

**ORDINANCE NO. 2016-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; REPEALING SECTIONS 3-6-1 ENTITLED "ADOPTION" AND 3-6-2 ENTITLED "AMENDMENTS" OF ARTICLE 3-6, "MECHANICAL CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; ADOPTING NEW SECTIONS 3-6-1 ENTITLED "ADOPTION" AND 3-6-2 ENTITLED "AMENDMENTS" OF ARTICLE 3-6, "MECHANICAL CODE", OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:**

**Section 1.** That Section 3-6-1 entitled "Adoption" shall be repealed and replaced as follows:

**Sec. 3-6-1 Adoption**

The 2012 version of the International Mechanical Code with Appendices, as amended by subsequent provisions of this chapter, is hereby adopted by the City.

**Section 2.** That Section 3-6-2 entitled "Amendments" shall be repealed and replaced as follows:

**Sec. 3-6-2 Amendments**

The hereinafter set forth amendments to the 2012 International Mechanical Code, are hereby adopted by the City. When an amendment consists of a revision of an existing article, section, subsection, errata, table, appendices or other portion of the 2012 International Mechanical Code, the language of such amendment shall supersede the language of the respective portion amended. Amendments to the 2012 International Mechanical Code, consisting of the addition of new articles, sections, subsections, errata, tables or other portions shall constitute supplements to such code.

## CHAPTER 1. SCOPE AND ADMINISTRATION

### SECTION 101. GENERAL

*Amend to read as follows:*

#### [A] 101.1 Title.

These regulations shall be known as the Mechanical Code of the City of Odessa, hereinafter referred to as “this code.”

### SECTION 106. PERMITS

*Amend to add the following to the beginning of the paragraph:*

#### [A] 106.1 When required.

Within the city of Odessa or Industrial Districts regulated by the City, an owner occupying a residence as a registered homestead doing mechanical work without assistance...

*Amend to add the following to the end of the paragraph:*

The requirements for a permit shall include type I and type II commercial hoods and exhaust systems.

*Amend to add the following subsections:*

#### [A] 106.1.1 Who may be granted a mechanical permit.

The following persons may be granted a mechanical permit:

- (a) A person who engages in air-condition and refrigeration contracting in a *single family building* owned solely by the person as the persons homestead

and who does not engage in the occupation of air conditioning and refrigeration contracting for the general public. This exemption applies only to the homeowner and not to others who may attempt to assist the homeowner.

(b) A mechanical contractor in possession of a class A air-conditioning license issued by the State Department of Licensing and Regulation and registered with the City.

(c) A mechanical contractor in possession of a class B air-conditioning license issued by the State Department of Licensing and Regulation and registered with the City.

Exception: A class B license entitles the licensee to obtain a permit to install repair, or alter equipment that develops not more than twenty-five (25) tons cooling capacity and not more than 1.5 million BTUs per hour of heating capacity.

(d) An authorized agent listed as approved by the master plumber of record to obtain permits on the plumbing contractor's registration forms submitted to the Building Inspection Division office.

[A] 106.1.2 Mechanical contractor's registration and regulations.

1. A person shall not engage in business as a mechanical contractor, nor establish, maintain or advertise a place of business under any name other than that registered with the Inspection Division, without being registered in the manner required by this section.

2. Prior to engaging in the contraction of mechanical work within the City of Odessa. Industrial districts, or areas regulated by the City in which City permits are required, the mechanical contractor and mechanical license holder must first make application for registration at the Office of the Inspection Division. Upon filing of an application in proper form, the Building Official shall register the applicant as a contractor provided they have qualified under the requirements of all state or local ordinances.

3. A mechanical contractor's registration shall entitle the mechanical contractor to secure permits and engage in the business of contracting for installation, replacement, alteration and/or repair in compliance with code requirements.
4. A mechanical contractor shall not engage in a contracting business within the City unless the business has the requisite license as required by the State of Texas and approved and registered by the City of Odessa.
5. The Building Official is authorized to withhold inspections and the issuance of permits to any mechanical contractor who fails to maintain the required insurance or an approved qualified license holder as required for any mechanical contractor.
6. Written notice shall be given immediately by both the employer and mechanical license holder to the Building Official when the required registered license holder leaves the employment of a person or contractor who is required by this code and State law to employ a qualified license holder. Permit privileges of the employer/contractor shall, without further order or action, be suspended until the contractor registers a qualified license holder.
7. A contractor shall provide a certificate of insurance for the following coverage:
  - (a) Each class A license applicant or holder shall have in force commercial general liability insurance in an amount not less than three hundred thousand dollars (\$300,000.00) combined for property damage and bodily injury sustained by one (1) or more persons, three hundred thousand dollars (\$300,000.00) aggregate (total amount the policy will pay), and three hundred thousand dollars (\$300,000.00) aggregate for products and completed operations. In the event claims occur which reduce the required coverage to a level of two hundred fifty thousand dollars (\$250,000.00) or less, the licensee shall reinstate the coverage to the original three hundred thousand dollar (\$300,000.00) amount or greater.

(b) Each class B license applicant or holder shall have in force commercial general liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) combined for property damage and bodily injury sustained by one (1) or more persons, one hundred thousand dollars (\$100,000.00) aggregate (total amount the policy will pay), and one hundred thousand dollars (\$100,000.00) aggregate for products and completed operations. In the event claims occur which reduce the required coverage to a level of seventy-five thousand dollars (\$75,000.00) or less, the licensee shall reinstate the coverage to the original one hundred thousand dollar (\$100,000.00) amount or greater.

(c) The certificate of insurance must indicate the certificate holder as the City of Odessa, Building Inspection Division, PO Box 4398, Odessa, TX 79760.

8. The contractors' registration with the City of shall remain valid for two (2) years at which time the contractor shall submit new registration.

[A] 106.1.3 Mechanical contractor's required qualified license holder.

1. A qualified mechanical license holder shall not engage in a contracting business within the City unless he is registered as a contractor.

2. A qualified mechanical license holder who qualifies a contracting business assumes responsibility for the business complying with the provisions of this code in its entirety.

3. The qualified license holder of record shall inspect each installation for code compliance prior to requesting inspections and upon request of the inspector, shall meet with the inspector on the site to examine and discuss items needing correction for to comply with the codes.

4. A mechanical license holder shall not register as the required license holder for a contractor or permit his name to be used unless he:

(a) Actively supervises and is responsible for the permit-required operation of the business;

(b) Is authorized to require the corrections of defects, errors, and deficiencies in the permitted work according to code requirements of work installed or performed by the business.

5. Whenever a required registered license holder leaves the employment of a person who is required by this code [to employ a registered license holder], he shall immediately notify the Building Official.

6. ARC Technicians Registration. Air conditioning technicians who perform air conditioning and refrigeration maintenance work must register with TDLR and have on their persons valid TDLR Technician Registration.

*Delete the following paragraphs as written, insert the following:*

[A] 106.5.2 Fee schedule.

See the City ordinance on permit fees.

[A] 106.5.3 Fee Refunds.

See the City ordinance on permit fees.

SECTION 108. VIOLATIONS

*Amend to read as follows:*

[A] 108.4 Violations penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs mechanical work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that violation continues shall be deemed a separate offense.

[A] 108.5 Stop work orders.

Upon notice from the Building Official that mechanical work is being performed contrary to the provisions of this code 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, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building 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, shall be liable for a fine of not more than two thousand dollars (\$2,000.00).

*Amend to add the following subsection:*

[A] 108.8 Unlawful continuance.

Any person who shall continue any work in or about the structure 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 guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed a separate offense.

SECTION 109. MEANS OF APPEAL

*Delete this section as written and insert the following:*

[A] 109.1 General.

The Board of Appeals as noted in the International Building code as adopted by the City of Odessa shall be the ruling board for this code.

CHAPTER 2 DEFINITIONS

*Amend to add the following definition:*

Emergency work – Work resulting from catastrophic events arising from conditions outside the control of the property owner or contractor that require unplanned, unscheduled work to facilitate repair(s) to prevent harm to persons or property.

APPENDIX B. RECOMMENDED PERMIT FEE SCHEDULE

*Delete as written and insert the following:*

Refer to the city ordinance pertaining to permit fees.

*Amend to add the following Appendix:*

**APPENDIX C**

**Marking of Vehicles** - Vehicles used in the performance of mechanical contracting shall be marked as per the current requirements designated by the Texas Department of Licensing and Registration:

Each air conditioning and refrigeration contracting company must display the license number of its affiliated licensee and company name in letters not less than two inches high on both sides of all vehicles used in conjunction with air conditioning and refrigeration contracting. When an unlicensed subcontractor is at a job site not identified by a marked vehicle, the site must be identified either by a temporary sign approved by the building official on the subcontractor's vehicle or on an approved sign visible and readable from the nearest public street containing the contractor's affiliated license number and company name.

**Section 3.** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

**Section 4.** That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding two thousand dollars (\$2,000.00) as provided in Section 1-1-9, "General Penalty", Odessa City Code, which section is adopted by reference and made a part hereof

**Section 5.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 6.** That the caption and penalty clause of this ordinance shall be published in The Odessa American, a newspaper of general circulation in the city of Odessa, in compliance with the provisions of Article 1176b-1, T.R.C.S.

**Section 7.** That this ordinance shall go into effect thirty (30) days after adoption on second approval.

The foregoing ordinance was first approved on the 13<sup>th</sup> day of December, A.D., 2016, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Barbara Graff	_____
Michael Gardner	_____
Filiberto Gonzales	_____

The foregoing ordinance was adopted on second and final approval on the 10<sup>th</sup> day of January, A.D., 2017, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Barbara Graff	_____
Michael Gardner	_____
Filiberto Gonzales	_____

Approved this the 10<sup>th</sup> day of January, A.D., 2017.

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David R. Turner, Mayor

ATTEST:

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Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

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Larry Long, City Attorney