

ORDINANCE NO. 006-009

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE V, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article V, in its entirety to read as follows:

ARTICLE V. MECHANICAL CODE
DIVISION 1. GENERALLY.

Sec. 18-291. Adopted.

(a) The rules and regulations of the International Mechanical Code, 2003 Edition, are hereby adopted as the rules and regulations regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances in the city.

(b) The International Mechanical Code, 2003 Edition (a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), is hereby adopted as the mechanical code of the city as fully as if copied at length in this article, but with the changes therein and additions thereto provided in this article.

Sec. 18-292 - 18-310. Reserved.

DIVISION 2. DELETIONS, AMENDMENTS, AND ADDITIONS

Sec. 18-311. Generally.

The International Mechanical Code, is hereby modified by the deletions, amendments and additions provided herein.

Sec. 18-312. Violation penalties.

The International Mechanical Code, is amended by changing subsection 108.4 to read as follows:

108.4. Violation penalties. Any person, firm or corporation violating any of the provisions of Article V of Chapter 18 of the Addison Code shall be subject to a fine, upon conviction in the municipal court, in any sum not to exceed five hundred dollars (\$500.00), and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of Article V of Chapter 18 of the Addison Code, and the owner or owners of any premises wherein a violation of the provisions of Article V of Chapter 18 of the Addison Code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Sec. 18-313. Board of Appeals.

The International Mechanical Code, is amended by changing subsection 109.2 to read as follows:

109.2. Board of Appeals.

109.2.1 General. In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is hereby created a board of appeals consisting of three (3) members and two (2) alternates appointed by the city council. The building official shall be an ex officio member and shall act as secretary of the board. The board of appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing. The powers of the board of appeals shall be as follows:

- (1) To hear appeals from decisions of the building official.
- (2) To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board's judgment, the material or method of construction is at least equivalent to that prescribed.
- (3) To hear complaints from the building official arising against any person, firm, or corporation licensed by the town to perform air conditioning and refrigeration work and shall have the power, after hearing to revoke or suspend said license for the following reasons:
 - a. Chronic violation of the code
 - b. Misrepresentation of material facts in obtaining said license or renewal thereof
 - c. Chronic failure to secure permits inspections, or approvals as required by the code, or
 - d. Use of said license to obtain a permit for another person, firm, or corporation.

Sec. 18-313.01 Postponed hearing.

The International Mechanical Code is amended by changing subsection 109.5 to read as follows:

109.5 Postponed hearing. When three members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Sec. 18-313.1 Board decisions.

The International Mechanical Code, is amended by changing subsection 109.6 to read as follows:

109.6. Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of two members.

Sec. 18-314. Licensing and registration of contractors.

The International Mechanical Code is amended by adding subsection 106.6 to read as follows:

106.6. Licensing.

(a) No person, corporation, firm, or contractor shall engage in the design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems or ventilation, without first obtaining an air conditioning and refrigeration contractor's license.

(b) To register with the town as a mechanical contractor, an application shall be made in writing on forms furnished for that purpose along with a fifty dollar (\$50.00) registration fee, and filed with the building official. This application shall contain a copy of the person's state air conditioning and refrigeration license.

Exception: a homeowner is not required to be licensed as a registered contractor to perform work in his own home.

(c) The air conditioning and refrigeration contractor's license shall be valid for one (1) year from the date of registration.

(d) The contractor shall be subject to the requirements and penalties of the code of ordinances of the Town of Addison.

(e) Any person who installs, repairs or alters environmental air conditioning, commercial refrigeration, or process cooling or heating systems or ventilation shall be licensed by the State of Texas to perform such work.

Sec. 18-315. Fee schedule.

Subsection 106.5.2 of the International Mechanical Code, 2000 Edition, is amended to read as follows:

"The fee for each permit shall be as set forth in sections 18-2 and 18-3 of the Code of Ordinance of the Town of Addison."

Sec. 18-316. Fee refunds.

Subsection 106.5.3 of the International Mechanical Code, is amended to read:

"The building official is authorized to establish a refund policy."

Sec. 18-317 - 18-341. Reserved.

SECTION 2. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 3. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the International Mechanical Code, 2003 Edition, or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or of the International Mechanical Code, 2003 Edition, or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

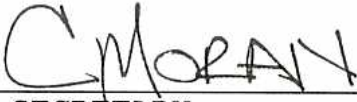
SECTION 4. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00), and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 5. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 28th day of February, 2006.


MAYOR

ATTEST:

Handwritten signature of C. Moran in black ink, written over a horizontal line.

CITY SECRETARY

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