

ORDINANCE NO. O2022-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 15 OF THE CITY CODE, CHAPTER 150, SECTIONS 150-045, 150-046, ADOPTING BY REFERENCE THE *2018 INTERNATIONAL MECHANICAL CODE*, AND THE AMENDMENTS RECOMMENDED BY THE BUILDING ADVISORY BOARD DATED DECEMBER 15, 2021, AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF

WHEREAS, on July 15, 2015, the City Council adopted the *2012 International Mechanical Code*; and,

WHEREAS, Yuma City Council Resolution No. R2022-019 declared a document titled, “*2018 International Mechanical Code*” a public record; and,

WHEREAS, the City Council has considered the recommendation of the Building Advisory Board based on their actions taken at the meeting of December 15, 2021 recommending adoption of the *2018 International Mechanical Code*, and the amendments within this Ordinance; and,

WHEREAS, up to date modern codes help protect the built environment from natural disasters and fires, and offer safe environments for the occupants for both residential and commercial structures; and,

WHEREAS, the City of Yuma is desirous to adopt the *2018 International Mechanical Code* and the amendments herein, to keep current with the code cycle and amendments to reflect modern technology, materials and techniques.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: The Yuma City Code Title 15, Chapter 150, Section 45 is amended to delete the following strikethrough text and insert the following underlined text:

§ 150-045 Adoption of the ~~2012~~ 2018 International Mechanical Code.

Certain documents, three copies of which are on file as public record in the office of the City Clerk of the City of Yuma, known as the ~~2012 International Mechanical Code~~ 2018 International Mechanical Code, which was made public record by Resolution ~~R2015-028~~ R2022-019, with certain amendments listed herein, is hereby adopted by reference and made a part hereof as if fully set out ~~herein~~ in this article.

SECTION 2: The Yuma City Code Title 15, Chapter 150, Section 46 is amended to delete the following strikethrough text and insert the following underlined text:

§ 150-046 Amendments.

The following amendments, additions, and deletions are hereby made to the ~~2012 International Mechanical Code~~ 2018 International Mechanical Code, as adopted by this subchapter. Paragraphs and section numbers refer to the ~~2012 International Mechanical Code~~ 2018 International

Mechanical Code numbering system. Code references not amended in this section shall be enforced as published in the *2012 International Mechanical Code* reference document.

(A) **Section [A] 101.1 Title.** ~~Amend to read,~~ “These regulations shall be known as the *Mechanical Code* of the City of Yuma, hereinafter referred to as ‘this code.’”

(B) Create a new sub-section, “**Section [A] 101.2.2 Fire Other Codes.** Where a section references the *International Fire Code*, amend to read ‘current adopted fire code.’ Where a section references the *International Energy Conservation Code*, amend to read ‘current adopted energy conservation code.’ Where a section references accessibility provisions, it shall be taken to reference Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes – 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG).”

(C) **Section [A] 103.1 General.** Amend to read, “The Department of ~~Community Development~~, Building Safety ~~Division~~ is hereby created and the executive official in charge thereof shall be known as the ‘building official.’ Amend all sections of this code that reference the ‘code official’ by replacing to read the ‘building official.’”

(D) **Section [A] 106.4.4 Extensions.** Delete last two sentences of this section.

(E) **Section [A] 106.5.1 Work commencing before permit issuance.** ~~Amend to read,~~ “Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to the usual permit fee and an additional investigative fee. An investigative fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigative fee shall be determined by the building official, based on the circumstances, nature and severity of the infraction. The minimum investigative fee shall be \$50 and the maximum shall be an amount up to the same as the fee set forth in Table 1-A.”

(F) **Section [A] 106.5.2 Fee Schedule.** Amend by adding Mechanical Permit Fee Table 1-A:

TABLE 1-A: MECHANICAL PERMIT FEES

Permit issuance and heaters

- 1. For the issuance of each mechanical permit.....\$50.00
- 2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled.....\$7.00

Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. Furnaces

For the installation or relocation of each forced-air or gravity-type furnace or burner including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3 kW)..\$15.00

For the installation or relocation of each forced-air or gravity-type furnace or burner including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW).....\$18.00

For the installation or relocation of each floor furnace, including vent.....\$15.00

For the installation or relocation of each suspended heater, recessed wall heater or floor-monument unit heater.....\$15.00

2. Appliance Vents

For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit\$7.00

3. Alterations or Additions

For the alteration of, or addition to, each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code.....\$14.00

4. Boilers, Compressors and Absorption Systems

For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3kW).....\$15.00

For the installation or relocation of each boiler or compressor over 3 horsepower (10.6 kW) to and including 15 horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW).....\$28.00

For the installation or relocation of each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW) or each or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW).....\$37.00

For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW).....\$55.00

For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW).....\$93.00

5. Air Handlers

For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto.....\$11.00

Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.

For each air-handling unit over 10,000 cfm (4719 L/s)..... \$18.00

6. Evaporative Coolers

For each evaporative cooler other than portable type.....\$11.00

7. Ventilation and Exhaust

For each ventilation fan connected to a single duct.....\$11.00

8. Incinerators

For the installation or relocation of each domestic-type incinerator.....\$18.00

For the installation or relocation of each commercial or industrial-type incinerator.....\$15.00

9. Miscellaneous

For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no fee is listed in the table.....\$11.00

Other Inspections and Fees:

1. Inspections outside of normal business hours, \$50.00 per hour* (minimum charge two hours)
2. Reinspection fees assessed of \$50.00 per hour*, for work not ready for inspection.
3. Inspections for which no fee is specifically indicated, \$50.00 per hour* (minimum charge one-half hour)
4. Additional plan review required by changes, additions or revisions to plans, \$50.00 per hour* (minimum charge one-half hour)

* Or the total hourly cost to the jurisdiction, whichever is the greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

(G) **Section [A] 106.5.3 Fee Refunds.** ~~Amend to read,~~ Add to end of section, "The building official shall authorize the refunding of fees as follows:-

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The building official shall not authorize the refunding of any fee except upon written application filed by the original permittee not later than 180 days after the date of fee payment."

(H) ~~Create a new section~~ "[A] **106.6 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the building official."

(I) **Section [A] 108.4 Violation penalties.** ~~Amend first sentence to read,~~ "Persons Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the *approved construction documents* or directive of the building official, or of a permit or certificate issued under the provision of this code, shall be subject to the penalty and fine described in this ordinance."

(J) **Section [A] 108.5 Stop work orders.** ~~Amend last sentence to read,~~ "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 the penalty and fine described in this ordinance."

(K) **Section [A] 109.2 Membership of board.** ~~Amend to read,~~ "The membership of the Building Advisory Board as prescribed in Section 150-008 of the Yuma City Code will be the Board of Appeals."

(L) **Sections [A] 109.2.1 through [A] 109.37.** Delete sections in their entirety.

(M) ~~Section [A] 109.5 Postponed hearing.~~ Amend to read, “When nine members are not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.”²²

(NM) ~~Section [BS] 301.16 Flood hazard.~~ Amend to read, “For structures located in flood hazard areas, *mechanical systems, equipment and appliances* shall be located at or above the elevation required in the adopted city floodplain ordinances for utilities and attendant *equipment*.”

Exception: *Mechanical systems, equipment and appliances* are permitted to be below the elevation required by the adopted city floodplain ordinances for utilities and attendant equipment provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to such elevation.²²

(ON) **Section 303.3 Prohibited locations.** Amend Exception #2 to read, “Solid fuel-fired appliances, provided that the room is not a confined space and as long as outdoor *combustion air* is provided.”

(PO) **Section 304.11 Guards.** Add exception to section to read, “Where due to roof size or other constraints the building official may approve alternate means to achieve compliance.”

(QP) **Section 306.5.1 Sloped roofs.** Amend first sentence to read, “Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of greater than 4 units vertical in 12 units horizontal (33-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a level platform shall be provided on each side of the *appliance or equipment* to which *access* is required for service, repair, or maintenance.”

(RQ) **Section 307.2.1 Condensate disposal.** Amend first sentence to read, “Condensate from all cooling and evaporators shall be conveyed from the drain pan outlet to an *approved* sanitary sewer connection, or other *approved* method of condensate disposal designed by a registered design professional.”

Add exceptions to section:

“Exceptions:

1. Condensate from cooling coils and evaporators up to and including (4) ton units may drain into an *approved* bottom disposal pit. The approved bottom disposal pit shall consist of a pit excavated in the earth not less than 24 inches (61 mm) in any dimension completely filled with coarse gravel. The drainpipe shall extend into the pit not less than 6 inches (15 mm) below grade and shall be securely anchored in place. The drain shall not be covered with sod or earth until it has been inspected.
2. *Equipment* provided with a factory, or other *approved*, condensate evaporation device.”

(S) ~~Section 401.2 Ventilation required. Delete second sentence of this section.~~

(FR) **Section 1101.6 General.** Add to end of section, "Wind socks shall be installed on all industrial facilities utilizing ammonia refrigerant as required by the building official."

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, effective thirty (30) days from the adoption hereof. All ordinances or parts of ordinances not amended or repealed by the provisions of this Ordinance shall remain in full force and effect.

SECTION 4: This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

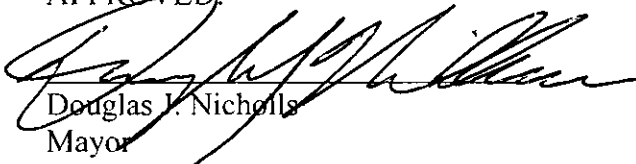
SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6: Violations of this Ordinance are subject to the following penalties:

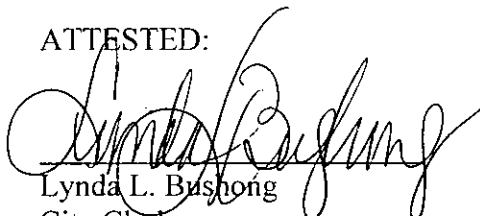
It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a class 1 misdemeanor and shall be punished by a fine not to exceed \$1,000, or by imprisonment for not more than ten days, or by both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

Adopted this 4th day of May, 2022.

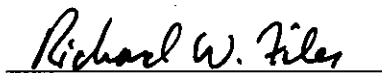
APPROVED:


Douglas J. Nicholls
Mayor

ATTESTED:


Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:


Richard W. Files
City Attorney