

ORDINANCE No. 2389

AN ORDINANCE TO ADOPT A COMPLETE MECHANICAL CODE REGULATING THE PRACTICE, MATERIALS, EQUIPMENT AND APPLIANCES USED IN THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION AND MAINTENANCE OR USE OF HEATING, VENTILATING, COOLING, HYDRONICS, AND REFRIGERATION SYSTEMS, INCINERATORS AND OTHER MISCELLANEOUS HEAT – PRODUCING APPLIANCES REQUIRING A PERMIT HEREUNDER; TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR AN INSPECTION OF MECHANICAL SYSTEMS; AND THE COLLECTION OF FEES THEREFORE AND TO PROVIDE PENALTIES FOR THE VIOLATIONS THEREOF.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA:

SECTION I. SHORT TITLE

This ordinance shall be known as the “Fort Dodge, Iowa, Mechanical Ordinance and Fuel Gas Ordinance.”

SECTION II: PURPOSE AND SCOPE

The purpose of this ordinance is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliance requiring a permit hereunder and to provide for the issuance of permits for such systems and the inspection thereof, collection of fees therefore and to provide penalties of for the violation of this ordinance.

It is the purpose of this ordinance to adopt a complete Mechanical Code, including provisions for inspecting and regulating Mechanical installation, issuing permits and collecting fees, and providing penalties for violations of this ordinance.

SECTION III. ADOPTING OF MECHANICAL CODE AND FUEL GAS CODE

The International Mechanical Code 2021 Edition and International Fuel Gas Code 2021 Edition published by the International Code Council or the most current edition and amendments adopted by the State of Iowa is adopted by reference in full, including the appendices except for such portions as hereinafter may be deleted, modified or amended. From the effective date of this ordinance all installations, repairs, and alterations of Mechanical Systems shall be performed in accordance with its provisions.

- (a) All references to the International Plumbing Code found within the International Mechanical Code shall be replaced with the appropriate reference to the Plumbing Code as adopted by the City of Fort Dodge.
- (b) All references to the International Energy Conservation Code found within the IMC and IFGC shall be interpreted to refer to the 2012 Edition or most current edition and amendments adopted by the State of Iowa of International Energy Conservation Code.
- (c) One and two family dwellings and town homes shall be governed by Chapters 12 – 24 of the 2015 International Residential Code or the most current IRC and amendments adopted by the City of Fort Dodge.

SECTION IV. AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETION

The following amendments, modifications, additions, and deletions to the 2012 International Mechanical Code are made:

- (1) Section 101.1. Insert: “Fort Dodge”.
- (2) Section 106.2. “Permits not required” is deleted.
- (3) Section 109.2 Schedule of Permit Fees. Delete Sections 109.2 and insert in lieu thereof the following:
109.2 Permit Fees. The fee for each permit shall be as set forth in the mechanical permit fee schedule as established by resolution of the City Council.
- (4) Delete Section 108.1 Approval
- (5) Section 116.4 Failure to comply. Delete paragraph and replace with “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 upon conviction, be subject to the penalties in accordance with Section 1.20.020 of the Fort Dodge Municipal Code.
- (6) Section 113. “Means of Appeal” is deleted.

SECTION V. PERMIT – TO WHOM ISSUED

A permit required by Section 106 of the 2021 International Mechanical Code and Section 106 of the 2021 International Fuel Gas Code or most current editions adopted by the City of Fort Dodge shall be issued only to the HVAC, Hydronic, Refrigeration Contractors meeting the licensing provisions as set

forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Chapter 105; however, any permit required by this ordinance may be issued to the owner of a single-family dwelling used exclusively for living purposes to do any work regulated by this ordinance in that dwelling including the usual accessory buildings and quarters; provided, that the dwelling is occupied by the owner and also that the owner personally shall purchase all materials and perform all labor in connection with the work. In order to qualify for this exception a residence shall qualify for the Homestead Tax Exception. All work done in accordance with this exception must meet all the requirements of this ordinance and shall be inspected.

SECTION VI. LICENSE REQUIRED

Mechanical Work performed under the Provisions of this Code must be done by a Contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in Accordance with Iowa Code Chapter 105.

SECTION VII. APPLICATION FOR PERMIT

Application for permit shall be made to the Building Official and/or a designee pursuant to rules provided therefore and on forms provided by the Inspection Department. The application shall be accompanied by fees in accordance with the schedule of fees.

(1) Permit.

- a. It is the permit holder's responsibility to schedule the required inspections and obtain final approvals.

(2) Work without a Permit.

- (a) Whenever any work for which a permit is required by this ordinance has been commenced without first obtaining a said permit, a special investigation shall be made before a permit may be issued for such work or may cause Revocation of Permit.
- (b) Fee. 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 ordinance. The minimum investigation fee shall be the same as the minimum fee set forth in this ordinance. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ordinance nor from any penalty prescribed by law.

(3) Revocation of Permit.

- (a) Failure to schedule the required inspections and received approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a temporary certificate of occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid certificate of occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

SECTION VIII. REGISTRATION

Every person holding a valid state of Iowa Mechanical Contractor License/State Master Mechanical License shall register with City Treasurer of the City of Fort Dodge prior to performing any mechanical work within the corporate limits of the City of Fort Dodge. Each registrant shall:

- (1) Place on file a copy of his/her state of Iowa license(s).
- (2) Supply verification of his/her contractor registration as required by Iowa Code 91C.
- (3) Supply other information as may be required by the City Treasurer such as but not limited to business name, business address, telephone contact number, etc.
- (4) Pay a \$50.00 per year registration fee to the City Treasurer.
- (5) Execute and deposit with the City Treasurer a bond in the sum of five thousand dollars with sureties approved by the City Treasurer and Mayor. This bond is to be held as surety that the Registered Mechanical Contractor will fulfill these conditions:
 - (a) All mechanical work performed by them or under their supervision shall be performed in accordance with the provisions of the Fort Dodge Mechanical Ordinance.

- (b) They will pay all fines and penalties properly imposed upon them for violation of the Mechanical Ordinance.
- (c) They shall hold the City of Fort Dodge free from any liability sustained by reason of negligence or incompetence of any such registrant or other person working under his/her supervision.

SECTION IX. PLANS AND SPECIFICATIONS

Plans and specifications showing the proposed work in the necessary detail shall be submitted when requested by the Building Official and/or a designee. If a permit is denied, the applicant may submit revised plans and specifications without payment of additional fee. If, in the course of work, it is found necessary to make any change from the plans and specifications on which a permit was issued, amended plans and specifications and fees in the amount of half the fees originally required shall be submitted. A supplementary permit, subject to the same conditions applicable to the original applicant for a permit, shall be issued to cover the change.

SECTION X. ADMINISTRATION and ENFORCEMENT

It shall be the duty of the Building Official and/or a designee to administer and enforce the provisions of this ordinance and to make any required inspections or tests thereunder.

SECTION XI. RIGHT OF ENTRY

The Building Official and/or a designee and his authorized representatives may enter any premises on proof of authority for the purpose of inspecting any mechanical systems; at such times as may be reasonable necessary to protect the public health, safety and welfare.

SECTION XII. BOARD OF APPEALS

Any person aggrieved by a decision of the Building Official and/or a designee pursuant to this ordinance may appeal to the Board of Appeals pursuant to and in the manner provided for in Chapter 14.56 of the Fort Dodge Municipal Code.

(1) The Board of Appeals for the Electrical Code shall be the same Board of Appeals which serves for the Building Code (herein "Board" or "Board of Appeals"), and persons who are appointed to the Board of Appeals are hereby concurrently appointed to this Board without further action or specific citation. The Building Official shall be an ex officio member and shall act as secretary to the Board, but shall have no vote upon any matter before the Board.

(2) The Board shall have no authority relative to interpretation of the administrative provisions of this Code, and the Board shall not be empowered to waive requirements of this Code.

(3) The rules of procedure, powers and obligations of the Board shall be the same as those set forth in the Building Code, including but not limited to rendering all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(F) Violations. Any violation of any of the terms or conditions of this Code, or any failure to comply with any of its requirements, shall constitute a civil infraction or misdemeanor and shall be accordingly subject to fines or imprisonment in accordance with the provisions of the Code of Iowa. Each day a violation exists may be considered to be a new and separate infraction or misdemeanor.

SECTION XIII. VIOLATION – PENALTY

Anyone violating any of the provisions of this ordinance shall upon conviction, be subject to the penalties in accordance with Section 1.20.020 of the Fort Dodge Municipal Code.

SECTION XIV. REPEALER

All Ordinances and parts of ordinances in conflict with this ordinance are hereby repealed specifically Ordinance No. 2256.

SECTION XV. EFFECTIVE DATE

This Ordinance shall be in full force and effect following its passage and publication as provided by law.

SECTION XVI. SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or constitutional, 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.

Passed and approved by the City Council of the City of Fort Dodge, Iowa, this 12th day of August, AD, 2024.

Passed on first consideration by the City Council of the City of Fort Dodge, Iowa this 8th day of July, 2024.

AYE: Flattery, Nelson, Secor, Alstott, Crimmins and Schuur

NAY: None

ABSENT: McCaleb

Passed on second consideration by the City Council of the City of Fort Dodge, Iowa this 22nd day of July, 2024.

AYE: Flattery, Nelson, Secor, Alstott, and Crimmins

NAY: None

ABSENT: McCaleb and Schuur

Passed on third consideration by the City Council of the City of Fort Dodge, Iowa this 12th day of August, 2024.

AYE: Flattery, Nelson, Secor, McCaleb, Alstott, Crimmins and Schuur

NAY: None

OTHER: None

City of Fort Dodge, Iowa



Matt Bemrich, Mayor

ATTEST:



Dawn Siebken, City Clerk

Published in The Messenger this 19th day of August, 2024.