

CHAPTER 161

UNIFORM MECHANICAL CODE

161.01 Adoption of Code

161.02 Amendments

161.01 ADOPTION OF CODE. Pursuant to published notice and public hearing as required by law, the *Uniform Mechanical Code*, 2000 Edition, published by the International Conference of Building Officials, is hereby adopted in full except for such portions as may be hereinafter deleted, modified, or amended. An official copy of the aforementioned *Uniform Mechanical Code*, 2000 Edition, and a certified copy of the ordinance codified in this chapter are on file in the office of the Clerk, being marked and designated as *Uniform Mechanical Code*, including Appendix Chapter A, published by the International Conference of Building Officials, and is hereby adopted by reference as the code of the City for regulating the design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilation, cooling, refrigeration systems, incinerators or other miscellaneous heat producing appliances in the City, providing for the issuance of permits, Certificates of Competency, collection of fees, and authorizing a Hearing Board and providing payment therefor.

161.02 AMENDMENTS. The following amendments, modifications, additions, and deletions to the *Uniform Mechanical Code*, 2000 Edition, are hereby made:

1. Board of Appeals. Any person feeling aggrieved by an order or ruling of the Building Inspector shall have the right to appeal from such order or ruling in the following manner:
 - A. By appealing such rule or order of the Building Inspector by causing to be served on the Mayor or Clerk a notice in writing of the intention to appeal within 30 days after the person feeling so aggrieved has been served with notice of the rule or order in question.
 - B. Such appeal shall contain the following:
 - (1) The nature of the dispute or disagreement that the aggrieved party has with the Building Inspector.
 - (2) The location of the property in question.
 - (3) The date, as nearly as can be determined, that the rule or order was made.
 - C. Upon receipt of an appeal, the Mayor shall appoint an ad hoc appeal board which shall consist of three members who have a background and knowledge of the building trade. No member may have an interest, direct or indirect, in the outcome of the matter to be considered.
 - D. An aggrieved party who has filed an appeal shall have the right to object to individual members of the appeal board. Such objection must be made within five days after the appeal board has been named and the aggrieved party has been so informed. The aggrieved party shall state to the Mayor the member or members of the appeal board that said party objects to and the reasons therefor. Valid objections shall consist of the following grounds:
 - (1) That the appeal board member has an interest in the outcome of the litigation;

(2) That the appeal board member cannot serve as a fair and impartial hearing officer;

(3) That the appeal board member in question does not have the necessary background, experience, and training to be qualified to serve.

If the Mayor determines that such an objection is valid, then the Mayor shall appoint another person who is qualified to serve on the appeal board. The party feeling aggrieved shall have the same right to object to new appointees as to original appointees and as set forth herein. In the event that the Mayor does not accept the objection to appointment of an appeal board member, that member shall serve. Both the Building Inspector and the party feeling aggrieved by the Building Inspector's rule or order shall have the right to suggest names of potential members to the Mayor for consideration as appeal board members. The Mayor shall not be bound or obligated to accept these nominations.

E. The appeal board shall set a time and place for a hearing on an appeal filed and at such hearing shall hear arguments and evidence that either the aggrieved party or the Building Inspector desires to present. Within 30 days after their appointment, the appeal board shall hold the hearing as prescribed by this section and within 20 days after the date of the hearing, the person appealing shall be notified in writing of the decision of the appeal board.

F. The appeal board shall have the right to reverse, suspend, modify, or uphold the rules and orders of the Building Inspector. They may grant in their discretion the aggrieved party an opportunity to comply with the rules and orders as upheld, suspended, modified, or reversed.

G. The Building Inspector shall, upon being informed of the appeal board's decision, take such action as is required by this Code of Ordinances and the laws of the State.

2. Certificate of Competency Provision.

A. It is unlawful for any person to act, engage in, or to advertise or to otherwise represent himself or herself with the corporate limits of the City as a heating or air conditioning contractor unless person or authorized representative of such person obtains a Certificate of Competency as herein required. In case of a person employing a Certificate of Competency holder, both said person and the Certificate of Competency holder shall be responsible for all violations under this code. It is unlawful for any person to lend a Certificate of Competency to another person.

B. The owner-occupant of a single-family dwelling performing his or her own heating and/or air conditioning work is exempt from the requirements of this section.

C. It is unlawful except as hereinafter provided for any person to install, erect, alter, repair, service, reset, or replace any heating, ventilation, cooling, refrigeration systems, incinerators or other miscellaneous heat producing appliances in the City unless said person or some member of the firm or corporation shall first have obtained a Certificate of Competency or unless such person, firm, or corporation has regularly and steadily in his/its employ a holder of such a Certificate of Competency who shall be the authorized representative of the person, firm, or corporation in all matters pertaining to this code. The authorized representative who is the holder of a Certificate of Competency may not apply for permits for more than one person, firm, or corporation and the permit shall apply only to the type of work pertaining to the specific Certificate of Competency possessed by the Certificate of Competency holder.

D. Any person performing only minor service such as replacing oil burner nozzles, cleaning and adjusting fuel burning equipment, and replacing controls when the fuel input or the general arrangement of the fuel burning equipment is not changed shall not be required to hold a Certificate of Competency. Any person, firm, or corporation not regularly doing business within or maintaining a regular place of business within the corporate limits of the City may be granted special permission to do work within the corporate limits of the City without being required to obtain a Certificate of Competency by obtaining special permission from the Board of Hearing. This special permission shall be granted by said Board of Hearing for each specific job or installation only upon said person, firm, or corporation establishing to the reasonable satisfaction of the Board of Hearing that such person, firm, or corporation is possessed of such skill and competency as to meet the requirements of this code. All requirements of this code other than with respect to the procuring of a Certificate of Competency shall be fully complied with. An owner-occupant as defined in Section 207 is not required to hold a Certificate of Competency.

E. Should the authorized representative holder of a heating Certificate of Competency terminate his or her employment or partnership with a person, firm or corporation, a new authorized holder of a Certificate of Competency must be obtained within 60 days thereafter by said person, firm, or corporation.

F. Every Certificate of Competency holder shall offer to the purchaser and have available facilities for future 24-hour service on the equipment installed by said person.

G. Certificates of Competency shall be divided into the following classes:

- (1) Certificate of Competency for warm-air heating systems.
- (2) Certificate of Competency for hot water and steam heating and processing systems.
- (3) Certificate of Competency for the installation of non-central electric heat.
- (4) Certificate of Competency for the installation of incinerators.
- (5) Certificate of Competency for the installation of duct connected summer air conditioning systems.
- (6) Certificate of Competency for heating systems in mobile homes only.

One person may be a holder of one or more than one separate Certificate of Competency but shall be limited to the type of work relating to the specific Certificate of Competency or Certificates of Competency which he or she possesses with the exception that installation of conversion burners may be made in boilers by a holder of a warm-air heating Certificate of Competency and conversion burners may be installed in warm-air furnaces by a holder of a hot water and steam heating and processing Certificate of Competency holder.

H. Any applicant, having fully complied with the provisions of this code and having successfully passed an examination as herein provided, shall, upon recommendation of the Board of Hearing, signed by a majority thereof, be issued a Certificate of Competency to supervise and perform work covered by this code upon the payment of Certificates of Competency fee in an amount set by resolution of the Council and upon furnishing a Heating Contractor's Bond in the sum of one thousand dollars (\$1,000.00) conditioned upon the faithful performance in accordance with the provisions of this code of all work performed under said Certificate of Competency.

I. All Certificate of Competency fees shall be credited to the account of the contractor and permit fees shall be charged to this account. When there is no longer a credit to the account of the contractor, the contractor may deposit to his or her credit a minimum of one hundred dollars (\$100.00) and continue to charge permit fees to the account, otherwise, all permit fees shall be on a cash basis.

J. All Certificates of Competency and Bonds shall be valid for the term of one year and shall expire on April 30 unless renewed. Any Certificate of Competency holder who wishes to discontinue performing work as governed by this code may, by request, have his or her Certificate of Competency marked invalid and refund granted in the amount of moneys credited to his or her account.

K. The Certificate of Competency herein provided for shall be issued only to an individual, and not to a corporation or firm, and such Certificate of Competency shall not be transferable.

L. Certificates of Competency may be renewed in the same manner as granted except that no examination shall be required if said Certificate shall have not been permitted to lapse for a period longer than 30 days. Failure to renew such Certificate, through the payment of the necessary fee and the posting of the required bond on or before May 1 of each year, shall cause the same to lapse. Certificate of Competency renewal fees shall be the same as when granted and any moneys to the credit of a Certificate of Competency holder on April 30 of each year may be used in making up this renewal fee.

M. The owner-occupant of a single-family dwelling house may, with the assistance of any member of his or her family and household, personally carry on, in such house, any work governed by this code without such Certificate of Competency, provided that such owner shall obtain a permit for any such work and shall call for inspection as hereinafter provided, and providing further that all work so performed shall fully comply with the provisions of this code.

N. Fees. Any and all fees associated with this chapter shall be set by resolution of the City Council, the fee schedule contained in the adopted version of the *International Building Code* notwithstanding.

[The next page is 791]