

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 13, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 13, TITLED "MECHANICAL CODE"; BY DEDICATING CHAPTER 14, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 14, TITLED "LICENSES FOR MECHANICAL CONTRACTORS;" AND BY DEDICATING CHAPTER 15, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 15, TITLED "MECHANICAL WORK PERMIT," ALL FOR THE PURPOSES OF ESTABLISHING NEW PROVISIONS TO THE MECHANICAL CODE TO ESTABLISH A LICENSING/PERMITTING AND INSPECTION PROGRAM FOR COMPLIANCE WITH STATE LAW; AND TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO AMEND SECTION 3-601(1)(E), TITLED "ADMINISTRATIVE HEARING OFFICER," TO ADD THE NEW CHAPTERS OF THE MECHANICAL CODE TO THE LIST OF VIOLATIONS THE ADMINISTRATIVE HEARING OFFICER IS AUTHORIZED TO HEAR.

WHEREAS, the City desires to establish a mechanical licensing/permitting and inspection program for compliance with state law; and

WHEREAS, an expansion of the mechanical code also requires an amendment to City Code §3-601 to authorize the City's Administrative Hearing Officer to hear violations of the additional provisions of the mechanical code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 13, titled "Mechanical Code," in its entirety and substituting therefor a new Chapter 13, titled "Mechanical Code," which new chapter shall read as follows:

Chapter 13**Mechanical Code****Sec. 12-1301. Mechanical Code Adopted.**

The International Mechanical Code, 2012 edition, is hereby adopted by reference and shall become a part of the mechanical code as if copied herein verbatim, except as such code may be in conflict with other provisions of the mechanical code, in which event such other provisions shall prevail.

Sec. 12-1302. Amendments.

- (1) The International Mechanical Code, as adopted by ordinance, is amended as set out in this section.
- (2) In Section 101.1, "Title," of the International Mechanical Code, insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Sec. 12-1303. Short title.

The provisions embraced within Chapters 3, 13, 14 and 15 of this Title shall constitute, be known as, and may be cited as "The Mechanical Code of the City of Oak Ridge."

Sec. 12-1304. Definitions.

In the enforcement of Chapters 3, 13, 14 and 15 of this Title, the following definitions shall apply, unless clearly indicated to the contrary:

- (1) "Apprentice" or "helper" is an individual not holding any type of Mechanical license, employed by a Class I Mechanical Contractor, and/or Class II Residential Mechanical Contractor to assist in the performance of mechanical work for which the mechanical contractor is licensed.
- (2) "Board." The term "Board" shall mean the Trade Licensing Board created by City Code §12-301.
- (3) "City Manager" means the City Manager for the City of Oak Ridge, Tennessee, or the City Manager's duly authorized designee.
- (4) "Class I: Mechanical Contractor." The words "Class I Mechanical Contractor" shall mean a person, firm or corporation who has been issued such a license and certificate by the City of Oak Ridge. A Class I Mechanical Contractor can engage in mechanical work on commercial and residential buildings with a job cost not exceeding \$25,000.
- (5) "Class II: Residential Mechanical Contractor." The words "Class II Residential Mechanical Contractor" shall mean a person, firm or corporation who has been issued such a license and certificate by the City of Oak Ridge. A Class II Mechanical Contractor can engage in Mechanical work on residential buildings with up to four units and a job cost not exceeding \$25,000.
- (6) "On-site representative" is either the qualifying party or his or her on-site designee who is the on-site authorized company representative.
- (7) "Qualified person" is an individual who has taken and passed the required mechanical examination from the appropriate examining authority and shall be responsible for all work performed under the license.

Sec. 12-1305. Provisions remedial; construction of provisions.

The provisions of The Mechanical Code of the City of Oak Ridge are hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes, which are general public safety and welfare, by regulating the installation and maintenance of all mechanical work in the city.

Sec 12-1306. Application of provisions.

The provisions of Chapters 3, 13, 14 and 15 of this Title, shall apply to every mechanical installation, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems, within the city.

Sec. 12-1307. Appointment of inspectors, etc., to administer and enforce provisions.

The city manager shall appoint such number of officers, inspectors, assistants and other employees as shall be authorized from time to time in order to promote the public safety and to administer and enforce the provisions and intent of The Mechanical Code of the City of Oak Ridge. All persons so appointed shall be experienced in the mechanical craft and fully qualified to perform their assigned duties.

Sec. 12-1308. Duty of city manager to enforce provisions.

The city manager shall enforce the provisions of The Mechanical Code of the City of Oak Ridge, and such persons, consistent with any constitutional limitations, may enter any building to perform his or her official duties.

Sec. 12-1309. Records.

The city manager shall keep or cause to be kept records of the administration and enforcement of The Mechanical Code of the City of Oak Ridge.

Sec. 12-1310. Restrictions on city employees engaging in mechanical business.

No officer or employee of the City charged with the duty of enforcing The Mechanical Code of the City of Oak Ridge shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration or maintenance of mechanical installations or in the making of plans or of specifications therefor, unless he or she is owner of the building involved. No such officer or employee shall engage in any work which is inconsistent with his or her duties or with the interest of the city.

Sec. 12-1311. Liability insurance; workers' compensation.

All mechanical contractors who have been issued a Class I or II license must meet the following requirements:

- (1) Liability insurance required for mechanical contracting business. Every person, firm or corporation engaged in the business of mechanical contracting in the city shall present evidence of liability insurance and/or assurance with coverage in an amount acceptable to the city manager.
- (2) Workers' compensation insurance. Every person, firm or corporation engaged in the business of mechanical contracting in the city shall present evidence of workers' compensation insurance in compliance with state regulations.

Sec. 12-1312. Inspection of new work generally.

All new mechanical work and such portions of existing systems as may be affected by new work or any changes shall be inspected to ensure compliance with all of the requirements of The Mechanical Code of the City of Oak Ridge.

Sec. 12-1313. Roughing-in inspection of new work.

When any part of a mechanical system installation is to be hidden from view by the permanent placement of parts of the building, the person installing the mechanical system shall notify the city manager and such parts of the mechanical system installation shall not be concealed until they have been inspected and approved by the city manager. On large installations where concealment of parts of mechanical system proceeds continuously, the person installing the mechanical system shall notify the city manager so that he or she can make inspections periodically during the progress of the work.

Sec. 12-1314. Final inspection of new work.

Upon the completion of the work which has been authorized by issuance of a permit under The Mechanical Code of the City of Oak Ridge, it shall be the duty of the person installing the same to notify the city manager who shall inspect the completed installation.

Sec. 12-1315. Certificate of approval for new work—generally.

If the completed mechanical installation inspected pursuant to this chapter is found to be fully in compliance with the provisions of The Mechanical Code of the City of Oak Ridge, the city manager shall issue a certificate of approval.

Sec. 12-1316. Certificate of approval for new work—temporary work.

When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the city manager for cause.

Sec. 12-1317. Stop work order.

Upon notice from the city manager that work or any mechanical installation is being done contrary to the provisions of The Mechanical Code of the City of Oak Ridge or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of such property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, oral notice given by the city manager shall be sufficient, but it shall be immediately followed by written notice.

Sec. 12-1318. Periodic inspections of existing installation; repair or demolition of unsafe installations.

- (1) The city manager, at his or her discretion, shall periodically make a thorough re-inspection of the installation of all mechanical systems including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems now installed or that may hereafter be installed within the city and within the scope of The Mechanical Code of the City of Oak Ridge, and when the installation of any such mechanical system is found to be in a dangerous or unsafe condition, the person owning, using, or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such mechanical system in safe condition and have such work completed with fifteen (15) days or any longer period specified by the city manager in such notice.
- (2) All mechanical installations, regardless of type, which are unsafe, or which constitute a hazard to human life, health or welfare, are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition as the city manager directs in compliance with the provisions of this section, provided where such dangerous or defective condition constitutes an immediate hazard to human health, safety, or welfare, immediate repair or abatement may be required.

Sec. 12-1319. Appeals from decisions of city manager.

- (1) Whenever the city manager shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used, or when it is claimed that the provisions of The Mechanical Code of the City of Oak Ridge do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of The Mechanical Code of the City of Oak Ridge or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his or her duly authorized agent, may appeal from the decision of the city manager or his or her designee to the board of building code appeals. Notice of appeal shall be in writing and filed within sixty (60) days after the decision is rendered by the city manager or his or her designee. Fees for appeals shall be established by the city manager.
- (2) In case of a condition which, in the opinion of the city manager or the city manager's designee is unsafe or dangerous, the city manager may, in his or her order, limit the time for such appeal to a shorter period.
- (3) Appeals under this section shall be on forms provided by the city manager.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 14, currently reserved, in its entirety and substituting

therefor a new Chapter 14, titled "Licenses for Mechanical Contractors," which new chapter shall read as follows:

Chapter 14

Licenses for Mechanical Contractors

Sec. 12-1401. Required—generally.

- (1) Except as otherwise provided in City Code §12-1402, no person shall engage in the business of installing, altering or repairing, within the city, any mechanical system including ventilating, heating, cooling, air conditioning and refrigeration systems incinerators and other energy related systems, unless such person shall have received a Class I Mechanical Contractor's license, or a Class II Residential Mechanical Contractor's license, as the case may be depending upon the type of mechanical work contracted for or engaged in, issued in accord with this chapter.
- (2) Any firm, corporation, or other such person engaged in the mechanical business shall have employed a qualified person having a Class I Mechanical Contractor's license, a Class II Residential Mechanical Contractor's license, depending upon the type of work being engaged in by such firm or corporation, and everyone who does any actual mechanical work for such firm or corporation must be licensed or supervised as set forth in this chapter. When the qualified person providing technical expertise for mechanical contract work for a firm or corporation leaves the firm or corporation, the firm or corporation shall have ninety (90) days to employ another qualified person.
- (3) Any employee of the city or city school system employed to do mechanical work for the city or school system shall have a Class I Mechanical Contractor's License.

Sec. 12-1402. Exceptions.

The following persons shall not be required to have the license required by City Code §12-1401:

- (1) Any person doing his or her own work personally, in a single-family dwelling used exclusively for living purposes, and who is the bona fide owner of and occupies or will occupy such dwelling, and who personally purchases all materials and performs all labor in connection therewith, shall not be required to have a license under The Mechanical Code of the City of Oak Ridge. Such privilege does not convey the right to violate any of the provisions of this chapter, nor is it to be construed as exempting any such owner from obtaining a permit, except for minor repairs, and paying the required fees therefor.
- (2) Apprentice or mechanical helpers are not required to have a license under this chapter. However, an apprentice or mechanical helper will only be allowed to work for a person, firm or corporation that holds a valid Class I Mechanical Contractor's license, or a Class II Residential Mechanical Contractor's license as the case may be depending upon the type of mechanical work authorized to be done by such license holder.

Sec. 12-1403. Application.

Any person, firm or corporation desiring a license or certificate required by this chapter shall apply therefor to the Board, in writing, using the forms provided by the city. The application must be filled out completely, legibly, and be dated and signed. Obtaining the verifiable references required by City Code §12-1404 is the responsibility of the applicant. The applicant's references shall show broad mechanical experience.

Sec. 12-1404. Qualifications of applicant.

Subject to the authority of the Board to set higher standards with city council approval, the following minimum standards and qualifications shall be met before the Board grants a license required by this chapter.

- (1) Class I: Mechanical Contractor's License. The applicant must establish a regular ongoing place of business, obtain a current city business license, supervise or perform mechanical work, have a minimum of five (5) years' total full-time experience in the mechanical craft, have demonstrated competency, honesty, and integrity in the performance of mechanical work, have obtained a passing score on the written examination required by City Code §12-1410 and must evidence honesty and integrity in former dealings with the public as demonstrated by at least three (3) favorable work references from employers or clients starting with most recent employers or clients and progressing back to cover a five-year period. The applicant must have and keep current the bond and insurance specified in City Code §12-310.
- (2) Class II: Residential Mechanical Contractors License. The applicant must establish a regular ongoing place of business, obtain a current city business license, be a person, firm or corporation, other than a Class I Mechanical Contractor, who engages in the actual installation of mechanical systems in residential buildings not exceeding four (4) units, who has at least four (4) years' total full-time experience in the mechanical craft, has obtained a passing score on the written examination required by City Code §12-1410, and must evidence honesty and integrity in former dealings with the public by at least three (3) favorable work references from former employers or clients, starting with most recent employers or clients and progressing back to cover a four-year period. The applicant must have and keep current the bond and insurance specified in City Code §12-310.

Sec. 12-1405. Public hearing on application for Class I and Class II Mechanical Contractor Licensing.

The Board shall conduct a public hearing before a license is issued under this chapter to a Class I Mechanical Contractor, or Class II Residential Mechanical Contractor, Such hearing shall be announced in a newspaper of general circulation at least ten (10) days prior to the date of the scheduled hearing. The announcement shall state the time, date, and place of hearing, and the name of the contractor as follows:

"On (Date and Location) there will be a hearing before the Trade Licensing Board of the City of Oak Ridge on a petition by (Applicant's Name) for a license to operate as a (Class I Mechanical Contractor, or Class II Residential Mechanical Contractor) in the City of Oak Ridge. Any person who as a result of former dealings with (Applicant's Name) has reason to doubt his/her integrity or honesty or has a complaint about workmanship is urged to come forward at the above time and place and announce such information. Evidence reviewed in the public hearing will be considered in determining the competency, integrity, and honesty of applicants."

Sec. 12-1406. License to be obtained thirty days after meeting minimum licensing requirements: exception.

An applicant for a license under this chapter must obtain the license within thirty (30) days after successfully meeting all licensing requirements or the application will be null and void; provided, however, in the event of possible extenuating circumstances affecting an individual, a maximum period of ninety (90) days may be allowed for compliance with this section.

Sec. 12-1407. Fees.

Fees for mechanical examinations shall be established by the city manager. Fees for licenses and certificates granted or renewed under this chapter shall be established by the city manager. No examination shall be given or license granted until such fees have been paid.

Sec. 12-1408. Issuance generally.

The city manager shall issue an appropriate license or certificate under this chapter to each person, firm, or corporation who:

- (1) Meets the qualifications therefor, pays the necessary fees, and who successfully passes the examination given by the Board, or
- (2) Holds a current and valid State of Tennessee Mechanical Contractors license.

The Board shall notify the city manager of all persons, firms or corporations who are eligible for issuance of a license or certificate.

Sec. 12-1409. Issuance by reciprocity.

Any person not licensed under this chapter who exhibits a valid and effective license issued by a lawfully organized board of mechanical examiners or similar licensing body of another city in the United States having a standard of requirements equal or superior to that of this city which board or body grants reciprocity to persons issued licenses by this city, shall be issued a license under this chapter without an examination, if such person otherwise meets the requirements of this chapter, for which the city shall collect a fee as established by the city manager for Class I Mechanical Contractors, and Class II Residential Mechanical Contractors. The renewal fees for licenses issued under this section shall be as provided in City Code § 2-1413. The Board may waive the requirement that the licensing body from another jurisdiction grant reciprocity to persons issued licenses by the City of Oak Ridge where such other jurisdiction is outside a 100-mile radius from the city.

Sec. 12-1410. License contents.

Each certificate for a license issued in accordance with the provisions of this chapter shall specify the name of the person who has passed the examination, and, in the case of Class I Mechanical Contractors, and Class II Residential Mechanical Contractors, the name of the person, firm or corporation the qualified person is employed by.

Sec. 12-1411. Work authorized.

- (1) Class I Mechanical Contractor's License. A Class I Mechanical Contractor's License shall entitle the person, firm or corporation to whom it is issued to contract for, supervise, and engage in any type of mechanical work within the city.
- (2) Class II Residential Mechanical Contractor's License. A Class II Residential Mechanical Contractor's License shall entitle the person, firm or corporation to whom it is issued to contract for and to engage in the business of mechanical work for residential dwellings not exceeding three (3) stories in height and four (4) dwelling units. For the purpose of this section, residential dwellings shall not include motels, hotels, health care facilities, retirement centers, and other such similar facilities.

Sec. 12-1412. Display.

Every holder of a license under this chapter shall keep his or her license certificate displayed in a conspicuous place in his or her principal place of business or employment.

Sec. 12-1413. Expiration and renewal.

All licenses and certificates issued by the board under this chapter shall be issued annually with an expiration date of March 31 each year. Licenses and certificates may be renewed upon payment of the fee established by the city manager. If the license or certificate has not been renewed within one (1) year following the date of expiration, the complete application process must be repeated, including repeating and passing the examination. The license or certificate must be renewed by the person, firm or corporation in whose name it was issued.

Sec. 12-1414. Disciplinary action.

- (1) The Board is hereby authorized to reprimand, suspend for up to one (1) year, or to revoke any license issued under this chapter:
 - (a) If the license was obtained through nondisclosure, misstatement, or misrepresentation of a material fact;
 - (b) Upon a finding of violation of The Mechanical Code of the City of Oak Ridge by an administrative hearing officer or judge where the conduct constituted a serious threat to the public safety;
 - (c) For repeated violations of The Mechanical Code of the City of Oak Ridge; provided a reprimand or suspension of up to ninety (90) days may be issued for any violation of The Mechanical Code;
 - (d) For civil fraud or intentional misrepresentation in the performance of work for which a license was issued under The Mechanical Code of the City of Oak Ridge;
 - (e) For allowing another to use the licensee's name to obtain permits;
 - (f) For doing business or work under the license of another or allowing a license to be used by another to do business; or
 - (g) For the licensed permit holder who has not provided an on site representative at the job site during the performance of Mechanical work for which the permit was issued.
- (2) Before any disciplinary action is taken against a licensee or certificate holder under this section, the licensee or certificate holder shall have notice in writing, enumerating the charges against him or her and be entitled to a hearing before the Board no sooner than ten (10) days from receipt of this notice. The licensee or certificate holder shall be given an opportunity to present relevant testimony, oral or written, and shall have the right to cross-examination, and the right to be represented by an attorney. All testimony shall be given under oath. The Board shall have the power to administer oaths, issue subpoenas, and compel the attendance of witnesses for the purpose of hearings on licenses. The decision of the Board shall be based upon the evidence produced at the hearing and made a part of the record thereof.
- (3) Any person may bring a complaint before the Board against a licensee or certificate holder for the purpose set forth in subsection (1). If the Board finds a complaint provides

a reasonable basis to indicate a reason for disciplinary action under this section, a hearing on the licensee or certificate holder shall be scheduled as set forth in subsection (2) hereof.

- (4) A person, firm or corporation whose license or certificate has been revoked under this section shall not be permitted to reapply within one (1) year from the date of revocation, provided the Board may waive any or all of such waiting period.

Section 3. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 15, currently reserved, in its entirety and substituting therefor a new Chapter 15, titled "Mechanical Work Permit," which new chapter shall read as follows:

Chapter 15

Mechanical Work Permit

Sec. 12-1501. When required.

Except as otherwise provided in City Code §12-1502, all mechanical work done in the city, including installing, altering, or repairing any mechanical installation, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems, shall be undertaken only after the issuance of a permit therefor by the city manager; provided, however, that emergency repairs and replacements may be made under the condition that a permit therefor shall be obtained within the next five (5) days.

Sec. 12-1502. When not required.

- (1) For the purposes of this section, minor "maintenance and repair" is defined as the replacement or repair of existing equipment.
- (2) No permit shall be required for minor mechanical maintenance and repairs.

Sec. 12-1503. Who is entitled to receive.

Permits required by this chapter shall be issued only to:

- (1) Class I Mechanical Contractors.
- (2) Class II Residential Mechanical Contractors.
- (3) Homeowners doing their own work as authorized by City Code §12-1505.

Sec. 12-1504. Fees.

The fees for permits required for inspection of new construction shall be established by the city manager. No permit or amendment to a permit shall be valid until such fees have been paid.

Sec. 12-1505. Issuance.

Before issuing a permit under this chapter, the city manager shall:

- (1) Determine that the applicant has a current license or, in the case of a homeowner, that the homeowner has the knowledge and qualifications prescribed by The Mechanical Code of the City of Oak Ridge for mechanical installation and repair;
- (2) Shall collect all fees due;

- (3) Shall see to it—for a current license holder, not a homeowner—that a responsible person is designated as the license holder's on-site representative who is authorized to represent the company for the work to be done under the permit; and
- (4) Shall require plans of the proposed mechanical work as required by the code official.

A change in the on-site representative shall require written notification to the city manager.

Sec. 12-1506. Effect.

A permit issued under this chapter shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of The Mechanical Code of the City of Oak Ridge, nor shall such issuance of a permit prevent the city manager from thereafter requiring correction of errors in construction, or of violations of The Mechanical Code of the City of Oak Ridge.

Sec. 12-1507. Invalidity if work not commenced or is abandoned.

A permit issued under this chapter shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the city manager.

Sec. 12-1508. Revocation.

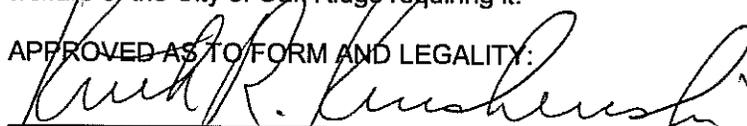
The city manager may revoke a permit issued under the provisions of this chapter, where there has been any false statement or misrepresentation as to a material fact upon which the permit was based, or when the permit has been otherwise erroneously issued. In all such cases, no permit fees shall be refunded.

Section 4. Title 3, titled "Municipal Court," Chapter 6, titled "Administrative Hearing Officer," Section 3-601, titled "Administrative Hearing Officer," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding the phrase "..., Chapter 14, and Chapter 15," to the end of Subsection (1)(e).

Section 5. Enforcement of this ordinance will begin March 2015, which will allow city staff adequate time to schedule informational meetings to educate the development community and local contractors on the changes.

Section 6. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____