

10/9/96

108-O-96

AN ORDINANCE

Adopting the B.O.C.A. International Mechanical Code
1996, by Reference and
Revising Sections 4-9-1 and 4-9-2 of the City Code

WHEREAS, the City Council of the City of Evanston considers it in the public interest to adopt as its standard for construction, alteration, and installation of mechanical work the B.O.C.A. International Mechanical Code, 1996; and

WHEREAS, the City Council of the City of Evanston has caused three (3) copies of the aforesaid Code to be kept on file in the office of the City Clerk for public inspection for a period of more than thirty (30) days prior to the adoption of this ordinance;

NOW THEREFORE, be it ordained by the City Council of the City of Evanston, Cook County, Illinois:

SECTION 1: That Sections 4-9-1 (A) and (B), of the City Code of the City of Evanston, 1979, as amended, be further amended to read as follows:

4-9-1: ADOPTION OF THE B.O.C.A. INTERNATIONAL MECHANICAL CODE:

- (A) Pursuant to the authority granted by Chapter 65, Section 5/1-2-4 of the Illinois Compiled Statutes and pursuant to its home rule powers, the City of Evanston hereby adopts by reference the B.O.C.A. International Mechanical Code, 1996, which Code shall be used together with the below-stated additions and amendments to govern the issuance of permits and the standards of performance and materials for the construction, alteration, and installation of mechanical work in the City of Evanston.
- (B) Any reference in the B.O.C.A. International Mechanical Code to "Administrative Authority", or Building Official" shall mean the Director of Community Development of the City of Evanston.

SECTION 2: That Sections 4-9-1(C) and 4-9-1 (D) of the Code of the City of

Evanston, 1979, as amended, be deleted and a new such section added, to read as follows:

4-9-1(C)

Amendments: The following sections of the B.O.C.A. International Mechanical Code, are amended or added, to read as follows:

Section 106.3.1 Construction Documents shall include a ventilation schedule using the "BOCA Ventilation Schedule" Form available from the Community Development Department.

Section 106.5.2 Fee Schedule: The permit fee for inspection, construction, reconstruction, alteration and installation shall be those established from time to time by the City Council of the City of Evanston.

Section 108.5 Unlawful Continuance: Any person who shall continue any mechanical work in or about the structure 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 be subject to a fine as set forth in Section 4-9-2.

4-9-1(D)

The following section of the B.O.C.A. International Mechanical Code, 1996, is hereby revised as follows:

Section 109.0 Means of Appeal, shall be deleted in its entirety from the B.O.C.A. International Mechanical Code, adopted hereby, and these sections 109.1 and 109.2 substituted therefor:

109.1 Application for Appeal: The owner of a building or structure or other aggrieved person may appeal from a decision of the Building Official refusing to grant a modification to the provisions of this Code, concerning the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the Property Services Board, as provided for under Section 4-18-1 of the City Code. Application for appeal may be made when it is claimed 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 can be used. Written application for appeal must be filed within 20 days after the day the decision, notice or order was served.

The appellant shall establish by a clear preponderance of the evidence that his proposal is equivalent or superior to the adopted code requirement. The application for appeal must be in writing and include a statement of the proposal, prepared by the

appellant and approved as to content and form by the Building Official together with any and all documentation which would aid the Board in its deliberations.

109.2 Board Decision: Failure to secure the concurring votes of a majority of Board members present where a quorum has been obtained shall be deemed a confirmation of the decision of the Building Official.

SECTION 3: That section 4-9-2 of the City Code be further amended to be read as follows:

Penalty: Any person who shall install, extend, alter, repair or maintain mechanical systems in or adjacent to buildings except in conformity with the provisions of the B.O.C.A. International Mechanical Code, as adopted hereby, shall be guilty of a violation punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every offense. A separate offense shall be deemed committed for each day that an offense continues. (Ord. 108-0-87)

SECTION 4: That Section 4-9-3 be further amended to read as follows:

4-9-3: SEVERABILITY: It is the intention of the City Council that the provisions of this Chapter and the B.O.C.A. International Mechanical Code adopted hereby are severable and that the invalidity of any section or part of any section or portion of this Chapter or Code (Ord. 79-0-79)

SECTION 5: That Section 4-9-4 be further amended to read as follows:

4-9-4: HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS:

- (A) License Required: No person shall engage in the business of heating, air conditioning and refrigeration contractor within the City without having first secured a license in the manner provided herein.
- (B) Application for License: Application for license shall be made to the Community Development Department. All licenses shall be subject to the provisions of this Code, other ordinances of the City and the statutes of the State of Illinois. If any person shall violate any of these provisions, he shall be liable to be proceeded against for any fine or penalty imposed thereby and his license may be suspended or revoked

by the City Manager. Any person so licensed who is aggrieved by the provisions of this section may, within ten working days of the notice of suspension or revocation, upon written request, obtain a hearing by the City Manager or his designee, at which hearing he may present evidence in his own behalf. The City Manager shall promptly advise the licensee of his findings and decision thereon in writing.

- (C) License Fee: The amount of the annual license fee for persons engaged in the business of heating, air conditioning, and refrigeration contractor shall be established from time to time by action of the City Council.
- (D) Examination Required: No person shall receive such a license until he has passed a written examination administered and designed by the Department of Community Development. Said examination shall be of a practical nature and shall be for the purpose of determining that all licensees are knowledgeable in the business of heating, air conditioning and refrigeration contracting and capable of performing such work. Said examination shall be administered to all applicants for a license as herein provided at least once a year at a time and place to be established by the Department of Community Development. The Department may issue temporary licenses to applicants prior to the examination, but no such temporary license shall be valid if the applicant shall subsequently fail said application. (Ord. 74-0-81)

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 14 1996

Adopted: December 16 1996

Approved: December 20 1996

Lorraine H. Mottor
Mayor

ATTEST:

Kuster Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

