

ORDINANCE NO. 14-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA BY REPEALING CHAPTER 158 PERTAINING TO THE LICENSING OF MECHANICAL CONTRACTORS AND REPLACING SAID CHAPTER WITH A COMPLETE MECHANICAL CODE, BY ADOPTING THE 2012 INTERNATIONAL MECHANICAL CODE WITH AMENDMENTS

WHEREAS, the City Council of the City of Windsor Heights, Iowa desires to continue to protect life, safety and property through the adoption and enforcement of construction codes, and to establish the minimum requirements to safeguard the public health, safety and general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems;

WHEREAS, the Council now deems it appropriate to revise the Municipal Code by repealing Chapter 158 pertaining to the licensing of mechanical contractors and replacing said chapter with a complete Mechanical Code, adopting the latest addition of the International Code Council Mechanical Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA:

Section 1. ADOPTION. That Chapter 158 of the Municipal Code of the City of Windsor Heights, Iowa, Mechanical Licenses, be repealed in its entirety, including the title of said chapter, and there be enacted in lieu thereof the following Chapter;

CHAPTER 158

MECHANICAL CODE

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| 158.01 Short Title | 158.10 Expiration |
| 158.02 Adoption of Mechanical Code | 158.11 Schedule of Permit Fees |
| 158.03 Amendments, Modifications, Additions & Deletions | 158.12 Fee Refunds |
| 158.04 Deletions | 158.13 Violation Penalties |
| 158.05 Conflicts | 158.14 Stop Work orders |
| 158.06 Title | 158.15 Refrigerant Piping |
| 158.07 General (Building & Zoning Administrator) | |
| 158.08 Permit Acquisition | |
| 158.09 Permits Not Required | |

158.01 SHORT TITLE. This chapter shall be known as the Windsor Heights Mechanical Code, and may be cited as such, and may be referred to herein as this chapter.

158.02 ADOPTION OF MECHANICAL CODE. The *International Mechanical Code 2012 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Mechanical Code 2012 Edition*, as adopted and a copy of this chapter are on file in the office of the Code Official.

158.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Mechanical Code, 2012 Edition* (hereinafter known as the IMC), is amended as hereinafter set out in Sections 158.04 through 158.15.

158.04 DELETIONS. The following are deleted from the IMC and are of no force or effect in this chapter:

Subsection 106.4.4 Extensions, Section 109 Means of Appeal.

158.05 CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

158.06 (SUBSECTION 101.1 AMENDED)—TITLE. Subsection 101.1, Title, of the IMC, is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Windsor Heights Mechanical Code, hereinafter known as “this code.”

158.07 (SUBSECTION 103.1 ADDITION)—GENERAL. Subsections 103.1, General, of the IMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

158.08 (SUBSECTION 106.1.1 ADDITION)—PERMIT ACQUISITION. Subsection 106.1.1 Permit acquisition, of the IMC, is hereby established by adding the following:

1. Permits are not transferable. Mechanical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.
2. A State of Iowa licensed Mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

158.09 (SUBSECTION 106.2 ADDITION)—**PERMITS NOT REQUIRED.** Subsection 106.2, Permits not required, of the IMC, is hereby amended by adding the following #9 to said subsection:

Subsection 106.2 Permits not required 9. Replacement or relocation of existing house ventilation fans, bathroom exhaust, dryer vents, window air conditioners and extension of existing supply and return ductwork.

158.10 (SUBSECTION 106.4.3 AMENDED)—**EXPIRATION.** Subsection 106.4.3 Expiration, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.4.3 12 Month Expiration Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

158.11 (SUBSECTION 106.5.2 AMENDED)—**SCHEDULE OF PERMIT FEES.** Subsection 106.5.2 Fee schedule, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.2 Fee Schedule Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Windsor Heights. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

158.12 (SUBSECTION 106.5.3 AMENDED)—**FEE REFUNDS.** Subsection 106.5.3, Fee refunds, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 Fee Refunds The Code Official is authorized to establish a refund policy.

158.13 (SUBSECTION 108.4 AMENDED)—**VIOLATION PENALTIES.** Subsection 108.4, Violation penalties, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation Penalties Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

158.14 (SUBSECTION 108.5 AMENDED)—**STOP WORK ORDER.** Subsection 108.5, Stop Work Orders, of the IMC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

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 subject to penalties as prescribed by law.

158.15 (SUBSECTION 1107.2 AMENDED)—REFRIGERANT PIPING. Subsection 1107.2, Refrigerant piping, of the IMC, is hereby amended by deleting the last sentence thereto.

Section 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. SEVERABILITY. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

Section 4. PRIOR ACTIONS. All Ordinances, orders, Resolutions and actions of City Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked and rescinded.

Section 5. EFFECTIVE DATE. This ordinance shall be effective _____, after its final passage and publication as required by law.

PASSED AND APPROVED this ____ day of _____, 2014.

Diana Willits, Mayor

ATTEST:

Jeffrey Fiegenschuh, City Clerk

February 3, 2014

Glover _____
Butz _____
Timm _____
Peterson _____
Burgess _____

February 17, 2014

Glover _____
Butz _____
Timm _____
Peterson _____
Burgess _____

March 3, 2014

Glover _____
Butz _____

CHAPTER 158

Timm _____
Peterson _____
Burgess _____