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ORDINANCE NO. 1921

AN ORDINANCE AMENDING SECTION 15.24.010 OF THE DERBY MUNICIPAL CODE, PROVIDING FOR ADOPTION BY REFERENCE OF THE 2006 INTERNATIONAL MECHANICAL CODE, PERTAINING TO THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, AND USE OR MAINTENANCE OF ALL MECHANICAL SYSTEMS, APPLIANCES, AND DEVICES; AND REPEALING ORIGINAL SECTION 15.24.010 OF SAID CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. §15.24.010 of the Derby Municipal Code is hereby amended to read as follows:

15.24.010 Adoption of 2006 International Mechanical Code; local amendments.

A. The 2006 International Mechanical Code, excluding its several appendices (the "IMC"), a uniform code prepared by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041, is hereby adopted by reference and incorporated as an ordinance of the City of Derby, Kansas, except as specific provisions thereof are hereby amended or repealed. One or more copies of the IMC shall be marked or stamped "Official Copy," with all deleted or amended sections or portions thereof clearly marked to show such modification, and to which shall be attached a copy of this ordinance. Such copy or copies shall be filed with the City Clerk and shall be open and available for public inspection at all reasonable hours.

B. Section 101.1 of the IMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the City of Derby, Kansas Mechanical Code, hereinafter referred to as "this code."

C. Section 103.1 of the IMC is hereby amended to read as follows:

103.1 General. The department of mechanical inspection is hereby created and the executive official in charge thereof shall be known as the building official. Wherever used in this code, the term "code official" shall be deemed to refer to the building official.

D. Section 103.4 of the IFGC is hereby amended to read as follows:

103.4 Liability. The code official and any officer, employee or agents enforcing this code on behalf of the code official, while acting within the scope of his or her employment, shall personally liable for his or her acts or omission only when and to the extent provided by the Kansas Tort Claims Act, as the same may from time to time be amended.

E. Section 106.3 of the IMC is hereby amended to read as follows:

106.3 Application. Activity authorized by a permit issued under this Code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation. The permit applicant shall be responsible for satisfying all requirements of applicable City of Derby codes and amendments. Any addition or alteration of approved plans or specifications shall be approved in advance by the building official, as evidenced by the issuance of a new or amended permit.

F. Section 106.3.1 of the IMC is hereby amended to read as follows:

106.3.1 Construction documents. Construction documents, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by registered design professional having a valid State of Kansas license. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

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

G. Section 106.4 of the IMC is hereby amended to read as follows:

106.4 Permit issuance. The building official shall be authorized to establish and issue permits, certificates, notices and approvals, or orders pertaining to mechanical safety hazards pursuant to the current City of Derby Building Code.

H. Section 106.5 of the IMC is hereby amended to read as follows:

106.5 Fees. The fee for each mechanical permit shall be as set forth in City of Derby ordinance, and shall accompany each application made for such a permit.

Exception: Installations for new one and two family dwellings shall not be required to obtain an individual mechanical permit or to pay a mechanical permit fee because the applicable building permit and fee which have been issued and paid are inclusive of the mechanical installation.

I. Section 106.5.2 of the IMC is hereby deleted.

J. Section 106.5.3 of the IMC is hereby amended to read as follows:

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than eighty per cent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than eighty per cent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended. 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 fee payment.

K. Section 107.1 of the IMC is hereby amended to read as follows:

107.1 Inspection and Approvals.

1. Upon the completion of any installation of mechanical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the mechanical inspector having jurisdiction, who shall inspect the work within a reasonable time.
2. Where the mechanical inspector finds the installation to be in conformity with all applicable local ordinances and all rules and regulations, the inspector shall issue to the person, firm, or corporation making the installation a certificate of approval.
3. When any portion of the mechanical installation within the jurisdiction of a mechanical inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the mechanical inspector, and such equipment shall not be concealed until it has been approved by the mechanical inspector. On large installations where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the mechanical inspector due notice in advance, and inspections shall be made periodically during the progress of the work.
4. Reinspections. The Authority Having Jurisdiction shall have the authority to assess a reinspection fee for each inspection or reinspection when such portion of work for which inspection is requested is not complete or when required

corrections have not been made. This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

L. Sections 108.4 through 109.7 of the IMC are hereby repealed.

M. Section 303.3 of the IMC is hereby amended to read as follows:

303.3 Prohibited locations. Fuel-fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Storage closets.
4. Surgical rooms.

Exception:

This section shall not apply to the following appliances:

1. Direct-vent appliances that obtain all combustion air directly from the outdoors.
2. Solid fuel-fired appliances provided that the room is not a confined space and the building is not of unusually tight construction.
3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors or other approved areas.

N. Section 306.5 of the IMC is hereby amended to read as follows:

306.5 Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be from eight (8) feet above grade to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches.
2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center.
3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m²) per square foot.
7. Ladders shall be protected against corrosion by approved means. Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

Exception:

This section shall not apply to Group R-3 occupancies.

O. Section 307.2.1 of the IMC is hereby amended to read as follows:

307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an approved place of disposal. Condensate shall not discharge into a street, alley, public way, or other areas so as to cause a nuisance.

P. Section 506.3.10 of the IMC is hereby amended to read as follows:

506.3.10 Grease duct enclosure. A grease duct serving a Type I hood that penetrates a ceiling, wall or floor shall be enclosed from the point of penetration to the outlet terminal. A duct shall penetrate exterior walls only at locations where unprotected openings are permitted by the International Building Code. Ducts shall be enclosed in accordance with the International Building Code requirements for shaft construction. The duct enclosure shall be sealed around the duct at the point of penetration and vented to the outside of the building through the use of weather-protected openings. Clearance from the duct to the interior surface of enclosures of combustible construction shall be not less than 18 inches (457 mm). Clearance from the duct to the interior surface of enclosures of noncombustible construction or gypsum wall board attached to noncombustible structures shall be not less than 3 inches (152 mm). The duct enclosure shall serve a single grease exhaust duct system and shall not contain any other ducts, piping, wiring or systems.

Q. Section 1009.1 of the IMC is hereby amended to read as follows:

1009.1 Where required. An expansion tank shall be installed in every hot water system. For multiple boiler installations, a minimum of one expansion tank is required. Expansion tanks shall be of the closed or open type. Tanks shall be rated for the pressure of the hot water system.

Exception: Group R-3, R-2 occupancy.

Section 2. Original §15.24.010 of the Derby Municipal Code are hereby repealed.

Section 3. This Ordinance shall be effective from and after its publication once in the official City newspaper.

ADOPTED BY THE GOVERNING BODY this 12th day of February, 2008.



Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk