

ORDINANCE NO. 801

AN ORDINANCE AMENDING THE JOHNSTON REVISED ORDINANCES OF 2007 BY AMENDING SECTION 158.03, 158.04 AND SECTION 158.05 OF THE MECHANICAL CODE TO UPDATE THE CODE FROM THE 2003 EDITION OF THE INTERNATIONAL MECHANICAL CODE TO THE 2006 EDITION.

Be It Enacted by the City Council of the City of Johnston, Iowa that:

Section 1. PURPOSE. The purpose of this ordinance is to update the Mechanical code to reflect the most current Edition of the Code, and to reflect State of Iowa licensing of Contractors.

Section 2. Section 158.03 is deleted in its entirety and the following new section is substituted in lieu thereof:

158.03 Code Adopted. The International Mechanical Code and Appendix A, 2006 Edition, is hereby adopted, except as provided in this chapter, and shall be known as the “Johnston Mechanical Code.” An official copy of such code is on file in the office of the city clerk.

Section 3. Section 158.04 is deleted in its entirety and the following new section is substituted in lieu thereof:

158.04 Additions, Deletions, Modifications and Amendments. The International Mechanical Code and Appendix A, 2006 Edition, are hereby amended as follows:

- 1) Section 101 Amended. Section 101.1 Title shall be amended as follows: delete [Name of Jurisdiction] and insert “City of Johnston”.
- 2) Section 106 Amended. Section 106.5.2 Fee Schedule shall be amended as follows: insert the following table where it says [Jurisdiction to Insert Appropriate Schedule].

Mechanical Permit Fee Schedule
New Residential - \$90.00 base fee per dwelling unit
Residential Remodel/Addition/Miscellaneous - \$45.00 base fee
New Commercial/Addition - \$90.00 base fee plus \$10.00 per 100,000 BTU HVAC
Commercial Remodel/Miscellaneous - \$45.00 base fee plus \$10.00 per 100,000 BTU HVAC
Except as provided by law, where work is started without obtaining a permit the Building Official may charge a fee not to exceed twice the original building fee.
At the Building Official’s discretion, inspections may be scheduled after

normal working hours or on weekends. However, permit holders requesting such inspections shall pay \$90 per hour the inspector works, with a minimum charge for two hours.

- 3) Section 106 Amended. Section 106.5.3 Fee Refunds shall be modified by inserting 80 percent where it says [Specify Percentage] in subsentences 2 and 3.
- 4) Section 108 Amended. Section 108.4 Violation penalties is deleted in its entirety. (This is covered in Chapter 3 of the Johnston Code of Ordinances.)
- 5) Section 109 Amended. Section 109 Means of Appeal is deleted in its entirety. The “Board of Appeals” referred to in the International Mechanical Code, shall be the board of appeals appointed pursuant to the Building Code of the city.
- 6) Section 106 Amended. Section 106 Permits thereof is modified by adding a new sub-section at the end as follows:

SECTION 106.6 LICENSES AND FEES

- (a) Contractor License Required. Except as otherwise provided herein, no person shall engage, or represent himself 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 persons shall have first obtained from the City of Johnston, Iowa, a contractor’s license of the class hereinafter required for the particular work in which such State Class A and B (with restrictions see FPN) Mechanical Contractors License will be acceptable. The Mechanical Contractor must register with the City of Johnston their state License and the Responsible Party/s for pulling permits.

FPN: The City of Johnston will accept only those Class B Licenses issued to current Mechanical License holders. The applicant for a permit shall show proof of prior licensing and Current Class B license or proof of application to the State at time of application for a permit. On January 1 of the following year of notification from the State of Iowa, only those holding a State Class A will be able to pull a permit within the City.

EXCEPTIONS:

1. Any person installing, altering, or repairing incinerators or cooling towers shall be permitted to perform such work without holding any

of the licenses otherwise required herein.

2. Any public utility or gas supply company that is regularly engaged in the business of supplying gas service to the public shall be permitted to perform the following services without holding any of the licenses otherwise required herein.
 - (i) Make minor repairs to, or adjustments on, gas appliances or equipment.
 - (ii) Install gas piping fittings incidental to the installation or relocation of gas meters and domestic gas appliances such as kitchen appliances, clothes dryers and incinerators.
3. 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.
4. Homeowners may apply for a permit when performing work on their own primary or non-rental/non-commercial property.

Contractor's licenses shall be classified in accordance with the type of equipment to be installed, altered, or repaired by the licensee. Classes of licenses and the corresponding scope of work authorized thereby shall be listed hereinafter. No license holder shall engage in work which is not included under the classification for which he holds a license. Such license shall be issued without examination in the case of any person, firm or corporation holding an equivalent contractor's license issued by the City of Des Moines, Iowa, or from another municipal corporation recognized as having similar licensing standards. Upon notification from the State of Iowa only a State of Iowa Mechanical License will be acceptable. No Provisional Licenses will be accepted.

(b) License Classifications.

Class A – Mechanical Contractor (Unrestricted).

Holders of this license may obtain permits for any of the work or equipment regulated by this code. This license shall be available only to: Upon notification from the State of Iowa this subsection will be null and void.

- (1) Any person who has qualified for a Class B, Class C, and Class D license, or
- (2) Any firm or corporation in which the active managers wish to combine their respective Class B, Class C, and Class D licenses for the purpose of obtaining a Class A license for said firm or corporation, in which case each manager must maintain his

respective individual license simultaneously with the firm or corporation's Class A license. The Class A license shall be issued in the name of the firm or corporation and each of the holders of the Class B, Class C and Class D license. All permit applications shall be made by one of the managers named.

Class B – Comfort Heating Contractor. Holders of this license may obtain permits for any of the work or equipment regulated under Chapters 3 through 15, inclusive; of the Johnston Mechanical Code. For purposes of this section, the term “comfort heating” shall be deemed to include “comfort cooling.” A holder of this license may install the electrical circuit necessary to complete installation if circuit is 30 amps or less. Upon notification from the State of Iowa this subsection will be null and void.

Class C – Refrigeration Contractor. Holders of this license may obtain permits for any of the work or equipment regulated under Chapters 9 through 15, inclusive; of the Johnston Mechanical Code. Upon notification from the State of Iowa this subsection will be null and void.

Class D – Boiler Contractor. Holders of this license may obtain permits for any of the work or equipment regulated under Chapter 10 through 15 of the Johnston Mechanical Code. Upon notification from the State of Iowa this subsection will be null and void.

(c) License Fee. Before any contractor's license is issued, the applicant shall be required to pay a license fee as follows: Upon notification from the State of Iowa this subsection shall be null and void.

Class A – Mechanical Contractor	\$50.00
Class B – Comfort Heating Contractor	\$25.00
Class C – Refrigeration Contractor	\$25.00
Class D – Boiler Contractor	\$25.00

(d) Revocation. Any license, permit or certificate issued under provisions of the Johnston Mechanical Code may be revoked by the City Council for the violation of any of the provisions of said 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 of at least ten (10) days prior to date of hearing. Any permit required by the provisions of the Johnston Mechanical Code may be summarily revoked by the building official upon the violation on any provisions of said code.

7. Section 106 Amended. Section 106 Permits thereof is modified by adding a new sub-section at the end thereof as follows:

106.7 Exemption From Fees. Fees on all mechanical work done by or for any unit of government or nonprofit organization may be waived by the City Council. No fees shall be collected on mechanical work done by or for the City of Johnston.

8. Chapter 1 Amended. Chapter 1 Administration is modified by adding a new section at the end thereof as follows:

Section 110 Indemnity. The applicant for any permit under the Johnston Mechanical 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 the Johnston Mechanical 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 reasons 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 the Johnston Mechanical Code whether expressly recited therein or not.

9. Section 903 Factory- Built Fireplaces is modified by adding a new sentence after 903.3 Unvented gas log heaters as follows:

The use of unvented gas log fireplaces or heaters shall require the installation of a carbon monoxide detector within the same areas.

Section 5. Section 158.05 Surety Bond And Insurance is modified by adding the following sub-paragraph at the end thereof:

Upon the Date that the State of Iowa fully retains the issuance of all Mechanical Licenses this section shall be voided. No Provisional Licenses will be accepted.

Section 6. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect

the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 7. WHEN EFFECTIVE. This ordinance shall be in full effect from and after its final passage, approval, and publication as provided by the law.

Passed and approved by the City Council this _____ day of _____, 2009.

PAULA S. DIERENFELD, MAYOR

ATTEST:

CYNDEE RHAMES, CITY CLERK

1st Reading: February 2, 2009
2nd Reading: March 2, 2009
3rd Reading: March 16, 2009

Passed: _____
Signed: _____
Published: _____

<u>ROLL CALL VOTE</u>	<u>1st Reading</u>		<u>2nd Reading</u>		<u>3rd Reading</u>		<u>Adopt & Publish</u>	
	<u>Aye</u>	<u>Nay</u>	<u>Aye</u>	<u>Nay</u>	<u>Aye</u>	<u>Nay</u>	<u>Aye</u>	<u>Nay</u>
Kallen	<u>X</u>	___	<u>X</u>	___	___	___	___	___
Tingley	<u>X</u>	___	<u>X</u>	___	___	___	___	___
Clabaugh	<u>X</u>	___	<u>X</u>	___	___	___	___	___
Culbert	<u>X</u>	___	<u>X</u>	___	___	___	___	___
Hibbs	<u>X</u>	___	<u>X</u>	___	___	___	___	___