

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 106-16

**AN ORDINANCE**

repealing Article V of Chapter 6 of the City Code relating to the 2012 Edition of the International Mechanical Code and enacting in lieu thereof a new Article V adopting the 2015 Edition of the International Mechanical Code; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Article V of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2012 Edition of the International Mechanical Code, is hereby repealed and in lieu thereof a new Article V, relating to the 2015 Edition of the International Mechanical Code, is hereby enacted reading in words and figures as follows:

CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE V. Mechanical Code

Sec. 6-60. Adopted.

The 2015 Edition of the International Mechanical Code, published by the International Code Council, Inc., including Appendix A, one copy of which has been on file with the city clerk for a period of ninety (90) days prior to the adoption of this article, is hereby adopted by reference and made a part of the Code of Ordinances, City of Columbia, Missouri as fully as if set forth in its entirety. At least one (1) copy of the 2015 Edition of the International Mechanical Code shall remain on file in the office of the city clerk and shall be kept available for public use, inspection and examination.

Sec. 6-61. - Amendments.

The code adopted by this article is hereby amended by substituting the following sections in lieu of those sections with corresponding numbers in the code, or, where there is no corresponding section in the code, the following sections shall be enacted as additions to the code:

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

*101.5 Board of mechanical examiners.* A board of mechanical examiners consisting of six (6) persons is hereby created. One (1) member shall be the director of community development or the director's designee, who shall be a non-voting ex-officio chairperson of the board; the remaining five (5) members shall be appointed by the city council. One (1) member shall be a registered professional engineer; one (1) member shall be a mechanical heating, ventilation, air conditioning and refrigeration (HVACR) contractor or master mechanic; one (1) member shall be a HVACR journeyman mechanic; one (1) member shall be a general contractor not in the HVACR business; and one (1) member shall be a layman. The first two (2) members appointed to the board shall serve for three (3) years, the second two (2) members shall serve for two (2) years, the last member shall serve for one (1) year. Thereafter, each member of the board shall serve for three (3) years and until a replacement is appointed and qualified. The board of mechanical examiners shall be empowered to give examinations for mechanical heating, ventilation, air conditioning and refrigeration licenses and certificates, to approve or disapprove applications for mechanical heating, ventilation, air conditioning and refrigeration licenses and certificates, and to issue or revoke mechanical heating, ventilation, air conditioning and refrigeration licenses or certificates. A deposit of fifty dollars (\$50.00) must be submitted with the application. The deposit shall be refunded to the applicant if the applicant appears at the board meeting at which the examination is scheduled. The board shall meet upon the call of the chair, or upon the call of a majority of its membership, however, it shall meet within at least sixty (60) days after filing of an application for examination. Applicants scheduled for examination shall be notified at least three (3) days prior to the date of examination; with date, time and place of examination. A minimum of three (3) board members are required to have a quorum. The chair of the board is authorized to excuse any member from attendance at a board meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) percent of the regular board meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the council of the vacancy.

*101.5.1 Membership qualifications.* Members of the board appointed by the city council shall be residents of the City of Columbia, Missouri.

*101.6 Unlawful.* It shall be unlawful for any person to engage in the installation, alteration or repair of heating, ventilation, air conditioning and refrigeration components or systems in or on any building, structure, or premises within the corporate limits of the City of Columbia, Missouri, unless issued a certificate of competency by the board of mechanical examiners, except as provided elsewhere in this code.

*101.7 Certificates.* The board of mechanical examiners is herein empowered to provide for the following types of certificates:

1. Master mechanical heating, ventilation, air conditioning and refrigeration mechanic. (Type A)
2. Journeyman mechanical heating, ventilation, air conditioning and refrigeration mechanic. (Type B)
3. Maintenance journeyman mechanical heating, ventilation, air conditioning and refrigeration mechanic. (Type B-1)
4. Apprentice mechanical heating, ventilation, air conditioning and refrigeration mechanic. (Type C)
5. Chimney Sweep (Type D)

*101.8 Certificate types.* Certificates will be issued to applicants who meet the following requirements:

*Chimney Sweep (Type D)*

1. Submit application to director of community development stating name, address, telephone number and type of certificate requested.
2. Provide positive proof of twelve thousand (12,000) hours active employment as a journeyman mechanical HVACR (Type B) or apprentice mechanical HVACR or equivalent experience acceptable to the board.
3. List names, addresses and telephone numbers of all previous employers under which applicant worked as an apprentice heating, ventilation, air conditioning and refrigeration mechanic.
4. Successfully complete examination as required by board of mechanical examiners , or provide proof of certification acceptable to the board .
5. All applicants approved by the board for chimney sweep certificates shall pay a ninety dollar (\$90.00) fee prior to the issuance of the certificate. Certificate renewal shall be required every three (3) years. Certificates issued in September, October and November of the renewal year are not required to pay a renewal fee in December.

*Apprentice (Type C).* Submit application stating name, address and telephone number and employer's signature. No fee required.

*Journeyman (Type B and Type B-1)*

1. Submit application to director of community development stating name, address, telephone number and type of certificate requested.
2. Provide positive proof of eight thousand (8,000) hours active employment as apprentice heating, ventilation, air conditioning and refrigeration mechanic, or such equivalent experience deemed acceptable by the mechanical board.
3. List names, addresses and telephone numbers of all previous employers under which applicant worked as an apprentice heating, ventilation, air conditioning and refrigeration mechanic.
4. Successfully complete examination as required by board of mechanical examiners.
5. All applicants approved by the board for journeyman certificates shall pay a thirty dollar (\$30.00) fee prior to the issuance of the certificate. Certificate renewal shall be required every three (3) years. Certificates issued in September, October and November of the renewal year are not required to pay a renewal fee in December.

*Master (Type A)*

1. Submit application to director of community development stating name, address, telephone number and type of certificate requested.
2. Provide positive proof of twelve thousand (12,000) hours active employment or equivalent as an apprentice and/or journeyman heating, ventilation, air conditioning and refrigeration mechanic, or such equivalent experience deemed acceptable by the mechanical board. At least four thousand (4,000) hours of the required time must be as a journeyman or equivalent experience acceptable to the board.
3. List names, addresses and telephone numbers of all previous employers under which applicant worked as an apprentice and/or journeyman heating, ventilation, air conditioning and refrigeration mechanic.
4. Successfully complete examination as required by board of mechanical examiners.
5. All applicants approved by the board for master certificates shall pay a ninety dollar (\$90.00) fee prior to the issuance of the certificate. Certificate renewal shall be required every three (3) years. Certificates issued in September, October and November of the renewal year are not required to pay a renewal fee in December.

*101.8.1 Examination and certification.* The board shall establish standards and procedures for the qualifications, examination, and licensing of master and journeyman mechanics; and chimney sweeps, and shall issue an appropriate certificate of competency to each person who meets the qualifications therefore and successfully passes the

required examination. The standard examination for master mechanic shall be the mechanical contractor category or journeyman mechanic shall be the journeyman HARV category as prepared and published by Thomson Prometric, ATTN: National Construction Program, 1260 Energy Lane, St. Paul, MN 55108 or the ICC National Standardized Examinations Program, [www.iccsafe.org/contractor](http://www.iccsafe.org/contractor) (1-877-783-3926) for Contractor Trades Testing. Chimney sweeps shall provide proof of certification acceptable to the board as well as employment verification and proof of hours of active employment for the board to review. The board shall keep an official record of all transactions.

*101.9 Permit required.* Application for a permit shall be made by a licensed master mechanical HVACR mechanic, except as provided herein, mechanical permits may be issued to the general contractor, on behalf of the master mechanic, for new one and two family dwellings and building alteration or building additions for one and two family dwellings to install all or part of any HVACR system. All mechanical work must be performed by a mechanic licensed by the City of Columbia, or as allowed by ordinance. A licensed chimney sweep (Type D) shall be permitted to make application for a permit to install all or part of any equipment as defined in Section 101.10, Scope of Work, and item 5.

Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the person is a bona fide owner of such dwelling and that the dwelling will be occupied by the owner, and that the owner shall personally purchase all material and perform all labor in connection therewith. Any person obtaining a permit under this section shall not be issued another permit within two years.

*Exception:* Plumbers holding a maintenance journeyman mechanic certificate who are regular employees of the firm or corporation for which the work is to be performed, may obtain a permit to do plumbing work on the premises of the firm or corporation provided the work is not associated with work requiring a building permit.

*101.10 Scope of work.* The scope of work authorized by each type of certificate shall be as follows:

1. The mechanical Masters Certificate (Type A) shall authorize the grantee to engage in the business of contracting for the installation, repair, altering, and making additions to mechanical equipment and appurtenances; and to supervise construction or installation of same.
2. A mechanical Journeyman Certificate (Type B) shall authorize the grantee to perform mechanical work under persons or firms holding a mechanical Masters Certificate (Type A) or to perform mechanical work as a regular employee for, and on the premises of, a specified firm or corporation.

3. A mechanical maintenance Journeyman Certificate shall be authorized to perform mechanical work as a regular employee for, and on the premises of, a specified firm or corporation.
4. An apprentice Mechanical Certificate (Type C) shall authorize the grantee to perform mechanical work only when under the immediate supervision of a mechanic holding Type A or B Certificate. The ratio shall not exceed three apprentices to one mechanic. Immediate supervision is defined as being on the job site with the apprentice while work is being accomplished.
5. A Chimney Sweep Certificate (Type D) shall authorize the grantee to engage in the business of contracting for the installation, repair, altering, and making additions to Chimney equipment and appurtenances as defined by the current mechanical code, that are not regulated by the building code; and to supervise construction or installation of same.

*Section 103 DEPARTMENT OF COMMUNITY DEVELOPMENT - DIVISION OF BUILDING AND SITE DEVELOPMENT*

*103.1 Director.* The administration and enforcement of this code shall be the duty of the director of community development, who is designated the code official for purposes of this code. The code official is hereby authorized to take such action as may be reasonably necessary to enforce the provisions of this code. Such persons may be appointed and authorized as assistants or representatives of the director as may be necessary to carry out the provisions of this code.

*103.2 Restriction of employees.* An employee connected with the Department of Community Development - Division of Building and Site Development shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or of specifications therefore, unless the employee is the owner of the building; nor shall such employee engage in any work which conflicts with employee's official duties or with the interest of the department.

*103.3 Liability.* Any officer or employee charged with the enforcement of this code, while acting on behalf of the city, shall not thereby render such individual liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act performed in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The officer or employee shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this code; and any officer or employee acting within the scope of employment and in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. Nothing contained herein shall be

deemed a waiver of the immunities and protection afforded to the city or officers and employees pursuant to state and federal law.

*103.4 Delete in its entirety.*

*106.1 When required.* An owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application as required by Section 101.9 to the code official and obtain the required permit for the work.

*Exception:* Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the division of building and site development.

*106.5.2 Fee schedule.* The fees for all mechanical and fuel gas work shall be as indicated in the following schedule:

\$0.00 to \$1,000.00 .....	\$35.00
\$1,000.01 to \$5,000.00 .....	\$25.00 plus \$6.25 per thousand over \$1,000.00
\$5,000.01 to \$10,000.00 .....	\$50.00 plus \$5.00 per thousand over \$5,000.00
\$10,000.01 to \$20,000.00 .....	\$75.00 plus \$3.75 per thousand over \$10,000.00
Over \$20,000.00 .....	\$112.50 plus \$2.50 per thousand over \$20,000.00

*106.5.3 Fee refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

3. Delete in its entirety

*108.4 Violation penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one year, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

*108.5 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 to a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).

*109.1 Appeals.* The owner of a building or structure or any person directly affected by a decision of the code official may appeal to the building construction codes commission from a decision of the official refusing to grant modifications of the provisions of the Mechanical Code covering the manner of installation, or materials to be used in the installation. The procedure for appeal shall be governed by Section 113 of the Building Code of Columbia, Missouri.

*109.2 Members of board.* Delete.

*304.11 Guards.* Delete exception.

*504.8.2 Duct installation.* Delete from the end of the last sentence the following words: "that protrude more than 1/8 inch (3.2 mm) into the inside of the duct".

SECTION 2. The repeal of Article V of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2012 Edition of the International Mechanical Code shall not affect any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after October 1, 2016.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor