

ORDINANCE NO. 12-03

AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE 11, WHICH IS THE MECHANICAL CODE OF THE CITY OF SEWARD, NEBRASKA; TO REPEAL THE EXISTING CHAPTER 9, ARTICLE 11 OF THE SEWARD CITY CODE IN ITS ENTIRETY; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. **Amendment.** Chapter 9, Article 11 of the City Code of the City of Seward, Nebraska, is hereby amended to read as follows:

BUILDING REGULATIONS
ARTICLE 11.

A. Mechanical

9-1101 Adopted.

The International Mechanical Code, 2000 Edition published by the International Code Council, Inc. are hereby adopted by reference and all amendments thereto as may be made from time to time and made part of this article as though set out in full herein; provided that whenever any provisions of the International Mechanical Code shall conflict with the provisions of the City Code or any other city ordinance, the provisions of the City Code or such city ordinance shall govern. One (1) copy of the Mechanical Code shall be on file at the Office of the Municipal Clerk and available for public inspection at any reasonable time. One (1) copy of any amendments shall also be filed with the Municipal Clerk. The provisions of the Mechanical Code shall be controlling throughout the Municipality and throughout its Zoning Jurisdiction.

9-1102 Amendments and changes to mechanical code

(a) The International Mechanical Code, 2000 edition, is amended and changed in the following respects:

Section 101 General

101.1 Title Insert City of Seward, Nebraska

Section 106 Permits

106.5.2 Fee Schedule.

Base Permit		\$ 15.00	
Residential Package (Includes Furnace, AC, Kitchen Exhaust, Bath Exhaust, Dryer)		\$ 40.00	
New or Replacement Fee's			
Air Conditioning Unit		\$ 15.00	
Humidifier		\$ 15.00	
Furnace		\$ 15.00	
Heat Pumps		\$ 15.00	
Wall or Floor Hearers		\$ 15.00	
Decorative Fireplace		\$ 15.00	
Wood Burning System		\$ 15.00	
		0	
		15.00	
Kitchen or Bath Exhaust Ventilation Fans		\$ 15.00	
Cloths Dryers		\$ 15.00	
Alterations to existing system		\$ 15.00	
Commercial fees (Based on Valuation)			
\$ 0.00	to	\$ 500.00	\$ 25.00
\$500.01	to	\$5,000.00	\$ 50.00
			0
\$5000.01	to	\$10,000.00	\$100.00
\$10000.01	to	\$50,000.00	\$ 200.00
\$50000.01	to	\$100,000.00	\$ 300.00
			.00
Over \$100,000.00		\$ 1.00 per Thousand + \$300.00	

106.6.3	#2	Insert	80%
	#3	Insert	80%

Section 108 Violations

108.4	Violations	Insert (misdemeanor) for Specific Offence)
	Penalties	Insert (five hundred dollars \$500.00) for amount
		Insert (six (6) months) for Number of Days

108.5 Stop Work Insert (\$100.00)Amount (\$500.00) Amount
Orders

Section 109 Means of Appeal Repealed (see Article 14)

9.1103 License required; examination

License requirement. It shall be unlawful for any person to engage in the mechanical business as a mechanical master in the city and the two-mile zoning jurisdiction, without having first secured a license to do so from the permits and inspections department. For the purposes of Chapter 9, the areas within the city and within two-mile jurisdiction of the city shall be collectively referred to as the "jurisdiction of the city."

9-1104 Application

- (a) Each applicant for a license required by the preceding section shall make application to the permits and inspections department on blank forms prepared and furnished by such department and indicating thereon whether the application is for a master plumber or a journeyman mechanical license.
- (b) Examination. Mechanical examinations shall be composed and given by the permits and inspections department, and the applicant must provide proof of the following:
 - (1) A mechanical journeyman must have a minimum of three(3) years practical work experience as an apprentice and pass the journeyman test with a minimum grade of seventy(70)per cent. An mechanical apprentice is a person other than a licensee who is engaged in the learning of the mechanical trade through practical work experience under a licensed mechanical master. Formal education accrued from an approved educational institution may be submitted for consideration by the building official towards the practical work experience requirement for a journeyman license.
 - (2) A mechanical master (contractor) must have a minimum of three(3)years practical work experience as an apprentice, or the equivalent in formal education approved by the building official, and a minimum of three (3) years practical work experience as a licensed

journeyman and pass the written test with a minimum grade of seventy(70)per cent.

9-1105 Examination-Required

Each applicant for a license required by the permit and inspections department shall appear before the permit and inspections department upon notice and submit to examination and testing of his/her education and competency as may be required by such department.

9-1106 Fee

Each applicant for a license required by the permits and inspection department shall pay to the department an examination fee of fifty dollars (\$50.00) in the case of a master and thirty dollars (\$30.00) in the case of a journeyman.

9-1107 Certification of applicants for licensing

The building official shall provide the city council with the names of all successfully tested applicants for licensing under this article and recommendations for the issuance of such licenses at the next regularly scheduled council meeting after examination.

9-1108 Certificate of insurance required, master license.

Prior to receiving a license under the preceding section, an applicant who has successfully passed the master's examination shall provide a certificate of insurance which provides combined coverage for bodily injury and property damage in a minimum amount of three hundred thousand dollars(\$300,000.00) and shall strictly comply with this code and any other ordinances of the city relating to the installation, alteration or repair of any plumbing system within the extraterritorial jurisdiction of the city.

9-1109 Insurance: term.

When the applicant for a license required by department passes the required examination to the satisfaction of the permits and inspections department, the building official shall notify the applicant of his/her score within fifteen (15) days of the examination. The building official shall provide the city council with the names of all successful applicants for licensing under this article with recommendations for issuance of such license. At the time of approval by the city council and the payment of a license fee of seventy-five dollars (\$75.00)in the case of a master and fifty dollars (\$50.00) in the case of a journeyman, the building official shall issue a license

to do mechanical work in the city which shall be effective and valid through December 31st of each calendar year.

9-1110 Denial

Any person who has been denied a license under the provisions of this article may, within a period of ten (10) days, appeal the decision of the building official to the city council.

9-1111 Re-examination after failure.

When an applicant for a mechanical license has failed to pass the examination based on the minimum acceptable score, the applicant may apply to the permits and inspections department for re-examination any time after the expiration of three (3) calendar months from the date of such failure.

9-1112 Retired master's license.

- (1) A licensed mechanical master who wishes to fully retire from the mechanical trade may apply to the building official for a retired mechanical master's license. Upon such application and payment of renewal fees ordinarily applicable to a mechanical master's the building official may grant such person a retired mechanical master license. The holder of a retired mechanical master's license shall not engage in any mechanical activities for which a master's license is required under this code. Nothing shall prevent the holder of a retired mechanical master's license from acting in the capacity of a journeyman under the requirements of this article.
- (2) The insurance requirements of section 9-1108 shall not be required as prerequisite for the issuance, maintenance, or renewal of the retired master plumber's license.
- (3) The holder of a retired mechanical master's license may make application to the building official for a reactivation of his/her status as a mechanical master . The building official may issue such master's such master's license upon compliance with the following:
 - (1) Payment of the required fees applicable to the

renewal of the master's license,

- (2) The filing of a certificate of insurance under the provisions of this article.

9-1113 Temporary license.

In the case of the death of the holder of a valid master's license, the building official may issue a temporary master license to the company or corporation at which such mechanical master was employed, if such company or corporation has in its employ an individual with a valid Seward journeyman's license. Such license shall be valid for a period of not more than six (6) months and shall not be extended to another member of the firm or corporation during such grace period. Such temporary license shall be void if the company or corporation to which the license is assigned fails to keep in its employ an individual with a valid Seward journeyman's license.

9-1114-9-1119 Reserved.

B. MECHANICAL CONTRACTORS

9-1120 Only licensed mechanical master's permitted to contract for mechanical work.

Only a licensed mechanical master shall be allowed to contract for mechanical work in the jurisdiction of the city. At least one (1) person of the firm or corporation wishing to contract for mechanical work in the jurisdiction of the city shall be a licensed mechanical master. Licensed mechanical journeyman in the employ of a licensed mechanical master shall be allowed to work unattended on jobs and may supervise, not to exceed three (3) apprentices.

9-1121 Expiration: not assignable.

Master and journeyman mechanical licenses under the provisions of this division shall be effective and valid through December 31st of each calendar year and shall not be assignable.

9-1122 Same-Renewal; fee.

Before the expiration of any license issued from or by the permits and inspections division, the holder may upon payment of a renewal fee in the amount of seventy-five dollars (\$75.00) in the case of a master and fifty dollars (\$50.00) in the case of a journeyman, make application to the permits and inspections division for renewal of his/her license. Failure to make application and pay the renewal fee for renewal of a licence before the expiration date thereof subjects the applicant to pay the renewal fee plus an additional late fee in the amount of twenty dollars (\$20.00) for one (1) to twenty-nine (29) days after the expiration date; forty dollars (\$40.00) for thirty (30) to fifty-nine (59) days after the expiration date; sixty dollars (\$60.00) for sixty (60) to ninety (90) days after the expiration date; up to and including ninety (90) days from such expiration date. If the application is filed and the fees are paid in accordance with the above, the building official shall issue a renewal of such license without examination unless there are revocations or suspension proceedings in progress against such individual. If the holder of a license fails to make application for renewal of his/her license within ninety (90) days from the expiration date, he or she shall lose all rights of his/her license and proceed in the same manner as if he or she had never held a license. If the building official has reason to believe that the licensee has violated the provisions of section 9-819, he/she shall have the power to impose any revocation or suspension clause contained within, the context of this article.

9-1123 Revocation or suspension of license.

In addition to any penalty imposed for a violation of this article, the building official may, at any time, revoke or suspend the license of any mechanical master who neglects to carry out the provisions of this article or refuses to be governed by such provisions in the prosecution of his/her work.

9-1124 Revocation of license-upon court conviction.

The building official shall have the power to revoke, with just cause, any license issued under this article. A license shall be revoked immediately by the building official upon the conviction of the holder thereof in a court of competent jurisdiction, for the violation of any laws of the state, this code or ordinances of the city, relative to the

installation, repair, cleaning, or alteration in or to any mechanical system.

9-1125 Same-Grounds generally.

A license issued pursuant to this article shall be revoked by the building official when he/she finds that the holder is guilty of one (1) or more of the following.

- (1) Fraudulent use of his/her license;
- (2) Incompetency in the exercise of the privilege of the license;
- (3) Fraud or misrepresentation in securing the license permits granted pursuant to the building codes of the city;
- (4) Refusal to preform his/her work to the requirements of the law;
- (5) Such other breaches of duty by the holder of the license as the building official may find which cause an unsafe or unsanitary condition, contrary to the intent and purpose of this article.

9-1126 Procedure for violation notification.

Except as stated section 9-966, cases involving violations of the provisions of this article or any other law or ordinance of the city of Seward relating to contractor licensing or permit requirements, the following notification procedure shall be implemented by the building official prior to actual revocation of a license.

- (1) For the first violation of this article a written notification shall be sent by certified mail to the licensee informing him/her of the violation and future recourse by the city.
- (2) The second violation of this article shall cause the building official to suspend the license for a period of one(1) month and notify the licensee, again by certified mail, of the city procedures.
- (3) The third violation of this article shall cause the building official to revoke the license for a period of

not less than six (6) months and not to exceed one (1) year. The building official shall present his/her case file to the city council at the next regularly scheduled meeting for enactment of temporary revocation proceedings.

- (4) The fourth violation of this article shall cause the building official to permanently revoke the license. The building official shall present his/her case file to the city council at the next regularly scheduled meeting for permanent revocation.

9-1127 Same-Notice; hearing.

In all cases involving revocation or suspension of a license under this article, at least fifteen(15) days notice of the contemplated revocation or suspension shall be served upon the licensee, and such notice shall indicate the time and place of the hearing, the general grounds of the contemplated action, and shall advise the holder of his/her right to appear at the hearing in person or by counsel for the purpose of presenting his/her defense. In each case, the licensee shall not continue to perform the duties associated with the privilege of the license until the termination of the proceedings. This provision shall be waived only if a court of competent jurisdiction issues a temporary injunction against the city in such proceedings.

9-1128 Same-Conduct and record of hearing.

The building official shall make a complete record of the case involving any revocation or suspension of a license under this article and shall keep a written record of the testimony produced at the hearing held pursuant to the preceding section. He/she may request legal advice from the city law department and adopt such procedure for the decorum and the dispatch of business of such hearings as he/she may regard advisable.

9-1129 Same-Action of the building official; appeal.

The decision of the building official, at a hearing on the revocation or suspension of a license under this article, shall be final. In the case of a suspension of a license, the licensee's time in grade for the particular license shall be suspended for the period of suspension and shall begin accruing again at the end of the suspension. An

adverse decision by the building official may be appealed to the city council by filing with the clerk within fifteen (15) days from such decision a written notice of the intention to appeal and request for a hearing before the city council. The city council, within thirty (30) days of the filing of such written notice, shall grant a hearing to the party appealing. The revocation or suspension of a license shall not entitle the holder to a refund of any part of the fee which he/she may have paid.

9-1130 Special license for one job only.

Whenever the building official deems it advisable he/she may, at his/her discretion, issue a special mechanical master's license to any mechanical contractor who is not otherwise licensed by the city to do mechanical work, but who can provide proof of competency as a licensed mechanical master in another city's jurisdiction. The special license, so issued, shall allow the license to do mechanical work on the building for which it is issued and no other. The fee for such special license shall be one hundred fifty dollars(\$150.00) and such fees shall be paid to the city building official before the special license is issued .A certificate of insurance which provides combined coverage for bodily injury and property damage in a minimum amount of three hundred thousand dollars(\$300,000.00) and shall be provided to the permits and inspections division prior to the issuance of a special license. Upon the completion of the work, for which the special license was issued, such license shall expire and become null and void.

9-1131 License required, generally; approved for signature on permits.

No person licensed under this chapter shall do any mechanical work within the city and the two mile zoning jurisdiction without having in his/her possession a mechanical permit issued by the city pursuant to this article containing the name of the mechanical master or firm authorized to do the work. Permits associated with this article shall be applied for by the mechanical master . When such permit has been approved, it shall be signed and paid for by the mechanical master associated with the business firm, or corporation who has been approved through other provisions of this division.

9-1132 Same-Work done by person in his/her own residence.

No licensed required under this article shall be required of any individual doing installation or repair of the mechanical systems in the residence in which he/she lives; provided, that such installation is done in conformity with this code and any other Ordinances of the city. In all cases the rules and regulations of this article shall be complied with and such individual shall notify the City of such work proposed, request inspection thereof and pay a permit fee to cover the cost of the inspection. Furthermore, this section shall only apply to those installations required for remodeling, additions and repairs. No individual shall be allowed to perform any mechanical work on new construction without first having passed the required examination and have provided the necessary insurance required by this article, and been issued a license to do such work.

9-1133 Same-Effect on firms or corporations.

A masters license issued to an individual shall authorize a company or corporation to engage in such business or occupation during the period of time that the licensee maintains his connection with such company or corporation. A license applied under the requirements of this article shall be valid and in effect for one(1) company, firm, or corporation as an active license, and shall not be assignable to any other company, firm , or corporation.

9-1134 Permit to install gas appliances-Issued

Any holder of a masters license under this article shall be allowed to install gas appliances, regulated under the current addition of the mechanical code, upon the issuance of a permit by the city.

9-1135 Electrical work.

All electrical work, to be done in conjunction with the work under this article, shall be done in accordance with all electrical regulations of the city by a holder of a masters electrician's license under this code.

9-1136-9-1139 Reserved.

C. PERMITS

9-1140 Exceptions.

The provisions of this division shall not apply to any federal, state, county or municipal government of any subdivision thereof.

9-1141 Issued to holders of license.

No permit for any work covered by the provisions of this article shall be issued to other than the holder of a master mechanical license, except for the provisions contained in section 9-1126.

9-1142-9-1149 Reserved

D. MECHANICAL INSPECTOR

9-1150 MECHANICAL INSPECTOR

There is hereby created and established the office of the Mechanical Inspector. He shall act under the direction of the Plumbing Board and shall have supervision of all mechanical work in the City and shall perform such duties as are hereinafter prescribed. he shall have the right, during reasonable hours, to enter any building in the City for performance of his duties. He shall review the suitability of alternate materials for use and types of installation to the Code and may grant a variance form the strict application to the Code if in his determination that an unnecessary hardship exists and the public health, safety and welfare of the City of Seward is maintained. He shall have such assistants as the Council may provide and when appointed by the Council, such assistants shall have the same powers and duties as the Mechanical Inspector. The Mechanical Inspector shall be appointed by the Mayor with the advice and consent of the Council.

9-1151 MECHANICAL INSPECTOR; DUTIES

It shall be the duty of the Mechanical Inspector to investigate all cases reported to or referred to him, of the use of imperfect material or workmanship on any job of mechanical work or the violation of the provisions of this Article by a plumber, builder, or owner; to stop such work; to order same removed and replaced in a proper and workmanlike manner to conform to the spirit and intent of this Article

and he may further request the Attorney to file complaint against any person for violation of any of the provisions of this Article and it shall be the duty of the Attorney to prosecute the same without unnecessary delay.

The Mechanical Inspector shall make inspection of old mechanical work at the request of the agent, owner, or occupant of any building or premises where said mechanical work is located. In order to ascertain whether or not the mechanical apparatus in said building or premises is in a safe condition, the Mechanical Inspector shall have the right and authority to enter any building or upon any premises at all reasonable hours to ascertain if the provisions of this Article or any ordinance relating to mechanical work have been or are being violated or being complied with, also where he has reason to believe that defective or unsafe mechanical work exists; and whenever defective or unsafe mechanical work is found, it shall be the duty of the Mechanical Inspector to notify the agent or owner of the premises on which the same is found to forthwith cause such mechanical work to be changed and to conform with the terms and requirements of the Municipal Code, or to be changed and made safe in such other manner as said Mechanical Inspector may authorize and direct; and such owner or agent is hereby required within ten (10) days after receiving such notification to comply therewith, or failing or neglecting to do so he shall be considered as maintaining unsafe mechanical work and violating the requirement hereof; and it shall be the duty of said Mechanical Inspector to make complaint against such owner or agent and cause him to be prosecuted.

9-1152 MECHANICAL INSPECTOR; PRIVATE BUSINESS

It shall be unlawful for the Mechanical Inspector to engage in the business of plumbing or to perform any work as a plumber in the City during the term of office as Mechanical Inspector.

9-1153-9-1159 Reserved

Section 2. Repeal. That the existing Chapter 9, Article 11, regarding the Mechanical Code for the City of Seward, Nebraska and other Ordinances passed and approved prior to the passage, approval and publication of this Ordinance and in conflict with its provisions is hereby repealed.

Section 3. Pamphlet form; publication; when operative. This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law and City Ordinance.

Passed and approved this _____ day of _____, 2003.

THE CITY OF SEWARD, NEBRASKA,

Roger E. Glawatz, Mayor

ATTEST:

Debra Schaefer
City Clerk-Treasurer