

65-054

ORDINANCE TO ADOPT A MECHANICAL CODE
FOR THE CITY OF MOBILE, ALABAMA

2022

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS
FOLLOWS:

ARTICLE ONE: Code and Appendices. That, pursuant to Alabama Code Section 11-45-8 (1975), the 2021 Edition of the International Mechanical Code, along with the amendments to the same contained in this Ordinance, has been on file in the office of the City Clerk of the City of Mobile, Alabama, pursuant to an ordinance adopted by the City Council of the City of Mobile, Alabama, on November 8, 2022, is hereby adopted as the "Mechanical Code of the City of Mobile." The ordinance will become effective sixty (60) days after adoption by the City Council.

ARTICLE TWO: Published Ordinance. A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said 2021 International Mechanical Code to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in said minutes.

ARTICLE THREE: Effective Date. The said *2021 International Mechanical Code* shall be in full force and become effective sixty days after its adoption, and all ordinances heretofore adopted by the City of Mobile in conflict are hereby repealed.

ARTICLE FOUR: Contractors Criteria and Qualifications. Criteria and qualifications for all contractors shall be set forth herein. For the purpose of this ordinance the term contractor will hereinafter refer to Mechanical Contractor as defined and added by **ARTICLE NINE** in **SECTION 202 GENERAL DEFINITIONS**.

Mechanical Contractor's Responsibility. In addition to the requirements as set forth herein, all individuals, agents or business who install, alter or modify all or part of a heating, ventilation, air conditioning (HVAC), or refrigeration system shall furnish proof that they are licensed, registered and hold an active certification with the Alabama State Board of Heating, Air Conditioning and Refrigeration Contractors in accordance with all the statutory requirements of the State of Alabama and the City of Mobile.

Contractor License. It shall be the duty of every contractor who shall make contracts for the installation, alteration or repair of mechanical systems for which a permit is required, and every contractor making such contracts and subletting the same, or any part thereof, to pay a license tax as provided in the general license ordinance, and to register his/her name in a book provided for that purpose, with the Code Official, giving full name, residence, and place of business, and, in case of removal from one place to have made corresponding change in said register accordingly.

ARTICLE FIVE: Surety Bond. In addition, as set herein, it shall be the duty of each builder, contractor and subcontractor to provide and have on file a current license and permit bond for \$10,000 in accordance with the City of Mobile and State of Alabama requirements, based on Code of Alabama Section 34-3128. The Bond is subject to the approval of the City of Mobile Legal Department and shall be provided by a surety company qualified to do business in the State of Alabama.

Such bond shall ensure that the licensee complies with laws, ordinances and building regulations of the applicable governing body. The local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm, or corporation engaged in the mechanical business or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

ARTICLE SIX: Criteria for Owner to Obtain Permits. All mechanical installations shall be performed by a contractor as listed in ARTICLE FOUR. Owners are not permitted to install mechanical systems.

ARTICLE SEVEN: Vehicular Signs. All trucks and similar vehicles used by mechanical contractors shall have signs on both sides of the body, including the full name, telephone number of the firm and the State of Alabama HVAC & Refrigeration Certification numbers. Lettering may be any color in contrast to the color of the body, but letters identifying the firm's name must be at least 1 ½ inches high.

ARTICLE EIGHT: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 1 SCOPE AND ADMINISTRATION > Part 1- Scope and Application > Amend as follows:

SECTION 101 SCOPE AND GENERAL REQUIREMENTS – Amend to read as follows:

101.1 Title. Amend to read as follows:

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

SECTION 102 APPLICABILITY – Amend to read as follows.

Add Paragraph 102.12 Energy Conservation. To read as follows:

102.12 Energy Conservation. Where referenced, the International Energy Conservation Code shall be the energy code adopted and enforced by the State of Alabama.

Part 2- Administration and Enforcement

SECTION 103 CODE COMPLIANCE AGENCY - Amend to read as follows:

103.1 Creation of Agency. Amend to read as follows:

103.1 Creation of Agency. The “Mechanical Inspections Department” is hereby created and the official in charge thereof shall be known as the “Code Official”. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

SECTION 109 FEES - Amend to read as follows:

109.2 Schedule of permit fees. Amend to read as follows:

109.2 Schedule of permit fees. On all mechanical installations requiring a mechanical permit, a fee for each mechanical permit shall be paid as required at the time of application, in accordance with the “Building Code Permit Fee Schedule Ordinance” as adopted in a separate ordinance.

SECTION 114 MEANS OF APPEAL -Amend to read as follows:

114.1 General. Amend to read as follows:

114.1 General. The Means of Appeal, herein called the Construction Board of Appeals, shall be in accordance with the applicable sections of the International Building Code which is adopted by a separate ordinance.

SECTION 115 VIOLATIONS – Amend to read as follows:

115.4 Violation penalties. Amend to read as follows:

115.4 Violation penalties. Persons who shall violate a provision of the *2021 International Mechanical Code (IMC)*, as amended, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be prosecuted, and upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00). In addition thereto, at the discretion of the court trying the case, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months. Other penalties in accordance with Chapter 1 of the Mobile City Code may also apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Notwithstanding any other provision of law, the maximum penalty for every person convicted of violating any of the following offenses are as follows:

1. A violation of any provision of **ARTICLE FOUR: Contractors Criteria and Qualifications**, of this Ordinance, shall be a \$500 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
2. A violation of any provision of **ARTICLE SEVEN: Vehicular Signs**, of this Ordinance, shall be a \$100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
3. Any act to impede, delay, deceive, obstruct, hinder, disturb or interfere in any manner with the Code Official in the execution of the Code Official’s duties shall be a \$100 fine. Each day that a violation continues after due notice has been served shall be deemed a separate offense

ARTICLE NINE: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 2 DEFINITIONS > SECTION 202 GENERAL DEFINITIONS > Amend as follows:

Add DEFINITIONS - To read as follows:

FLOOD HAZARD AREA. The area designated as a flood hazard area in accordance with the “Storm Water Management and Flood Control Ordinance” adopted and administered by the City of Mobile’s Engineering Department.

HISTORIC BUILDING. Any building or structure that is listed in the Alabama Register of Landmarks and Heritage or in the National Register of Historic Places; designated as a historic property under local or state designation; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed in the Alabama Register or the National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

MECHANICAL CONTRACTOR. Any individual or business licensed, registered and holding an active certification with the Alabama State Board of Heating, Air Conditioning and Refrigeration Contractors, in accordance with all the statutory requirements of the State of Alabama and the City of Mobile.

ARTICLE TEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 3 GENERAL REGULATION > SECTION 307 CONDENSATE DISPOSAL > 307.2 Evaporators and cooling coils. > 307.2.1 Condensate disposal. > Amend as follows:

307.2.1.1 Condensate discharge. Amend to read as follows:

307.2.1.1 Condensate discharge. Condensate drains shall not directly connect to any plumbing drain, waste or vent pipe. Condensate drains shall not discharge into a plumbing fixture other than a floor sink, floor drain, trench drain, mop sink, hub drain, standpipe, utility sink or laundry sink. Condensate drain connections to a lavatory wye branch tailpiece or to a bathtub overflow pipe shall not be considered as discharging to a plumbing fixture. Except where discharging to grade outdoors, the point of discharge of condensate drains shall be located within the same occupancy, tenant space or dwelling unit as the source of the condensate. These connections are considered acceptable only after prior approval by this office.

Add Paragraph 307.2.1.2 Condensate Drain Line Insulation. To read as follows:

307.2.1.2 Condensate Drain Line Insulation. Condensate drain lines shall be insulated to a 3/8” minimum thickness for the first six feet.

**ARTICLE ELEVEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 5
EXHAUST SYSTEMS > SECTION 504 CLOTHES DRYER EXHAUST > Amend as follows:**

504.1 Installation. Amend to read as follows:

504.1 Installation. Clothes dryers shall be exhausted in accordance with the manufacturer's instructions. Dryer exhaust systems shall be independent of all other systems and shall convey the moisture and any products of combustion to the outside of the building.

504.1 Installation. Exception. Delete in its entirety.

504.9.6 Exhaust duct required. Amend to read as follows:

504.9.6 Exhaust Duct Required. Where space for a clothes dryer is provided, an exhaust duct system shall be installed. Where the clothes dryer is not installed at the time of occupancy, the exhaust duct shall be capped at the location of the future dryer.

504.9.6 Exhaust Duct Required. Exception. Delete in its entirety.

**ARTICLE TWELVE: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 6 DUCT
SYSTEMS > 601 GENERAL > 601.5 Return air openings. > Amend as follows:**

601.5 Return air openings. Sub-paragraph 2. Amend to read as follows:

601.5 Return air openings Sub-paragraph 2. Return air shall not be taken from a hazardous or insanitary location or a refrigeration room as defined in this code. In accordance with 2021 IPC Section 802.4 plumbing waste receptors shall not be installed in plenums, crawl spaces, attics, interstitial spaces above ceilings and below floors. Ready access shall be provided to waste receptors.

**ARTICLE THIRTEEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 9
SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT > Amend
as follows:**

SECTION 901 GENERAL > 901.1 Scope. Amend to read as follows:

901.1 Scope. This chapter shall govern the approval, design, installation, construction, maintenance, alteration and repair of the appliances and equipment specifically identified herein except where deleted. The approval, design, installation, construction, maintenance, alteration and repair of gas-fired appliances specifically identified except where deleted shall be regulated by the International Fuel Gas Code.

SECTION 902 MASONRY FIREPLACES - Delete in its entirety.

SECTION 903 FACTORY-BUILT FIREPLACES - Delete in its entirety.

SECTION 904 PELLET FUEL-BURNING APPLIANCES - Delete in its entirety.

SECTION 905 FIREPLACE STOVES AND ROOM HEATERS - Delete in its entirety.

SECTION 909 VENTED WALL FURNACES - Delete in its entirety.

SECTION 910 FLOOR FURNACES – Delete in its entirety.

SECTION 914 SAUNA HEATERS – Delete in its entirety.

SECTION 915 ENGINE AND GAS TURBINE-POWERED EQUIPMENT AND APPLIANCES – Delete in its entirety.

SECTION 916 POOL AND SPA HEATERS - Delete in its entirety.

SECTION 919 CONVERSION BURNERS - Delete in its entirety.

SECTION 921 VENTED ROOM HEATERS - Delete in its entirety.

SECTION 922 KEROSENE AND OIL-FIRED STOVES - Delete in its entirety.

SECTION 923 SMALL CERAMIC KILNS - Delete in its entirety.

SECTION 924 STATIONARY FUEL CELL POWER SYSTEMS - Delete in its entirety.

SECTION 925 MASONRY HEATERS – Delete in its entirety.

SECTION 926 GASEOUS HYDROGEN SYSTEMS – Delete in its entirety.

SECTION 929 UNVENTED ALCOHOL FUEL-BURNING DECORATIVE APPLIANCES - Delete in its entirety.

ARTICLE FOURTEEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 10 BOILERS, WATER HEATERS AND PRESSURE VESSELS > Amend as follows:

CHAPTER 10 BOILERS, WATER HEATERS AND PRESSURE VESSELS - Delete in its entirety.

ARTICLE FIFTEEN: 2021 INTERNATIONAL MECHANICAL CODE > CHAPTER 13 FUEL OIL PIPING AND STORAGE > Amend as follows:

CHAPTER 13 FUEL OIL PIPING AND STORAGE - Delete in its entirety.

ARTICLE SIXTEEN: SEPARATION CLAUSE. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Mobile hereby declares that it would have passed this Code and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences or phrases be declared unconstitutional.

Adopted: **NOV 08 2022**

A handwritten signature in blue ink, appearing to read "Lisa C. Lambert", is written over a horizontal line.

City Clerk