

**TOWN OF LAKEWOOD VILLAGE  
MECHANICAL CODE 16-13**

**AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL MECHANICAL CODE, WITHIN THE TOWN OF LAKEWOOD VILLAGE; PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas to adopt the 2012 Edition of the International Mechanical Code, save and except the deletions and amendments set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Adoption of the 2012 International Mechanical Code**

The International Mechanical Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Mechanical code for Lakewood Village, regulating the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of mechanical systems within Lakewood Village (the "2012 International Mechanical Code"). The 2012 International Mechanical Code is made a part of this Ordinance as if fully set forth herein.

**Section 3: Repeal**

Mechanical Code 15-05 ordinance is hereby repealed in its entirety.

#### **Section 4: Penalty Clause**

##### **A. Violation**

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

##### **B. Fine**

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

#### **Section 5: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

#### **Section 6: Severability**

##### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

##### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

#### **Section 7: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

**Section 8: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 13th day of October, 2016.

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Mark Vargus  
Mayor

ATTEST:

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Linda Asbell  
Town Secretary, TRMC

# **Exhibit A**

**Town of Lakewood Village Amendments**

**2012 International Mechanical Code**



# **MECHANICAL CODE**

**Adopted: October 13<sup>th</sup>, 2016**



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## CHAPTER 1. SCOPE AND APPLICATION

The following additions, deletions and amendments to the 2012 International Mechanical Code adopted herein and hereby approved and adopted.

### [A] 101 General

General of the 2012 International Mechanical Code is amended as follows:

#### [A] 101.1 Title

These regulations shall be known as the *International Mechanical Code* of The Town of Lakewood Village hereinafter referred to as "this code."

### [A] 102 Applicability

Applicability of the 2012 International Mechanical Code is amended as follows:

#### [A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 8 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. ~~and as further regulated in Sections 102.8.1 and 102.8.2.~~ Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. 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 manufacturer's instructions shall apply.

### [A] 106 Permits

Permits of the 2012 International Mechanical Code is amended as follows:

#### [A] 106.3 Application for Permit

Application for Permit of the 2012 International Mechanical Code is amended as follows:

##### [A] 106.3.2 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**[A] 106.5 Permit Issuance**

Permit Issuance of the 2012 International Mechanical Code is amended as follows:

**[A] 106.5.3 Expiration**

~~Every permit issued by the code official under the provisions of this code shall expire by limitation and shall become null and void if invalid unless the work authorized by such permit is not commenced within 180 days from the date of such permit after the issuance, or if the work authorized by such permit is suspended, or abandoned or at any time after the work is commenced lacks any required inspection for a period of 180 days after the time the work is commenced. Before such work can be recommenced, a new permit shall be first obtained and the fee therefor 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 1 year. The Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

**[A] 106.6 Fees**

Fees Issuance of the 2012 International Mechanical Code is amended as follows:

**[A] 106.6.2 Fee Schedule**

The fees for all mechanical work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

**[A] 106.6.3 Fee Refunds**

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

**[A] 108 Violations**

Violations of the 2012 International Mechanical Code is amended as follows:

**[A] 108.4 Violation Penalties**

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the



~~approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued after notification. of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

### **[A] 108.5 Stop Work Orders**

Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, 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. Any person who shall continue any work in or about the structure 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 liable to a fine as required herein by this code. ~~of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

## **CHAPTER 3. GENERAL REGULATIONS**

The following additions, deletions and amendments to the 2012 International Mechanical Code adopted herein and hereby approved and adopted.

### **306 Access and Service Space**

Appliances in Attics of the 2012 International Mechanical Code is amended as follows:

#### **306.3 Appliances in the Attic**

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

1. Permanent stairs or ladder fastened to the building
2. A pull down stair with a 300 lb. rating
3. An access door from an upper floor.

**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.



**End of Exhibit A**

**ADOPTION AND SUMMARY OF AMENDMENTS**

Ordinance Number	Date	Summary
16-13	October 13, 2016	<ul style="list-style-type: none"><li>• Removed ETJ</li></ul>
15-05	May 14, 2015	<ul style="list-style-type: none"><li>• Removed amendments to [A] 304</li><li>• Removed amendments to Chapter 5</li><li>• Removed amendments to Chapter 6</li></ul>
11-04	May 12, 2011	REPEALED