

CHAPTER 159

MECHANICAL CODE

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159.01 PURPOSE. It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents and others, to meet their responsibilities with respect to proper construction, construction techniques, and premises safety and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the City, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

159.02 WARNING. NO PERSON SHALL PLACE RELIANCE UPON THIS CHAPTER, ANY INSPECTIONS PERFORMED OR CERTIFICATES ISSUED PURSUANT TO THIS CHAPTER, AS INDICATING THE SAFETY OF OR QUALITY OF CONSTRUCTION OF ANY PARTICULAR PREMISES. NEITHER THIS CHAPTER NOR INSPECTIONS MADE PURSUANT THERETO NOR CERTIFICATES ISSUED ARE INTENDED TO ASSUME THE DUTY OF ANY PERSON TO ADEQUATELY CONSTRUCT AND MAINTAIN A PREMISES OR PROVIDE A SAFE PREMISES OR TO, IN ANY WAY, INDICATE A DECREASE IN THE RISK ASSOCIATED WITH THE USE OR OCCUPANCY OF ANY PREMISES. A CERTIFICATION THAT A PREMISES HAS BEEN INSPECTED PURSUANT TO THIS CHAPTER SHALL NOT IN ANY WAY CONSTITUTE A WARRANTY OR GUARANTEE OF THE SAFETY OR QUALITY OF THAT PREMISES.

159.03 INTERPRETATION. The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the *International Mechanical Code* 2003 Edition adopted herein.

159.04 ADOPTION. The *International Mechanical Code* 2003 Edition published by the International Conference of Building Officials, except those provisions thereof which are hereinafter deleted, modified or amended, is hereby adopted as and shall

constitute the “Mechanical Code of the City of Clive, Iowa” to regulate the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances in the City of Clive, Iowa, and the same is, by this reference, incorporated herein as fully and completely as if herein set forth in full. An official copy of the *International Mechanical Code* 2003 edition, as adopted and a certified copy of the chapter are on file in the Office of the City Clerk.

159.05 SHORT TITLE. This chapter shall be known as the “Clive Mechanical Code,” and may be cited as such and may also be known, referred to and cited as the “Mechanical Code.”

159.06 SCOPE. The provisions of this Code shall apply to:

1. New Construction. The installation of new mechanical equipment within or on public and private buildings and their premises.
2. Existing Buildings.
 - A. Additions to, alterations of, and repairs to existing mechanical equipment, if covered by this code. The Mechanical Inspector may, when such additions, alterations or repairs are made, order other reasonable additions or alterations in a building, structure, or on premises, when a danger to life or property may result if such other additions or alterations were not made.
 - B. Installations, which were in compliance with the code in existence at the time such installations were made, shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.
 - C. If the classification of a building has been changed due to a change in occupancy, the mechanical systems in the entire building shall comply with all the mechanical standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be installed in compliance with the mechanical standards of its particular classification.

159.07 INDEMNIFICATION. The applicant for any permit under this Code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code or any other ordinances of the City; and such applicant, by making such application, forever indemnifies the City, its officers and employees and agrees to save it and them harmless from any and all

claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the City, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of the permit issued under this Code whether expressly recited therein or not.

159.08 PERMIT REQUIRED. No new installation, alteration or change shall be made in or upon the mechanical systems or equipment of any building, nor shall any mechanical systems or equipment be connected to any wires or apparatus without first securing a permit from the Clive Community Development Department.

159.09 ISSUANCE OF PERMIT. After proper application on forms provided by the Clive Community Development Department, permits shall be issued in the name of a registered contractor or the name of the firm or corporation with whom the contractor is associated. A registered contractor shall secure permits only for work done by the firm or corporation named on the registration. A registered contractor shall sign all applications for building permits. Permits are not transferable. No permits shall be issued to any person or company who has fees outstanding or who has outstanding violations of this code or any other laws or ordinances of this City.

159.10 PERMIT FEES. There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the City Council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the City Council. No fees shall be collected on buildings or structures constructed by or for the City of Clive.

159.11 EXPIRATION OF PERMIT. Every permit issued under the provision of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 60 days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided that such suspension or abandonment has not exceeded 120 days.

159.12 REVOCATION. Any permit required by the provisions of this Code may be summarily revoked by the Plumbing Inspector upon the violation of any provision of this Code.

159.13 INSPECTION. Except as otherwise provided in this Code, no person shall cover or conceal or cause to be covered or concealed any mechanical system or apparatus for which a permit has been issued, until such mechanical system or apparatus has been inspected and approved as required by this Code. The Mechanical Inspector shall have authority to remove or cause the removal of any obstructions, which may prevent the proper inspection of mechanical systems or apparatus. Upon the completion of the mechanical systems in any building, it shall be the duty of the

company, firm or individual doing the same to notify the Mechanical Inspector, who shall inspect the same on receipt of such notice for conformance to the provisions of this Code. Certificates of Occupancy shall not be issued unless the mechanical systems and all apparatus, etc., connected with it, shall be in conformity with the rules and regulations set forth in this Code.

159.14 DELETIONS. The following deletions are hereby made to the *International Mechanical Code* 2003 Edition:

1. The following are deleted from the IMC and are of no force or effect in this chapter: Section 106.5.4 Extensions, Section 106.4.6 Retention of Construction Documents, 109 Means of Appeal.
2. Referenced Codes – Conflicts.

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

3. Section 101.1 Amended. Section 101.1, Title, of the IMC is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Mechanical Code of the City of Clive, hereinafter known as “this Code.”

159.15 AMENDMENTS, MODIFICATIONS AND ADDITIONS.

1. Section 103.1 Addition. Section 103.1, General, of the IMC is hereby amended by adding the following paragraph to said section:

Section 103.1 Construction Services Administrator. The term code official is intended to also mean the Construction Services 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.

2. Section 103.3 Addition. Section 103.3, Deputies, of the IMC is hereby amended by adding the following paragraph to said section:

Section 103.3.1 Community Development Director. There is also hereby established the position of Construction Services Administrator, who shall be designated by the Community Development Director and when so appointed, shall be responsible for the enforcement of this Code. The Construction Services Administrator shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this title. The Construction Services Administrator shall have whatever additional duties the Community Development Director may prescribe.

3. Section 106.4.5 Addition. Section 106.4.5, Suspension or Revocation, of the IMC is hereby amended by adding the following to said section:

Section 106.4.5 Opportunity for Hearing. Before any permit is suspended or revoked, the Mechanical Inspector will provide the person to whom the permit was issued the facts and circumstances constituting the basis of such action, and an opportunity to be heard.

4. Section 106.4.6 Amended. Section 106.4.6, Retention of Construction Documents, of the IMC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.4.6 Retention of Construction Documents. One set of construction documents shall be retained by the Construction Services Administrator until final approval of the work covered therein.

5. Section 106.5.1 Amended. Section 106.5.1, Work Commencing Before Permit Issuance, of the IMC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.1 Work Commencing Before Permit Issuance. Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to a fee established by the Construction Services Administrator that shall be in addition to the required permit fees.

6. Section 106.5.3 Amended. Section 106.5.3, Fee Refunds, of the IMC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.3 Fee Refunds. The Construction Services Administrator is authorized to establish a refund policy.

7. Section 108.5 Amended. Section 108.5, Stop Work Order, of the IMC is hereby amended by deleting said section and inserting in lieu thereof the following sections:

Section 108.5 Stop Work Order.

Section 108.5.1 Authority. Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator is authorized to issue a stop work order.

Section 108.5.2 Issuance. The stop work order 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. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists the

Construction Services Administrator shall not be required to give notice prior to stopping the work.

Section 108.5.3 Opportunity For Hearing. Before any permit is suspended or revoked, the Construction Services Administrator will provide to the person whom the permit was issued the facts and circumstances constituting the basis of such action, and an opportunity to be heard.

8. Section 110 Mechanical Contractor's License. Section 110, Mechanical Contractor's License, of the IMC is hereby amended by adding said section:

Section 110.1. Except as otherwise provided herein, no person shall engage, or represent himself or herself to the public as engaging in the activity or business of installing, altering or repairing any of the mechanical equipment or systems for which permits are required by this Code unless such person shall have first obtained from the City of Clive, Iowa, a Mechanical Contractor's License.

EXCEPTIONS:

110.1.1. Any public utility that is regularly engaged in the business of supplying gas service to the public shall be permitted to perform routine services, repairs, and install gas piping and fittings incidental to the installation or relocation of gas meters or appliances without holding any of the licenses otherwise required herein.

110.1.2. Any person holding a current plumbing contractor's license may obtain permits for the installation or repair of gas piping, boilers, and water heaters without holding any of the licenses prescribed herein.

110.1.3. Holders of a Mechanical Contractor's License may obtain permits for any of the work or equipment regulated by this Code.

110.1.4. Before any contractor's license is issued, the applicant shall be required to pay a license fee in accordance with a fee schedule established from time to time and approved by the City Council. All licenses shall expire on December 31 following the date of issue and shall be renewed annually upon payment of the appropriate fee.

110.1.5. Before any contractor's license shall be issued, the applicant shall file with the Community Development Department a bond in the sum of five thousand dollars (\$5,000.00) to be approved by the Community Development Director, to save the City harmless on account of any and all

failures on the part of the said applicant to comply in all particulars with the provisions of this Code, other ordinances of the City of Clive and all other applicable laws, and to insure the rectification of defective work.

110.1.6. Any license or certificate issued under the provisions of this Code may be revoked by the Council for the violation of any of the provisions of this Code, after a hearing before the Council, upon written notice stating the grounds of complaint, which notice shall be served on the person charged with the violation at least ten (10) days prior to date of hearing. Any permit required by the provisions of this Code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this Code.

110.1.7. Any person desiring a permit required by this Code shall pay, at the time of application, a fee in accordance with a fee schedule established from time to time and approved by the City Council. Also, no building permits shall be issued to any person or company who has fees outstanding or who has outstanding violations of this Code or any other laws or ordinances of this City.

110.1.8. Fees on all buildings or structures constructed by or for any unit of government or nonprofit organization may be waived by the City Council.

159.16 OUTSTANDING PERMITS. If a building permit is outstanding on the effective date of this chapter and the *International Building Code* 2003 Edition adopted hereby, the provisions of this chapter, and the *International Residential Building Code* 2003 Edition adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Building Official shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

159.17 MECHANICAL CONTRACTOR'S LICENSE. No person shall engage in the activity or represent himself or herself to the public as engaging in the activity of installing, altering, maintaining or repairing any electrical equipment within the scope of this subchapter unless such person shall have first obtained from the City a mechanical contractor's license, except that the holders of current mechanical contractor's licenses granted by the City prior to passage of this Code shall be reissued renewals of their licenses without taking the examinations herein provided. A mechanical contractor's license shall be issued to any person holding an mechanical contractor's license issued by the City of Des Moines, Iowa, or any other municipal corporation recognized by the City as having similar licensing standards. Before any mechanical contractor's license is issued, the applicant shall be required to pay a fee, as set forth in a fee schedule established from time to time and approved by the Council. All licenses shall expire on December 31 following the date of issue and

may be renewed annually upon application by the licensee together with the payment of required fees. The provisions of this section shall not apply to:

1. The mechanical work of a public utility company, telephone or telegraph company, nor the persons performing mechanical work for such companies, where such electrical work is an integral part of the plan used by such public utility company or telephone or telegraph company in rendering its duly authorized service to the public.
2. A regular employee of any railroad who does mechanical work only as a part of that employment.

159.18 BOND. Before any mechanical contractor's license shall be issued, the applicant shall file with the Community Development Department a bond in the sum of five thousand dollars (\$5,000.00), to be approved by the Community Development Director, to save the City harmless on account of any and all failures on the part of the said applicant to comply in all particulars with the provisions of this Code, other ordinances of the City of Clive and all other applicable laws, and to insure the rectification of defective work.

159.19 MECHANICAL INSPECTOR. It shall be the duty of the Construction Services Administrator, appointed under provisions of the Clive Community Development Director, to administer and enforce the provisions of this chapter and to make any required inspections or tests. For the purposes of this Code he/she may also be referred to as the Chief Mechanical Inspector. A person or persons may be appointed as assistants or agents of the Construction Services Administrator as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Mechanical Inspector shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Mechanical Inspector, any mechanical appliance shall be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workmen or the general public, the Mechanical Inspector shall at once order the removal of such defects and the remedying of such improper condition.

159.20 SITE MAINTENANCE. All persons constructing, erecting, altering, furnishing materials, performing services or performing construction of any nature for any building or other structure within the City shall prevent refuse, debris, and junk from blowing, drifting, or otherwise being deposited upon adjacent properties and streets. Construction debris shall be kept on site in some manner of containment and shall be removed from the site in a timely manner.

159.21 STREET PROTECTION. No person performing construction of any nature or furnishing materials or performing services within the City shall drive across or cause any vehicle, trailer, implement, equipment, materials or supplies to cross any street curbing without adequately protecting the street curbing from damage thereby.

159.22 CONFLICTING PROVISIONS. In any case where the provisions of this chapter, or the Code adopted hereby, are found to be in conflict with a provision of the Code of Iowa or a provision of any zoning, building, fire, safety or health ordinance or code of the City of Clive, Iowa, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

159.23 VIOLATIONS. Any person, firm or corporation, violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00 or by imprisonment of not more than 30 days or by municipal infractions as prescribed by law.

159.24 APPEALS. Any person affected by a decision of the Mechanical Inspector may request and shall be granted a hearing on the decision, as described in Chapter 160 of this Code of Ordinances.

(Ch. 159 amended by Ord. 823 – Mar-05 Supp.)

