or assignees.

103.4.2 This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.1.1 Other interpretations. Any provision or local amendment marked in this code as [F] shall be under the primary interpretation authority of the Fire Chief. Any provisions marked in the Fire Code or local amendment as [B], [E], [EB], [FG], [M] or [P] shall be under the primary interpretation authority of the *building official*.

104.2 Applications and permits. The code official shall receive applications, review *construction documents* and issue permits for the installation and *alteration* of mechanical systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon any premises any conditions or violations of this code which make the building or premises unsafe, insanitary, dangerous or hazardous, the code official or designee shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official has recourse to every remedy provided by law to secure entry.

An application for a permit shall be considered as permission from an authorized representative to inspect the premises.

When the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of any building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

It shall be unlawful for any person to hinder or interfere with the code official, deputy or any of the inspectors in the discharge of their duties under this code.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The ~~code official~~ department shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period

required for the retention of public records.

104.8 Cooperation of other officials and officers. The code official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent law or ordinance.

SECTION 105 APPROVAL

105.1 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements. The details of any action granting modifications shall be recorded and entered in the files of the ~~mechanical inspection~~ department.

105.2 Alternate materials, methods, equipment and appliances. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the code official. An alternative material or method of construction shall be *approved* where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 Testing agency. All tests shall be performed by an *approved* agency.

105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Approved materials and equipment. Materials, *equipment* and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

105.5 Material, equipment and appliance reuse. Materials, *equipment*, appliances and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and *approved*.

SECTION 106 PERMITS

106.1 When required. Any owner, authorized agent, individual or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the *occupancy* of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work.

~~**Exception:** Where *equipment* and *appliance* replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of mechanical inspection.~~

A separate permit shall be obtained for each building or structure unless otherwise authorized by the code official.

106.2 Exempt work. Permits shall not be required for the following:

1. Portable heating appliances;
2. Portable ventilation appliances and *equipment*.
3. Portable cooling units;
4. Steam, hot water or chilled water piping within any heating or cooling *equipment* or appliances regulated by this code;
5. The replacement of any minor part that does not alter the approval of *equipment* or an *appliance* or make such *equipment* or *appliance* unsafe;
6. Portable evaporative coolers;
7. Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less; ~~and,~~
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid; and,

9. When an umbrella Building Permit is issued for new construction or additions to one- and two-family dwellings and townhomes, under the Fort Worth Residential Code, or as an R-3 under this code, and which contain a fireplace under that Building Permit, separate fireplace permits shall not be required.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

106.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. ~~The application shall be signed by the owner or an authorized agent.~~ The permit application shall ~~indicate the proposed occupancy of all parts of the building and of that portion of the side or lot, if any, not covered by the building or structure and shall~~ contain such other information required by the code official.

106.3.1 Construction documents. *Construction documents*, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require *construction documents*, computations and specifications to be prepared and designed by a *registered design professional* when required by state law. Where special conditions exist, the code official is authorized to require additional *construction documents* to be prepared by a *registered design professional*. *Construction documents* shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code and all relevant laws, ordinances, rules and regulations. *Construction documents* for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of *construction documents*, calculations or other data if the nature of the work applied for is such that reviewing of *construction documents* is not necessary to determine compliance with this code.

The code official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the State of Texas to practice as such even if not required by state law.

106.3.2 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, *equipment*, buildings, devices, premises and spaces or areas to be used.

106.3.3 ~~Time limitation of application.~~

Expiration of plan review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and construction documents and other data submitted for review may thereafter be returned to the applicant or destroyed by the code official.

If the applicant submits a request for extension before the expiration date, showing that circumstances beyond the control of the applicant have prevented action from being taken, the code official may extend the time for a period not exceeding 180 days. No application shall be extended more than once.

If the applicant submits a request for extension after but within 90 days of the expiration date, the applicant shall resubmit plans and pay a new plan review fee. The application shall be subject to any new adopted laws, ordinances and regulations that became effective since the original application date.

106.3.4 By whom application is made. Application for a permit shall be made by the person or agent to install all or part of any mechanical system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application. Permits shall only be issued to those individuals authorized under Section 106.6.

106.4 Permit issuance. The application, *construction documents* and other data filed by an applicant for a permit shall be reviewed by the code official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant.

Exception: When plan review is performed by a Third Party Organization as specified in Section 111, the code official, at his discretion, may only review what he deems necessary to insure a quality control of the review already performed.

106.4.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped “*APPROVED.*” Such *approved construction documents* shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the *approved construction documents*.

106.4.2 Phased approval. The code official shall have the authority to issue a permit for the construction of a part of a mechanical system before the *construction documents* for the entire system have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit

for the entire mechanical system will be granted.

106.4.2 Validity. The issuance or granting of a permit or approval of *construction documents* shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall be invalid.

The issuance of a permit based on *construction documents* and other data shall not prevent the code official from thereafter requiring the correction of errors in said *construction documents* and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

106.4.3 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 if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

When work has commenced but has been suspended or abandoned for more than 180 days, before such work recommences, a new permit shall be first obtained and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original *construction documents* for such work, and provided further that such suspension or abandonment has not exceeded one year.

106.4.4 Extensions. When work has not commenced, any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official ~~shall~~ may extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. A permit shall not be extended more than once. ~~The fee for an extension shall be one-half the amount required for a new permit for such work.~~

In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee and comply with all codes and ordinances applicable at that time.

106.4.5 Suspension or revocation of permit. The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

106.4.6 Retention of construction documents. One set of *approved construction documents* shall be retained by the code official for a period of not less than 90 ~~180~~ days from date of completion of the permitted work, or as required by state or local laws.

One set of *approved construction documents* shall be returned to the applicant, and said set shall be kept on the site of the building or job at all times during which the work authorized thereby is in progress.

106.4.7 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated *occupancy* of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

106.4.8 Posting of ~~permit~~ inspection record card. When an inspection record card is issued, the card ~~The permit or a copy~~ shall be kept on the site of the work, and maintained accessible for inspectors until the completion of the project.

106.5 Fees. A permit shall not be issued until the fees prescribed in Section 106.5.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, ~~due to an increase of the mechanical system,~~ has been paid.

~~106.5.1 Work commencing before permit issuance.~~

Investigation fees: Work without a permit.

106.5.1.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Exceptions: 1. This provision shall not apply to emergency work when it shall be proved to the satisfaction of the code official that such work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, an investigation fee as herein provided shall be charged.

2. The investigation fee required shall be charged for work for which an inspection has been requested and no permit has been obtained.

106.5.1.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the application fee set forth in Table 106.5.2(1). The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Use of the third party plan review or inspection option, will not reduce or lower the investigation fee required by this section.

The applicant may appeal the amount of an investigation fee to the city council by filing a written appeal showing the reason why the fee should be lowered. The city council may, upon a finding that the investigation fee is unreasonable based upon the facts presented, reduce the investigation fee, but in no case may the fee be reduced to less than the actual investigation costs incurred by the city.

106.5.2 Fee schedule. The fees for all mechanical work shall be as indicated in ~~the following schedule~~ Table 106.5.2(1):

Any person obtaining a permit application required by this code shall, at the time of filing, pay a permit and a non-refundable application fee as required by this section for the installation, relocation or replacement of any of the listed items.

Exceptions: 1. Where the fees for new structures and additions to structures have been collected on a building permit, the permit fee is not required but the permit application shall be filed by the person doing the work before work is commenced.

2. Where these fees are being invoiced monthly and the account is past due, a penalty and/or interest charge as prescribed by the jurisdiction, shall be assessed. The above assessed fee and delinquent payment shall be paid before additional permits will be issued or additional inspections performed.

3. Buildings or structures owned and occupied by a Federal, State, or County entity on property owned by the Federal, State, or County entity shall be exempt from the permit fees. This exception does not apply to public school districts or county community colleges.

4. Work by non-City personnel on property under the control of the City of Fort Worth shall be exempt from the permit fees only if the work is for action under a contract approved by City Council with notes in the contract packages stating the fee is waived.

5. Work by City personnel on property under the control of the City of Fort Worth shall be exempt from the permit fees only if the application is accompanied by a copy of the work order for the project.

6. When the project is to be inspected by an approved third party organization as described in Section 111, the permit fee shall be reduced by multiplying the sum by 35% (0.35). The resulting amount will be calculated to the penny with no rounding for the tenth of a penny figure.

Exemption or reduction of the permit fees under this section shall not waive the requirements to pay a full investigation fee for doing work without a permit as required under Section 106.5.1.

106.5.3 Fee Refunds. The code official ~~may shall~~ authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. When a request is made within 60 days from permit cancellation, not more than 100 percent, minus an administration charge as listed in Table 106.5.2(1), of the permit fee paid when no work has been done under a permit issued in accordance with this code. After the 60-day time limit, no fee shall be returned.

3. (delete)

Exceptions: 1. When the investigation fee of Section 106.5.1 has been collected, it shall not be refunded unless paid by another party.

2. No refund will be given for the application fee.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 60 ~~180~~ days after the date of permit issuance fee payment.

106.5.4 Change of Record. Any request for a record change, or any mistake made by an applicant that requires a record change, including but not limited to name or address changes, whether computer or paper record, must be requested in writing by the original applicant with a fee as specified in Table 106.5.2(1).

Exceptions: 1. For record changes that affect the permit fee, such as adding equipment, fixtures or square footage, the code official may require a separate permit for the extra items with the appropriate fees.

2. The fee will not be required for those applicants meeting exception 5 of Section 106.5.2.

**Table 106.5.2(1)
Schedule of Fees**

Administrative

1. CFPBOA Application Fee						
(1st item per address)						\$125.00
(Each additional item per address)						30.00
2. Permit Application Fee						22.00
3. Record Change Fee (per record or permit)						22.00
4. Refund Administrative Charge						5.00

Permit items*

**Forced Air Heating-Furnaces Including
Ducts and/or Vents Attached Thereto:**

Capacity to and including 100,000 BTU input or 20 KW						4.62
Over 100,000 BTU or 20 KW and including 400,000 BTU or 40 KW						7.82

Heating Appliances Non-Ducted Air

Gas Unit or Room Heater, including vent						4.62
Gas Wall Heater, including vent						4.62
Gas Floor Furnace, including vent						4.62
Gas Infra-red Heating Unit						4.62
Electric Heater, Wall, Space, Unit, etc.						4.62

Energy-Using Heat Appliance Other Than Above

Per 1,000 BTU Input -						0.09
Minimum						4.97
Per 1 KW -						0.23
Minimum						4.97

**Each Low or High Pressure Steam or Hot Water Boiler Rated
in either BTU's Input, Boiler Horsepower Output, or KW**

Per 1,000 BTU's Input -						0.09
Minimum						4.97
Per Boiler HP Output -						2.05
Minimum						4.97
Per KW -						0.23
Minimum						4.97

Each Absorber Unit, Electrical Reciprocating, Centrifugal, or Rotary Compressor,

Condensing Unit, or Chiller Unit, Each on its Normal Capacity Rating

Up to and including 2 tons	.	.	.	.	4.62
Over 2 and including 3 tons	.	.	.	.	7.82
Over 3 and including 5 tons	.	.	.	.	12.45
Over 5 and including 7-1/2 tons	.	.	.	.	17.07
Over 7-1/2 and including 10 tons	.	.	.	.	22.05
Over 10 and including 30 tons, per ton	.	.	.	.	1.98
Over 30 and including 100 tons, per ton	.	.	.	.	1.82
Over 100 and including 320 tons, per ton	.	.	.	.	1.56
Over 320 and including 520 tons, per ton	.	.	.	.	1.19
Over 520 tons, per ton	.	.	.	.	0.90

Each Roof-Top or Combination Unit, Including Ducts and Drains

	Cooling <u>Only</u>	Heating and <u>Cooling</u>
Up to and including 3 tons	\$ 7.82	\$15.65
Over 3 and including 5 tons	12.45	22.05
Over 5 and including 7-1/2 tons	17.07	29.17
Over 7-1/2 and including 10 tons	22.05	34.87
Over 10 tons, per ton	3.20	3.90

Roof-Top Heating Only

Unit per 1,000 BTU -	0.09
Minimum	4.97

Through-the-Wall A/C Units

All Sizes, Each	6.40
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**Cooling Tower, Evaporative or Air-Cooled Condenser,
Tonnage Based on Local Design Conditions**

All size units, per ton refrigeration capacity -	.	.	.	.	0.77
Minimum	.	.	.	.	4.97

Cooling-Heating Coils

D.E. or Chill Water per ton -	.	.	.	.	0.77
Minimum	.	.	.	.	4.97
Steam or Hot Water, per 1,000 BTU -	.	.	.	.	0.09
Minimum	.	.	.	.	4.97

Fan and Coil Units including Drains and Ducts

Cool and Heat, per ton -	. . . . .	1.56
Minimum	. . . . .	4.97
Cool only, per ton -	. . . . .	0.77
Minimum	. . . . .	4.97
Heating Unit only, per 1,000 BTU -	. . . . .	0.09
Minimum	. . . . .	4.97

Electrical Heat Strips for Units or Duct Installations

Per KW -	. . . . .	0.23
Minimum	. . . . .	4.97
Mixing Box - Conditioned Air	. . . . .	1.56
Mixing Box - Forced Air	. . . . .	3.20
Duct Addition or System not included elsewhere, per outlet -	. . . . .	0.77
Minimum	. . . . .	4.97

Miscellaneous

Commercial food preparation hood - Grease Type I	. . . . .	12.45
Commercial food preparation hood - Heat or Moisture Type II	. . . . .	9.25
Commercial hood exhaust fan - Grease	. . . . .	7.82
Commercial hood exhaust fan - Heat or Moisture	. . . . .	6.42
Commercial hood exhaust duct - Grease	. . . . .	7.82
Commercial hood exhaust duct - Heat or Moisture	. . . . .	6.42
Commercial kitchen make-up air unit	. . . . .	7.82
Commercial hood automatic electronic smoke extractor	. . . . .	24.90
Range hood exhaust duct, for R Occupancy	. . . . .	1.56
Toilet exhaust fan and/or duct (per inlet)	. . . . .	1.56
Ventilation fan and duct system	. . . . .	6.42
Industrial hood	. . . . .	9.25
Mechanical ventilator	. . . . .	6.42
Flue replacement - U.L. labeled	. . . . .	6.42
Flue or stack for commercial and industrial appliances	. . . . .	7.82
Humidifier	. . . . .	3.20
Vented decorative appliance	. . . . .	6.42
Commercial clothes dryer exhaust duct	. . . . .	7.82
Domestic clothes dryer exhaust duct	. . . . .	1.56
Incinerator, per 1,000 BTU -	. . . . .	0.09
Minimum	. . . . .	4.97
Incinerator modification	. . . . .	78.28
Condensate drain-French sump	. . . . .	4.97
Fire or smoke damper	. . . . .	1.56
Circulating water pump	. . . . .	1.56
Evaporative cooler	. . . . .	6.42
Automatic shutoff - products of combustion	. . . . .	7.82

Solar energy system	.	.	.	.	46.97
Heat recovery devices per 1,000 BTU -	.	.	.	.	0.09
Minimum	.	.	.	.	15.11
Gas Extension - Test	.	.	.	.	7.82
For each appliance or piece of equipment by this ordinance					
for which no other fee is listed	.	.	.	.	7.82

*When inspections are performed by third party, the permit fee shall be reduced by multiplying the sum by 35% (0.35).
The resulting amount will be calculated to the penny with no rounding for the tenth of a penny figure.

Other Inspections and Fees

1. Inspections outside of normal business hours (minimum of two hours) \$38.00 per hour
2. Reinspection fee assessed under provisions of C06.6 . . . \$27.50
3. Inspections for which no fee is specifically indicated
(minimum charge - one-half hour) . . . \$38.00 per hour
4. Additional plan review required by changes, additions or revisions
to plans (minimum charge - one-half hour) . . . \$38.00 per hour
5. Inspections outside of city limits (commercial) . . . \$49.50¹ per inspector
(residential) . . . \$66.00¹ total

¹ Or \$33.00 per hour, whichever is greater.

**Table 106.5.2(2)
Business Registration**

First year or portion thereof ¹	\$120.00
Yearly renewal	\$ 60.00
Late fee	\$ 30.00

1. Annual fee is due in full on the first day of January each year. Fees will not be pro rated for registration taken out during the year. (Renewal dates may be adjusted by the code official to equally distribute the workload throughout the year.)

106.6 Whom permits may be issued to. No permit shall be issued to any person to do or cause to be done any work regulated by this code, except to a person holding a valid, unexpired and unrevoked Fort Worth Mechanical Refrigeration and Air Conditioning Contractor's License or State of Texas Air Conditioning and Refrigeration Contractor's License with proper endorsements, and who has on file with the City a registration form as required in Section 112, except as otherwise hereinafter provided in this section.

Such licensed contractors may extend to and connect thereto any gas piping that may be required for the operating of such equipment.

The following individuals, listed in Sections 106.6.1 through 106.6.6, need not be registered in accordance with Section 112 in order to obtain a permit:

106.6.1 Homestead owner. Permits may be issued to a property owner who wishes to do Mechanical work in a building owned and occupied by him as his homestead. The term "to do mechanical work" shall be construed to mean work actually done personally by the owner.

Under Federal law, work that deals with refrigerants and equipment containing refrigerants may require additional certificates or licenses that are not waived under this permit provision.

106.6.2 Plumbing contractors. Plumbing contractors that hold a valid State of Texas Master Plumber's License and a valid Plumbing Business Registration in the Department of Planning and Development may obtain permits and install gas fired appliances which are not considered "air conditioning contracting" by the State Air Conditioning Licensing Law. All L.P. gas piping installations shall conform to the applicable Texas Railroad Commission regulations.

106.6.3 Boiler and pressure vessels. Boiler installation or repair contractors who have been certified by an approved testing agency, testing to meet American Society of Mechanical Engineers (ASME) and American Welding Society (AWS) codes, or licensed as a State of Texas Air Conditioning and Refrigeration Contractor or Fort Worth Mechanical Refrigeration and Air Conditioning Contractor may make boiler and pressure vessel installation and repair.

106.6.4 Prefabricated fireplaces, ventilation systems, or commercial kitchen hood systems. An owner or an official of a company whose primary business includes the installation of such equipment, and who is proficient in the installation of such equipment, may register for the purpose of obtaining permits to install such equipment.

106.6.5 Engineers. A person who is licensed as an engineer by the State of Texas and engages in air conditioning and refrigeration contracting work in connection with the business in which the person is employed but does not engage in that work for the public may obtain a permit for the associated business.

106.6.6 Maintenance Personnel. Permits required by this code may be issued for mechanical work (not including new construction) done by anyone who is regularly employed as a maintenance person or maintenance engineer of the property where the work is being

performed; the person performs the work in connection with the business in which the person is employed; and the person and the person's employer do not engage in air conditioning and refrigeration contracting for the public.

106.6.7 Electrical work. All electrical connections are regulated by the Fort Worth Electrical Code. An electrical disconnect may be installed by a licensed HVAC contractor with a valid business registration when replacing an existing HVAC unit of the same or lesser amperage.

A maintenance electrician license or residential maintenance electrician license, as applicable, shall be required for all persons who perform electrical service, repair or maintenance on equipment regulated by the Mechanical Code when an electrical permit is not required.

Exception: Those persons who possess a valid State of Texas Air Conditioning and Refrigeration Contractor's License with proper endorsements and having a business registered with the City of Fort Worth shall not be required to obtain nor shall employees under their direct personal supervision be required to obtain a Maintenance Electrician License or Residential Maintenance Electrician License, as applicable, to service and maintain the internal part of the system as manufactured and listed.

106.7 Withholding of permits. The code official is authorized to withhold permits to any person for the reasons set forth herein upon written notice to such person. The determination of the code official may be appealed to the Board as provided in Section 109.

The code official is authorized to withhold the issuance of mechanical permits to:

1. any person until such time as the mechanical system for which a permit was previously issued has been completed or is being performed in an efficient manner in a reasonable length of time.
2. any person who is delinquent in the payment of fees owed the City of Fort Worth.
3. any person who has performed previous jobs which remain in violation of this code.

106.8 Administrative hold. Any administrative discrepancy including but not limited to, delinquency in payments, returned checks, failure to pay for reinspection, investigation or registration fees, and failure to keep registration, insurance or bond up-to-date, may result in a hold being placed on issuance of permits and performance of inspections of existing permits until the administrative discrepancy is corrected. For the purpose of this section, the term "up-to-date" shall mean that whenever any of these items is required by this or any other code to obtain a permit covered by this code, it shall be maintained current and in effect until the permit is finalized.

106.9 Job abandonment. If, after a permit is issued under the provisions hereof, the

applicant abandons the job, becomes incapacitated or his/her services are terminated prior to final inspection and approval thereof by the code official and before the permit has expired, the applicant or his lawful/legal representative shall immediately notify the office of the code official in writing. Upon such notification, the code official shall immediately have an inspection made of the work completed to that time, and may revoke the outstanding permit and require that a new permit with the payment of fees be obtained before the work is allowed to resume.

SECTION 107 INSPECTIONS AND TESTING

107.1 General. The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of material required to allow inspection.

Exception: 1. When approved by the Code Official, the inspection process as required by this code may be performed by an approved Third Party Organization as specified in Section 111.

107.2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Under ground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

2. Rough-in inspection shall be made after the roof, framing, fire blocking, fire stopping, draft stopping and bracing are in place and all ducting and other components to be concealed

are complete, and prior to the installation of wall or ceiling membranes.

3. Final inspection shall be made ~~upon completion of the mechanical system~~ after the building is complete and the structure is ready for occupancy.

Exception: Ground-source heat pump loop systems tested in accordance with Section 1208.1.1 shall be permitted to be backfilled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating *equipment* or appliances installed to replace existing heating *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such heating *equipment* or appliances has been filed with the department not more than ~~48~~ 72 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

107.2.1 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced.

107.2.2 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide *access* to and means for inspections of such work that are required by this code. The person doing the work authorized by the permit shall make sure that the work will stand tests prescribed elsewhere in this code, before giving the above notification.

When the work is within a residence where access is dependent upon the occupant being home, it shall be the duty of the person doing the work to make arrangements for inspections. Failure to make arrangements within a timely manner or the inability for the inspector to do the inspections at the arranged times will result in reinspection fees being assessed to the person doing the work.

Exception: If the reinspection fee was for a “Final Inspection” for a residence where access is dependent upon the occupant, after the fee has been paid by the person doing the work additional arrangements for the final inspection and penalties for not receiving such inspection shall fall on the occupant.

This shall not relieve the person doing the work from having to correct improper work and such accompanying penalties should the work fail reinspection.

107.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code

official. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

107.2.3.1 Covered Work. Any work covered or concealed without inspection shall be considered to constitute an unsafe structure and subject to the corrective provisions of Section 108.7. Such consideration as an unsafe structure shall exist every day until the work is inspected and approved as being in compliance with this code. Inspections will not be performed until a valid active permit is obtained in accordance with this code.

107.2.4 Approved agencies. The code official is authorized to accept report of *approved inspection* agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

~~107.2.5 Evaluation and follow-up inspection services.~~

~~107.2.5.1. Evaluation service.~~

~~107.2.5.2 Follow-up inspection.~~

~~107.2.5.3 Test and inspection records.~~

107.3 Testing. Mechanical systems shall be tested as required in this code and in accordance with Sections 107.3.1 through 107.3.3. Tests shall be made by the permit holder and observed by the code official.

107.3.1 New, altered, extended or repaired systems. New mechanical systems and parts of existing systems, which have been altered, extended, renovated or repaired shall be tested as prescribed herein to disclose leaks and defects.

107.3.2 Apparatus, material and labor for tests. Apparatus, material and labor required for testing a mechanical system or part thereof shall be furnished by the permit holder.

107.3.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

107.3.4 Reinspection fees. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the code official.

To obtain a reinspection, the applicant shall file an application therefor in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 106.5.2(1) or as set forth in the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Exception: The fee will not be required for those applicants meeting exception 4 of Section 106.5.2.

107.4 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

107.4.1 Revocation. The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

107.5 Temporary connection. The code official shall have the authority to authorize the temporary connection of the mechanical system to the sources of energy for the purpose of testing mechanical systems or for use under a temporary certificate of *occupancy*.

107.6 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel, ~~or~~ power, or water system to any building, ~~or~~ system or equipment that is regulated by this code and for which a permit is required, until approved by the code official.

107.7 Inspection card. Work which requires an inspection card as described in the Building Code shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the code official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the code official.

SECTION 108 VIOLATIONS

108.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect,

construct, alter, repair, remove, demolish or utilize a mechanical system or equipment, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

108.1.1 Unsafe building. Failure to correct an unsafe building as provided for in Section 108.7, 107.2.3 or 107.2.3.1 shall constitute a violation of this code.

108.1.2 Occupancy violations. Whenever any site, building, structure or *equipment* therein regulated by this code or any other code is being used contrary to the provisions of this code or any other code, the code official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued.

Such person shall discontinue the use within the time prescribed by the code official after receipt of such notice to make the site, building, structure, or portion thereof, or equipment comply with the requirements of this code.

108.1.3 Failure to comply with notice. Failure to comply with a notice shall be considered a violation of this code.

108.2 Notice of violation. The code official is authorized to ~~shall~~ serve a notice of violation or order on the person responsible for the erection, installation, *alteration*, extension, repair, moving, removal or demolition of mechanical work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Exception: Citations for violations of this code may be issued without requiring the issuance of a notice. When a notice is issued, it is not necessary to reissue a notice prior to issuance of any further citations for the same violation, at the same or at different locations.

108.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice ~~promptly~~, the code official is authorized to ~~shall~~ request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

108.4 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~~ erects, installs, alters or repairs 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 subject to penalties as prescribed by law. ~~guilty of a [...], punishable by a fine of not more than [...] dollars or by imprisonment not exceeding [...], or both such fine and imprisonment.~~

Each day ~~that~~ or any portion thereof during which a violation of this ordinance occurs or

continues ~~after due notice has been served~~ shall be deemed a separate offense and upon conviction thereof shall be punishable as prescribed by law.

108.5 Stop work orders. Whenever the code official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the code official is authorized to issue a stop work order.

108.5.1 Notice to owner. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

108.5.2 Unlawful continuance. 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 penalties as prescribed by law ~~liable to a fine of not less than [...] dollars or more than [...] dollars.~~

108.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the mechanical system on or about any premises.

108.7 Unsafe mechanical systems. A mechanical system that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe *equipment* and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

A vacant structure that is not secured against entry shall be deemed unsafe. Materials used to secure a structure, which deteriorate or increase in susceptibility to fire hazard over time, shall be replaced or treated to eliminate the increase of the hazard.

108.7.1 Authority to condemn mechanical systems. Whenever the code official determines that any mechanical system or equipment, or portion thereof, regulated by this code has become hazardous to life, health, property, or has become insanitary, or is otherwise dangerous to human life, the code official shall order in writing that such system or equipment either be removed or restored to a safe or sanitary condition. A time limit for

compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective mechanical system after receiving such notice.

When such mechanical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

108.7.2 Authority to disconnection energy sources. The code official shall have the authority to order disconnection of any energy sources or utility service supplied to a building, structure or mechanical system regulated by this code, when it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. ~~Written notice of such order to disconnect service and the causes therefore shall be given within 24 hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.~~

108.7.3 Connection after order to disconnect. A person shall not make ~~energy source~~ connections from any energy, fuel, power supply or water distribution system or supply energy, fuel, power or water to any mechanical systems or *equipment* regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such mechanical system or equipment.

When a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

108.7.4 Covered work. Any work covered or concealed without inspection shall be considered to constitute an unsafe structure. Such consideration as an unsafe structure shall exist every day until the work is inspected and approved as being in compliance with this code. Inspections will not be performed until a valid active permit is obtained in accordance with this code.

108.7.5 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

108.7.6 Notice. If an unsafe condition is found, the code official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specified the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a

stipulated time.

108.7.7 Method of service. Such notice shall be deemed properly served if delivered in accordance with the standard method accepted by the jurisdiction.

108.7.8 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition.

SECTION 109 ~~MEANS OF APPEAL~~

SECTION 109 CONSTRUCTION AND FIRE PREVENTION BOARD OF APPEALS

109.1 General. Applications for appeals shall be made to the Construction and Fire Prevention Board of Appeals as authorized and provided for in the Building Code. All references to the “Board” shall be deemed to refer to the Construction and Fire Prevention Board of Appeals.

SECTION 110 TEMPORARY EQUIPMENT, SYSTEMS AND USES

110.1 General. The code official is authorized to issue a permit for temporary *equipment*, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

110.2 Conformance. Temporary *equipment*, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, energy and sanitary requirements of this code, as deemed appropriate by the code official and Fire Chief, as necessary to ensure the public health, safety and general welfare.

110.3 Temporary utilities. The code official is authorized to give permission to temporarily supply utilities and use power before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

110.4 Termination of approval. The code official is authorized to terminate such permit for temporary *equipment*, systems or uses and to order the temporary *equipment*, systems or uses to be discontinued.

SECTION 111
THIRD PARTY PLAN REVIEW AND INSPECTION

111.1 When approved by the code official, Third Party Organizations may be permitted to perform the plan review and/or field inspection provisions of this code. When authorized to perform services, the Third Party Organization shall comply with the provisions of the Building Code.

SECTION 112
BUSINESS REGISTRATION

112.1 Registration.

112.1.1 General. Any firm, business or organization conducting any work related to this code shall have on file in the Department of Planning and Development a valid Business Registration signed by an official of the business hereafter to be known as Registered Official. Such Registered Official shall hold a valid Fort Worth Mechanical Refrigeration and Air Conditioning Contractor's License or a State of Texas Air Conditioning and Refrigeration License with proper endorsements. Such Business Registration shall be renewed annually effective January 1 of each year. The fees for the initial registration and the renewal shall be as specified in Table 106.5.2(2).

Exception: Based upon staffing and work loads, the code official may adjust the renewal dates of existing registrations to be equally distributed throughout the year as long as the fees are appropriately prorated.

The holder of a Business Registration who fails to pay the annual fee due for such registration within thirty (30) days of the expiration date shall also be required to pay a late fee as specified in Table 106.5.2(2).

The holder of a Business Registration based upon a Fort Worth Mechanical license who fails to pay the annual fee due for such license within one (1) year of the expiration date, shall lose such Fort Worth license. It shall not be renewed. Business registration after that point can only be permitted with a State of Texas license.

112.1.2 Restrictions of Registration. Registered Officials shall not be simultaneously employed by, or work for more than one business for the purpose of obtaining permits under this code or for the purpose of doing or supervising work that can only be done by authority of a permit obtained under the provisions of this code.

Only one registered official for each business registration will be recognized for the purpose of obtaining permits. The registered official shall keep the Department of Planning and

Development notified of any change in his/her employment.

112.1.3 Identification. Vehicles used commercially by the Registered Business shall be properly identified with the registered business name. Where a license is required, the licensee's license number who is representing the registered business shall be added for identification. This identification shall be affixed or painted on both sides of the vehicle so as to be in full view at all times and in letters not less than two and one-half inches high.

Any mechanical license holder or endorsee of a mechanical license shall carry their license and a valid picture ID on their person at all times while performing mechanical work, and they shall produce and present such license and picture ID immediately upon request by an Inspector.

112.2 Registration suspended, repealed, or revoked.

112.2.1 General. A business registration or permit may be suspended, repealed or revoked by the Code Official by reason of the occurrence of one or more of the following:

1. Adjudication of insanity;
2. Fraud or misrepresentation in obtaining a Fort Worth license, registration or permit;
3. Violation of a provision of this ordinance, the Building, Residential, Energy, Plumbing or Electrical Codes or any other regulatory ordinances of the City applicable to plumbing work;
4. Conviction of defrauding a person for whom he has rendered or contracted to render service;
5. Failure to obtain a permit or the attempted assignment of a permit for others;
6. Failure to pay fees or the voluntary or involuntary filing of bankruptcy proceedings by or against the firm, partnership, association, or corporation with a business registration with the City;
7. The sending of six (6) notifications within a six (6) month period that the registered business is in violation of this code; and,
8. When a state license is expired or suspended for any reason.

112.2.2 Work suspension. Upon suspension or revocation of said Fort Worth license or business registration, same shall be null and void and no work thereafter may be performed thereunder.

112.2.3 Board affirmation. Upon appeal to the Board, the Board may affirm, revise or modify such suspension or revocation.

(b) The remaining sections of the 2009 *International Mechanical Code* are hereby amended as follows:

IMC SECTION 202

*Section 202; the definitions of “Code Official” and “Hazardous Location” are changed and new definitions are added to read as follows:

BUILDING CODE. Building Code shall mean the *International Building Code* as adopted by this jurisdiction.

CHANGE OF OCCUPANCY. A change in the purpose or level of activity within a building that involves a change in application of the requirements of this code. The definition shall also apply to the usage of the surrounding site and access to and from the building, structure or site, as necessary to achieve the purpose of this code, and to obtain compliance with other codes and ordinances of this jurisdiction.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. For the purpose of this code, the Code Official shall be the Building Official, and his regularly authorized deputy shall be the Chief Mechanical Inspector.

ELECTRICAL CODE. Electrical Code shall mean the *National Electrical Code* as adopted by this jurisdiction. For the purpose of this code, all references to NFPA 70 and the *ICC Electrical Code* shall be assumed to mean the Electrical Code as defined herein.

ENERGY CODE. Energy Code shall mean the *International Energy Code* as adopted by this jurisdiction.

FIRE PREVENTION CODE (FIRE CODE). Fire Prevention Code, or Fire Code, shall mean the *International Fire Code* as adopted by this jurisdiction.

FUEL GAS CODE. Fuel Gas code shall mean the *International Fuel Gas Code* as adopted by this jurisdiction and shall be considered as part of the Plumbing Code. (See Plumbing Code.)

HAZARDOUS LOCATION. As used in this code, any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances. The location is not necessarily categorized in the *International Building Code* as a high-hazard use group classification.

MECHANICAL CODE. Mechanical Code shall mean the *International Mechanical Code* as adopted by this jurisdiction.

PLUMBING.

For the purpose of using the *International Plumbing Code*, as adopted, shall mean:

The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems, and public or private water supply systems.

For the purpose of complying with the Texas State Plumbing License Law, shall mean:

All piping, fixtures, appurtenances, and appliances, including disposal systems, drain or waste pipes, or any combination of these that:

supply, recirculate, drain, or eliminate water, gas, medical gasses and vacuum, liquids, and sewage for all personal or domestic purposes in and about buildings where persons live, work, or assemble; connect the building on its outside with the source of water, gas, or other liquid supply, or combinations of these, on the premises, or the water main on public property; and carry waste water or sewage from or within a building to the sewer service lateral on public property or the disposal or septic terminal that holds private or domestic sewage.

The installation, repair, service, maintenance, alteration, or renovation of all piping, fixtures, appurtenances, and appliances on premises where persons live, work, or assemble that supply gas, medical gasses and vacuum, water, liquids, or any combination of these, or dispose of waste water or sewage.

PLUMBING CODE. Plumbing Code shall mean the *International Plumbing Code* and the *International Fuel Gas Code* as adopted by this jurisdiction. The term "Plumbing Code" applies to both codes as one combined code.

PLUMBING SYSTEM.

For the purpose of using the *International Plumbing Code*, as adopted, shall mean:

Includes the water supply and distribution pipes; plumbing fixtures and traps; water-treating or water-using equipment; soil, waste and vent pipes; and sanitary and storm sewers and building drains, in addition to their respective connections, devices and appurtenances within a structure or premise.

RESIDENTIAL CODE. Residential Code shall mean the *International Residential Code* as adopted by this jurisdiction.

IMC SECTION 302

*IMC Section 302.3; changed to read as follows:

302.3 Cutting, notching and boring in wood framing. When permitted by the Building Code, the cutting, notching and boring of wood framing members shall comply with Sections 302.3.1 through 302.3.4.

IMC SECTION 303

*IMC Section 303.1; add a second paragraph to read as follows:

Access to equipment and appliances shall be provided through areas under the control of the tenant, room or dwelling unit served, or provided in common areas accessible without going through private tenant spaces, rooms or dwelling units. The location shall not be such that permission from one occupant must be obtained before another occupant can provide service to their equipment or appliances.

*IMC Section 303.8.1; added to read as follows:

303.8.1 Other pipes, ducts or electrical wiring. See Building Code, Sections 3004.4 and 3006.6 and the following:

(ASME A17.1 – Section 2.8.2.2) Only such electrical wiring, raceways, cables, coaxial wiring, and antennas used directly in connection with the elevator, including wiring for signals, for communication with the car, for lighting, heating, air conditioning, and ventilating the car, for fire detecting systems, for pit sump pumps, and for heating and lighting the hoistway and/or the machinery space, machine room, control space, or control room shall be permitted to be installed inside the hoistway, machinery space, machine room, control space, or control room.

(ASME A17.1 – Section 2.8.3.4) Other pipes or ducts conveying gases, vapors, or liquid and not used in connection with the operation of the elevator shall not be installed in any hoistway, machinery space, machine room, control space or control room.

IMC SECTION 304

*IMC Section 304.7; delete.

*IMC Section 304.13; added to read as follows:

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

IMC SECTION 306

*IMC Section 306.3; changed to read as follows:

306.3 Appliances in attics. Attics containing appliances 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), ~~and~~ or larger where such dimensions are not large enough to allow removal of the largest *appliance*. As a minimum, access to the attic space of residential uses shall be provided by one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.
4. An access panel, only when the equipment can be reached from the panel opening and only with prior approval of the code official.

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.

Solid flooring as specified for the passageway of this section shall be flooring that complies with the provisions as required for a floor or shall not be less than one layer of ¾" plywood.

Water heaters shall not be installed in residential attics.

Exception: Tankless water heaters.

*IMC Section 306.3.1; add a sentence to read as follows:

Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

*IMC Section 306.4; add a paragraph after the exceptions to read as follows;

Under floor spaces that are more than 30 inches (762 mm) below the access level shall be provided with a permanent ladder as detailed in Section 306.5.

*IMC Section 306.4.1; add a sentence to read as follows:

Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

*IMC Section 306.5; changed to read as follows:

306.5 Equipment and appliances on roofs or elevated structures. Where *equipment* requiring *access* and appliances are installed on roofs or elevated structures at an aggregate height exceeding 16 feet (4877 mm), such *access* shall be provided by a permanent *approved* means of *access*, ~~the extent of which shall be from~~ Permanent exterior ladders providing roof access need not extend closer than 12 feet (3658 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*}. . . height shall be measured to the top of the parapet wall.

Where an equipment or appliance has a serviceable area located at a height exceeding 16 feet (4877 mm) above the access level, a permanent approved means of access and a catwalk or working deck shall be provided on at least one side. Such permanent exterior ladder need not extend closer than 8 feet (2438 mm) to the access level below.

{Remainder of section unchanged}

*IMC Section 306.5.1.1; added to read as follows:

306.5.1.1 Catwalk. On roofs having slopes greater than 4 in 12, a catwalk at least 24 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to the working platform at the appliance.

*IMC Section 306.5.2; add a sentence to read as follows:

Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

*IMC Section 306.6; added to read as follows:

306.6 Water heaters above ground or floor. When the mezzanine or platform in which a water heater exceeding a capacity of 10 gallons is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and is installed not more than ten (10) feet (3049 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.

IMC SECTION 307

*IMC Section 307.2.1; change 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 slope). Condensate shall not discharge in a publicly exposed area such as 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.

*IMC Section 307.2.2; change to read and add a second paragraph to read as follows:

307.2.2 Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, ~~polybutylene~~, polyethylene, ABS, CPVC or PVC (schedule 80 PVC when exposed to ultra violet light) pipe or tubing. All components shall be selected for the pressure, ~~and~~ temperature and exposure rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 of the *International Plumbing Code* relative to the material type. Condensate waste and drain line size shall be not less than the discharge size of the pan but not less than ¾-inch (19 mm) internal diameter and shall not . . . *{bulk of paragraph unchanged}* . . . in accordance with Table 307.2.2. All horizontal sections of drain piping shall be installed in uniform alignment at a uniform slope.

*IMC Section 307.3, item #2; add a sentence to read as follows:

The conspicuous point of disposal shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

IMC SECTION 309

*IMC Section 309.1.1; added to read as follows:

309.1.1 Warehouse heating. In order to provide a tenable work environment in unheated warehouses, at a minimum, heat must be provided in the following locations:

- a. in the dock area. Such heat need not meet the temperature requirement of this section but provide a tenable working environment in the dock area; and,

Exception: Warehouses with a tenant space of less than 5,000 square feet, inclusive of all accessory areas.

- b. in at least one common area; e.g. office, break room, etc.; and,
- c. in all restrooms.

IMC SECTION 401

*IMC Section 401.2.1 and 401.2.2; added to read as follows:

401.2.1 Elevator Hoistway venting. For elevator hoistway venting, see Building Code Section 3004.

401.2.2 Exit Enclosure ventilation. For exit enclosure ventilation requirements, see Section 601.3 of this code and Building Code Section 1022.4.

IMC SECTION 403

*IMC Section 403.2; add an exception #2 to read as follows:

2. Where the design professional demonstrates that an engineered ventilation system is designed in accordance with ASHRAE 62, the minimum required rate of outdoor air shall be permitted to be as specified in such engineered system design.

*IMC Section 403.2.1; change item 1 and add an item #5 to read as follows:

1. Ventilation air shall not be recirculated from one dwelling unit to another or to dissimilar occupancies. See also Table 403.3, footnote b. When dissimilar occupancies produce odors or smells that may infiltrate neighboring tenant spaces through wall or ceiling openings, during positive or negative pressures, efforts shall be taken to seal such openings and/or provide supply air in a method that would prevent such infiltration.
2. *{unchanged}*
3. *{unchanged}*
4. *{unchanged}*
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.

IMC SECTION 501

*IMC Section 501.2; add a third exception to read as follows:

Exceptions:

1. {*unchanged*}
2. {*unchanged*}
3. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

IMC SECTION 504

*IMC Section 504.6.1; add a sentence to read as follows:

The size of duct shall not be reduced along its developed length nor at the point of termination.

*IMC Section 504.6.5; changed to read as follows:

504.6.5 Length identification. Where the exhaust duct is concealed within the building construction and the length is approved to exceed the maximum length specified in Section 504.6.4.1, the equivalent length of the exhaust duct shall be identified on a permanent label or tag. The label or tag shall be located within 6 feet (1829 mm) of the exhaust duct connection.

IMC SECTION 510

*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, and interconnected such that the dust collection is automatically activated whenever the equipment is on.

IMC SECTION 607

*IMC Section 607.1; add a sentence to read as follows:

For outdoor air intakes and exhaust openings, dampers shall also comply with the Energy

Code.

*IBC Section 607.5.5.2; added to read as follows:

607.5.5.2 Installation requirements. Exhaust systems for Group B and R kitchen, clothes dryer, bathroom and toilet room exhausts shall comply with the following:

1. Kitchen systems, clothes dryer systems, and bathroom and toilet room systems may share the same shaft but not the same duct. When multiple ducts are in the same shaft, each system shall have its own fan providing continuous upward flow.
2. Dryer ducts shall have a cleanout located near the shaft penetration to permit cleaning of the 22" subduct. The subduct shall be considered in the calculation of allowable duct length reduction.
3. Kitchen ducts shall be provided with some method for preventing grease buildup and cleaning of the duct.
4. A secondary power source is required for the fan under both Section 504.8 and 513.11.
5. See also 504.8.

*IMC Section 607.2.2; changed to read as follows:

607.2.2 Hazardous exhaust ducts. Hazardous exhaust duct systems shall extend directly to the exterior of the building and shall not extend into or through ducts and plenums. Fire dampers are not required at penetration of fire-rated elements for hazardous exhaust duct systems. Penetration of fire-rated elements shall comply with Section 510 and the Building Code.

IMC Section 607.5.1; changed to read as follows:

607.5.1 Fire Walls. Ducts and 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. Hazardous exhaust ducts shall not penetrate fire walls.

SECTION 3.

That Section 7-168 of the Code of the City of Fort Worth (1986), as amended, is hereby amended to read as follows:

Sec. 7-168 Effect of Conflict with Other Ordinances.

This article shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas (1986), affecting Mechanical Code provisions, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

That Section 7-169 of the Code of the City of Fort Worth (1986), as amended, is hereby amended to read as follows:

Sec. 7-169 Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) for all violations involving fire safety, or public health and sanitation and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

SECTION 5.

This article shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas (1986), affecting Mechanical Code provisions, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or 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 void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) for all violations involving fire safety, or public health and sanitation and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

SECTION 8.

All rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the previous Mechanical Code, or any other ordinances affecting construction and fire safety, which 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 9.

A copy of the 2009 International Mechanical Code, together with the local amendments contained in this ordinance, shall be filed in the office of the City Secretary for permanent record and inspection.

SECTION 10.

The Department of Planning and Development of the City of Fort Worth, Texas, is hereby authorized to publish this ordinance in pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Chapter XXV, Section 3, of the Charter of the City of Fort Worth, Texas.

SECTION 11.

The City Secretary of the City of Fort Worth, is hereby directed to publish the caption and Sections 1, 7, 9, 11 and 12 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas as authorized by Section 2, Chapter XXV of the Charter of the City of Fort Worth, Texas and by Section 52.013 (a) of the Texas Local Government Code.

SECTION 12.

This ordinance shall take effect upon April 1, 2011.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

Adopted: March 22, 2011

Effective: April 1, 2011

1-5-11