

## Chapter 4-09

### MECHANICAL CODE

#### Sections:

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#### **Section 4-09-01 PURPOSE**

The purpose of this Chapter is to provide standards for the installation of all industrial and non-industrial type heating, ventilation and air conditioning systems in Boise City limits and to provide for the qualification and licensing of persons engaged in the mechanical and fuel gas installation industry. The further purpose is to ensure that installation of all industrial and non-industrial type heating, ventilation and air conditioning systems in the Boise City limits shall be in accordance with the most current edition of the International Mechanical Code, the International Fuel Gas Code, and parts V and VI of the International Residential Code, as published by the International Code Council, Inc. and as adopted by the State of Idaho, together with rules and regulations adopted by the State of Idaho. This chapter is adopted in accordance with Idaho Code § 54-5001.

The most current edition of the International Mechanical Code, with appendix “A”, the most current edition of the International Fuel Gas Code with appendix “A, B, C and D” and parts V and VI of the most current edition of the International Residential Code with appendix “A, B, C and D”, published under the authority of the International Code Council, Inc. as adopted by the State of Idaho, together with rules and regulations adopted by the State of Idaho, are ratified and adopted except to the extent that said rules and regulations are hereby changed, altered and/or amended by this Ordinance; and together these shall be known as the Mechanical Code of Boise City.

(6791, Amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007; 6372, Repealed & Replaced, 12/22/2004)

#### **Section 4-09-02 PUBLIC EXAMINATION OF CODE**

One (1) copy each of the current editions of the International Mechanical Code, the International Fuel Gas Code and the International Residential Code, together with said rules and regulations adopted by the State of Idaho; shall be filed for use and examination by the public in the office of the City Clerk.

(6791, Amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007; 6372, Repealed & Replaced, 12/22/2004; 6195, Amended, 12/10/2002; 5848, Amended, 06/09/1998; 5826, Amended, 12/02/1997)

#### **Section 4-09-03 AUTHORITY HAVING JURISDICTION; CITY OF BOISE**

The administration, interpretation and enforcement of each of these codes shall be under the jurisdiction and control of the Boise City Department of Planning and Development Services. The Director hereby appoints and designates the chief mechanical inspector of the Mechanical Division to administer and interpret the code.

(6791, Amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007)

**Section 4-09-04 INTERNATIONAL MECHANICAL CODE/INTERNATIONAL FUEL GAS CODE AMENDMENT, SECTION 104.3.1, LICENSING REQUIREMENTS**

INTERNATIONAL MECHANICAL CODE / INTERNATIONAL FUEL GAS CODE Section 104.3.1 is a new section and reads as follows:

104.3.1 Licenses.

Any person or entity engaged in the business, trade, practice or work involving mechanical or fuel gas systems within the City of Boise shall hold a valid certificate of competency issued by the State of Idaho, Division of Building Safety.

Exception: A license shall not be required for such work performed in a single family residence or duplex when the installations are performed by the owner or contract purchaser; provided, further, that no person or entity shall engage in work beyond that specifically authorized by said license.

(6791, Amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007; 6372, Repealed & Replaced, 12/22/2004; 6195, Amended, 12/10/2002; 5377, Added, 03/10/1992)

**Section 4-09-05 INTERNATIONAL MECHANICAL CODE/INTERNATIONAL FUEL GAS CODE AMENDMENT, SECTION 106.3.1 CONSTRUCTION DOCUMENTS**

INTERNATIONAL MECHANICAL CODE / INTERNATIONAL FUEL GAS CODE Section 106.3.1 is hereby repealed and reenacted to read as follows:

Construction Documents. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. A description of the character of the work proposed shall be provided, and the location, ownership, occupancy and use of the premises in connection therewith. The City may require plans, specifications or drawings and such other information as deemed necessary. 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. The City may require such plans to be stamped by an Idaho State licensed engineer. Engineers who stamp mechanical drawings for review by the City must have a registered stamp that complies with current provisions of Idaho State Statute, Title 54 Chapter 12, Engineers and Surveyors. If the City determines that the plans, fees, specifications, drawings, description and information furnished by the applicant are in compliance with this Code, a permit shall be issued.

Exceptions: 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 the reviewing of construction documents is not necessary to determine compliance with this code.

**Section 4-09-06 INTERNATIONAL MECHANICAL CODE/INTERNATIONAL FUEL GAS CODE AMENDMENT, SECTION 106.5.2, FEE SCHEDULE**

INTERNATIONAL MECHANICAL CODE / INTERNATIONAL FUEL GAS CODE Section 106.5.2 is amended to read as follows:

Section 106.5.2 Fee Schedule

A. Schedule of Fees: Residential.

1. The mechanical permit fee for each unit of new single family dwellings and duplexes is as follows: Table 4-09-06 A (1) mechanical fees for single family dwellings and duplex units

Total Square footage of structure	
Up to 1,500 sq. ft.	\$130 per dwelling unit
Between 1,501 to 2,500 sq. ft.	\$180 per dwelling unit
Between 2,501-3,500 sq. ft.	\$250 per dwelling unit
Between 3,501-4,500 sq. ft.	\$290 per dwelling unit
4,501 sq. ft. or higher	\$325 per dwelling unit plus \$65 for each additional 1,000 sq. ft. or portion thereof over 4,501 sq. ft.

Fees for permits issued for gas piping pressure tests or fixtures not included in the scope of work for the mechanical permit issued for the entire new single family dwelling or duplex shall be calculated using the schedule found in section 4-09-06.A.2(a-b) and Table 4-09-06.A.2(b) below.

2. The permit fees for residential projects with three or more dwelling units and any residential addition, alteration, repair, and/or fixture replacement regulated by the International Mechanical Code shall be calculated using the following schedule:
  - a. Base Fee: A \$30 base permit fee shall be charged plus the additional fee as calculated in Table 4-09-06 A.2(b) below.
  - b. Additional Fee: The additional fee shall be calculated by multiplying the number of individual fixtures, appliances, connection, and tests in the scope of work of the permit by the corresponding fee categories Table 4-09-06 A.2(b) below.

Table 4-09-06.A.2(b) Residential mechanical permit fees for projects with three or more dwelling units and any residential addition, alteration, repair and/or fixture replacement

For the installation, replacement or relocation of appliances regulated by the International Mechanical Code, including solid fuel burning appliances. (Includes pellet stoves, woodstoves, and gas fireplaces, etc.)	\$12
Gas piping pressure test	\$12
Modular, manufactured or mobile home connection	\$12
Air conditioning which is not included with furnace installation	\$12
HVAC hydronic piping:	\$12
Other	\$12
Dryer exhaust	\$12
Bath exhaust	\$12
Range hood	\$12

3. Miscellaneous residential mechanical work: The fee for miscellaneous residential mechanical work with a scope limited to the installation or relocation of a single fixture, appliance or line

associated with a single family dwelling or duplex unit shall be calculated using Table 4-09-06.A.3:

Table 4-09-06.A.3 Miscellaneous residential mechanical fees

Installation of single fixtures or appliances governed by the International Mechanical Code including gas piping, fire places, furnaces, boilers, hot water heaters etc. \$55	
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4. New multifamily projects having residential and commercial uses: The mechanical permit fees for projects containing both multifamily and commercial uses shall be determined by separately permitting the multifamily portions of the project as a new residential project and the fees shall be calculated using section 4-09-06.A.2 (a-b) and Table 4-09-06.A.2 (b). The commercial portions of the project shall be permitted as a new commercial project and the fees shall be calculated using section 4-09-06 B.1(a-b) and Table 4-09-06B.1(b) below.

B. Schedule of Fees: Commercial.

1. Mechanical work performed as part of the construction of new commercial buildings and structures and mechanical work being performed on existing commercial buildings and structures shall be permitted and fees calculated based on the total mechanical project value (selling price of the completed installation).
  - a. Base Fee: A \$30 base permit fee shall be charged plus the additional fee as calculated in 4-09-06.B.1(b) and Table 4-09-06.B.1(b) below.
  - b. Additional Fee: The additional fee shall be calculated using the Table 4-09-06B.1(b) below and the total mechanical project value shall be the basis used for the calculation.

Table 4-09-06B.1(b) Additional Commercial Mechanical Permit Fees

Under \$500,000.00:	2.28% of the value
\$500,000.00 to \$1,000,000.00:	\$11,400 plus 1.71% of the value in excess of \$500,000.00
Over \$1,000,000.00	\$19,950 plus 1.14% of the value in excess of \$1,000,000.00

C. Other Administrative Fees:

The following fees are required for both commercial and residential projects where applicable:

Table 4-09-06 (C) Administrative Fees (No base fee required)

After hours inspections:	\$83 per hour with a minimum charge of two hours.
Re-inspection fees:	\$55
Inspections for which no fee is specifically indicated:	\$55
Additional plan review required by changes, additions or revisions to plans including but not limited to reactivation of residential permits, courtesy inspections, and miscellaneous inspections:	\$55 per hour
Special investigation fee:	a fee equivalent to 100% of the mechanical permit fee

	shall be charged in addition to the original permit fee to investigate work commencing before a mechanical permit is issued.
Clerical administrative fee:	\$35 per hour

**Section 4-09-07 INTERNATIONAL MECHANICAL CODE/INTERNATIONAL FUEL GAS CODE AMENDMENT, SECTION 106.5.3, Fee refunds.**

INTERNATIONAL MECHANICAL CODE / INTERNATIONAL FUEL GAS CODE Section 106.5.3 is amended to read as follows:

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

1. The full amount of any fee paid hereunder which incorrectly required and collected.
2. A minimum administrative fee of \$12 shall be charged to the permit applicant requesting the refund of permit fees when work has not commenced on a permit issued in accordance with this code.
3. A minimum administrative fee of \$12 shall be charged to the permit applicant requesting the refund of plan review fees when review work has not commenced on a permit application accepted in accordance with this code.
4. After work has commenced on a plan review or permit a refund will not be given.
5. 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.

(Ord-7-2015, Amended, 3/10/2015; 6791, Amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007; 6417, Amended, 09/20/2005; 6372, Repealed & Replaced, 12/22/2004; 6195, Amended, 12/10/2002; 5787, Amended, 03/11/1997; 5377, Added, 03/10/1992)

**Section 4-09-08 INTERNATIONAL MECHANICAL CODE/INTERNATIONAL FUEL GAS CODE AMENDMENT, SECTION 109, PLUMBING, MECHANICAL AND FUEL GAS BOARD**

INTERNATIONAL MECHANICAL CODE / INTERNATIONAL FUEL GAS CODE Section 109 is amended to read as follows:

Section 109 Plumbing, Mechanical and Fuel Gas Board.

There is hereby created a Plumbing, Mechanical and Fuel Gas Board hereinafter referred to as “the Board” to be composed of seven (7) members appointed by the Mayor by and with the advice and consent of the Council. Boise City residency of at least four (4) of the members is required. Members not residing in Boise City must reside in Ada County and transact business in Boise City. The terms of office shall be four (4) years and if a vacancy occurs, the Mayor with the consent of the Council shall appoint a member to fill such unexpired term. The Board shall organize and select one of its members as Chairman, and the members of the Board shall serve and act without compensation except that their actual and necessary expenses shall be allowed by the Council. The Secretary, who is hereby designated to be the Director of Planning and Development Services or his designated representative, shall keep a record of all meetings, hearings and proceedings of the Board and shall perform all services that may be required.

(Ord 16 13 06/04/2013)

## A. BOARD DUTIES

It shall be the responsibility and duty of the Board:

1. To submit to the Mayor and Council proposed regulations and amendments thereto, governing the design, construction, installation, improvement, expansion and alteration of plumbing, mechanical and fuel gas systems.
2. To submit to the Mayor and Council proposed standards and procedures for the quality and weight of materials, fixtures, appliances and devices used in, or entering into, and the method of, construction of plumbing, mechanical and fuel gas systems.
3. To submit to the Mayor and Council proposed regulations and amendments thereto, prescribing the standards and procedures for inspecting plumbing, mechanical and fuel gas systems.
4. To independently review, whenever requested, the administration and enforcement of the minimum standards, regulations and procedures prescribed by this Ordinance.

## B. APPEAL PROCESS

Any applicant for a permit, whose application has been rejected by the City, or any person who has been ordered by the City to modify, alter, remove or install any plumbing, mechanical or fuel gas system as defined in this Boise City Code may within ten (10) days thereafter, request an appeal by filing notice in writing with the City. The City shall deliver such notice to the Board, who shall fix and establish a time, date and place of hearing within fifteen (15) days from the date of the receipt of notice and cause a copy of the notice to be mailed to the appealing parties. At the hearing the Board may, by a majority vote, affirm, annul or modify the action of the City. If the actions of the City are modified or annulled, a permit shall be issued accordingly.

## C. STANDARD OF REVIEW

The Board may: 1.) modify or waive the requirements of this Code in particular cases wherever any rules are shown to be impracticable and when it is shown that equivalent or safer construction can be more readily accomplished in other ways; and 2.) determine whether or not the City erred in its interpretation or application of the Code provisions.

## D. APPEAL FEE

Any person appealing from the decision of the City shall attach to the request for review a certified check for One hundred fifty dollars (\$150.00) made out in favor of Boise City. In the event such appeal is granted, said One hundred fifty dollar (\$150.00) fee shall be returned to the appellant.

## E. APPEAL TO CITY COUNCIL

Any order, decision or ruling of the Board may be appealed to the City Council within ten (10) days of such order, decision or ruling.

(6625, Repealed & Replaced, 12/11/2007; 6372, Repealed & Replaced, 12/22/2004; 6195, Amended, 12/10/2002; 5968, Amended, 02/08/2000; 5830, Amended, 01/20/1998; 5826, Amended, 12/02/1997)

## **Section 4-09-09 APPEAL PROCEDURE**

The Plumbing, Mechanical and Fuel Gas Board may receive all evidence on appeal, in accordance with the following procedure:

- A. The Chief Inspector or designee shall present background information on the project in question, including relevant code sections and their interpretation. The Board may ask questions during or after each presentation.
- B. Applicant shall be allowed to present any information or applicable code sections to support a reversal of the Chief Inspector's decision. The applicant shall have up to twenty (20) minutes to present such evidence.
- C. The Chair shall open the hearing to receive public testimony. Each person wishing to provide public testimony shall be given up to five (5) minutes to do so.
- D. Following the close of public testimony, the Chief Inspector or designee shall be allowed up to ten (10) minutes for rebuttal.
- E. The Applicant then shall have up to ten (10) minutes for rebuttal and any final comments.
- F. The Chairman of the board may allocate equivalent additional time to the applicant and the Chief inspector or his designee if the clarity of the issue at hand can be enhanced by receiving additional testimony.
- G. Thereafter, the Board may deliberate and render a final decision by a role call vote, may request more information before a final decision is made, or may take the matter under advisement and reconvene at a reasonable time not to exceed fifteen (15) days to make their final decision. The final decision shall be in writing and a copy provided to the Applicant and any parties of record. The decision by the Board may be appealed to the City Council within ten calendar (10) days following the date of issuance of a written decision.

(6791, amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007)

**Section 4-09-10 INTERNATIONAL MECHANICAL CODE/INTERNATIONAL FUEL GAS CODE AMENDMENT, SECTION 108.4, VIOLATION AND PENALTY**

INTERNATIONAL MECHANICAL CODE / INTERNATIONAL FUEL GAS CODE Section 108.4 is amended to read as follows:

Section 108.4 Violation and Penalty.

The City of Boise has the authority to file a complaint for criminal or civil penalties or both for any violation of this chapter. If both criminal and civil penalties are filed regarding a same or similar wrong doing on the same site or by the same person, firm, association, or corporation such action shall not be considered to be double jeopardy.

These penalties shall apply to any person, firm, association, or corporation who performs or authorizes another to perform any Mechanical/HVAC/Fuel Gas work in violation of this code. The filing of criminal or civil charges in no way relieves any person, firm, association, or corporation who performs or authorizes another to perform Mechanical/HVAC/Fuel Gas work from complying with this code.

A. CRIMINAL PENALTIES:

Any person, firm or corporation violating, causing a violation or permitting a violation of any of the provisions of this code shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a period not exceeding one hundred eighty (180) days or both fine and imprisonment. A new violation may be filed for each day or portion thereof that the violation continues.

**B. CIVIL PENALTIES:**

Any person, firm or corporation violating, causing a violation or permitting a violation of any of the provisions of this code may have civil penalties assessed against them. Notice of said penalties may be through or by mail to the last known business address or residential address of the violator. A new violation may be filed for each day or portion thereof that the violation continues. The violation will have a date by which the civil penalty shall be paid and if not paid by that date, the City may pursue collections through court and ask the court to reimburse for all costs and fees associated with collecting the penalty. Civil penalties shall be issued pursuant to the following guidelines:

1. If the violation does not create a serious life safety hazard, the City shall warn the person violating the code.
2. If the violation continues or a subsequent violation is discovered, the City may issue a civil penalty.
3. If the violation creates a serious life safety hazard, than a civil penalty may be imposed even though a prior warning was not given.

**C. Civil penalties shall be issued in the following cases:**

1. **Mechanical / HVAC Contractor.** Any person who acts or purports to act as a Mechanical / HVAC contractor, as defined by Idaho State HVAC Statute Title 54 Chapter 50 and/or IDAPA rules, without a valid Idaho State HVAC contractor's license shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.
2. **Mechanical / HVAC Journeyman or Specialty Journeyman.** Any person who acts or purports to act as a mechanical / HVAC journeyman or specialty journeyman, as defined by Idaho State HVAC Statute Title 54 Chapter 50 and/or IDAPA rules, without a valid Idaho State mechanical / HVAC journeyman or specialty journeyman license shall be subject to a civil penalty of not more than two hundred dollars (\$200.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.
3. **Mechanical / HVAC Apprentice or Specialty Apprentice.** Any person who acts or purports to act as a mechanical / HVAC apprentice or specialty apprentice, as defined by Idaho State HVAC Statute Title 54 Chapter 50 and/or IDAPA rules, without a valid Idaho State mechanical / HVAC apprentice or specialty apprentice license shall be subject to a civil penalty of not more than two hundred dollars (\$200.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.
4. **Supervision.** Any contractor failing to provide supervision of HVAC or HVAC Specialty apprentices in accordance with Idaho State HVAC Statute Title 54 Chapter 50 and/or rules shall be subject to a civil penalty of not more than two hundred dollars (\$200.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.

5. **Performance outside Scope of License.** Any Specialty HVAC Contractor as defined in Idaho State HVAC Statutes Title 54 Chapter 50 and/or IDAPA rules performing work outside of the scope of the specialty license shall be subject to a civil penalty of not more than two hundred dollars (\$200.00) for the first offense and one thousand dollars (\$1,000.00) for each offense thereafter.
6. **Corrections.** Any person who fails to make corrections in the time allotted in the notice on any HVAC installation and where no extension has been requested or granted shall be subject to a civil penalty of not more two hundred dollars (\$200.00) for the first offense and not more than one thousand dollars (\$1,000.00) for each offense thereafter.
7. **Fees and Permits.** Any person failing to acquire a City HVAC / Mechanical permit and/or to pay applicable fees shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense thereafter.

(6791, Amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007; 6372, Repealed & Replaced, 12/22/2004; 6195, Amended, 12/10/2002; 5826, Amended, 12/02/1997)

#### **Section 4-09-11 CIVIL PENALTIES APPEAL PROCEDURE**

- A. Upon receipt of written notice of a civil penalty, the violator shall within ten (10) days pay the penalty or file a written request for a hearing with the Boise City Plumbing, Mechanical and Fuel Gas Board hereafter referred to as “the Board.” Such written notice shall be accompanied by a check for One Hundred Fifty Dollars (\$150.00) made payable to Boise City. If the civil penalty imposed against the applicant is overturned by the Board, the review fee shall be returned. Notice of the public hearing for the review hearing shall be given by the Department mailing the notice to the last know address provided by the applicant. Upon issuance of the decision, Applicant shall have fourteen (14) calendar days within which to pay the civil penalty.
- B. When determining if a civil penalty is warranted, the Board shall consider the following:
  1. If the violation does not create a serious life safety hazard, did the City warn the person or his agent violating the code prior to issuing a civil penalty.
  2. Did the violation continue or was a subsequent violation discovered, that warranted the City to issue a civil penalty.
  3. Did the violation create a serious life safety hazard, so that the City was warranted in issuing a civil penalty even though a prior warning was not given.
  4. Did the person or his agent regularly take out permits, and thus should have had knowledge of what the code required.
  5. Did the person or his agent receive adequate warning notice of the code violation or a similar code violation.
  6. Does the person or his/her agent regularly violate the code.

(6791, Amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007)

#### **Section 4-09-12**

##### **APPEAL OF BOARD DECISION**

The decision by the Plumbing, Mechanical and Fuel Gas Board may be appealed to the City Council within ten calendar (10) days following the date of issuance of a written decision. If the City Council renders a final decision imposing the civil penalty against the Appellant, the Appellant shall have fourteen (14) calendar days from such decision within which to pay the civil penalty.

(6791, amended, 11/09/2010; 6625, Repealed & Replaced, 12/11/2007)