



REQUEST FOR COMMISSION ACTION

CITY OF INDEPENDENCE

January 14, 2021

Department Building

Director Approval David Cowan

AGENDA ITEM Consider authorizing staff to draft modifications to City Code relating to HVAC and Mechanical work.

SUMMARY RECOMMENDATION City staff recommends authorizing staff to work on modifications to the Mechanical Code.

BACKGROUND The City of Independence has adopted the 2012 Uniform Mechanical Code. The building department uses this code to approve new construction and installation of the mechanical and HVAC systems. The City Code currently does not regulate local HVAC installation, service and/or repair of existing mechanical units beyond requiring a local business license. The City has been contacted by a local business and received several citizen complaints requesting mechanical inspections and codes in the City. City Staff also visited with the Electrical and Plumbing Boards, with both Boards agreeing codes and inspections need to be implemented.

City Staff is requesting direction whether the Commission would like us to proceed with drafting modifications to City Code relating to HVAC and Mechanical work. Once the draft is completed, it would be presented to the Commission for adoption by ordinance. City Staff will work with the local City licensed HVAC businesses and City Attorney in the development of these codes. City Staff has provided a copy of Parsons Mechanical Code.

BUDGET IMPACT No Budget Impact

SUGGESTED MOTION I move to direct City staff to proceed with drafting a Mechanical code for Commission consideration.

SUPPORTING DOCUMENTS

1. Letter from Brian Beecham, Lee's Cooling & Heating Co
2. City of Parsons, Kansas Mechanical Code
3. Independence, Kansas City Code -- Division 5. The Uniform Mechanical Code
4. KSA 12-1541



Subject: Mechanical License requirement.

I am writing asking for the city to take into consideration adopting a minimum licensing standard, consistent with electricians and plumbers, for HVAC work performed inside city limits.

We work in an industry where we are required to work with electricity, natural gas and propane, open flames, fire safety codes, handling of explosive and hazardous materials, upon many other items which can be potentially hazardous to residents of Independence. Neighboring towns, Parsons being an example, have already enforced stricter guidelines for HVAC contractors. The minimum safety standard should start with city requirements and we should be on the same professional level as other similar trades, plumbers/electricians. I also feel a mechanical board would be required to regulate the code standards and enforcement.

Too many times a employee with no experience has went to work for a local HVAC contractor. And within 2 years they are out in a truck, with limited tools and knowledge, starting their own business. There is nothing wrong with competition, as long as it is good competition. HVAC technical training at a certified school typically lasts 1-2 years. So this is the level of experience working in our town with a retail license.

There is no question we work in a very demanding and strenuous field. With improvements in technology, efficiency, safety standards, digital communications, and customer expectations. It is very difficult for highly trained organizations and HVAC professionals to represent our industry properly when inexperience is so easily welcomed in to the fold as equals. So please take this consideration seriously as it can raise the standards of what our community can expect the next time they call on our trade's service in their time of need.

Sincerely,

Brian Beecham

*City of Parsons, KS
Thursday, January 7, 2021*

Chapter 420. Mechanical Systems

§ 420-1. Definitions.

[Amended 3-16-1992 by Ord. No. 5589]

When used in this chapter, the following words or terms shall have the meanings respectively ascribed to them in this section:

APPRENTICE MECHANIC

Any person who is working at the trade in the employment of a licensed mechanical contractor and is under the direct supervision of a master mechanic or a journeyman mechanic (definition not included in state statutes).^[1]

JOURNEYMAN MECHANIC

Any person having the necessary qualifications, training, experience and technical knowledge to install and repair mechanical heating, ventilation and air-conditioning systems (K.S.A. § 12-1540).
^[2]

MASTER MECHANIC

Any person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out and supervise the installation and repair of mechanical heating, ventilation and air-conditioning systems (K.S.A. § 12-1540).^[3]

MECHANICAL HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTOR

Any person, firm, copartnership, corporation, association or combination thereof who or which undertakes or offers to undertake for another, for hire, the planning, laying out, supervision and installing or making of additions, alternations, and repairs in the installation of mechanical heating, ventilation and air-conditioning systems (K.S.A. § 12-1540).

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 420-2. Civil liability.

Nothing in this chapter shall in any way relieve any mechanic from responsibility for materials he furnishes or installs or impair in any way his liability for failure to use due care in protecting life and property in the subsequent use of mechanical installations made by him, nor shall the City be held as assuming liability by reason of any inspection authorized herein or certificate issued.

§ 420-3. Administrative authority; Mechanical Inspector.

When the Mechanical Code heretofore adopted^[1] shall use the term "Administrative Authority" the same shall be deemed to mean the City Manager of the City of Parsons, Kansas, who shall in turn designate a Mechanical Inspector.

[1] *Editor's Note: See § 225-1 of this Code.*

§ 420-4. Records; right of entry.

- A. The Mechanical Inspector shall keep complete records of all permits issued, inspections made and certificates issued and all other official work performed under the provisions of this chapter. All necessary blanks and record books shall be provided by the City.
- B. The Mechanical Inspector shall have the right and privilege to enter any building within the City within reasonable hours for the purpose of making inspections of heating, ventilation, and cooling equipment or appliance installations constructed or under construction in such building.

§ 420-5. Inspection required.

Mechanical systems for which a permit is required by this chapter shall be inspected by the Mechanical Inspector. No portion of any mechanical system intended to be concealed shall be concealed until inspected and approved.

§ 420-6. Appeals.

[Amended 1-16-2001 by Ord. No. 5902]

An appeal may be taken from an order or decision of the Mechanical Inspector to the Building Trades Board. The decision of the Board shall be final and binding. No appeal shall be allowed from any order or decision of the Mechanical Inspector unless the same is requested within 30 days of the order or decision.^[1]

[1] *Editor's Note: Original § 7-173, Board of Plumbing and Mechanical Examiners, which immediately followed this section, was repealed 1-16-2001 by Ord. No. 5902. See now Ch. 20, Art. VIII, Building Trades Board.*

§ 420-7. Permit required.

Every person, before entering upon any construction or erection of any mechanical system regulated by this chapter in any new building or any original installation in any building or any alteration in the City shall obtain a permit from the Mechanical Inspector describing the proposed work before proceeding.

§ 420-8. Persons eligible for permit.

[Amended 11-15-2004 by Ord. No. 6023]

A permit required by this chapter shall only be issued to:

- A. A licensed mechanical contractor.
- B. Any property owner of residential property personally performing any mechanical improvements, alterations or construction within or upon residential property owned by him or her, provided that the owner of residential property shall secure a permit, pay required fees, do work in accordance with this chapter, apply for an inspection and receive approval. Personal mechanical construction by an owner of residential property under this subsection shall be by himself or herself, for himself or herself, on his or her own property, without compensation, and no person shall be employed to assist him or her in any way on such work except a contractor licensed by the City.^[1]

[1] *Editor's Note: Original § 7-181, Special qualifications for mechanical journeyman and master mechanical, which immediately followed this section and was amended 3-16-1992 by Ord. No. 5589, was repealed 1-16-2001 by Ord. No. 5902.*

§ 420-9. Liability.

[Added 11-15-2004 by Ord. No. 6023]

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any mechanical construction for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

§ 420-10. Ratio of apprentice to journeyman.

The ratio for apprentice will be one apprentice to one journeyman.

§ 420-11. License and certificate required.

[Amended 1-16-2001 by Ord. No. 5902]

A. It shall be unlawful for any person to engage in business as a mechanical heating, ventilation and air-conditioning contractor without a license from the City. It shall be unlawful for any person to engage as a master mechanic or a journeyman mechanic without a certificate issued by the City. No person shall be issued a license or certificate pursuant to this chapter unless he/she pays the appropriate fee listed below to the City:^[1]

- (1) Mechanical heating, ventilation and air-conditioning contractor license: \$50.
- (2) Master mechanic certificate: \$35.
- (3) Journeyman mechanic certificate: \$25.

^[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

B. All such certificates and licenses shall be in effect to the end of the calendar year, at which time they may be renewed upon receipt of appropriate fees.

C. All fees shall be paid at the office of the City Clerk. The full amount of the required fee shall be paid at the time of issuance of the license or certificate irrespective of the date of issuance.

§ 420-12. Examination; proof of competency.

[Amended 3-16-1992 by Ord. No. 5589; 1-16-2001 by Ord. No. 5902^[1]]

No person shall be issued an original or initial certificate unless he/she successfully passes an examination with a score of 75% or greater designated by K.S.A. § 12-1541 and amendments thereto. A certificate of competency from such examination shall be valid proof of the competency of a master or journeyman mechanic, and the applicant shall be issued the appropriate license after which time a person has paid the appropriate fee as listed in § 420-11. Any person who holds a valid license or certificate issued by the City of Parsons on the effective date of this section as a master or journeyman mechanic shall be considered to have valid proof of competency, and said person shall be allowed to renew the license or certificate so issued if the license or certificate to be renewed is otherwise current and shall be exempt from the examination requirements.

^[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 420-13. Contractor's license.

[Amended 1-16-2001 by Ord. No. 5902^[1]]

Any person, firm or corporation desiring to engage in business as a mechanical heating, ventilation and air conditioning contractor in this City shall pay a license fee as provided in § 420-11. Said license shall be issued by the City Clerk. The license fee required herein shall extend to a master mechanic engaged in the business of mechanic within the City and shall likewise extend to mechanical heating, ventilation and air conditioning contractors who have in their employ a master mechanic. It is the intent and purpose of this section to require one license fee only for each person, firm or corporation engaging in the business of mechanical heating, ventilation and air-conditioning contractor within the City as an individual unit.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 420-14. Liability insurance.

[Amended 8-19-1991 by Ord. No. 5571; 1-16-2001 by Ord. No. 5902]

Before a mechanical heating, ventilation and air-conditioning contractor license is issued, the person making application shall have on file with the City Clerk a certificate of liability insurance and products liability insurance with completed operations endorsement in the amount of \$300,000. Said certificate shall require the insurance company to notify the City Clerk in the event of cancellation.

§ 420-15. Revocation of license or certificate.

[Amended 1-16-2001 by Ord. No. 5902]

The Building Trades Board, upon five days' notice to the person holding a license or certificate under the provisions of this chapter, may revoke such license or certificate if said licensee has been convicted in court of violating any of the provisions of this license or if said license or certificate has been fraudulently obtained or for other good cause shown. In the case of revocation of the license or certificate of any such licensee, no new license or certificate shall be issued to such person or any person on his behalf for a period of 90 days thereafter. Upon written notice filed in the City Clerk's office within 10 days after action taken by the Building Trades Board, said action may be appealed to the governing body of the City of Parsons for hearing and review of any aggrieved party.

§ 420-16. Transfer of license or use by another.

A license issued pursuant to this chapter shall be nontransferable. It shall be unlawful for any person to allow or permit his license to be used by another for the purpose of securing any permit required by this chapter.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 420-17. Display of license.

[Amended 1-16-2001 by Ord. No. 5902^[1]]

All mechanical heating, ventilation and air-conditioning contractors licensed by the City shall display or post the required license in their place of business, and all persons licensed by the City to work in the mechanical trades shall carry their licenses on their persons and exhibit the same on demand of the City Building Inspector, his/her assistant or any officer of the City. An apprentice mechanic must possess at all times documentation that clearly identifies the mechanical heating, ventilation and air-conditioning contractor employing the apprentice and the name and address of the certified journeyman or master or residential mechanic that is responsible for directly supervising the work of the apprentice.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

DIVISION 5. - THE UNIFORM MECHANICAL CODE

Sec. 18-621. - Adopted.

The 2012 Edition of the Uniform Mechanical Code is adopted and is incorporated by reference as if fully set forth herein subject to the following amendments, deletions and additions. Any prior version of this code previously adopted is hereby repealed.

(Ord. No. 4267, § 1, 12-14-17)

Sec. 18-622. - Modifications, supplements and amendments.

- (a) Chapter 1, Part II Section 108 shall be deleted.
- (b) Chapter 1, Part III, Section 111.1 shall be replaced with the following: "Permits shall be required on replacement of mechanical systems where the system(s) is/are an increase in areas served and or size. Permit(s) will also be required if adding or installing a system in an area or structure that didn't previously have a mechanical system.
- (c) Chapter 1, Part III, Section 111.2: add the following to the exemptions "A permit shall not be required when a system is being replaced with another system of same size and operating capacity and function."
- (d) Chapter 1, Part III Section 114.1: shall be deleted
- (e) Chapter 1 Part III Section 114.2: delete table 114.1 & replace with permit fee schedule currently adopted.

(Ord. No. 4267, § 2, 12-14-17)



2019 Kansas Statutes

12-1541. Competency of mechanical heating, ventilation and air conditioning contractors, masters and journeymen; designation of standard examinations.

Standard examinations for the determination of competency of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics, as promulgated or administered, or both, by the international code council (ICC), the international association of plumbing and mechanical officials

(IAPMO) or Prometric, a current subsidiary of educational testing services in effect on July 1, 2008, are hereby designated as the standard examinations for determining the qualification of persons seeking licensure as mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics, for the purposes of this act.

Histocy: L. 1989, ch. 59, § 2; L. 1992, ch. 60, § 2; L. 2008, ch. 34, § 3; July 1.