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Introduced by Treece

First Reading 8-19-19

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Ordinance No. 024000

Council Bill No. B 256-19

AN ORDINANCE

repealing Article V of Chapter 6 of the City Code relating to the 2015 Edition of the International Mechanical Code and enacting in lieu thereof a new Article V adopting the 2018 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of Ordinances, City of Columbia, Missouri, relating to the 2015 Edition of the International Mechanical Code, is hereby repealed and in lieu thereof a new Article V, relating to the 2018 Edition of the International Mechanical Code, is hereby enacted reading in words and figures as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 2018 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 2018 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 Mechanical certifications. The director of community development shall be empowered to grant permission for applicants to sit for examinations associated with 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. 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.

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 director 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 director.
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 the director, or provide proof of certification acceptable to the director.
5. All applicants approved by the director 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 director.
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 the director.
5. All applicants approved by the director 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 director. At least four thousand (4,000) hours of the required time must be as a journeyman or equivalent experience acceptable to the director.
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 the director.
5. All applicants approved by the director 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 director 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 (1-877-783-3926) for Contractor Trades Testing. Chimney sweeps shall provide proof of certification acceptable to the director as well as employment verification and proof of hours of active employment for the director to review. The director shall keep an official record of all transactions.

101.8.2 Reciprocity. The director shall grant reciprocity and issue a license to an applicant who meets the minimum qualifications set forth in this section.

A mechanic who meets the following requirements shall be granted a journeyman mechanical license: 8,000 hours of mechanical experience with certification of satisfactory completion of the Thomson Prometric, ICC, or other mechanical examination administered by a state of the United States of America.

A mechanic who meets the following requirements shall be granted a master mechanical license: 12,000 hours of mechanical experience with certification of satisfactory completion of the Thomson Prometric, ICC, or other mechanical examination administered by a state of the United States of America.

101.8.3 Expiration and revocation of certificate. All certificates of competency issued by the director shall be valid from the date of issuance until the renewal date as listed in the certificate type, or when revoked by the director. Business licenses required of mechanical contractors and contracting master mechanics shall expire annually in accordance with the provisions of Chapter 13 of the Code of Ordinances.

The director may revoke any certificate if obtained through non-disclosure, misstatement, or misrepresentation of a material fact, or if a penalty has been imposed upon a certificate holder under the provisions of this code. Before a certificate may be revoked, the certificate holder shall have notice in writing enumerating the charges against the certificate holder, and be entitled to a hearing by the director, not sooner than five (5) days from receipt of the notice. The certificate holder shall be given an opportunity to present testimony, oral or written, and shall have the right to cross-examination. All testimony shall be given under oath. The director shall have the power to administer oaths. The decision of the director shall be based upon the evidence produced at the hearing and made a part of the record thereof. Any person aggrieved by a decision of the director may appeal to the circuit court

as provided in chapter 536 of the Revised Statutes of Missouri. A person whose certificate has been revoked shall not be permitted to apply for renewal within one year of the date of revocation.

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: Mechanics 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 mechanical 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.

101.11 License required.

- (a) No individual shall engage in the business of mechanical work in the city unless licensed as a master mechanic under the provisions of this code.
- (b) No individual, firm, partnership or corporation shall engage in the business of installing, repairing or altering mechanical systems unless the mechanical work performed in the course of such business is under the general supervision of a licensed master mechanic, and under the direct supervision of a licensed master mechanic or licensed journeyman mechanic employed on such installation or alteration full time to assure proper and accurate work as prescribed by this code.
- (c) No person who has obtained a master mechanic's license shall allow their name to be used by another person for the purpose of obtaining permits, or for doing business or work under this license. Every person licensed shall notify the director of the address of licensee's place of business, if any, and the name under which such business is carried on, and shall give immediate notice to the director of any change in either.

101.12 License fees. A mechanical contractor or contracting master mechanic shall pay annual business license fees to the city in an amount to be determined under the provisions of Chapter 13 of the Code of Ordinances. A master mechanic, a journeyman mechanic and apprentice mechanic employed by a licensed mechanical contractor shall pay no business license fees.

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 Appointment. Delete in its entirety.

103.3 Deputies. Delete in its entirety.

103.4 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.

103.5 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.

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).

Section 109. Means of Appeal. Shall be deleted in its entirety and replaced with the following:

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 applicant for a mechanical certification may appeal a decision of the director to deny or revoke certification to the building construction codes commission. The procedure for appeal shall be governed by Section 113 of the Building Code of Columbia, Missouri.

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 2015 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, 2019.

PASSED this 3rd day of September, 2019.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor