

**ORDINANCE NO. 2022-07**

**AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 4 “BUILDING REGULATIONS” IN THE SUNNYVALE CODE OF ORDINANCES BY TRANSFERRING ARTICLE 4.06 “SUBSTANDARD OR UNSAFE BUILDINGS” TO ARTICLE 4.15 “SUBSTANDARD OR UNSAFE BUILDINGS” AND REDESIGNATING THE SECTIONS TO REFLECT THE CHANGE AND ADDING ARTICLE 4.06 “MECHANICAL CODE,” ADOPTING THE 2021 INTERNATIONAL MECHANICAL CODE WITH LOCAL AMENDMENTS; PROVIDING A PENALTY OF NOT MORE THAN TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Sunnyvale, Texas has investigated and determined that it in the best interest of the health, safety, and welfare of the citizens of the Town of Sunnyvale, Texas to adopt the 2021 Edition of the International Mechanical Code and the local amendments in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:**

**SECTION 1.** Recital. That the recital set forth above is true and correct and is incorporated as if fully set forth herein.

**SECTION 2.** Transfer Article 4.06 to 4.15. That Sunnyvale Code of Ordinances, Chapter 4 “Building Regulations,” Article 4.06 “Substandard or Unsafe Buildings”, is hereby transferred in its entirety to Article 4.15 “Substandard or Unsafe Buildings” and redesignating the sections to reflect the change.

**SECTION 3.** Amendment to Article 4.06. Sunnyvale Code of Ordinances, Chapter 4 “Buildings and Building Regulations,” is hereby amended to add Article 4.06 “Mechanical Code” to read as follows:

**ARTICLE 4.06. - MECHANICAL CODE**

**Sec. 4.06.001. - Adopted.**

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of all buildings and structures within the Town and certain equipment specifically regulated herein, the 2021 edition of the International Mechanical Code, as published by the International Code Council, a copy of which is on file in the office of the Town Secretary, is hereby adopted and designated as the

Mechanical Code of the Town to the same extent as if such code were copied verbatim in this Article. The title of this Article shall be the “Mechanical Code of the Town of Sunnyvale,” and it may be cited as such.

**Sec. 4.06.002. – Deletions, amendments, and additions.**

The 2021 International Mechanical Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

*(a) Section [A] 101.1 Title; the International Mechanical Code has been amended adding the Town’s name to read as follows:*

**[A] 101.1 Title.** These regulations shall be known as the *Mechanical Code* of the Town of Sunnyvale hereinafter referred to as “this code.”

*(b) Section [A]102.8 Referenced Codes and Standards; the International Mechanical Code has been amended by changing it to read as follows:*

**[A]102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A]102.8.1 and [A]102.8.2.

**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.

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 made to NFPA 70, or the *Electrical Code* shall mean the *Electrical Code* as adopted.

*(c) Section [A]106.4.3; Expiration, the International Mechanical Code has been amended to read as follows:*

**[A]106.4.3 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building 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.

*(d) Section [A]106.5.2 Fee schedule; the International Mechanical Code has been amended by changing it to read as follows:*

**[A]106.5.2 Fee schedule.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

*(e) Section [A]106.5.3 Fee refunds; the International Mechanical Code has been amended by changing it to read as follows:*

**Section [A]106.5.3 Fee refunds.** The building official shall authorize the refunding of permit fees as established in the Code of Ordinances fee schedule.

*(f) Section [A] 108.4 Violation penalties; the International Mechanical Code has been amended by adding a second paragraph and changing it to read as follows:*

**[A] 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 erect, install, alter, or repair 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 guilty of a violation of this code, punishable by a fine as specified in this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1,000.00) per day and each 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 this code, and the owner or owners of any premises wherein a violation of the provisions of this 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.

*(g) Section [A] 108.5 Stop work orders; the International Mechanical Code has been amended by amending it to read as follows:*

**[A] 108.5 Stop work orders.** Upon notice from the code official that mechanical work is being performed 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, or to the owner's authorized 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 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.

*(h) Section [A] 109 Means of appeal; the International Mechanical Code has been changed in its entirety to read as follows:*

**[A] 109 Means of appeal.** The board of appeals shall be as established in the Town's most current adopted "Building Code" as prescribed in Article 4.02 of the Sunnyvale Code of Ordinances.

*(i) Section 306.3 Appliances in attics of the International Mechanical Code is amended by adding subsection 306.3.1 ladder access requirements and renumbering subsection 306.3.2 Electrical requirements to read as follows:*

**306.3 Appliances in attics.** Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest *appliance*. The passageway shall be not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6,096 mm) in length measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous 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 not less than 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest *appliance*.

**306.3.1 Ladders access requirements.** As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull-down stair with a minimum 300 lb., (136 kg) capacity.
3. An access door from an upper floor level.

**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 (1,829 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.

**306.3.2 Electrical requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the *appliance* location in accordance with NFPA 70.

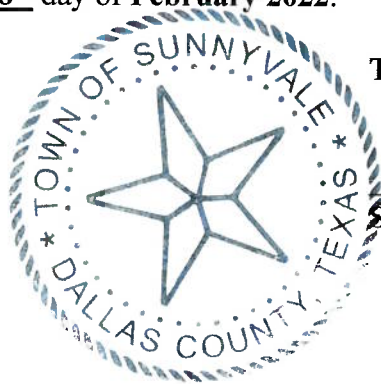
**SECTION 4. Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not to exceed two thousand dollars (\$2,000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Sunnyvale retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 5. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.


**SECTION 6. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Sunnyvale 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 phrases be declared unconstitutional.

**SECTION 7. Effective Date.** This Ordinance shall become effective **May 1, 2022.**

**DULY PASSED AND ADOPTED** by the Town Council of the Town of Sunnyvale, Texas, on this **28<sup>th</sup>** day of **February 2022.**



**TOWN OF SUNNYVALE, TEXAS**

  
Saji George, Mayor

**ATTEST:**

  
Rachel Ramsey, Town Secretary