

★ **Roll Call Number**

Agenda Item Number

51C

Date November 18, 2019

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 26-500, 26-501, 26-550, and 26-551, and by repealing Division 2. Deletions and Amendments, and Division 3. National Fuel Gas Code Amendments of Article V. Mechanical Code and Fuel Gas Code, of Chapter 26, Buildings and Building Regulations, and repealing Section 26-552, relating to adoption of the State Mechanical Code",

presented. **(Council Communication No. 19-499)**

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

**CERTIFICATE**

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

51C

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 26-500, 26-501, 26-550, and 26-551, and by repealing Division 2. Deletions and Amendments, and Division 3. National Fuel Gas Code Amendments of Article V. Mechanical Code and Fuel Gas Code, of Chapter 26, Buildings and Building Regulations, and repealing Section 26-552, relating to adoption of the State Mechanical Code.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 26-500, 26-501, 26-550, and 26-551, and by repealing Division 2. Deletions and Amendments, and Division 3. National Fuel Gas Code Amendments of Article V. Mechanical Code and Fuel Gas Code, of Chapter 26, Buildings and Building Regulations, and repealing Section 26-552, relating to adoption of the State Mechanical Code, relating to adoption of the State Mechanical Code, as follows:

**ARTICLE V. MECHANICAL CODE AND FUEL GAS CODE**

Division 1. Generally

**Sec. 26-500. Adoption of International State Mechanical Code, National Fuel Gas Code, and Liquefied Petroleum Gas Code.**

- (a) ~~This article shall consist of the~~ The State Mechanical Code which, consists of the 2018 edition of the International Mechanical Code (“IMC”) 2015 edition, published by the International Code Council, 4051 West Flosmoor Road, Country Club Hills, IL 60478 (“IMC”), with amendments, as provided in 641 I.A.C. 61.2(105), the National Fuel Gas Code 2015 edition (“NFPA 54”) published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, and the Liquefied Petroleum Gas Code 2014 edition (“NFPA 58”) published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471 is adopted and which volumes are incorporated by this reference in its ~~their~~ entirety, as though set forth in this article, except as otherwise indicated in this article. This adoption of the State Mechanical Code is pursuant to Iowa Code Section 105.4.
- (b) This article and all provisions incorporated in this article, by reference or otherwise, shall be known as the mechanical code ~~or fuel gas code~~. References to section numbers not

preceded by "26-" will be to sections in the International State Mechanical Code, National Fuel Gas Code, and Liquefied Petroleum Gas Code.

- ~~(e) All references to the International Plumbing Code found within the International Mechanical Code, National Fuel Gas Code and Liquefied Petroleum Gas Code shall be replaced with the appropriate reference to the Uniform Plumbing Code.~~
- ~~(d) All references to the International Energy Conservation Code ("IECC") found within the IMC and NFPA 54 shall be interpreted to refer to the 2012 edition until such time the State of Iowa mandates enforcement of the 2015 IECC.~~
- ~~(e) One and Two family dwellings and townhomes shall be governed by Chapters 12-23 of the 2012 International Residential Code for mechanical equipment installation as adopted pursuant to section 26-300.~~

**Sec. 26-501. Mechanical permit required.**

- (a) Mechanical permits are required as identified in IMC chapter 1, part 2 for any installation, alteration, repair, replacement, or remodel to a mechanical system regulated by the State Mechanical Code.
- (b) A fee for each mechanical permit shall be paid to the building official in the amount set in the schedule of fees adopted by the city council by resolution.

Division 2. ~~Deletions and Amendments~~ Repealed by Ord. No. 15,---.

**~~Sec. 26-505. Deletions and Amendments.~~**

~~The remaining sections in this article are amendments and additions to the requirements contained in the International Mechanical Code (IMC) or the National Fuel Gas Code (NFPA 54), and where their requirements conflict with these codes, the requirements of this article shall prevail.~~

**~~Sec. 26-506. International Mechanical Code.~~**

- ~~(a) Delete all references to the International Fuel Gas Code and replace with the National Fuel Gas Code NFPA 54-2015 edition and the Liquefied Petroleum Gas Code NFPA 58-2014 edition.~~
- ~~(b) Delete all references to the International Plumbing Code and replace with the Uniform Plumbing Code 2015 edition.~~
- ~~(c) Delete section 103.~~
- ~~(d) Delete section 106.5.~~
- ~~(e) Delete section 109.~~

**~~Sec. 26-507. Definitions.~~**

~~Amend section 202 by adding the following definition, "portable". The term "portable" as set forth in section 106.2 shall mean that which may be easily and/or readily carried or transported by hand from place to place without tools or aid of devices.~~

**Sec. 26-508. Mechanical equipment and service access.**

- (a) ~~Delete section 306.1 and insert in lieu thereof the following new section. 306.1 Access. Appliances, control devices, heat exchangers and HVAC system components that utilize energy shall be accessible for inspection, service, repair and replacement without disabling the function of a fire-resistance rated assembly or removing permanent construction, other appliances, electrical equipment or disconnects, venting systems or any other piping or ducts not connected to the appliance being inspected, serviced, repaired or replaced. An unobstructed level working space at least 30 inches deep and 30 inches wide shall be provided on any side of equipment where service access is required. Permit and Development division staff may approve service space reductions prior to equipment installation, provided manufacturer's instructions are met.~~
- (b) ~~Section 306.5 is amended by adding the following at the end of the section: If the tenants of a multiple tenant building have, or are allowed to have, mechanical facilities on or which penetrate the roof, then roof access ladders must be provided for use by all such tenants and their agents and contractors in a manner that does not require accessing space under the control of another tenant.~~

**Sec. 26-509. Ductless mini-split condensate drains.**

~~Delete section 307.2.4.1 and insert in lieu thereof the following new section: 307.2.4.1 Ductless mini-split system traps. Ductless mini-split equipment that produces condensate shall be installed per manufacturer's installation instructions.~~

**Sec. 26-510. Ventilation.**

- (a) ~~Delete section 401.2 and insert in lieu thereof the following new section. 401.2 Ventilation required. Every occupied space shall be ventilated by mechanical means in accordance with section 403. Where the air infiltration rate in a dwelling is less than 5 air changes per hour when tested with a blower door at a pressure of .2 inches of water column in accordance with Section 402.4.1.2 of the energy conservation code, the dwelling shall be ventilated by mechanical means in accordance with Section 403.~~
- (b) ~~Delete section 401.1 and insert in lieu thereof the following new section. 401.1 Scope. This chapter shall govern the ventilation of spaces within a building intended to be occupied. These buildings shall meet either the requirements of ASHRAE 62.1, "Ventilation for Acceptable Indoor Air Quality", 2013 edition published by the American Society of Heating, Refrigeration, and Air Conditioning Engineers, 1791 Tullie Circle N.E, Atlanta, GA 30329, or the requirements contained in this chapter. Mechanical exhaust systems, including exhaust systems serving clothes dryers and cooking appliances; hazardous exhaust systems; dust, stock, and refuse conveyor systems; slab-soil exhaust systems; smoke control systems; energy recovery ventilation systems; and other systems specified in Section 502 shall comply with Chapter 5.~~
- (c) ~~Delete section 402.~~
- (d) ~~Amend Table 403.3 by adding the following footnote "i" related to the gym, stadium, arena (play area) category of the sports and amusement occupancy classification in Table 403.3,~~

~~Minimum Ventilation Rates: i. When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/ or source control shall be provided.~~

**~~Sec. 26-511. Dryer Duct Exhaust Piping.~~**

~~Delete section 504.8.2 and insert in lieu thereof the following new section: 504.8.2 Duct Installation. Exhaust ducts shall be supported at 4 foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined by screws or similar fasteners that protrude into the inside of the duct.~~

**~~Sec. 26-512. Duct Location.~~**

~~Insert section 603.1.1 Duct location. Air plenums and ducts located in floor and wall cavities shall be separated from unconditioned space by construction with insulation to meet energy code requirements. These areas include but are not limited to exterior walls, cantilevered floors, and floors above garages.~~

**~~Sec. 26-513. Boiler Clearance.~~**

~~Amend section 1004.3 by inserting the following at the end of the section. "The 18 inch unobstructed width required by IMC section 1004.3 shall not be reduced where access is required for service or inspection. Permit and Development division staff may approve service space reductions prior to equipment installation, provided manufacturer's instructions are met."~~

~~Division 3. National Fuel Gas Code Amendments Repealed by Ord. No. 15,---~~

**~~Sec. 26-521. Corrugated Stainless Steel Tubing Arc Resistant.~~**

~~Delete chapter 5.6.3.4 and insert in lieu thereof the following new section:  
5.6.3.4 Corrugated Stainless Steel (CSST). Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufactures instructions and this code including electrical bonding requirements in Section 7.13.2. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.~~

**~~Sec. 26-522. Prohibited locations of CSST.~~**

~~Notwithstanding the provisions of chapter 7.2.6 of NFPA 54, corrugated stainless steel tubing shall not be installed where subject to physical damage. Locations subject to physical damage include but are not limited to building exteriors and where used as an appliance connector between the appliance and shutoff valve.~~

**~~Sec. 26-523. Underground gas piping.~~**

~~Underground gas piping systems shall be installed a minimum of 18 inches below grade.~~

**~~Sec. 26-524. Strike protection for gas piping.~~**

~~Notwithstanding the provisions of chapter 7.3.4 of NFPA 54, metal striker plates shall be provided for all gas piping that is located within 3 inches from any edge of a stud, joist plate, etc.~~

Division 4. Licenses

**Sec. 26-550. Mechanical and plumbing contractor's license.**

Only those individuals or business entities holding a mechanical or plumbing contractor license issued by the Iowa plumbing and mechanical systems licensing board may apply for and obtain permits to conduct mechanical and plumbing work in the City of Des Moines.

- ~~(a) — Except as provided in section 26-552, only those individuals or business entities holding a mechanical or plumbing contractor license as recognized in this section may apply for and obtain permits to conduct mechanical or plumbing work in the City of Des Moines.~~
- ~~(b) — Any person, firm or business engaged in, or which presents itself as engaging in any plumbing, HVAC, refrigeration or hydronic systems activity or business within the city, shall present for copying by the building official, all licenses issued by the Iowa Plumbing and Mechanical Systems Board, to any of its workers or employees prior to such workers or employees engaging in such work within the city.~~
- ~~(c) — *Mechanical contractor.* Except as otherwise provided in this chapter, no person, firm or business shall engage in, or present itself as engaging in any HVAC, refrigeration or hydronic systems activity or business regulated by article V of this chapter, unless it is a mechanical contractor licensed to engage in such discipline of the mechanical contractor trade by the Iowa Plumbing and Mechanical Systems Board and is, or employs, a master mechanic licensed in such trade by such board.~~
- ~~(d) — *Plumbing contractor.* Except as otherwise provided in this chapter, no person, firm or business shall engage in, or present itself as engaging in, any plumbing activity or business regulated by article VI of this chapter unless it is a plumbing contractor licensed as such by the Iowa Plumbing and Mechanical Systems Board and is, or employs, a master plumber licensed as such by such board.~~

**Sec. 26-551. Master, journeyman, and apprentice license required.**

- ~~(a) — Except as provided in section 26-552, a~~ A person shall not install or repair plumbing, HVAC, refrigeration, or hydronic systems without first obtaining a license issued by the State of Iowa for the applicable trade or discipline, or install or repair medical gas piping systems without first obtaining a valid certification approved by the Iowa plumbing and mechanical systems examining board. Those persons working in the mechanical and plumbing trades or disciplines who have been issued a license by the Iowa plumbing and mechanical systems examining board pursuant to I.C. chapter 105, shall be recognized as

licensed and eligible to work in the city within the scope of activities authorized by such licenses.

- ~~(b) — Except as provided in section 26-552, a person shall not engage in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, or hydronic systems unless at all times a state licensed master in such discipline, who shall be responsible for the proper designing, installing, and repairing of the HVAC, refrigeration, or hydronic system, is employed by the person and is actively in charge of the plumbing, HVAC, refrigeration, or hydronic work of the person. An individual who performs such work pursuant to a business operated as a sole proprietorship shall be a state licensed master in the applicable discipline.~~
- ~~(e) — *State licenses — mechanical and plumbing.* Those persons working in the mechanical and plumbing trades who have been issued a license by the Iowa plumbing and mechanical systems examining board pursuant to I.C. chapter 105, shall be recognized as licensed and eligible to work in the city within the scope of activities authorized by such licenses.~~

**Sec. 26-552. Exemptions from licensing requirements Repealed by Ord. No. 15,---**

The requirements imposed by sections 26-550 and 26-551 shall not be construed to:

- ~~(1) — Apply to a person licensed as an engineer pursuant to I.C. chapter 542B, licensed as a manufactured home retailer or certified as a manufactured home installer pursuant to I.C. chapter 103A, registered as an architect pursuant to I.C. chapter 544A, or licensed as a landscape architect pursuant to I.C. chapter 544B who provides consultations or develops plans or other work concerning plumbing, HVAC, refrigeration, or hydronic work and who is exclusively engaged in the practice of the person's profession.~~
- ~~(2) — Require employees of municipal utilities, electric membership or cooperative associations, public utility corporations, rural water associations or districts, railroads, or commercial retail or industrial companies performing manufacturing, installation, service, or repair work for such employer to hold licenses while acting within the scope of their employment. This licensing exemption does not apply to employees of a rate-regulated gas or electric public utility which provides plumbing or mechanical services as part of a systematic marketing effort, as defined pursuant to I.C. section 476.80.~~
- ~~(3) — Prohibit an owner of property from performing work on the owner's principal residence within the scope of section 26-136(b), if such residence is an existing dwelling rather than new construction and is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities, or require such owner to be licensed under this chapter. In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.~~
- ~~(4) — Require that any person be a member of a labor union in order to be licensed.~~
- ~~(5) — Apply to a person who is qualified pursuant to administrative rules relating to the storage and handling of liquefied petroleum gases while engaged in installing, servicing, testing, replacing, or maintaining propane gas utilization equipment, or gas piping systems of which the equipment is a part, and related or connected accessory systems or equipment necessary to the operation of the equipment.~~

- ~~(6) — Apply to a person who meets the requirements for a certified well contractor pursuant to I.C. section 455B.190A while engaged in installing, servicing, testing, replacing, or maintaining a water system, water well, well pump, or well equipment, or piping systems of which the equipment is a part, and related or connected accessory systems or equipment necessary to the operation of the water well.~~
- ~~(7) — Require a helper engaged in general manual labor activities while providing assistance to an apprentice, journey person, or master to obtain a plumbing, HVAC, refrigeration, or hydronic license. Experience as a helper shall not be considered as practical experience for a journey person license.~~
- ~~(8) — Apply to a person who is performing work subject to chapter I.C. 100C.~~
- ~~(9) — Apply to an employee of any unit of state or local government, including but not limited to cities, counties, or school corporations, performing work on a mechanical system or plumbing system, which serves a government owned or government-leased facility while acting within the scope of the government employee's employment.~~
- ~~(10) — Apply to the employees of manufacturers, manufacturer representatives, or wholesale suppliers who provide consultation or develop plans concerning plumbing, HVAC, refrigeration, or hydronic work, or who assist a person licensed under this chapter in the installation of mechanical or plumbing systems.~~
- ~~(11) — Prohibit an owner or operator of a health care facility licensed pursuant to I.C. chapter 135C, assisted living center licensed pursuant to I.C. chapter 231C, hospital licensed pursuant to I.C. chapter 135B, adult day care center licensed pursuant to I.C. chapter 231D, or a retirement facility certified pursuant to I.C. chapter 523D from performing work on the facility or requiring such owner or operator to be licensed under this chapter; except for projects that exceed the dollar amount specified as the competitive bid threshold in I.C. section 26.3.~~
- ~~(12) — Prohibit a rental property owner or employee of such an owner from performing routine maintenance on the rental property.~~

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Ann DiDonato  
Assistant City Attorney