## ORDINANCE NO. 021-19

### 2018 MECHANICAL CODE

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AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 36 THEREOF ENTITLED “MECHANICAL CODE,” CONSISTING OF THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION AS AMENDED; AND ENACTING AND ADOPTING A NEW CHAPTER 36 IN LIEU THEREOF ENTITLED “MECHANICAL CODE,” BEING THIS ORDINANCE HEREAFTER SET OUT, WHICH ADOPTS BY REFERENCE, WITH CERTAIN AMENDMENTS, INTERNATIONAL MECHANICAL CODE 2018 EDITION AS PREPARED AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, REGULATING THE INSTALLATION, ALTERATION, REPAIR, RELOCATION, REPLACEMENT, ADDITION TO, USE, OR MAINTENANCE OF ANY HEATING, VENTILATING, COOLING, REFRIGERATION SYSTEM, INCINERATORS, OR OTHER MISCELLANEOUS HEAT-PRODUCING APPLIANCES, APPARATUS, OR EQUIPMENT IN THE CITY OF CEDAR RAPIDS, IOWA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

SECTION 1. Chapter 36 of the Municipal Code of the City of Cedar Rapids, Iowa, entitled “Mechanical Code,” being the 2015 International Mechanical Code as amended, is hereby repealed and a new Chapter 36 is hereby adopted in lieu thereof, as follows:

36.01 INTERNATIONAL MECHANICAL CODE ADOPTED.

Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Mechanical Code of the City of Cedar Rapids, Iowa, that certain Mechanical Code known as the International Mechanical Code 2018 Edition and adopted by reference the International Fuel Gas Code 2018 Edition and where applicable Chapters 12 through 23 of the International Residential Code 2018 Edition as prepared and published by the International Code Council; and the provisions of said Mechanical Code, as amended, shall be controlling in the design, construction, installation, alteration, repair, relocation, replacement, quality of materials, location, operation, use, maintenance or removal of heating, ventilating, cooling, or refrigeration systems, incinerators, or other miscellaneous heat producing or refrigerating, and air-handling equipment in all matters covered by said Mechanical Code within the corporate limits of the City of Cedar Rapids, Iowa, and shall be known as the Mechanical Code.

36.02 103.1 GENERAL. Section 103.1 General is hereby amended by deleting Section 103.1 General, and replacing said section with the following:

Section 103.1 General.

1. Inspection Section. There is hereby established in the City of Cedar Rapids, Iowa, a Mechanical Inspection Section consisting of Mechanical Inspectors, hereinafter referred to as Inspector.

2. Mechanical Inspector. The Mechanical Inspector is hereby authorized, directed, and empowered to make all inspections and to perform such duties as required by the terms of this ordinance for the enforcement of the Cedar Rapids Mechanical Code, and shall perform such other duties as may be required by the Building Official.

   a. Said Inspector shall be appointed from the approved list of the Civil Service Commission, in accordance with the statutes governing civil service appointments.
3. Code official. The executive official in charge thereof, shall be known as the code official.

36.03 103.2 APPOINTMENT Section 103.2 Appointment is hereby deleted

103.3 DEPUTIES. Section 103.3 Deputies is hereby deleted.

36.04 104.8 CONFLICT OF INTEREST. Section 104.8 Conflict of interest is hereby added as follows:

Section 104.8 Conflict of interest. The building official, inspectors and other employees who are engaged in building inspections, building plan review and issuance activities in accordance with this code shall not directly or indirectly perform and/or be involved in any work, sales of services, equipment, materials or systems regulated by this code for any financial gains/benefits nor enter into any written or verbal contractual agreements for financial gains/benefits. Employees may perform work or activities regulated by this code when it is without compensation or other financial benefits. In no event, shall the employee inspect or be involved in the inspection process on any project where the employee performed work or has a financial interest.

36.05 106.5 FEES. Section 106.5 Fees is hereby modified by adding the following provision to the end of that section as follows:

Section 106.5 Fees. Mechanical permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid or approval of payment arrangements have been granted.

The City Council of the City of Cedar Rapids, Iowa may by resolution set fees for re-inspection and special inspections. These inspection fees shall be identified in the Schedule of Fees.

Section 106.5.1 Work commencing before permit issuance.

106.5.1 Work commencing before permit issuance is hereby modified by adding the following provision to the end of that section as follows:

Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to fees set forth by resolution in addition to the required permit fees.

Section 106.5.2 Fee schedule. 106.5.2 Fee Schedule is hereby modified by replacing provision with the following: The fees for mechanical work shall be set forth by resolution.

Section 106.5.3 Fee Refunds. 106.53 Fee refunds is deleted.

Section 106.6 and R108.7 Re-inspection fees is hereby added as follows:

Section 106.6 and R108.7 A re-inspection fee may be assessed for each inspection or re-inspection when such work or portion of such work for which the inspection is called for is not complete or when corrections called for are not made.

Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, access is not provided on the date for which the inspection is requested, the property and building address are not properly posted, or when there is a deviation from plans requiring approval of the Building Official.
This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

36.06 109.2 MEMBERSHIP OF BOARD. Section 109.2 Membership of board and all subsections of 109.2 are hereby deleted and a new Section 109.2 Mechanical Board of Appeals, with subsections 109.2.1 Composition of the Board, 109.2.2 Powers and Duties of the Board, 109.2.3 City Council Appeal, is added as follows:

109.2 Mechanical Board of Appeals. There is hereby established a Mechanical Board of Appeals, hereinafter referred to as the "Board," with authority and responsibility as follows:

1. To act as a Board of Appeals as provided in the Cedar Rapids Mechanical Code.

2. To periodically review the provisions of the Cedar Rapids Mechanical Code and make recommendations to the City Council for improving and updating said document.

109.2.1 Composition of the Board. The Board shall consist of 5 members, all of whose place of business, residence, or work is located in the City of Cedar Rapids. One member shall be a state licensed-insured heating, ventilation and air conditioning contractor; one member shall be a state licensed-insured hydronic heating-cooling contractor; one member shall be a state licensed-insured refrigeration contractor; one member shall be a registered practicing mechanical engineer; and one member shall be a licensed practicing architect; all members to have been engaged in the profession of their primary interest for a period of at least 5 years in the City of Cedar Rapids, Iowa, immediately prior to their appointment.

The Mayor shall appoint the members of the Board with the approval of the City Council. The terms of the members shall be for 3 years; the terms shall expire on June 30\textsuperscript{th} of each year. A vacancy within any term shall be filled by appointment by the Mayor with the approval of the City Council for the unexpired portion of that term only.

The members of the Board shall serve without compensation.

109.2.2 Powers and Duties of the Board. The Mechanical Board of Appeals shall have the following powers and duties:

1. To hold meetings if determined necessary for the purpose of Cedar Rapids Mechanical Code appeals and interpretations.

2. To keep a complete record of the official proceedings of the Board; to preserve all documents, books, and papers relating to appeals for at least 3 years.

3. To hear appeals from the decision of the Mechanical Inspector and to rule on interpretations of the provisions of the Cedar Rapids Mechanical Code, and to determine the suitability of alternate materials and methods of construction consistent with the provisions of the Cedar Rapids Mechanical Code.

Quorum. Three members of the Board shall constitute a quorum for the transaction of business.

Chairperson. The Board shall annually elect one of its members as chairperson. The chairperson shall preside at all meetings of the Board or designate an acting chairperson to preside in his or her absence.

109.5 POSTPONED HEARING. Section 109.5 Postponed hearing is hereby deleted.
109.6 BOARD DECISION. Section 109.6 and all sections of 109.6 Board decision is hereby deleted.

36.07 LICENSING.

36.07.1 State of Iowa Mechanical Licensing Law. The examination, qualification, enforcement and licensing of mechanical contractors, journeymen and apprentices shall be in accordance with State of Iowa Licensing Laws.

36.07.2 License required. No person shall engage in the business of contracting, planning or supervising the installation, alteration, repair, relocation, replacement, addition to or removal of any heating, ventilating, cooling, air conditioning or refrigerating system or equipment within the City of Cedar Rapids, Iowa, unless such person is licensed with the State of Iowa in the appropriate category.

36.08 108.4 VIOLATION PENALTIES.

Section 108.4 Violation penalties is hereby deleted and a new Section 108.4 Violation penalties is added, as follows:

Section 108.4 Violation penalties. It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, cooling or refrigeration equipment in the City of Cedar Rapids, Iowa, or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Maintenance of equipment that was unlawful at the time it was installed and which would be unlawful under this Code if installed after the effective date of this Code shall constitute a continuing violation of this Code. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by state or local laws.

36.09 403.1 VENTILATION SYSTEM

Section 403.1 is hereby deleted and replaced by the following:

403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or exhaust air except that mechanical ventilation air requirements for Group R-2, R-3 and R-4 occupancies three stories and less in height above grade plane shall be provided by an exhaust system, supply system or combination thereof. Infiltration shall not be used as a source for ventilation air in an exhaust only system. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

SECTION 2. VALIDITY AND SEVERABILITY The various sections, subsections, chapters or parts of this Ordinance, the Mechanical Code and the Fuel Gas Code hereby adopted are hereby declared to be severable and in the event that any such part of these provisions shall be held invalid for any reason, the invalidity of such section, subsection, chapter or part shall not invalidate any other of the provisions of this Ordinance or of the Mechanical Code or the Fuel Gas Code hereby adopted.

SECTION 3. ADOPTION OF CODE Pursuant to published notice, a public hearing has been duly conducted upon the date, time, and at the place fixed in said notice upon the adoption of this Mechanical Code and the City Council of the City of Cedar Rapids, Iowa, hereby determines and finds that said proposed Mechanical Code shall be and the same is hereby adopted as an ordinance of the City of Cedar Rapids, Iowa.
SECTION 4. CODE ON FILE An official copy of the Mechanical Code hereby adopted, including a certificate by the City Clerk as to its adoption and the effective date thereof, is on file in the office of the City Clerk in City Hall, and shall be kept there on file and copies shall be available for public inspection.

SECTION 5. EFFECTIVE DATE Following its passage and publication as provided by law, this Ordinance shall be in full force and effect.

Introduced this 23rd day of April, 2019.

Passed this 14th day of May, 2019.

Voting: Council member Olson (Scott) moved the adoption of the ordinance; seconded by Council member Hoeger. Adopted, Ayes, Council members Hoeger, Olson (Scott), Olson (Tyler), Overland, Poe, Todd, Vanorny, Weinacht and Mayor Hart.

Bradley G. Hart, Mayor

Attest:

Amy Stevenson, City Clerk