



“City of Choice”

THE INTERNATIONAL MECHANICAL CODE ORDINANCE NO. 1034

AN ORDINANCE OF THE CITY OF CIBOLO AMENDING CHAPTER 14 OF THE CITY'S CODE OF ORDINANCES; ADOPTING THE 2012 EDITION OF THE *UNIFORM MECHANICAL CODE*, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF CIBOLO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL ORDINANCES AND REGULATIONS IN CONFLICT AND THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES OF THE CITY NOT IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the City of Cibolo is a Home Rule Municipality located in Guadalupe County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to its adopted City Charter and all applicable laws and enabling legislation of the State of Texas; and

WHEREAS, the City of Cibolo is governed by a Home Rule Charter that was approved by the Citizens of Cibolo in a duly called election held on September 11, 2004; and

WHEREAS, Chapter 54.001 of the Texas Local Government Code provides the general authority for the City of Cibolo to enforce each rule, ordinance, or police regulation of the City of Cibolo and to punish a violation of a rule, ordinance, or police regulation; and

WHEREAS, the City of Cibolo, Texas seeks to protect the health, safety, and welfare of the citizens of the City of Cibolo; and

WHEREAS, the City of Cibolo, Texas seeks to regulate and govern the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the in the occupancy of buildings and premises in the City of Cibolo.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CIBOLO DOES HEREBY AMEND THE CITY'S CODE OF ORDINANCES AS FOLLOWS:

Section 1. Code Amendment

That the Cibolo Code of Ordinances Section 14-2(a) is hereby amended to add a new subsection to read as follows:

(1) That a certain document, two (2) copies of which are on file in the office of the Building Official of Cibolo, being marked and designated as the *Uniform Mechanical Code*, 2012 edition, including Appendix Chapter F, as published by the International Association of Plumbing and Mechanical Officials, be and is hereby adopted as the Mechanical Code of the City of Cibolo, in the State of Texas regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Building Official of the City of Cibolo are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in (a), (b) and (c) of this ordinance.

(a) That the following sections and/or sub-sections are hereby revised to read as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code* of Cibolo, hereinafter referred to as "this code".

106.4 Stop work orders. 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, 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 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 liable for a fine of not less than \$100.00 dollars or more than \$500.00 dollars.

108.0 Board of Appeals is hereby deleted and referred to Chapter 14 section 14-3 of the City of Cibolo's Code of Ordinances.

109.1 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 Class C Misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

114.0 Fees is amended as follows:

114.1 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the fee schedule as adopted by the city of Cibolo.

114.2 Permit Fees. The fees for mechanical work shall be as indicated in the adopted Fee schedule.

114.6 Fee refunds is amended by referring to the adopted Fee Schedule for Refund policy.

(b) That all references to the ICC *Electrical Code* are deleted and shall reference the current adopted version of the National Electric Code (NEC) NFPA 70.

(c) That all references to the International Plumbing Code are deleted and shall reference the current adopted Uniform Plumbing Code.

Section 2. Cumulative.

That this ordinance shall be cumulative of all provisions of the City of Cibolo, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. Severability

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council 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 4. Continuation of Existing Regulations.

That nothing in this ordinance or in the *Mechanical Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. Effective Date.


That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effective immediately upon the passage and approval of the City Council of the City of Cibolo, Texas.

PASSED AND APPROVED on this the 8 day of Jan, 2013

APPROVED:


Jennifer Hartman, Mayor

ATTEST:


Peggy Cimics
Peggy Cimics, City Secretary



APPROVED AS TO FORM


City Attorney's Office