

ORDINANCE NO. 4045**AN ORDINANCE AMENDING SECTIONS 15.26.015 AND 15.26.017, AND DELETING SECTION 15.26.065 IN ITS ENTIRETY, OF CHAPTER 15.26 OF THE RAPID CITY MUNICIPAL CODE REGULATING THE MECHANICAL CODE.**

BE IT ORDAINED that Section 15.26.015 of Chapter 15.26 of the Uniform Mechanical Code, as adopted, is hereby amended as follows:

15.26.015 UMC Chapter 1, Section 110.0, Board of Appeals – Amended.

UMC, Chapter 1, Section 110.0, Board of Appeals, is deleted in its entirety and replaced with the Rapid City Mechanical Board, to read as follows:

110.0 Rapid City Mechanical Board.

There is established the Rapid City Mechanical Board which shall consist of the Mechanical Inspector, three mechanical contractors licensed by the City, two mechanical installers licensed by the City, a representative from a related wholesale business, a natural gas supplier, a propane gas supplier, a representative from the refrigeration industry, and a representative from the mechanical engineering profession. The Building Official shall serve at the board meetings in the absence of the Mechanical Inspector. The members of such board shall be appointed by the Mayor, subject to the approval of the Council to two-year terms. The members of the board, except for the Mechanical Inspector, shall serve without compensation for such service.

110.1 Purpose.

The purpose of the Board is to protect the public health, safety, and welfare, and to guard against unsafe, unstable, or short-lived products or services related to installation of heating, ventilating, cooling systems, and other heat-producing appliances within this jurisdiction. The Board shall also insure new or small volume contractors are able to obtain a license without hardship.

110.2 Powers and Duties of the Board.

A. The Board is authorized to adopt such rules and regulations as shall become necessary with the approval of the Council. The board shall notify all license holders of such proposed rules and regulations within 30 days prior to the delivery of such rules and regulations to the Council.

B. The Board shall hold meetings as necessary for transaction of business; for examination of applicants, to determine the qualifications and fitness of all applicants as to their knowledge of the rules and regulations governing mechanical work; and to grant licenses and renewals to applicants who show proper qualifications.

C. The Board shall ~~annually~~ review all licenses issued hereunder and make recommendations to the Council concerning renewal and issuance.

D. ~~The Board may hear appeals from determination of the Public Works Director on interpretation and application of licensing ordinances.~~ The Mechanical Board shall preside over and hear appeals and complaints filed with it and concerning mechanical code and licensure related issues. The board shall render its opinion on any such complaint or appeal. All decisions of the Board shall be eligible for final review by the Council.

E. Any appeal or complaint stemming from a determination made by the City of Rapid City Mechanical Inspector may be taken to the board upon written notice served upon the Building Official. Such appeals must be served within thirty calendar days of the decision or action appealed. The Mechanical Inspector shall give notice to all interested parties, including the relevant department head, and shall convene the board to hear the appeal within thirty calendar days of the receipt of the notice of appeal, excluding the day of receipt. The board shall not have the authority to waive any requirements of federal, state, or local law. The board may make such inquiries, as it deems expedient.

110.3 Violations and Penalties.

A. The Board may revoke any license if the holder thereof is doing work without a permit. The Board may revoke any contractor's license if the Board determines the contractor's work has been consistently substandard, the contractor has violated any applicable statute, ordinance, rule or regulation promulgated by the Board, or the contractor has demonstrated inability or unfitness to perform the work for which he has been licensed.

B. Should any applicant or licensee be aggrieved by a decision of the Board, he may, within 10 days, provide written notice of his intent to appeal such decision to the Council. The Council may affirm, modify or reverse the action of the mechanical board. All decisions of the Council shall be final.

C. Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine, not to exceed \$100, or by imprisonment in the county jail, not to exceed 30 days, or by both fine and imprisonment. Each day shall be deemed to constitute a separate offense.

D. Any licensee subject to investigation by the Board shall cooperate fully with the Board.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.26.017 of Chapter 15.26 entitled UMC Chapter 1, Section 111.0--Violations--Amended, of Chapter 15.26 of the Rapid City Municipal Code, is hereby amended to read as follows:

UMC, Chapter 1, Section 111.0, Violations, is amended to read as follows:

111.0 License--Requirements, Fees and Violations.

111.1 License Required.

A. Mechanical Contractor. It shall be unlawful for any person or persons representing or operating under the auspices of a proprietorship, partnership, firm, or corporation to conduct, carry on, or engage in the business of mechanical work or act in the capacity of a mechanical contractor, without first being approved by the Rapid City Mechanical Board, and having had issued to them a valid mechanical contractor's license by the City Finance Officer.

1. Mechanical Contractor means a proprietorship, partnership, firm, or corporation, who for compensation undertakes or offers to undertake mechanical contracting. As a proprietorship, partnership, firm, or corporation, the owner shall be qualified in the mechanical trade as a mechanical contractor, or have employed as a supervisor a person with said qualifications and license. The mechanical contractor's license shall

be issued in the name of an individual, DBA (Doing business as) company name. The individual licensed as a contractor under a proprietorship, partnership, firm, or corporation, shall have six years verifiable experience, via completion of the work record portion of the mechanical license application, and be qualified in planning, superintending, and the practical installation of mechanical system. A written exam is required in addition to work record and proof of insurance.

2. Mechanical Contracting means the enlargement, alteration, improvement, conversion, or installation of mechanical systems; including the planning, superintending and the practical installation; and being familiar with the laws, rules and regulations governing the same.

3. If the person holding he contractors license for a business leaves that business, that existing business will have 90 days to obtain another contractors license under another person.

B. Mechanical Installer. It shall be unlawful for any person to labor at the trade or in the capacity of a mechanical installer without first being approved by the Rapid City Mechanical Board and having had issued to him a valid mechanical installer's license by the City Finance Officer.

1. Mechanical Installer means any person with four years verifiable experience, via completion of the work record portion of the mechanical license application, in the installation of mechanical equipment, who as his principal occupation, is engaged as an employee of, or otherwise working under, the direction of a mechanical contractor, and who is lawfully qualified and licensed as a mechanical installer pursuant to the provisions of this chapter. A written exam is required in addition to work record.

C. Mechanical Apprentice. It shall be unlawful for any person to labor at the trade or in the capacity of a mechanical apprentice without first being approved by the Rapid City Mechanical Board and having had issued to him a valid mechanical apprentice license by the City Finance Officer.

1. Mechanical apprentice means any person other than a mechanical installer who is engaged in working as an employee of a mechanical contractor under the immediate and personal supervision of a mechanical installer learning and assisting in the installation of mechanical systems. No apprentice shall be in charge of any phase of work.

D. Homeowner Exemption. A homeowner may do mechanical work only in a residence, accessory structure, or mobile home, which he owns and occupies or will occupy as his home, subject to the following:

1. All mechanical work installed pursuant to this section shall be installed only by the owner, without compensation or pay to any other person for such labor or installation. Such installation shall comply with the requirements of this code. The homeowner shall file plans, demonstrate to the satisfaction of the City of Rapid City that he possesses sufficient knowledge of code requirements and the ability to make such installation properly, apply for and secure a permit, pay the required permit fees, and

call for inspections in the manner provided in this code. Homeowner permits shall be valid for a period of six months from the date of the last inspection.

111.2 License--Issuance.

A mechanical license shall be issued to every person who makes application for such license, pays the required fee, successfully passes the examination conducted by the Rapid City Mechanical Board, and meets all other requirements set forth by the Rapid City Municipal Code; however, the board may approve the issuance of such license to any person who makes application therefore, pays the required fee and presents to the board a valid, current mechanical license issued to him by any other governmental agency giving the examination the scope and character of which, in the opinion of the board, is at least equal to that given by the Rapid City Mechanical Board. Every applicant for a mechanical contractor's license shall present to the building official for his review, a valid certificate of insurance at the time of application. It shall be the duty of every mechanical contractor to continually maintain valid liability insurance. All licenses shall be issued by the City Finance Officer in accordance with this chapter and are not transferable. If a license has been issued and the employment check comes back with less than the required six (6) years experience for a contractor and four (4) years experience for an installer, the license will be revoked for filing false statements.

All persons actively practicing refrigeration services for more than ninety (90) days before the passage of this ordinance, who do not hold a current Rapid City Mechanical License, may obtain a mechanical license without testing.

111.3 License--~~Expiration~~ Renewal.

Every license issued pursuant to this chapter shall ~~remain in force and effect until February 28 of the succeeding year~~ be for a two-year maximum time frame, beginning March 1, in odd numbered years unless cancelled or revoked prior to that date. Any person failing to renew the license on or before the close of business on February 28, or if that day be a weekend or a non-business day, then before the close of business on the next business day; shall be required to retest, and pay the initial license fee. If the renewal license is not applied for by April 1, the license shall be considered lapsed, and the initial fee and testing requirements shall apply. However, if April 1 falls on a weekend or non-business day, then the renewal license application may be submitted before the close of business on the next business day.

- A. The mechanical contractor shall complete and submit license applications and renewals for all employees prior to their presence on any job site.
- B. Continuing Education. The requirement for biennial renewal is one hour of attendance for every year the license is in effect, at a class approved by the Rapid City Mechanical Board or the Rapid City Mechanical Inspector.

111.4 Examinations.

A written examination is required for a mechanical contractor and mechanical installer license. Before any written exam can be taken, the applicants for the contractor and installer license must submit a list of previous employers. This list will be verified as to the applicant's

employment status. If the background check shows the applicant does not have the required six (6) years of experience for the contractor and four (4) years experience for the installer, the applicant will not be allowed to test.

Any person who fails to pass the examination may apply for re-examination after the expiration of 30 days. Should such person fail to pass the second time, the board may refuse a third application until after the expiration of 6 months.

111.5 License Fees.

Every person applying for a license shall pay to the City Finance Officer the following fees:

	Initial Fee	Renewal Fee
Mechanical Contractor	\$200.00	\$50.00 <u>75.00</u>
Mechanical Installer	25.00 <u>37.50</u>	25.00 <u>37.50</u>
Mechanical Apprentice	10.00 <u>15.00</u>	10.00 <u>15.00</u>

111.6 License Violations.

It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use of maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code.

Any person who violates this section shall, in addition to any criminal proceedings instituted therefore, be subject to license revocation by the Mechanical Board.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.26.065 of Chapter 15.26 is hereby deleted in its entirety.

~~15.26.065 UMC Chapter 11 Refrigeration—Amended.~~

~~UMC Chapter 11 Refrigeration is hereby deleted in its entirety and replaced with Chapter 11, entitled: “Cooling”, to read as follows:~~

**CHAPTER 11
COOLING**

~~1101.0 General~~

~~1101.1 Scope.~~ ~~Cooling systems and cooling units shall conform to the requirements of this chapter and to the applicable requirements of Chapter’s 3, 7 and 9.~~

~~1101.2 Cooling Coils with Furnaces.~~ ~~Cooling coils installed as a portion of or in connection with a warm air furnace shall also be arranged to comply with the provisions of Chapter’s 3, 7 and 9.~~

~~1101.3 Use of Group 2 Refrigerants.~~ ~~Direct refrigerating systems containing Group 2 refrigerants shall not serve an air cooling or air conditioning system used for human comfort.~~

~~**1101.4 Clearance from Ground Under Floors.** When cooling equipment other than ducts and piping is suspended from the under-floor construction, a clearance of at least 6 inches shall be provided between the base of the equipment and the ground.~~

~~**1102.0 Access**~~

~~**1102.1 Cooling Units.** Except for piping, ducts and similar equipment that does not require servicing or adjusting, an unobstructed access and passageway not less than 2 feet in width by 6 feet 6 inches in height shall be provided to cooling units.~~

~~**Exception:** The access opening to a cooling unit located in an attic space may be reduced to 30 inches in length and width, provided the unit can be replaced from this opening or another opening into this space or area.~~

~~**1102.2 Filters, Fuel Valves and Air Handlers.** An unobstructed access space not less than 24 inches in width and 30 inches in height shall be provided to filters, fuel control valves and air handling units. Refrigerant and brine piping control valves shall be accessible.~~

~~**Exception:** An access opening from the unobstructed access space which opens directly to such equipment may be reduced to 15 inches in the least dimension if the equipment can be serviced, repaired and replaced from this opening without removing permanent construction.~~

~~**1102.3 Refrigeration Machinery Room Installations.** Access to equipment located in a refrigeration machinery room shall comply with Chapter's 3, 7 and 9.~~

~~**1102.4 Roof or Exterior Wall Installations.** In addition to the applicable provisions of this section, access to a cooling unit or cooling system compressor located on a roof or on an exterior wall of a building shall be provided as required for furnaces in Chapter's 3, 7 and 9 of this code.~~

~~**1102.5 Attic or Furred Space Installations.** Access to and working platforms for cooling units or cooling system compressors located in an attic or furred space shall be provided as for furnaces in Chapter's 3, 7 and 9 of this code.~~

~~**1103.0 Lighting in Concealed Spaces.**~~

~~When access is required to equipment located in an under-floor space, attic or furred space, a permanent electric light outlet and lighting fixture shall be installed at or near the equipment. The light shall be controlled by a switch located at the required passageway opening.~~

~~**Exception:** Light fixtures need not be installed when the fixed lighting for the building will provide sufficient light for safe servicing of the equipment.~~

~~**1104.0 Working Space.**~~

~~Equipment requiring access thereto, as specified in Section 305, shall be provided with an unobstructed space on the control or servicing side of the equipment of not less than 30 inches in depth and 6 feet 6 inches in height. (**Note:** See the Electrical Code for working space requirements about electrical equipment.)~~

~~**Exception:** The height of the working space may be reduced to 30 inches for an air handling unit, air filter or refrigerant and brine piping control valves. Working space for equipment located in a machinery room shall comply with Chapter's 3, 7 and 9.~~

1105.0 ~~Condensate Control.~~

~~When a cooling coil or cooling unit is located in an attic or furred space where damage may result from condensate overflow, an additional water-tight pan of corrosion-resistant metal shall be installed beneath the cooling coil or unit to catch the overflow condensate due to a clogged primary condensate drain, or one pan with a standing overflow and a separate secondary drain may be provided in lieu of the secondary drain pan. The additional pan or the standing overflow shall be provided with a drain pipe, minimum 3/4 inch nominal pipe size, discharging at a point which can be readily observed. This equipment is in addition to the requirements for condensate waste piping set forth in Section 310 of this code.~~

~~A listed and tested electric float switch is an acceptable alternative to the auxiliary drain pan.~~

1106.0 ~~Return Air and Outside Air.~~

~~**1106.1 Source.** A cooling unit shall be provided with outside air, return air, or both. Cooling systems regulated by this code and designed to replace required ventilation shall be arranged to discharge into the conditioned space not less than the amount of outside air specified in the Building Code.~~

~~**1106.2 Prohibited Sources.** The outside and return air for a cooling system or cooling unit shall not be taken from the locations specified in Section 906 as a prohibited source of air for a heating system.~~

~~**1106.3 Return Air Elimination.** Return air from one dwelling unit shall not be discharged into another dwelling unit through the cooling system.~~

~~**1106.4 Air Velocity.** Cooling systems shall be designed and constructed so that air velocity through filters does not exceed the filter manufacturer's recommendation. Filters shall be installed in all equipment, other than portable cooling units.~~

~~**1106.5 Screen.** Required outside air inlets shall be covered with screen have 1/4 inch openings.~~

~~**Exception:** An outside air inlet serving a nonresidential portion of a building may be covered with screen having openings larger than 1/4 inch, but not larger than 1 inch.~~

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective:

MINUTES**RAPID CITY MECHANICAL BOARD****January 7, 2004**

The Rapid City Mechanical Board met at 7:30 a.m. on Wednesday, January 7, 2004, with Jeff Larus, Mechanical Inspector, presiding. The following members were present: George Thompson, Steve Street, Steve Malone, Buzz Hammerquist, Rick Clegg, Mark Thomas, and Duane Lassegard. Members absent: Gene Kast and Brian Bies. Staff present: Brenda Vespested, Administrative Secretary.

Keith Gade, Al Cornella, and Glenn Delabarre were visitors.

Malone moved to approve the minutes of December 10, 2004, second by Street.

Al Cornella was present to address the Board about the proposed mechanical ordinance changes. Al Cornella talked about the beginning of licensing of mechanical contractors. Cornella talked about grandfathering the already licensed contractors and installers. Glenn Cornella talked about the types of systems being installed today. Malone voiced his concerns on the City having no control over the installation of these systems. Thomas talked about refrigeration being a gray area for inspections. Al Cornella questions the need for the adoption of refrigeration and grandfathering of his employees for a license. Al Cornella has concerns about the licensing of refrigeration people because their trade is different than mechanical people. Inspections of the systems were discussed. There was discussion on the other changes in the code besides refrigeration.

Larus informed the Board of the number of mechanical inspections for 2003 and the amount of money brought in by these inspections - \$ 82,000.

Larus went over a new test with the Board. The test was discussed. Having the test multiple choice was discussed.

Malone moved to adjourn, with a second by Street.

There being no further business to come before the board at this time, the meeting adjourned at 9:30 a.m.

MINUTES**RAPID CITY MECHANICAL BOARD
February 4, 2004**

The Rapid City Mechanical Board met at 7:30 a.m. on Wednesday, February 4, 2004, with Jeff Larus, Mechanical Inspector, presiding. The following members were present: George Thompson, Steve Street, Steve Malone, Buzz Hammerquist, Gene Kast, and Duane Lassegard. Members absent: Rick Clegg, Mark Thomas, Brian Bies. Staff present: Brenda Vespested, Administrative Secretary.

This is an open meeting to discuss ordinance changes proposed by the Board. Visitors present: ESP – Erik Haakedahl and John Trujillo; BHP – Dick Trapp, Travis Powrie, Dan De Jong, and Keith Gade; Cornella Refrigeration – Al Cornella, Scott Cornella, and Glenn Delabarre.

Larus went through the ordinance changes with the visitors, answering questions along the way. Al Cornella said that he wasn't concerned about the compliance of refrigeration, but he licensing and permitting process. There was discussion on the commercial and residential differences in the UMC. The definition of cooling system was discussed. Al Cornella is in opposition to adding refrigeration to the code. Al Cornella, Larus, and Malone will make some calls to other jurisdictions and contractors to see what code and issues they many have.

Malone moved to approve the minutes of January 7, 2004, second by Kast.

Licenses were reviewed and approved.

Malone moved to adjourn, with a second by Street.

There being no further business to come before the board at this time, the meeting adjourned at 9:00 a.m.

MINUTES**RAPID CITY MECHANICAL BOARD****March 3, 2004**

The Rapid City Mechanical Board met at 7:30 a.m. on Wednesday, March 3, 2004, with Jeff Larus, Mechanical Inspector, presiding. The following members were present: Steve Street, Steve Malone, Buzz Hammerquist, Mark Thomas, Brian Bies, Gene Kast, and Duane Lassegard. Members absent: Rick Clegg and George Thompson. Staff present: Brenda Vespested, Administrative Secretary; and Bernie Hall, Chief Electrical Inspector. Visitors: Al Cornella and Scott Cornella.

Larus went over the information he gathered from other jurisdictions regarding refrigeration being included and the licensing issues.

Al Cornella had some information on other jurisdictions and what they are doing with refrigeration and licensing. Des Moines, IA – different license; only the company holds the license, not the individual people. Saint Cloud, MN – refrigeration license not required and no inspections. Grand Forks, ND – refrigeration included in mechanical license. Fargo, ND – license required but no permits. Seattle, WA – only one person on the job needs a refrigeration license. Cornella said that most communities are licensed for refrigeration, but very little done in regards to inspections. Lonny Ryman told Cornella that he thought they did not need refrigeration in the code. If refrigeration is put back into the code, Cornella wants one license, grandfathering of the current refrigeration people, and refrigeration representation on the Mechanical Board. Cornella knows of no safety problems in the last 35 years. Cornella said that they are looking for as little regulation of their business as possible because of the EPA regulations, etc.

Thomas had concerns about testing and licensing of these refrigeration people. Testing was discussed.

Malone still feels that refrigeration should be adopted with one license. Giving them a license gives Jeff the ability to find the problems. Kast agrees that it should be one license and it needs to be inspected.

Malone moved to adopt refrigeration with one license, grandfathering the current refrigeration people, and a member of the refrigeration community on the Mechanical Board. Motion passed 6-0, with Thomas abstaining.

Larus talked about the 2003 International Mechanical Code. Larus will talk to Marcia at the next staff meeting about ordering copies of the 2003 IMC for the Board.

Installation manuals for 90+ furnaces and clearances were discussed. The Board agreed that installation of furnaces has to go by the installation manual.

Street moved to approve the minutes of February 4, 2004, second by Hammerquist.

Licenses were reviewed and approved.

Malone moved to adjourn, with a second by Street.

There being no further business to come before the board at this time, the meeting adjourned at 9:15 a.m.