

## Chapter 9-7A (DRAFT 2/5/19)

### MECHANICAL CODE

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#### Section 9-7A-1 PURPOSE

The purpose of this Chapter is to provide minimum standards in order to safeguard life or limb, health, property, and the public welfare by regulating and controlling the design, construction, installation and materials of all mechanical industrial and non-industrial type heating, ventilation and air conditioning systems, equipment and appliances, within Boise City limits, and to provide for the authority to verify the qualifications and licensing of persons engaged in the mechanical installation industry.

### **Section 9-7A-2 CODES ADOPTED**

All the rules, regulations, and ordinances of a general and permanent character relating to and governing the qualifications and licensing of persons engaged in the business of mechanical or performing work within the trade of mechanical, as such rules, regulations, and ordinances are adopted and contained within the most current edition of the International Mechanical Code, with Appendix “A”, and parts V and VI of the most current edition of the International Residential Code with Appendices “A, B, C and D”, published under the authority of the International Code Council, Inc. as adopted by the State of Idaho, together with rules and regulations adopted by the State of Idaho, are adopted except to the extent that such rules and regulations are hereby changed, altered, or amended by this Chapter and together these shall be known as the “Mechanical Code” of Boise City. This Chapter is adopted in accordance with Idaho Code Section 54-5001.

One (1) copy each of the current editions of the International Mechanical Code and the International Residential Code, together with such rules and regulations adopted by the State of Idaho shall be filed for use and examination by the public in the office of the City Clerk.

### **Section 9-7A-3 APPLICATION AND SCOPE**

The provisions of this Chapter shall apply to all new construction, relocated buildings, and to any additions, alterations, repairs, or reconstruction of existing buildings.

### **Section 9-7A-4 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 101.1, TITLE**

**101.1 Title.** These regulations shall be known as the Mechanical Code of Boise City, hereinafter referred to as “this code” and “this Chapter”.

### **Section 9-7A-5 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 103.2, CODE OFFICIAL**

INTERNATIONAL MECHANICAL CODE Section 103.2 is hereby repealed and replaced to read as follows:

**103.2 Code official.** The administration, interpretation, and enforcement of this Chapter shall be under the jurisdiction and control of the Boise City Department of Planning and Development Services, Building Division. The Director of the Department of Planning and Development Services hereby designates the chief mechanical inspector of the Mechanical Section as the code official to administer and interpret this Chapter and shall report to the Building Official for Boise City.

### **Section 9-7A-6 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 103.3, DEPUTIES**

INTERNATIONAL MECHANICAL CODE Section 103.3 is hereby repealed and replaced to read as follows:

**103.3 Deputies.** The code official shall have the authority to designate deputy code officials or assistant mechanical inspectors as necessary. The chief mechanical inspector, deputies, or assistant mechanical inspectors shall be knowledgeable in HVAC installations and demonstrate knowledge of the provisions of this Chapter and rules. Such deputies shall have those powers as delegated by the code official. No deputy or inspector employed by the City of Boise shall be permitted to be engaged in or possess a financial interest in the business, trade, practice, or work related to this Chapter, or to sell any supplies connected to

the HVAC business, nor act as an agent, directly or indirectly, for any person, firm, co-partnership, association, or corporation so engaged in HVAC.

**Section 9-7A-7 INTERNATIONAL MECHANICAL CODE AMENDMENT, ADD SECTION 104.2.1, LICENSING REQUIREMENTS**

INTERNATIONAL MECHANICAL CODE add Section 104.2.1 to read as follows:

**104.2.1 Licensing Requirements.** Any person or entity engaged in the business, trade, practice, or work involving mechanical systems within the City of Boise shall hold a valid HVAC certificate of competency issued by the State of Idaho, Division of Building Safety. No person or entity shall engage in work beyond that specifically authorized by said license. The code official, deputies, or assistant inspectors shall have the authority to request verification of any license required under this Chapter.

**Exception:** A license shall not be required if the work has been exempted by Idaho State Code including for work performed in a single-family residence or duplex, including accessory buildings, when the installations are performed by the owner or purchaser under contract. Unless specifically exempted, any person performing work under this subsection shall comply with the minimum requirements of all applicable state statutes, rules and, local adopted codes and ordinances in addition to the requirements of this Chapter.

**Section 9-7A-8 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 106.3 APPLICATION FOR PERMIT**

INTERNATIONAL MECHANICAL CODE Section 106.3 is hereby repealed and replaced to read as follows:

**106.3. Application for Permit.** To obtain a permit, the applicant shall first file an application on a form furnished by the Building Division for that purpose. Such application shall:

1. Identify and describe the work to be performed under the requested permit.
2. Describe the premises where the proposed work is to be done by parcel number, street address, or similar description that readily identifies and with sufficient specificity to locate the proposed building or work.
3. State the use or occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by Section 106.3.1. The City may require such plans be stamped and signed by an engineer licensed by the State of Idaho.
5. State the valuation of the proposed work.
6. Contain the signature of the applicant or the authorized agent of the applicant.
7. Provide such other data and information as required by the chief mechanical inspector.

**Section 9-7A-9 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 106.3.1 CONSTRUCTION DOCUMENTS**

INTERNATIONAL MECHANICAL CODE Section 106.3.1 is hereby repealed and replaced to read as follows:

**106.3.1 Construction Documents.** Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. A description of the proposed work shall be

provided in accordance with Boise City Code. The City may require plans, specifications or drawings and such other information as deemed necessary by the code official or as required by Boise City submittal checklists. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the proposed work and shall show in detail that the work conforms to the provisions of this Chapter. Construction documents for buildings more than two stories in height shall clearly show where penetrations will be made for mechanical systems and the materials and methods for complying with all required structural safety, fire resistance rating, and fire blocking. The City may require such plans to be stamped and signed by an engineer licensed by the State of Idaho. Engineers that stamp mechanical drawings for review by the City must have a valid and registered stamp that complies with the most current provisions of Idaho State Statute, Title 54 Chapter 12 (Engineers and Surveyors). The requirement for engineered drawings shall be in compliance with Boise City submittal checklists for the type of construction proposed or as deemed necessary by the code official. If the City determines that the plans, fees, specifications, drawings, description and information furnished by the applicant are in compliance with this Chapter, then a permit may be issued.

**Exception:** The code official shall have the authority to waive the submission of construction documents, calculations, or other data if the nature of the proposed work is such that the reviewing of construction documents is not necessary to determine that the proposed work is in compliance with this Chapter.

#### **Section 9-7A-10 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 106.4.3, EXPIRATION**

INTERNATIONAL MECHANICAL CODE Section 106.4.3 is hereby repealed and replaced to read as follows:

**106.4.3 Expiration.** Every permit issued under the provisions of this Chapter shall expire and become null and void if the work authorized is not commenced within 180 calendar days from the date of issuance of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced with and no inspection has occurred within 180 calendar days from the date of issuance of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 calendar days from the date of the last required inspection.

Before any work recommences after expiration, a new permit shall be obtained with a fee of one-half the amount required for a new permit for such work, provided that no changes have been made or will be made to the original construction documents for the work, and provided further that the suspension or abandonment has not exceeded one year.

#### **Section 9-7A-11 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 106.4.4, EXTENSIONS**

INTERNATIONAL MECHANICAL CODE Section 106.4.4 is hereby repealed and replaced to read as follows:

**106.4.4 Extensions.** Any holder of an unexpired permit may apply for an extension of time within which work may commence under that permit, when the permittee is unable to commence work within the time required by this Chapter. The code official may extend the time to request an extension for a period not

exceeding 180 calendar days on written request by the permittee demonstrating a good faith effort to complete the project has been made and that reasons beyond the control of the permittee have resulted in delay. Under no condition shall a permit be extended more than three times, for a total maximum of three 180 day extensions. Each 180-day extension must be approved individually by the code official.

**Section 9-7A-12 INTERNATIONAL MECHANICAL CODE AMENDMENT, ADD SECTION 106.4.9, PERMIT TRANSFER**

INTERNATIONAL MECHANICAL CODE add Section 106.4.9 to read as follows:

**106.4.9 Permit transfer.** A permit may be transferred to another party if that party provides written authorization signed by the original permit holder expressly consenting to the transfer of the permit along with all agreements and conditions incorporated into the original permit. A permit may also be transferred to the property owner or property owner’s designated agent in cases where the property owner has terminated their legal or professional relationship with their contractor or owner’s designated agent. An administrative fee for the transfer of the permit will be assessed for the work performed by City staff.

**Section 9-7A-13 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 106.5.2, FEE SCHEDULE, PERMIT FEES**

INTERNATIONAL MECHANICAL CODE Section 106.5.2 is hereby repealed and replaced to read as follows:

**106.5.2 Fee Schedule, Permit Fees.** Fees shall be assessed in accordance with the provisions of the adopted Boise City Mechanical Code and Fuel Gas Code Fee Schedule which will be kept on file at the Planning and Development Services permit counter, Boise City Clerk’s office, or on the Planning and Development Services website. All mechanical and fuel gas fees shall be reviewed by the Plumbing, Mechanical and Fuel Gas Board prior to adoption by the Boise City Council.

**Section 9-7A-14 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 106.5.3, FEE REFUNDS**

INTERNATIONAL MECHANICAL CODE Section 106.5.3 is hereby repealed and replaced to read as follows:

**106.5.3 Fee refunds.** The code official may authorize the refunding of fees as follows:

1. The code official shall not authorize the refund of any fee, except upon written request by the original permittee made not later than 180 days after payment.
2. The full amount of any fee paid under this Chapter which was erroneously paid or collected.
3. A refund of the entire permit fee when the proposed work never commenced under a permit issued in accordance with this code. An administrative fee may be charged, at the discretion of the code official, where complex or an inordinate amount of time is spent processing the refund.
4. A refund of the entire plan review fee when the review never commenced.
5. Third-party processing fees shall not be refunded.

**Section 9-7A-15 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 108.4, CRIMINAL PENALTIES**

INTERNATIONAL MECHANICAL CODE Section 108.4 is hereby repealed and replaced to read as follows:

**108.4 Criminal penalties.** Any person, firm or corporation violating the provisions of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

- A. In the discretion of the Division Manager of the Building Division, the City may charge the offender with an infraction in lieu of a misdemeanor. The infraction shall be payable by a fine of three hundred dollars (\$300.00). There shall be no right to a trial by jury for an infraction citation or complaint.
- B. For purposes of trial by court or jury, the infraction described within this section shall not constitute a lesser included offense for any misdemeanor citation or complaint.
- C. A prosecuting attorney may reduce a misdemeanor charge under this chapter to an infraction as described herein, payable by a \$300 fine, if the defendant engages in corrective actions resulting in fully completed and permitted work.

**Section 9-7A-16 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 108.5, STOP WORK ORDERS**

**108.5 Stop work orders.** Upon notice from the code official that work is being done contrary to the provisions of this Chapter or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. 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, may be subject to penalties prescribed within this Chapter.

**Section 9-7A-17 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 109.1, PLUMBING, MECHANICAL AND FUEL GAS BOARD**

INTERNATIONAL MECHANICAL CODE Section 109.1 is hereby repealed and replaced to read as follows:

**109.1 Plumbing, Mechanical and Fuel Gas Board.** There is hereby created a Plumbing, Mechanical, and Fuel Gas Board hereinafter referred to as "the Board" which shall be composed of seven (7) members and shall be appointed by the Mayor by and with the advice and consent of the Council. Members of the Board shall include at least one (1) Idaho licensed engineer, three (3) licensed plumbing contractors, and three (3) licensed mechanical contractors. Any member of the Board that fails to maintain a valid Idaho

license for their respective profession, shall be disqualified from serving on the Board. Boise City residency of at least four (4) of the members is required. Members not residing within Boise City must reside within Ada County and conduct business in Boise City. The terms of office shall be four (4) years and if a vacancy occurs during an unexpired term, then the Mayor with the consent of the Council shall appoint a member to fill the unexpired term. The Board shall select one of its members as Chairman. Members of the Board shall serve and act without compensation except that their actual and necessary expenses may be allowed by the Council. The Secretary, who is hereby designated to be the code official or designated representative, shall keep a record of all meetings, appeals, hearings, and proceedings of the Board and shall perform all services that may otherwise be required.

#### A. BOARD DUTIES

It shall be the responsibility and duty of the Board:

1. To recommend and submit to the Mayor and Council any proposed amendments to this Chapter which may govern the design, construction, installation, improvement, expansion, and alteration of plumbing, mechanical or fuel gas systems.
2. To recommend and submit to the Mayor and Council any proposed standards for the quality and weight of materials, fixtures, appliances, and devices used in, design or construction of plumbing, mechanical or fuel gas systems.
3. To recommend and submit to the Mayor and Council any proposed amendments to this Chapter, prescribing the standards and procedures for inspecting plumbing, mechanical or fuel gas systems.
4. To review upon written request, the administration and enforcement of the minimum standards, codes, regulations and procedures required by this Chapter including appeals of any interpretations of this Chapter or decisions made by the code official under this Chapter.

#### B. APPEAL PROCESS

Any permit applicant, whose application has been rejected, or any person who has been ordered to modify, alter, remove, or install any plumbing, mechanical, or fuel gas system as required by this Chapter may appeal that decision by filing notice in writing with the City within ten (10) calendar days. The appeal hearing shall be held within thirty (30) calendar days of receipt of the notice of appeal or as otherwise agreed upon by parties to the appeal and the City. At the hearing the Board may, by a majority vote, affirm, reverse, or modify the action of the City. If the actions of the City are modified or reversed, a permit shall be issued in accordance with the decision of the Board.

#### C. STANDARD OF REVIEW

The Board may: (1) modify or impose alternative to requirements to those contained within this Chapter only when the appellant demonstrates that the requirements of this Chapter are impracticable and demonstrates that the modification or alternative provides at least an equivalent level of safety to that required under this Chapter, or (2) determines that the City erred in its interpretation or application of the Code provisions.

#### D. APPEAL FEE

Any person appealing a decision of the City shall include payment of an appeal fee in an amount specified in the fee schedule. In the event the decision of the code official is reversed, then the appeal fee shall be returned to the Appellant.

#### E. APPEAL TO CITY COUNCIL

Any order, decision or ruling of the Board may be appealed, by filing notice in writing to the City Council within ten (10) calendar days of such order, decision, or ruling.

### **Section 9-7A-18 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTION 109.2, APPEAL PROCEDURE**

INTERNATIONAL MECHANICAL CODE Section 109.2 is hereby repealed and replaced to read as follows:

**109.2 Appeal procedure.** The Plumbing, Mechanical, and Fuel Gas Board may receive all evidence on appeal, in accordance with the following procedure:

- A. The code official or designee shall first present background information on the appeal, including relevant code sections and their interpretation and other information related to the activities or work performed related to the appeal. The Board may ask questions during or after each presentation.
- B. The Appellant may then present any information in relevant to the appeal. The Appellant shall have up to twenty (20) minutes to present such evidence.
- C. The Chair shall next open the hearing to receive public testimony. Each person wishing to provide public testimony shall be given up to five (5) minutes to do so.
- D. Following the close of public testimony, the code official or designee shall be allowed up to ten (10) minutes for rebuttal and any final comments.
- E. The Appellant then shall have up to ten (10) minutes for rebuttal and any final comments.
- F. The Chair may grant additional time to the applicant and the code official or designee if the additional time would aid the Board in its decision provided that both the Appellant and the code official receive an equal amount of time each.
- G. Following the hearing, the Board may deliberate and render a final decision by a roll call vote, may request more information before a final decision is made, or may take the matter under advisement and reconvene at a reasonable time within fifteen (15) calendar days in order to render a final decision. The final decision shall be in writing with a copy provided to the Appellant within ten (10) calendar days of rendering a final decision on the appeal. The decision by the Board may be appealed to the City Council within ten (10) calendar days following the date of issuance of a written decision.

### **Section 9-7A-19 INTERNATIONAL MECHANICAL CODE AMENDMENT, SECTIONS 109.2.1 THROUGH 109.7 ARE DELETED**

Sections 109.2.1 through 109.7 are hereby deleted.