

ORDINANCE NO. O-2017-26

AN ORDINANCE FOR THE REGULATION AND CONTROL OF THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION AND MAINTENANCE OF HEATING, VENTILATION, COOLING, AND REFRIGERATION SYSTEMS, INCINERATORS, AND OTHER MISCELLANEOUS HEAT-PRODUCING APPLIANCES WITHIN THE CITY OF DURANGO, ADOPTING BY REFERENCE THE “2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE” PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Durango is authorized to adopt uniform codes by reference pursuant to C.R.S., §31-16-201, *et. seq.*; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango pursuant to notice duly published; and

WHEREAS, the Council has determined, subsequent to said public hearing, that the best interests of the public would be served through the adoption of the 2015 Edition of the International Mechanical Code.

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Section 6-51 of Article IV of Chapter 6 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

Sec. 6-51. Adopted.

Pursuant to C.R.S., §31-16-201, *et. seq.*, there is hereby adopted, for the purpose of regulating the installation and maintenance of heating, ventilating, cooling and refrigeration systems within the city, the International Mechanical Code, 2015 Edition, as published by the International Code Council, Inc. One (1) copy of the Code is on file in the office of the City Clerk and may be inspected during regular business hours.

Section 2. That Section 6-55 of Article IV of Chapter 6 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

Sec. 6-55. Amendments.

The following amendments to the 2015 International Mechanical Code adopted in Section 6-51 are hereby adopted:

- I. Section 106.5 of the International Mechanical Code is amended, in its entirety, to read as follows:

106.5 Fees. A permit shall not be issued until the fees prescribed in §106.5.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the mechanical system, has been paid.

106.5.1 Work commencing before permit issuance. Any person who commences work on a mechanical system before obtaining the necessary permits shall pay a permit fee equal to 300% of the usual permit fee.

106.5.2 Fee schedule. The permit fees for all work under the 2015 International Mechanical Code shall be in accordance with the fees established by resolution of the City Council.

106.5.3 Refunds. The code official shall authorize the refunding of fees, where appropriate. Refunds may be up to but shall not exceed eighty percent (80%) of the amount paid, except in cases where a permit was applied for or issued erroneously, in which event a full refund shall be allowed. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

II. **109.2 Membership of board** Unless otherwise provided by separate action of the City Council, the members of the board of appeals created herein shall be the same as the members of the Durango Board of Adjustment appointed by the City Council under the terms of the City Charter and the City Land Use and Development Code and they shall serve in that capacity at the pleasure of the City Council. The board shall adopt rules of procedure for conducting its business.

III. Section 506.4.2 Type II terminations subparagraph (2) is deleted.

Section 3. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use or maintain any heating, ventilating, cooling or refrigeration equipment, or cause the same to be done contrary to or in violation of any of the provisions of the 2015 International Mechanical Code. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code, if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

(b) Any person, firm or corporation violating any of the provisions of the 2015 International Mechanical Code as herein adopted shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of said 2015 International Mechanical Code is committed, continued or permitted. Upon conviction of any such violation, such person shall be punishable by

City Clerk

I further certify that said Ordinance No. O-2017 - was duly adopted by the Durango City Council on the 19th day of December, 2017, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the 23rd day of December, 2017.

City Clerk