Prepared by: Tim Hennes and Ryan Olson, 410 E. Washington St., Iowa City, IA 52240; 319-356-5122

ORDINANCE NO. 09-4370

AN ORDINANCE AMENDING TITLE 17, CHAPTER 4, MECHANICAL CODE, BY ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND PROVIDING FOR CERTAIN AMENDMENTS THEREOF; TO PROVIDE FOR THE PROTECTION OF THE HEALTH, WELFARE AND SAFETY OF THE CITIZENS OF IOWA CITY, IOWA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA CITY, IOWA:

SECTION I. PURPOSE. The purpose of this ordinance is to adopt the 2009 Edition of the International Mechanical Code as published by the International Code Council; and to provide for certain amendments thereof; to provide for the protection of the health, welfare and safety of the citizens of Iowa City, Iowa, and to provide for its enforcement.

SECTION II. Sections 17-4-1, 17-4-2, 17-4-3 and 17-4-4 of the Iowa City City Code are hereby repealed and the following new Sections 17-4-1, 17-4-2, 17-4-3 and 17-4-4 are enacted in lieu thereof.

17-4-1: **Code adopted:** Subject to the following amendments, the 2009 Edition of the International Mechanical Code (IMC) is hereby adopted and shall be known as the Iowa City Mechanical Code or the Mechanical Code. Interpretations of the Building Official may be guided by publications of the International Code Council, Inc., or the International Existing Building Code.

17-4-2: **Interpretation of Mechanical Code Provisions:** The provisions of this Code shall be held to be the minimum requirements adopted for the protection of the health, safety and welfare of the citizens of Iowa City. Any higher standards in the state statute or City ordinance shall be applicable.

17-4-3: **Amendments to Code:** The following sections of the 2009 edition of the International Mechanical Code are amended as follows:

A. Modify entire code to replace "ICC Electrical Code" with "National Electric Code" and replace "International Plumbing Code" with "Uniform Plumbing Code".

B. Section 101.1. Insert: "Iowa City".

C. Section 106.5.1. Delete Section 106.5.1and insert in lieu thereof the following:
Section 106.5.1 Work commencing before permit issuance: Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the amount of the permit if a permit were issued. This fee shall be collected whether or not a permit is issued. The payment of such fee shall not exempt any person from compliance with all other provisions of this Code or from any penalty prescribed by law.
Only the Building Official may reduce this fee when it is demonstrated that an emergency existed that required the work to be done without a permit.

D. Section 106.5.2. Delete Sections 106.5.2 and insert in lieu thereof the following:
106.5.2 Permit Fees. The fee for each permit shall be as set forth in the mechanical permit fee schedule as established by resolution of the City Council.

E. Section 106.5.3. Delete Section 106.5.3 and insert in lieu thereof the following:
106.5.3 Refunds. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee within one hundred eighty (180) days from the date of fee payment.

F. Section 106.2 Modify by adding part "9" as follows:
9. The replacement of fixed appliances provided however that the replacement appliance is in the same location and has a rating equal to less than the appliance being replaced, and it is not necessary to remove, replace, alter, or install any additional ductwork or piping.

G. Sections 108.4 and 108.5. Delete Sections 108.4 and 108.5.
Section 109. Delete Section 109 in its entirety and insert in lieu thereof the following:
Section 109 Appeals. See Title 17 Chapter 12 Appeals in the City Code.

H. Section 504.5. Delete section 504.5 in its entirety and insert in lieu thereof the following:
504.5 Makeup air. All installations shall be provided with makeup air with an opening of not less than 100 square inches or as required by the manufactures' specifications.

I. Section 506.3.12.3 Modify the paragraph by adding the following at the end of the paragraph "Where the exhaust outlet fronts an alley, the measurement may be taken from the center line of the alley."

17-4-4: **Penalties for Violations:** Violations of this chapter shall be a municipal infraction punishable by a penalty as provided for in subsection 1-4-2D of the City Code.

SECTION III. EFFECTIVE DATE. This Ordinance shall be in effect January 1, 2010.

Passed and approved this 1st day of December, 2009.

MAYOR

ATTEST: Marian K. Karr
CITY CLERK

Approved by
11-9-09
City Attorney's Office

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It was moved by Wilburn and seconded by Champion that the Ordinance as read be adopted, and upon roll call there were:

AYES:	NAYS:	ABSENT:	
X			Bailey
X			Champion
X			Correia
X			Hayek
X			O'Donnell
X			Wilburn
X			Wright

First Consideration 11/17/2009
Vote for passage: AYES: Hayek, O'Donnell, Wilburn, Wright, Bailey, Champion. NAYS: None. ABSENT: Correia.
Second Consideration --------
Vote for passage:

Date published 12/9/2009

Moved by Wilburn, seconded by Wright, that the rule requiring ordinances to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, the second consideration and vote be waived and the ordinance be voted upon for final passage at this time. AYES: Wright, Bailey, Champion, Correia, Hayek, O'Donnell, Wilburn. NAYS: None. ABSENT: None.