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NOVEMBER 22, 2012.)

RETURN TO:
City Of Bixby
P.O. Box 70
Bixby, Ok 74008

ORDINANCE NO. 2099

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF BIXBY, OKLAHOMA, TITLE 9, TITLED "BUILDING AND CONSTRUCTION REGULATIONS", CHAPTER 5, TITLED "MECHANICAL CODE"; REPEALING SECTION 9-5-1, TITLED "ADOPTION OF MECHANICAL CODE" AND SECTION 9-5-2, TITLED "AMENDMENTS"; ENACTING A NEW SECTION 9-5-1, TITLED "ADOPTION OF THE ICC INTERNATIONAL MECHANICAL CODE, 2009 EDITION"; ADOPTING THE ICC INTERNATIONAL MECHANICAL CODE, 2009 EDITION, EXCLUDING ANY APPENDICES; ENACTING A NEW SECTION 9-5-2, TITLED "AMENDMENTS TO THE ICC INTERNATIONAL MECHANICAL CODE, 2009 EDITION"; PROVIDING FOR AND GOVERNING THE DESIGN, CONSTRUCTION, FABRICATION, ERECTION, ALTERATION, LOCATION, ENLARGEMENT, EQUIPMENT, REPAIR, REMOVAL, CONVERSION, USE AND MAINTENANCE OF MECHANICAL SYSTEMS, INCLUDING HEATING SYSTEMS, VENTILATING SYSTEMS, COOLING SYSTEMS, STEAM AND HOT WATER HEATING SYSTEMS, PROCESS PIPING, BOILERS AND PRESSURE VESSELS, APPLIANCES UTILIZING GAS, LIQUID OR SOLID FUEL, CHIMNEYS AND VENTS, MECHANICAL REFRIGERATION SYSTEMS, FIREPLACES, BARBECUES, INCINERATORS, AND CREMATORIES; PROVIDING FOR THE PROTECTION OF EXISTING RIGHTS AND REMEDIES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING THAT THE OPERATIVE DATE OF THIS ORDINANCE SHALL BE NOVEMBER 1, 2012; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

Section 1. That Title 9, Bixby City Code, Chapter 5, Section 9-5-1 and Section 9-5-2 be and the same are now specially repealed.

Section 2. That a new Title 9, Bixby City Code, Chapter 5, Section 9-5-1 and Section 9-5-2 be and the same are now enacted to read as follows:

"9-5-1: ADOPTION OF THE ICC INTERNATIONAL MECHANICAL CODE, 2009 EDITION: A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Bixby, Oklahoma, being marked and designated as the ICC *International Mechanical Code* (IMC), 2009 Edition, excluding all appendices, as published by the International Code Council, Inc. (ICC), is hereby adopted as a part of the Bixby City Code, hereinafter the 'Mechanical Code of the City of Bixby' or the 'Bixby 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 equipment and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, terms, and conditions of the ICC *International Mechanical Code*, 2009 Edition, as amended, on file in the Office of the City Clerk of the City of Bixby are hereby referred to, adopted, and made a part of the Bixby City Code, as if fully set out in this Chapter, with its amendments, as prescribed in Section 9-5-2 of this Chapter and, as used in this Chapter 5, may be referred to as the 'code.'

9-5-2: AMENDMENTS TO THE ICC INTERNATIONAL MECHANICAL CODE, 2009 EDITION: The following provisions of the *International Mechanical Code*, 2009 Edition (IMC), as amended and revised by the Oklahoma Uniform Building Code Commission, are hereby added, deleted or amended to read as follows:

IMC CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title-Amendatory. These provisions shall be known and may be cited as the 'Mechanical Code of the City of Bixby' or as the 'Bixby Mechanical Code.'

109 through 109.7 Means of Appeal-Deleted. Sections 109 through 109.7 of this code are intentionally deleted from the *International Mechanical Code*, 2009 Edition. Appeals from a decision of the code official shall be governed by Section 9-2-1 of the Bixby City Code.

IMC CHAPTER 2 DEFINITIONS

Chapter 2 of the IMC 2009 is adopted with the following changes: The definition of a Commercial Cooking Appliance has been modified to further define a commercial cooking appliance. The definition has been modified to read:

'Appliances-Amendatory. Appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local ventilation system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers (charbroilers); ovens; barbeques; rotisseries; and similar appliances. For the purpose of this definition, a food service establishment shall include any building or a portion thereof used for the preparation and serving of food that is not a kitchen in a single-family dwelling unit or apartment.'

IMC CHAPTER 3 GENERAL REGULATIONS

301.12 Wind Resistance-Amendatory. This section has been modified to allow design and installation of equipment and appliances that are exposed to wind to be built in accordance with SMACNA HVAC Duct Construction Standards – Metal or Flexible or other approved methods. This section has been modified to read: 'Mechanical equipment, appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in

accordance with the *International Building Code*, SMACNA HVAC Duct Construction Standards - Metal and Flexible, or other approved methods.'

304.11 Guards-Amendatory. This section has been modified to require guards around components requiring routine service and unprotected skylight openings. This section has been modified to read: 'Guards or parapet walls shall be provided where appliances, equipment, fans (or other components that require routine service) or roof hatches are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the adjacent surface or grade below. The guards or parapet walls shall extend not less than 30 inches (762 mm) beyond each end of such appliances, equipment, fans, components, and roof hatch openings; and the top of the guard or parapet wall shall be located not less than 42 inches (1067 mm) above the adjacent surface. Guards shall be constructed to prevent the passage of a 21-inch diameter (533 mm) sphere and shall comply with the loading requirements for guards as specified in the *International Building Code*. Guards shall also be provided where appliances, equipment, fans (or other components that require routine service) are located within 10 feet (3048 mm) of a roof hatch or unprotected skylight. Skylights shall be considered protected if the level of the lowest edge of the skylight is on a raised curb 42 inches (1067 mm) above the roof level, or if the skylight is protected by some other approved means to prevent personnel from falling through the opening.'

IMC CHAPTER 5 EXHAUST SYSTEMS

507.1 General-Amendatory. This section has been modified to add Section 507.9 to exception number one. This section shall now read: 'Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. Commercial kitchen exhaust hood systems shall operate during the cooking operation.'

Exceptions:

1. Factory-built commercial exhaust hoods which are tested in accordance with UL 710 listed, labeled and installed in accordance with Section 304.1 shall not be required to comply with Sections 507.4, 507.7, 507.9, 507.11, 507.12, 507.13, 507.14 and 507.15.
2. Factory-built commercial cooking recirculating systems which are tested in accordance with UL 710B, listed, labeled, and installed in accordance with Section 304.1 shall not be required to comply with Sections 507.4, 507.5, 507.7, 507.12, 507.13, 507.14, and 507.15. Spaces in which such systems are located shall be considered to be kitchens and shall be ventilated in accordance with Table 403.3. For the purpose of determining the floor area required to be ventilated, each individual appliance shall be considered as occupying not less than 100 square feet (9.3 meters squared).

3. Net exhaust volumes for hoods shall be permitted to be reduced during part-load cooking conditions, where engineered or listed multispeed or variable-speed controls automatically operate the exhaust system to maintain capture and removal of cooking effluents as required by this section. Reduced volumes shall not be below that required to maintain capture and removal of effluents from the idle cooking appliances that are operating in standby mode.'

507.2.1 Type I Hoods-Amendatory. This section has been modified to add an exception for installation of Type II hoods when specific conditions are met. This section has been modified to read: 'Type I hoods shall be installed where cooking appliances produce grease or smoke. Type I hoods shall be installed over medium-duty, heavy-duty, and extra-heavy-duty cooking appliances. Type I hoods shall be installed over light-duty cooking appliances that produce grease or smoke.'

Exception: Type II hoods shall be permitted to be installed over medium-duty cooking appliances, ranges and ovens that the code official has determined will not produce appreciable amounts of grease and/or smoke. Where cooking appliances, ranges and/or ovens have been approved by the code official for installation under a Type II hood, a sign shall be placed on the wall in close proximity to the hood that reads, 'Absolutely No Frying or Grease-Type Cooking Permitted.'

IMC CHAPTER 6 DUCT SYSTEMS

603.4 Metallic Ducts-Amendatory. The exception to this section has been intentionally deleted from Section 603.4 Metallic Ducts.

604.1 General-Amendatory. This section was modified to add a requirement to duct insulation to conform to SMACNA HVAC Duct Construction Standards – Metal and Flexible. This section has been modified to read: 'Duct insulation shall conform to the requirements of Sections 604.2 through 604.13, the *International Energy Conservation Code* and SMACNA HVAC Duct Construction Standards – Metal and Flexible.'

IMC APPENDICES

Appendices A and B-Bixby Deleted. The following appendices of the ICC *International Mechanical Code*, 2009 Edition, are intentionally deleted from this code:

APPENDIX A	COMBUSTION AIR OPENINGS AND CHIMNEY CONNECTOR PASS-THROUGHS
APPENDIX B	RECOMMENDED PERMIT FEE SCHEDULE"

Section 3. PROTECTION OF EXISTING RIGHTS AND REMEDIES. That nothing in this ordinance shall be construed to affect any suit or proceeding pending 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; nor shall this ordinance require any changes in work

which have been lawfully authorized prior to the adoption of this ordinance, so long as such work is actually commenced within sixty (60) days after the adoption of this ordinance.

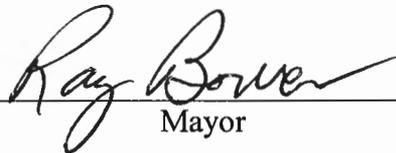
Section 4. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 5. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 6. OPERATIVE CLAUSE. Following passage of this ordinance by the City Council, with separate approval of its Emergency Clause, this ordinance shall be operative on and after November 1, 2012.

Section 7. EMERGENCY CLAUSE. That an emergency is hereby declared to exist for the preservation of the public peace, health and safety and, more particularly, to expedite the protection of citizens and the general public occupying and using buildings and structures within the corporate limits of the City of Bixby, by reason whereof this ordinance shall take effect immediately from and after its passage and approval.

ADOPTED by the Council: NOVEMBER 13, 2012.



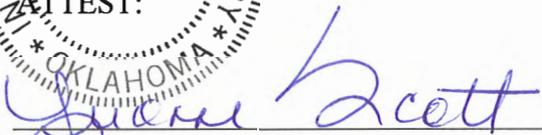
Mayor

ADOPTED as an Emergency Measure ruled upon separately and approved by an affirmative vote of at least four-fifths (4/5) of the City Council: NOVEMBER 13, 2012.



Mayor





City Clerk

APPROVED:



City Attorney