

ORDINANCE 13-1991

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS," ARTICLE V, "ADVISORY BOARDS," DIVISION 3, AND CHAPTER 29.5, "SWIMMING POOLS AND SPAS," ARTICLE II, Sec. 29.5-11, "BOARD OF APPEALS" OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1. That Chapter 8, Article VI, Division 5, "Mechanical Code" of the Abilene Municipal Code be amended as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

PART 2. That Chapter 8, Article VI, Division 4, "Plumbing" of the Abilene Municipal Code be amended as set out in Exhibit "B", attached hereto and made a part of this ordinance for all purposes.

PART 3. That Chapter 8, Article IV, Division 3, "Electrical Code" of the Abilene Municipal Code be amended as set out in Exhibit "C" attached hereto and made a part of this ordinance for all purposes.


PART 4. That Chapter 29.5 "Swimming Pools and Spas" of the Abilene Municipal Code be amended as set out in Exhibit "D" attached hereto and made a part of this ordinance for all purposes.

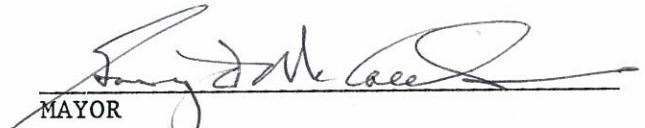
PART 5. That Chapter 8, Article V, "Advisory Boards" of the Abilene Municipal Code be amended as set out in Exhibit "E" attached hereto and made a part of this ordinance for all purposes

PASSED ON FIRST READING this 28 day of March, A.D., 1991.

PASSED ON SECOND AND FINAL READING this 11 day of April, A.D., 1991.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

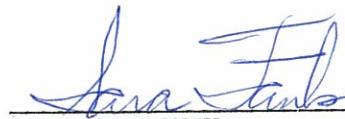

CITY ATTORNEY

EXHIBIT "A"

Ordinance 13-1991

Amend the 1988 Uniform Mechanical Code as follows:

Board of Appeals.

Sec. 203. Delete in its entirety and insert the following:

In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of this Mechanical Code, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals as established in Chapter 8, Sec. 8-391, et. seq. of the City Code of this city, is charged with hearing appeals from any decision of the building official concerning the Mechanical Code.

Any reference to the Board of Appeals in the Mechanical Code shall be construed to mean and does mean the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals, as established in Chapter 8, Sec. 8-391, et. seq. of the Abilene City Code. In ruling on such appeals, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall render no decision which is contrary to or inconsistent with the provisions of this Code. In the event the Board shall be of the opinion that any provision or provisions of this Code should be amended, it shall make such recommendations to the city council for consideration.

EXHIBIT "B"

Ordinance 13-1991

Amend the 1988 Uniform Plumbing Code as follows:

Plumbing Appeals and Advisory Board

Sec. 20.14. Delete in its entirety and insert the following:

In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of this Plumbing Code, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals as established in Chapter 8, Sec. 8-391, et. seq. of the City Code of this city, is charged with hearing appeals from any decisions of the building official concerning the Plumbing Code.

Any reference to the Board of Appeals in the Plumbing Code shall be construed to mean and does mean the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals, as established in Chapter 8, Sec. 8-391, et. seq. of the Abilene City Code. In ruling on such appeals, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall render no decision which is contrary to or inconsistent with the provisions of this Code. In the event the Board shall be of the opinion that any provision or provisions of this Code should be amended, it shall make such recommendation to the city council for consideration.

EXHIBIT "C"

Ordinance 13-1991

Amend the 1990 National Electrical Code as follows:

Board of Appeals

Sec. 203. Delete in its entirety and insert the following:

In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of this Electrical Code, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals as established in Chapter 8, Sec. 8-391, et. seq. of the City Code of this city, is charged with hearing appeals from any decision of the building official concerning the Electrical Code.

Any reference to the Board of Appeals in the Electrical Code shall be construed to mean and does mean the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals, as established in Chapter 8, Sec. 8-391, et. seq. of the Abilene City Code. In ruling on such appeals, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall render no decision which is contrary to or inconsistent with the provisions of this Code. In the event the Board shall be of the opinion that any provision or provisions of this Code should be amended, it shall make such recommendation to the city council for consideration.

EXHIBIT "D"

Ordinance 13-1991

Amend the Swimming Pools and Spas Ordinance as follows:

Sec. 29.5-11. Board of Appeals. Delete in its entirety and insert the following:

In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of this Swimming Pools and Spas Ordinance, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals as established in Chapter 8, Sec. 8-391, et. seq. of the City Code of this city, is charged with hearing appeals from any decision of the building official concerning the Swimming Pools and Spas Ordinance.

Any reference to the Board of Appeals in the Swimming Pools and Spas Ordinance shall be construed to mean and does mean the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals, as established in Chapter 8, Sec. 8-391, et. seq. of the Abilene City Code. In ruling on such appeals, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall render no decisions which is contrary to or inconsistent with the provisions of this ordinance. In the event the Board shall be of the opinion that any provision or provisions of this ordinance should be amended, it shall make such recommendation to the city council for consideration.

ARTICLE V. ADVISORY BOARDS

DIVISION 3. MECHANICAL, PLUMBING, ELECTRICAL AND SWIMMING POOL
BOARD OF APPEALS

Sec. 8-391. Established.

There is hereby established a Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals in and for the city.

Sec. 8-392. Composition.

The Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall be composed of seven (7) voting members, and four (4) ex officio members who shall have no voting privileges.

The seven (7) voting members shall not be employees of the city and shall include the following:

- (a) A registered architect;
- (b) A registered mechanical or electrical engineer;
- (c) A licensed master plumber;
- (d) A licensed mechanical contractor;
- (e) A licensed master electrician;
- (f) A licensed swimming pool contractor;
- (g) A bonded building contractor.

The ex officio members, whose only function shall be to render advice to the board, shall include the following:

- (a) The building official;
- (b) A representative from the planning and zoning department;
- (c) A representative from the fire department;
- (d) A representative from the health department.

Sec. 8-393. Appointment

The members of the Mechanical, Plumbing, Electrical and Swimming Pool Board shall be appointed by the mayor with the approval of the council.

Sec. 8-394. Terms.

The members of the Mechanical, Plumbing, Electrical and Swimming Pool Board shall be appointed by the mayor with the approval of the council with four (4) of the members appointed for a term of two (2) years and three (3) of the members appointed for a term of three (3) years. Each member of the board thereafter shall be appointed for a term of two (2) years.

Sec. 8-395. Alternate Members.

The mayor, with the approval of the council, shall also appoint an alternate member for each of the seven (7) voting members of the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals, which alternate shall serve in the absence of the designated voting member when requested to do so by the mayor or the city manager. Each alternate member shall meet the requirements for appointment that apply to the voting member for whom he shall be the alternate and shall be appointed for the same term as that voting member.

Sec. 8-396. Removal.

Any member of the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals who is absent from the regular monthly meeting of the board for three (3) consecutive meetings shall be removed from the board.

Sec. 8-397. Filling Vacancies.

Vacancies occurring in the membership of the Mechanical, Plumbing, Electrical and Swimming Pool Board shall be filled by appointment for the remainder of the unexpired term.

Sec. 8-398. Quorum.

Four (4) voting members of the Mechanical, Plumbing, Electrical and Swimming Pool Board shall constitute a quorum, and the board shall act by a majority vote of those present.

Sec. 8-399. Officers.

A chairman shall be selected by the Mechanical, Plumbing, Electrical and Swimming Pool Board from its membership, who shall preside over its meetings, and have the same voting rights as other members. The board shall also select a vice chairman to preside over its meetings in the absence of the regular chairman. The building official shall act as secretary of the board.

Sec. 8-400. Meetings.

The Mechanical, Plumbing, Electrical and Swimming Pool Board shall meet at least once a month at a day and time to be determined by the board and at the call of the chairman. All meetings of the board shall be open to the public.

Sec. 8-401. Records.

The Mechanical, Plumbing, Electrical and Swimming Pool Board shall keep minutes of its proceedings, showing the vote of each member upon question and if absent or failing to vote indicating such fact, and shall also keep a record of its other official actions, all of which shall be public record.

Sec. 8-402. Electrical Licensing Sub-Committee.

A sub-committee shall be appointed by the mayor with the approval of the council to hear electrical licensing matters consistent with the Electrical Code. The members of this sub-committee shall be in addition to and separate from the regular and alternate members of the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals. This sub-committee shall be composed of five (5) members and shall include the following:

- (a) a licensed master electrician;
- (b) a licensed journeyman electrician;
- (c) a bonded building contractor;
- (d) two (2) citizens at large.

This sub-committee shall meet on a quarterly basis unless an emergency meeting should be called by the building official. The sub-committee shall select a chairman and shall keep minutes of its proceedings.

Sec. 8-403. Responsibilities.

The Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall be charged with the responsibilities of hearing cases of appeal and reviewing codes and ordinances that pertain to the Mechanical Code, the Plumbing Code, the Electrical Code, and the Swimming Pool Code.

Sec. 8-404. Right of Appeal.

Any person, firm, or corporation aggrieved by any interpretation of the Mechanical Code, the Plumbing Code, the Electrical Code, or the Swimming Pool Code or by any decision or ruling relating to these codes made by the building official or his authorized representative shall have the right to make an ap-

peal to the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals. Appeals shall be made in writing and received in the office of the building official no later than seven (7) days prior to a regular meeting of the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals.

Sec. 8-405. Hearings Before the Board.

Within a period of 30 days from the filing of the appeal, the board shall hear the appeal, together with the testimony of all parties concerned and render a decision. In hearing such an appeal, the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall not have the power to waive or set aside the requirements of any code, but shall have the power to interpret its provisions and, in case of alternate types of installation or material, shall determine whether or not such alternate type of installation of material is, in fact, equal to the standards of the applicable code considering adequacy, stability, strength, sanitation, and safety for the public health and welfare.

The appellant shall cause to be made at his own expense any tests or research required to substantiate his claims. The appellant may appear in person before the board or be represented by an attorney and may introduce evidence to support his claims.

Sec. 8-406. Appeal from Board Decision.

Any person, firm or corporation who may be aggrieved by the decisions of the Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall have a right of appeal to the city council within ten (10) days from notice addressed to the City Secretary asking for a hearing by the council, and the action of the city council thereon shall be final; except that due process shall not be denied and further appeal may be made to the appropriate court of competent jurisdiction.

Sec. 8-407. Advisory Responsibility.

The Mechanical, Plumbing, Electrical and Swimming Pool Board of Appeals shall submit to the city council recommendations for improvement and revision of the Mechanical Code, the Plumbing Code, the Electrical Code, and the Swimming Pool Code as it may from time to time deem necessary in light of new materials, new methods or techniques to result in better, safer, or more economical installations.