

ORDINANCE NO. 25 AMENDING CHAPTER 5 TO ADOPT NORTH CAROLINA STATE CODE FOR HEATING, VENTILATING, AIR CONDITIONING, BLOWER AND EXHAUST SYSTEMS AND TO ESTABLISH ADMINISTRATION PROCEDURE FOR THIS CODE.

MECHANICAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, that Chapter 5 be amended by adding Article II titled Mechanical, reasing as follows:

Section 5-100. TITLE. This ordinance shall be known and may be cited as THE MECHANICAL CODE OF THE CITY OF CHARLOTTE, NORTH CAROLINA, hereinafter referred to as THIS CODE.

Section 5-101. SCOPE. The provisions of this Code shall apply to the installations, erection, alteration, repair, use and maintenance of mechanical systems consisting of hearing, ventilating, air conditioning, refrigeration systems, fuel burning equipment, and appurtenances thereof under the jurisdiction of this Code.

Section 5-102. MECHANICAL ADVISORY BOARD. (a) Created. The Mechanical Advisory Board as appointed by the City Manager, shall consist of seven members as follows: one contractor engaged in warm air heating; one contractor engaged in wet heat; one contractor engaged in air conditioning; one contractor engaged in commercial refrigeration, two Professional Engineers registered in North Carolina and whose principal field is mechanical engineering and one Architect registered in North Carolina. One of the above contractors shall hold an H-1 North Carolina State License, one shall hold an H-2 North Carolina State License, and one shall hold an H-1 and H-2 North Carolina State License. The contractor engaged in commercial refrigeration shall be licensed according to GS-87, Article 5.

(b) Membership. Two members of the Advisory Board shall be appointed for a term of one year, two for a term of two years, and three for a term of three years. Thereafter, each term shall be three years. A member may serve no more than two full terms consecutively. The City Manager may remove any member from the Board for continued absence from the meetings or upon the request of the Board.

(c) Officers. The Board shall elect a Chairman from its membership. The Chairman shall serve for a period of one year. The Chief Mechanical Inspector shall be an ex-officio member without power to vote and shall serve as the Secretary of the Board. The Inspection Department will perform all secretarial duties for the Board under the direction of the Chief Mechanical Inspector.

(d) Rules. Five members of the Board shall constitute a quorum. The affirmative vote of at least four members shall be required for every action

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of the Board. Every action of the Board shall be by resolution with certified copies to the Building Standards Board and to other interested parties, if any. A member of the Board shall be disqualified from passing on any question in which he, his immediate family or any corporation in which he or any member of his immediate family is a stockholder, is personally interested.

All meetings of the Board shall be open to the public. The Board shall keep the minutes of its proceedings, showing the vote of each member on any question.

The Board shall also keep the necessary records of examinations given by the Board and other official actions. The Board shall meet at least once a month, if there is business to come before it, and a meeting of the Board may be called by the Chairman or at the request of the City Manager or Building Standards Board. The Board shall establish all of the rules and regulations for its own procedure not inconsistent with provisions of this Code.

(e) Powers. 1. The Board shall hear and take action on any appeal from a decision of the Chief Mechanical Inspector.

2. The Board shall have power to recommend necessary changes to this Code and all requests for amendments, changes or additions to this Code shall be heard first by this Board. The Board shall submit to the Building Standards Board its findings and recommendations concerning any requested amendment, change or addition to the Code. Should there be a request for a change that is not approved by the Board, the change must obtain a three-fourths majority vote of the Building Standards Board before it can be recommended to the City Council for enactment in the Law.

3. The Board shall have the power to examine applicants for licenses to do work under this Code. License examinations shall be prepared by or under the supervision of the Board.

4. The Board shall act as advisor to the Inspection Department on matters of interpretation of the Code and on requests for technical assistance.

5. Decisions of the Board shall be subject to approval by the Building Standards Board.

(f) Procedure for Hearing Appeals. All requests for hearings or other business to come before the Board shall be filed with the Chief Mechanical Inspector at least two weeks before the next monthly meeting. Appeals from the decision of the Chief Mechanical Inspector must be made within fifteen (15) days from the date of his decision by filing with the Chief Mechanical Inspector a notice of appeal, specifying the grounds for the appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the Chief Mechanical

Inspector shall determine that in his opinion a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by a Court of Record with notice to the Chief Mechanical Inspector showing due cause.

Any appeal involving a particular building must have the approval of the building owner before an appeal is filed with the Chief Mechanical Inspector. The Board shall hold a public hearing on each appeal and give due notice to the party or parties concerned and shall give notice to the public by posting, publication, or otherwise as the Board shall deem appropriate. In passing upon any question, the Board may require submission of evidence or proof to substantiate claims, and may require additional data and tests which, in the opinion of the Board, are needed for adequate consideration of the appeal. The Board shall have the power to reverse or affirm in whole or in part, or modify the decision of the Chief Mechanical Inspector. The Board shall in every case reach a decision without unreasonable or unnecessary delay, and should such Board not decide within sixty (60) days after the appeal is filed, the action of the Chief Mechanical Inspector shall be deemed sustained. Every decision shall be promptly filed in the office of the Chief Mechanical Inspector and shall be open to public inspection. A certified copy of every decision on an appeal shall be sent by mail or delivered to the appellant and a copy shall be filed with the Building Standards Board and publicly posted in the office of the Chief Mechanical Inspector for two weeks after filing. Interpretation of the requirements of this Code may be made by the Board only when the enforcement of the strict letter of the Code would do manifest injustice, and would be contrary to the spirit and purpose of this Code or public interest. A decision of the Board shall specify the conditions upon which the decision is made and the reasons therefore. The Chief Mechanical Inspector shall be bound by the decision of the Board.

Any person aggrieved by the decision of the Board, whether previously a party to the proceedings or not, or a municipal officer or Board member may, within fifteen (15) days after the filing of the decision of the Board in the office of the Chief Mechanical Inspector, apply to the Building Standards Board for a hearing. All questions involving the provisions of the State Code shall be subject to the limitations imposed by the State Code, and no decision of the Board shall be considered in conflict with the State Code or the decisions of the North Carolina Building Code Council, and where similar, the more stringent shall apply.

Section 5-103. MECHANICAL INSPECTORS, QUALIFICATIONS, APPOINTMENT, DUTY AND

AUTHORITY. There is hereby created the office of Chief Mechanical Inspector.

The person chosen to fill this office shall be a competent person of good moral character, shall be possessed of such executive ability as is required for the faithful performance of his duties, he shall have a thorough knowledge of standard materials used in the installation of mechanical equipment and shall be well versed in approved methods of mechanical construction.

The Chief Mechanical Inspector shall have had at least five years experience in mechanical construction work.

Mechanical Inspectors shall meet the same requirements as the Chief Mechanical Inspector except that they shall have not less than two years experience in the branch of mechanical work which is their primary responsibility.

Section 5-104 LICENSE REQUIREMENTS (a) Mechanical Contractors License: Any person wishing to engage in the business of Mechanical Contracting in the City of Charlotte shall be licensed under provisions of this Code.

(b) Classes of Contractors Licenses: Licenses will be issued in one or more of the following classes of work: Warm Air Heating, Air Conditioning, Wet Heat, Commercial Refrigeration.

Anyone holding an active license issued by the State of North Carolina in any of the above categories shall be considered as qualifying for the license requirements of that category.

(c) Classes of Mechanics Licenses: Any person wishing to work as a service or installation mechanic in the trades of steamfitting, mechanical fuel burning equipment or refrigeration (except domestic refrigerators) shall be licensed according to the provisions of this Code.

(d) Any person holding a privilege license at the time this Code becomes effective, issued by the City of Charlotte to engage in the business of mechanical contracting may apply to the Mechanical Advisory Board for a contractor's license in the same category as his current privilege license. Such application shall be made within one year of the effective date of this Code. The applicant shall appear before the Board and shall show satisfactory evidence of his experience in the category of license applied for. At the direction of the Board, the applicant may be required to take all or part of the appropriate examination for the category of license applied for.

Section 5-105. HOW TO SECURE A LICENSE. To secure a license under the provisions of this Code, the applicant shall:

Make out an application on forms provided.  
Pay the required fees which shall accompany the application.  
Pass the required examination as approved by the Board and  
as given by the Inspector, or furnish evidence of a State  
License as noted in Section 5-104 (b) above.

Section 5-106. LICENSE EXPIRATION. Contractors' licenses shall expire June 30, of each year. Licenses not renewed within 30 days of expiration date shall be automatically cancelled. Written notice will be given before a license is cancelled.

Section 5-107. LICENSE REINSTATEMENT. Contractors' licenses may be reinstated at the discretion of the Inspector within a period not to exceed three months from expiration date without conforming to Section 5-106 providing such applicant has not performed any work covered by this Code during this period.

Section 5-108. LICENSES ALLOWED TO LAPSE. Contractors' licenses shall not be renewed or reinstated after three months expiration without conforming to Section 5-106.

Section 5-109. REVOCATION OR SUSPENSION OF LICENSE. Licenses issued under the authority of this Code shall be revoked or suspended by the Inspector following a hearing when a licensee has made a materially false statement on his application, or has otherwise failed to comply with the provisions of this Code or with the rules and regulations adopted thereunder or is not reliable and safe to carry on the operation of the business. When a license has been suspended or revoked, the persons involved shall have the right to a hearing by the Mechanical Advisory Board. Application for a hearing shall be made in writing to the Board within five (5) days of revocation. The Board shall reach a decision within 60 days.

Section 5-110 PERMIT: (a) A Permit shall be obtained from the Inspection Department, Mechanical Section of the City of Charlotte, North Carolina before starting the installation and/or installing in the City of Charlotte of any steam or hot water boiler, high pressure boilers, warm air furnace, air conditioning equipment (except window units not exceeding 24,000 BTU-ARI rating), commercial refrigeration equipment, steam distribution system, hot water heat distribution system, gas conversion burner, oil conversion burner, stoker, direct fired unit heater, duct heater or furnace, floor furnace, gas steam radiator, vented type circulator in multi-family houses, metal smokestack, commercial or industrial ventilating system, or circulating air blower on existing heating equipment. Any person or persons obtaining a permit shall pay to the City of Charlotte a fee in accordance with the schedule hereafter provided.

(b) Except as hereafter provided, a permit shall not be issued to any person, firm, or corporation to install any equipment covered by this Code unless licensed by the City of Charlotte for the class of work to be performed as provided by Section 5-104 (b) of this Code.

(c) HOME OWNER PERMITS. Nothing in this Code shall be construed to prevent a person who owns and occupies a single family residence or who is constructing a single family residence for his own occupancy from securing a permit to personally install, alter or repair equipment covered by this Code providing he gives satisfactory evidence of his ability to perform the work he proposes to do. Such person shall have the work inspected and pay the fees hereinafter called for.

Section 5-111. SCHEDULE OF PERMIT FEES. Permit fees for the installation of each boiler or furnace including distribution system when such distribution system is installed under same permit as boiler or furnace shall be in accordance with (Schedule A).

Permit fees for the installation of each floor furnace, wall circulator or heater, recessed wall circulator or heater, vented circulating heater in multi-family houses, direct fired unit heater, gas steam radiator, rotary dryer direct fired, blast furnace, and annealing furnaces shall be in accordance with (Schedule A).

Permit fees for the installation of each replacement boiler or furnace connected to existing distribution system or installed and connected to distribution system installed by others under separate permit and addition, conversion, or replacement of mechanical firing equipment shall be in accordance with (Schedule B).

Permit fees for the installation or replacement of distribution systems connected to existing boilers or furnaces, or the installation or replacement of distribution system installed and connected to boilers or furnaces installed by others under separate permits shall be in accordance with (Schedule B).

Permit fees for the installation of each refrigeration system including the distribution system, condenser, receiver, cooling tower or evaporative condenser, coils and air handling units shall be in accordance with (Schedule C).

The schedule of permit fees as hertofore specified shall entitle the person, firm or corporation obtaining the permit the required number of inspections for the completion of the installation of the equipment and/or system involved plus one inspection where defects are noted in the installation of the equipment and/or system.

Where additional trips are required to inspect such defective equipment and/or system, a penalty equal to the original fee but not to exceed three dollars (\$3.00) shall be imposed for each additional trip, such payment to be made to the City of Charlotte.

## Section 5-112. SCHEDULE OF PERMIT FEES.

<u>Heating System in BTU INPUT</u>		<u>Schedule (a)</u>	<u>Schedule (b)</u>
0 to	150,000	\$ 3.00	\$ 1.50
151,000 to	500,000	5.00	2.50
501,000 to	5,000,000	20.00	10.00

  

<u>Air Conditioning and/or Refrigeration</u>		<u>Schedule (c)</u>	<u>Schedule (d)</u>
0 to	5 tons	3.00	2.00
6 to	25 H.P.	5.00	3.00
26 to	50 H.P.	10.00	5.00
51 and up		20.00	10.00

Fee for inspection of any of above equipment installed in a crawl space where the clearance is less than 5'-0" will be double the above schedule.

Section 5-113. INSPECTIONS. (a) Upon completion of the work which has been authorized by issuance of any permit, it shall be the duty of the person installing the same, to notify the Mechanical Inspector who will inspect the installation within twenty-four (24) hours exclusive of Saturdays, Sundays and holidays, of the time such notice is given or as soon thereafter as practicable.

(b) When any portion of the Mechanical installation is to be hidden from view by permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Mechanical Inspector, and such parts of the equipment installation shall not be concealed until it has been inspected and approved by the Mechanical Inspector. On large installations, where the concealment of parts of the equipment proceeds continuously, a person, firm or corporation installing the equipment shall give the Mechanical Inspector due notice and inspections shall be made periodically during progress of the work.

(c) The Mechanical Inspector shall make periodic re-inspection of devices, appliances and equipment now installed and they may hereafter be installed within the City of Charlotte and within the scope of this Ordinance and when the installation of any such devices, appliances or equipment is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified in writing and shall make or have made the necessary repairs or changes required to place such devices, appliances or equipment in safe condition and have such work completed within 48 hours or such longer period as may be specified by the Inspector in said notice.

(d) Where the Mechanical Inspector finds the installation to be in conformity with the provisions of this Ordinance, he shall issue to the person, firm or corporation making the installation, a certificate of approval authorizing the use of the installation.

Section 5-114. AUTHORITY OF OTHER DEPARTMENTS. Nothing in this Ordinance

shall be construed as limiting the authority of the Fire Department, the Health Department or other Departments of the City in making inspections under their respective health or safety regulations.

Section 5-115. ELECTRICAL WORK IN CONNECTION WITH THIS ORDINANCE. All electrical work in connection with any work covered by this Ordinance shall be in accordance with the requirements of the City Electrical Code, and all such work shall be installed by licensed electricians. Permit fees for electrical work and/or heating shall be as called for in the Electrical Code.

Section 5-116. OPERATION OF CONDEMNED EQUIPMENT. It shall also be unlawful to turn on or permit to be used any equipment covered by this Ordinance which has been condemned by the City Inspector until such causes or condemnation shall have been put in safe condition.

Section 5-117. EXISTING INSTALLATIONS. When additions or alterations are made to an existing installation, the entire system shall be subject to inspection and shall be altered or repaired as directed by the Mechanical Inspector to bring the entire installation up to acceptable standards, not to exceed the requirements of this Code.

Section 5-118. STATE CODE. The 1958 edition of the North Carolina State Building Code, Article XXII, "Code for the Installation of Heat Producing Appliances, Heating, Ventilating, Air Conditioning, Blower and Exhaust Systems", referred to hereinafter as the State Code is hereby adopted as the Mechanical Code of the City of Charlotte, and three copies shall be on file with the City Clerk for the information and guidance of interested parties.

APPROVED AS TO FORM

John D. Shaw  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, on the 1st day of May, 1961, the reference having been made in Minute Book 40, at Page 342 and recorded in full in Ordinance Book 13, beginning at Page 56.

Lillian R. Hoffman  
City Clerk

ORDINANCE NO. 26 AMENDING CHAPTER 5 MAKING CHANGES AND ADDITIONS  
TO THE ADMINISTRATION SECTION OF ARTICLE I.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That, the City Code of the City of Charlotte, Chapter 5, be, and the same is hereby amended by:

- (1) Add at beginning of Chapter 5 the words "Article I Buildings."
- (2) Insert between the word "stringent" and the word "shall " in Section 5-3 (h) the following: "provisions approved by the North Carolina State Building Code Council."
- (3) Add the following before the last sentence in Section 5-4 (c):  
"Persons without a permit who begin construction work on projects requiring a permit will be required to pay double the inspection fee as determined in Section 5-9."
- (4) Delete the last sentence and add the following in Section 5-4 (e):  
"The Superintendent may issue a permit without a bond for minor work to the owner of the building when such new work does not exceed \$1,000.00 and when such new work will not be connected to City Water and/or Sewer System."
- (5) Delete the entire sub-section and change to read as follows in Section 5-5 (a): Inspection Department. The Inspection Department shall be composed of Superintendent, Assistant Superintendent, Chief Electrical Inspector, Chief Plumbing Inspector, Chief Building Inspector, Chief Zoning Inspector, and a Chief Mechanical Inspector and other employees as shall be deemed necessary by the City Council and whose compensation shall be fixed by the City Council."
- (6) Delete the words "Chief Building Inspector" where they appear in Section 5-1 through Section 5-9 and replace with "Superintendent."

Section 2. That this Ordinance shall be in full force and effect from and after its adoption.

APPROVED AS TO FORM:

John D. Shaw  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, on the 1st day of May, 1961, the reference having been made in Minute Book 40, at Page 342 and recorded in full in Ordinance Book 13, at Page 64.

Lillian R. Hoffman  
City Clerk