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**LINN COUNTY ORDINANCE #13-8-2018
AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA
BY AMENDING PROVISIONS IN CHAPTER 105, ARTICLE, IV MECHANICAL
SYSTEMS**

BE IT ENACTED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. Chapter 105 of the Linn County Code of Ordinances is hereby amended as follows:

ARTICLE IV. - MECHANICAL SYSTEMS Sec. 105-46. - Codes adopted.

Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the mechanical code of the county that certain mechanical code known as the International Mechanical Code, (IMC) 2018 edition, and that certain fuel gas code known as the International Fuel Gas Code, (IFGS) 2018 edition, as published by the International Code Council, which codes are hereby specifically incorporated by reference and shall be known as the "the county mechanical regulations." The provisions of said county mechanical code shall be controlling in the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any heating, ventilating, cooling and refrigeration systems, incinerators, or other miscellaneous heat-producing or refrigerating appliances and all matters covered by the mechanical regulations within the unincorporated limits of the county.

(Ord. No. 8-6-2015, § 4.1, 6-17-2015)

Sec. 105-47. - Modifications of the International Mechanical Code, International Fuel Gas Code.

Certain sections and portions of sections of the 2018 IMC, and the 2018 IFGC, are hereby amended or modified as set forth below.

- (1) Name of jurisdiction. Insert the following into IMC and IFGC Section 101.1, Title: Linn County, Iowa.
- (2) Expiration. Delete IMC Section 106.4.3 and IFGC Section 106.5.3, Expiration, and IMC Section 106.4.4 and IFGC Section 106.5.4, Extensions, and replace them with the following:

IMC 106.4.3; IFGC 106.5.3 Expiration. Every permit issued under the provisions of the code shall expire 12 months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his agent and by payment of a renewal fee as set forth in the county building division permit fee schedule as adopted by resolution of the county board of supervisors, and provided no changes have been made in plans or location. No permit shall be renewed more than once. Renewal of the permit shall be granted for an additional period of one year (12 months) beginning at the original permit expiration date. The nominal permit renewal fee shall be set by resolution of the board of supervisors. Work not complete at the expiration of 24 months from the original permit issuance date shall require a new permit with fees based on the valuation of all uncompleted work.

- (3) Fees. Delete IMC Section 106.5 and IFGC Section 106.6, Fees, and replace them with the following:

IMC 106.5; IFGC 106.6. Schedule of Fees. For work requiring a permit, a fee for each permit shall be paid as required in accordance with the permit fee schedule as established by resolution of the board of supervisors.

IMC 106.5.1; IFGC 106.6.1. Work Commencing Before Permit Issuance. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, an investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code for the entire project commenced and shall not be limited to the amount of the work completed prior to being informed of the permit requirements. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

IMC 106.5.2; IFGC 106.6.2. Re-Inspection Fee. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the property and building address are not properly posted and the location of the inspection cannot be readily ascertained, the approved plans are not readily available to the inspector, for failure to provide access at the time for which inspection is requested, or for deviating from plans requiring the approval of the building official.

The re-inspection fee shall be in accordance with the permit fee schedule as established by resolution by the county board of supervisors.

IMC 106.5.3; IFGC 106.6.3. Valuation. Valuation for the purpose of establishing permit fees for new construction, additions or alterations to existing buildings shall be determined by the building official with reference to the county valuation schedule and submitted documents.

- (4) Violation penalties. Delete IMC Section 108.4 and IFGC Section 108.4, Violation Penalties, and add the following:

108.4. Violation penalties. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant to this code or violates any condition attached to a permit, approval or certificate shall be subject to enforcement and penalties in accordance with article II of chapter 1.

- (5) Means of appeal. Delete IMC Section 109 and IFGC Section 109, Means of Appeal, and add the following:

Section 109. Board of Appeals.

109.1. Mechanical Board of Appeals. In order to hear and decide appeals of order, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be a mechanical board of appeals consisting of five members, none of whom are employees of the county. One member of said board of appeals shall be a licensed ducted air heating and cooling contractor; one member shall be a licensed hydronic heating and cooling contractor; one member shall be a licensed journeyman ducted air heating and cooling, hydronic heating and cooling or refrigeration installer; one member shall be a registered architect or graduate mechanical engineer; and one member shall be a private citizen; all of whom shall be residents of the county. The building official or the building official's duly authorized representative shall be an ex officio member without vote and shall act as secretary of the board.

The mechanical board of appeals shall be appointed by the board of supervisors, and shall serve without compensation, except mileage. Each appointment or re-appointment shall be for a term of three years, with the terms of not more than two members to expire December 31 of any one year. The board shall adopt reasonable rules and regulations for conducting its investigations and shall

render all decisions and findings in writing to the building official for appropriate distribution and filing. The mechanical board of appeals shall make recommendations from time to time to the board of supervisors for appropriate legislation with respect to the mechanical regulations.

Nominal fee for appeal to the board of appeals shall be set by resolution of the board of supervisors.

109.2. Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

109.3. Timeline for Appeal. Appeals must be received by the planning and development department within 60 days of the order, decision, or determination of the building official.

(Ord. No. 8-6-2015, § 4.2, 6-17-2015)

Sec. 105-48. - Licensing.

- (a) *State licensing law.* The examination, qualification, and licensing of mechanical contractors shall be in accordance with state laws.
- (b) *License required.*
 - (1) No person shall engage in the business of contracting, planning or supervising heating, ventilating, cooling, refrigeration or other mechanical work as regulated by these mechanical regulations within the jurisdiction of the county, unless such person is licensed with the state in the appropriate category and has obtained a permit therefor from the building official according to the provisions of these mechanical regulations.
 - (2) No person shall perform heating, ventilating, cooling, refrigeration or other mechanical work as regulated by these mechanical regulations, unless said person is licensed in the appropriate category by the state.
- (c) *License not required, homeowner.* An owner may do mechanical heating/cooling work in the dwelling in which such owner resides, and in buildings accessory to the dwelling on the same property, without being licensed, provided that said owner obtains a permit and otherwise complies with the provisions of the county mechanical regulations. An owner doing mechanical work on a dwelling or building accessory to a dwelling under these homeowner provisions, and who subsequently does not reside in said dwelling, shall thereafter be denied the privilege of obtaining permits under the homeowner provisions.

(Ord. No. 8-6-2015, § 4.3, 6-17-2015)

Sec. 105-49. - Limitations of regulations.

The provisions of I.C.A. § 331.304 provide exemptions from the application of mechanical regulations.

(Ord. No. 8-6-2015 § 4.4, 6-17-2015)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 3. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Public hearing and first consideration on the 20th day of August, 2018.

Second consideration on the 22nd day of August, 2018.

Third and final passage on the 29th day of August, 2018.

Published in the Gazette on the 5th day of September, 2018.

LINN COUNTY BOARD OF SUPERVISORS