

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering and Construction Management Department

AGENDA DATE: Introduction on September 14, 2010; Public hearing on September 21, 2010

CONTACT PERSON/PHONE: R. Alan Shubert, P.E. - ext. 4423

DISTRICT(S) AFFECTED: Citywide

SUBJECT:

Discussion and action on the following code changes to Titles, 9 (Health & Safety), and 18 (Building & Construction) of the City Code, as follows:

- a) An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction administrative Code, Sections 18/02.103.1.1.6 (Prerequisite to Issuance of Permits), and 18/02.103.9.1.2.1 (Prerequisite to Issuance of Certificate of Occupancy) of the El Paso City Code to Amend the Requirements for Issuance of Conditional Building Permits and Certificates of Occupancy for Lots with Conditional Building Permits.
- b) An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction Administrative Code) of the El Paso City Code, by repealing Chapter 18.02 in its entirety and adopting a new Chapter 18.02 in its place.
- c) An Ordinance adopting the 2009 Edition of the International Building Code and amending Title 18 (Building & Construction), Chapter 18.08 (Building Code) of the El Paso City Code to provide for local amendments.
- d) An Ordinance adopting the 2009 Edition of the International Residential Code and amending Title 18 (Building & Construction), Chapter 18.10 (Residential Code) of the El Paso City Code to provide for local amendments.
- e) An Ordinance adopting the 2009 Edition of the International Mechanical Code and amending Title 18 (Building & Construction), Chapter 18.12 (Mechanical Code) of the El Paso City Code to provide for local amendments.
- f) An Ordinance adopting the 2008 Edition of the National Electrical Code and amending Title 18 (Building & Construction), Chapter 18.16 (Electrical Code) of the El Paso City Code to provide for local amendments.
- g) An Ordinance adopting the 2009 Edition of the International Plumbing Code and amending Title 18 (Building & Construction), Chapter 18.20 (Plumbing Code) of the El Paso City Code to provide for local amendments.
- h) An Ordinance adopting the 2009 Edition of the International Fuel Gas Code and amending Title 18 (Building & Construction), Chapter 18.24 (Gas Code) of the El Paso City Code to provide for local amendments.
- i) An Ordinance adopting the 2009 Edition of the International Existing Building Code and amending Title 18 (Building & Construction), Chapter 18.28 (Existing Building Code) of the El Paso City Code to provide for local amendments.
- j) An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape), of the El Paso City Code, to provide additional definitions, clarify the landscape requirements for parking lots, lower the percentage of plants required from the plant list, and add an exemption to the landscape requirements.
- k) An Ordinance adopting the 2009 Edition of the International Energy Conservation Code and amending Title 18 (Building & Construction), to add Chapter 18.70 (Energy Conservation Code) to the El Paso City Code and providing for local amendments.
- l) An Ordinance adopting the 2009 Edition of the International Fire Code and amending Title 9 (Health & Safety), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code to provide for local amendments.

BACKGROUND / DISCUSSION:

The International Code Council has published the 2009 version of the International Code Family and local public input and industry input has been taken to assure that the current version of the codes are amended and adopted as appropriate for the City Of El Paso. These codes are normally revised on a three year cycle, and adoption is key to stay abreast of modern developments in building safety and to be consistent with adoption by the State of Texas of certain codes.

An additional amendment was made after introduction of the ordinance to item b, adding language in 18.02.103.2.3 (Design Professional) defining the sections in the Texas Occupations Code, sections 1001 (Engineers) and 1051 (Architects) that are applicable and govern these professions and adding language in 18.02.109.2.5 (Plan Review Options Available to the Applicant) regarding the fee reductions in place for the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, which may be designated by resolution of the City Council.

PRIOR COUNCIL ACTION:

The City Council on July 20, 2010 heard the findings of the Planning and Development Legislative Review Committee, and directed staff to go forward with the 2009 International Building Codes, perform additional industry outreach and to bring the codes back for Council consideration in 90 days.

AMOUNT AND SOURCE OF FUNDING:

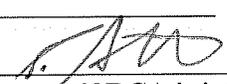
No funding required for execution of this item.

BOARD / COMMISSION ACTION:

N/A

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example:  if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE AND AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.12 (MECHANICAL CODE), OF THE EL PASO CITY CODE, TO PROVIDE FOR LOCAL AMENDMENTS TO THE 2009 INTERNATIONAL MECHANICAL CODE, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.

WHEREAS, the 2009 edition of the International Mechanical Code has been published and adoption of the 2009 edition of the International Mechanical Code is now proposed; and

WHEREAS, the Building Official for the City of El Paso has reviewed and favorably recommends the adoption of the 2009 International Mechanical Code together with the local amendments appropriate for the City of El Paso; and

WHEREAS, the City Council has deemed the proposed local amendments appropriate for the City of El Paso.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

A. That the book entitled "International Mechanical Code," 2009 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is hereby adopted by the City Council for the City of El Paso.

B. That Title 18 (Building and Construction), Chapter 18.12 (Mechanical Code), of the El Paso City Code, containing the local amendments to the 2009 International Mechanical Code, shall be and is hereby amended in its entirety to read as follows:

18.12.010 Short title.

This chapter may be cited as the "Mechanical Code. "

18.12.020 Adoption.

The book entitled "International Mechanical Code," 2009 Edition, a copy of which authenticated by the City Clerk is on file in the City Clerk's Office, is adopted as the Mechanical Code of the City, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

18.12.030 Section 309.1 Space-heating systems, amended.

International Mechanical Code, 2009 Edition, Section 309.1 Space-heating systems, is hereby amended to read as follows:

309.1 Space-heating and cooling systems.

Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68 F (20 C) and 90 F at a point 3 feet above the floor in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.

Exception: Interior spaces where the primary purpose is not associated with human comfort.

18.12.040 Section 508.1.1 Makeup air temperature, amended

International Mechanical Code, 2009 Edition, Section 508.1.1 Makeup air temperature, is hereby amended to read as follows:

508.1.1 Makeup air temperature.

The temperature difference between makeup air and the air in the conditioned space shall not exceed 10°F (6°C) for heating and 15° F for cooling except where the added heating and cooling loads or the makeup air do not exceed the capacity of the HVAC system.

18.12.050 Section 510.4 Independent system, Exception 8, added

International Mechanical Code, 2009 Edition, Section 510.4 Independent system, is hereby amended to add Exception 8 at the end of the section, to read as follows:

510.4 Independent system.

Exception:

8. Contaminated air shall not be recirculated. Air containing explosive or flammable vapors, fumes or dusts; flammable, highly toxic or toxic gases; or radioactive materials shall be considered to be contaminated.

18.12.060 Section 603.6.1.1 Duct length, amended.

International Mechanical Code, 2009 Edition, Section 603.6.1.1 Duct length, is hereby amended to read as follows:

603.6.1.1. Duct length.

Flexible air ducts shall be limited to ten (10) feet in length.

18.12.070 Section 908.6, Drainage, amended.

International Mechanical Code, 2009 Edition, Section 908.6, Drainage, is hereby amended to read as follows:

908.6 Drainage.

Water from such units shall be discharged into an approved disposal system in accordance with the Plumbing Code. All water supply, waste water and connections shall comply with the requirements of the International Plumbing Code.

908.6.1 All new installations or replacements of water-cooled refrigeration systems 3 H.P. or greater, governed by this code or the International Plumbing Code, shall be provided with an effective recirculation system.

908.6.2 If an automatic waste system is provided for draining or flushing the system, it shall conform with Chapter 8 of the International Plumbing Code, as amended, and shall be piped to an approved receptacle unless other disposition is authorized by the building official. In no event shall drainage be wasted into or upon the public way.

18.12.080 Section 928, Evaporative cooling, added.

International Mechanical Code, 2009 Edition, Section 928 Evaporative Cooling, is hereby added to read as follows:

928 Evaporative Cooling.

928.1 General.

Every evaporative cooler installed system shall comply with these provisions.

928.2 Location.

928.2.1. No evaporative cooler shall be installed so as to obstruct any required means of egress nor reduce passage of required light and air.

928.2.2. Evaporative cooler installations which extend beyond the exterior line of a structure shall comply with Building Code and Zoning Regulations as to allowable projection and overhead clearance. Evaporative cooler structures which project more than eighteen inches (18”) from a building shall maintain a minimum clearance of fourteen feet (14’) above areas subject to vehicle traffic.

928.3 Materials of Construction.

928.3.1. All evaporative cooler blowers and cabinets, including pan, corner posts, top and pad frames, shall be constructed of non-combustible materials or approved plastics as defined below. Evaporative pads and interior water circulatory systems need not be of non-combustible materials.

928.3.2 Approved Plastics.

Approved plastic or reinforced plastic materials shall be those which are classified as 94-5V in accordance with Underwriters Laboratory Test 94-5V “Vertical Burning Test for Classifying Materials”.

928.3.3 Evidence of Compliance.

Evidence of compliance with the requirements of Section 926.3.1 to 311.3.2 shall accompany all equipment installed within the City of El Paso.

928.4 Electrical Connections.

Electrical components and installations shall conform to the El Paso Electrical Code. The blower motor and water recirculation pump shall be internally protected to shut-off automatically in the event of an electrical overload or excessive temperature. The maximum shut-off temperature shall be: (1) blower motor, 105°C; and (2) pump, 135°C.

928.5 Plumbing Connections.

Water connections and materials shall conform to the El Paso Plumbing Code.

928.6 Structural Supports.

Evaporative cooler fastenings, including mounts, platforms and frames, shall be of non-combustible material and shall be of sufficient size and strength to meet the requirements of the International Building Code.

928.7 Water Supply.

928.7.1 Bleeder Lines Prohibited.

New and replacement evaporative coolers shall not be provided or installed with bleeder lines.

928.7.2 Automatic water draining System Required.

An automatic water draining system shall be provided for all evaporative coolers for which the cooler manufacturer requires the use of a bleeder line. The automatic water draining system shall operate on a periodic basis of not less than a 4-hour interval between operation times and shall be capable of fully draining the water from the cooler pan. The automatic draining system shall either discharge into the building drainage system through an indirect waste piping system complying with Section 802 of the International Plumbing Code, as amended, or shall be conducted to the exterior of the building or structure, and shall be discharged so that the effluent is used for watering landscaping or other outdoor vegetation. In no event shall drainage from coolers be wasted into or upon the public right of way.

18.12.090 Appendices.

International Mechanical Code, 2009 Edition, Appendices, unless specifically adopted or referenced, are retained as administrative guidance aids.

18.12.100 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014732 dated 12-12-2000 and Ordinance No. 15965 dated 12-14-2004.

C. All references to the NEC, National Electrical Code, shall be construed to mean the Electrical Code of the City of El Paso.

D. The effective date of this ordinance shall be January 1, 2011. This ordinance shall be applicable to all permit applications received on or after that date.

E. Except as herein provided, Title 18 (Building and Construction) shall remain in full force and effect.

(Signatures begin on following page)

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

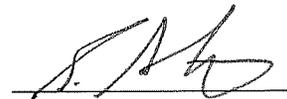
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer

Title 18 BUILDING AND CONSTRUCTION

Chapter 18.12 MECHANICAL CODE*

18.12.010 Short title.

18.12.020 Adoption.

~~18.12.030 Chapter 1—Administration—Deleted.~~

~~18.12.040 Chapter 18.02 adopted—Administrative code.~~

18.12.045 ~~030~~ Section 309.1 Space-heating systems, Amended.

~~18.12.050 Section 507.2 amended—Where required.~~

18.12.040 Section 508.1.1 Make-up Air temperature, Amended

18.12.050 Section 510.4 Independent System, exception 8, Added

18.12.060 Section 603.6.1.1 Duct length, Amended

18.12.060 70 Section 908.6 Drainage, amended.

18.12.070 80 Section 926-8 Evaporative cooling, added.

18.12.080 90 Appendices.

18.12.090 100 Conflicting ordinances.

* Prior history: Ords. 8904, 9219, 9631, 9588, 9615, 9845, 9995, 10796, 13152, and 14732.

18.12.010 Short title.

This chapter may be cited as the El Paso Mechanical Code. (Ord. 15965 § A (part), 2004)

18.12.020 Adoption.

The book entitled “2003 9 International Mechanical Code,” copies of which, authenticated by ~~the signature of the mayor and the city clerk~~ **is on file in the city clerk’s office and made a public record by resolution of the city council, are on file in the city clerk’s office**, is adopted as the mechanical code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter. (Ord. 15965 § A (part), 2004)

~~18.12.030 Chapter 1—Administration—Deleted.~~

~~International Mechanical Code Chapter 1—Administration is hereby deleted. (Ord. 15965 § A (part), 2004)~~

~~18.12.040 Chapter 18.02 adopted—Administrative code.~~

~~Chapter 18.02—Building and Construction Administrative Code of the Municipal Code shall serve as the administrative chapter for the mechanical code. (Ord. 15965 § A (part), 2004)—Rationale: Administration is included in the IMC code as adopted.~~

18.12.045 30 Section 309.1 Space-heating systems, amended.

~~Section 309.1, Space heating systems, shall be and is amended to read as follows:~~

International Mechanical Code, 2009 Edition, Section 309.1 Space-heating systems, is hereby amended to read as follows:

309.1 Space-heating and cooling systems.

Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature between 68 F (20 C) and 90 F at a point 3 feet above the floor in all habitable spaces. The installation of portable space heaters shall not be used to achieve compliance with this section.

Exception: Interior spaces where the primary purpose is not associated with human comfort. (Ord. 16699 § 3, 2007)

~~18.12.050 Section 507.2 amended—Where required.~~

~~International Mechanical Code Section 507.2 shall be and is hereby amended to read as follows:~~

~~507.2 Where Required.~~

~~A Type I or Type II hood shall be installed at or above all commercial food heat-processing appliances. A Type II hood shall be installed above commercial dishwashing machines.~~

~~EXCEPTIONS:~~

- ~~1. Domestic equipment installed within a dwelling unit.~~
- ~~2. Cabinet type ovens, which do not heat the food product core to a temperature above 212°F (100°C).~~
- ~~3. Domestic equipment installed in Church kitchens, which are not used to supply food to a cafeteria, restaurant or soup kitchen, when vented to the outside by a Type B labeled vent.~~
- ~~4. Domestic equipment installed in Fire Station kitchens when vented to the outside by a Type B labeled vent.~~
- ~~5. Domestic equipment installed in non-commercial kitchens, located in business and professional offices when vented to the outside by a Type B labeled vent.~~
(Ord. 15965 § A (part), 2004)

~~Rationale: The 2009 IMC covers these topics.~~

18.12.040. Section 508.1.1 Make-up Air temperature, Amended:

International Mechanical Code, 2009 Edition, Section 508.1.1 Makeup air temperature, is hereby amended to read as follows:

508.1.1 Make up air temperature. The temperature difference between makeup air and the air in the conditioned space shall not exceed 10°F (6°C) for heating and 15° F for cooling except where the added heating and cooling loads or the makeup air do not exceed the capacity of the HVAC system.

18.12.050. Section 510.4 Independent Systems, exception 8 addedd:

510.4 Independent system.

Exception:

~~8.~~ Contaminated air shall not be recirculated ~~to occupiable areas~~. Air containing explosive or flammable vapors, fumes or dusts; flammable, highly toxic or toxic gases; or radioactive materials shall be considered to be contaminated.

18.12.060 Section 603. Duct length, Amended

International Mechanical Code, 2009 Edition, Section 603.6.1.1 Duct length, is hereby amended to read as follows:

603.6.1.1. Duct Length. Flexible air ducts shall ~~not~~ be limited to ten (10) feet in length.

18.12.060 70 Section 908.6 Drainage, amended.

International Mechanical Code, 2009 Edition, Section 908.6 Drainage shall be and is hereby amended to read as follows:

908.6 Drainage - Water from such units shall be discharged into an approved disposal system in accordance with the Plumbing Code. All water supply, waste water and connections shall comply with the requirements of the international Plumbing Code.

908.6.1 All new installations or replacements of water-cooled refrigeration systems 3 H.P. or greater, governed by this code or the International Plumbing Code, shall be provided with an effective recirculation system.

908.6.2 If an automatic waste system is provided for draining or flushing the system, it shall conform with Chapter 8 of the El Paso Plumbing Code and shall be piped to an approved receptacle unless other disposition is authorized by the **building official** ~~Building Permits and Inspections Department Director~~. In no event shall drainage be wasted into or upon the public way. (Ord. 15965 § A (part), 2004)

18.12.070 80 Section 926 8 Evaporative cooling, added.

International Mechanical Code Section 926--Evaporative Cooling, shall be and is hereby added to read as follows:

926 8 Evaporative Cooling.

926 8.1 General.

Every evaporative cooler installed system shall comply with these provisions.

926 8.2 Location.

926 8.2.1. No evaporative cooler shall be installed so as to obstruct any required means of egress nor reduce passage of required light and air.

926 8.2.2. Evaporative cooler installations which extend beyond the exterior line of a structure shall comply with Building Code and Zoning Regulations as to allowable projection and overhead clearance. Evaporative cooler structures which project more than eighteen inches (18") from a building shall maintain a minimum clearance of fourteen feet (14') above areas subject to vehicle traffic.

926 8.3 Materials of Construction.

926 8.3.1. All evaporative cooler blowers and cabinets, including pan, corner posts, top and pad frames, shall be constructed of non-combustible materials or approved plastics as defined below. Evaporative pads and interior water circulatory systems need not be of non-combustible materials.

926 8.3.2 Approved Plastics.

Approved plastic or reinforced plastic materials shall be those which are classified as 94-5V in accordance with Underwriters Laboratory Test 94-5V "Vertical Burning Test for Classifying Materials".

926 8.3.3 Evidence of Compliance.

Evidence of compliance with the requirements of Section ~~926.3.1~~ [928.3.1](#) to ~~311.3.2~~ [928.3.2](#) shall accompany all equipment installed within the City of El Paso.

926 8.4 Electrical Connections.

Electrical components and installations shall conform to the El Paso Electrical Code. The blower motor and water recirculation pump shall be internally protected to shut-off automatically in the event of an electrical overload or excessive temperature. The maximum shut-off temperature shall be: (1) blower motor, 105°C; and (2) pump, 135°C.

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Water connections and materials shall conform to the El Paso Plumbing Code.

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Evaporative cooler fastenings, including mounts, platforms and frames, shall be of non-combustible material and shall be of sufficient size and strength to meet the requirements of the International Building Code.

926 8.7 Water Supply.

926 8.7.1 Bleeder Lines Prohibited.

New and replacement evaporative coolers shall not be provided or installed with bleeder lines.

926 8.7.2 Automatic water draining System Required.

An automatic water draining system shall be provided for all evaporative coolers for which the cooler manufacturer requires the use of a bleeder line. The automatic water draining system shall operate on a periodic basis of not less than a 4-hour interval

between operation times and shall be capable of fully draining the water from the cooler pan. The automatic draining system shall either discharge into the building drainage system through an indirect waste piping system complying with Section 802 of the Plumbing Code or shall be conducted to the exterior of the building or structure, and shall be discharged so that the effluent is used for watering landscaping or other outdoor vegetation. In no event shall drainage from coolers be wasted into or upon the public way.

(Ord. 15965 § A (part), 2004)

18.12.080 90 Appendices.

The appendices, unless specifically adopted or referenced, are retained as administrative guidance aids. (Ord. 15965 § A (part), 2004)

18.12.090 100 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinances No. 014732, 12-12-2000 and Ordinance No. 15965 dated 12-14-2004

C. All references to the ICC Electrical Code shall be construed to mean the Electrical Code of the City of El Paso.

D. The effective date of this ordinance shall be _____. This ordinance shall be applicable to all permit applications received on or after that date.

E. Except as herein provided, Title 18 (Building and Construction) shall remain in full force and effect.