

BILL NO. 1970

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE III SECTION 6-65 OF THE CUBA CITY CODE RELATING TO THE INTERNATIONAL MECHANICAL CODE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CUBA, MISSOURI, TO-WIT:

SECTION 1. That Chapter Six Article III Section 6-65 of the Municipal Code of the City of Cuba is hereby amended and the 2018 International Mechanical Code is adopted with a new sub-section is hereby established 6-65(F) and the following is added thereof:

SECTION 6-65 (F): INTERNATIONAL MECHANICAL CODE ADOPTION

- A. An ordinance of the City of Cuba adopting the 2018 International Mechanical Code.
 - 1. The City of Cuba, by and through its Board of Aldermen, had determined that the Mechanical Codes of the City of Cuba need to be updated so as to promote the health, safety and welfare of the citizens of Cuba, Missouri, and
 - 2. Section 67.280, RSMo., allows cities to incorporate by reference to certain technical codes.

SECTION 6-65 (F)(a): CERTAIN DOCUMENTS

Three (3) copies of the 2018 International Mechanical Code are on file with the City Clerk of the City of Cuba, Missouri, at City Hall, 210 West Washington, Cuba, Missouri 63080 and are hereby adopted by reference and made a part of the code of Ordinances as fully as if set forth in its entirety.

SECTION 6-65 (F)(b): AMENDMENTS

- A. The code adopted by this Article is hereby amended by substituting the following Sections or portions of Sections for and in lieu of those Sections or portions of Sections with corresponding numbers in the 2018 International Mechanical Code or where there is no corresponding Section in the code, the following Sections shall be enacted as additions to the code.
 - 1. *1.1 Title.* These regulations shall be known as the Mechanical Code of the City of Cuba, hereinafter referred to as >this Code@.
 - 2. *106.4.3 Expiration.* Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 90 days.
 - 3. *106.5.2 Fee Schedule.* Reference Section 160.130 Building Code Fee Schedule

4. ~~106.5.3 Fee refunds.~~ The code official shall authorize the refunding of fees as follows.
1. ~~The full amount of any fee paid hereunder that was erroneously paid or collected.~~
 2. ~~Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid where work has not been done under a permit issued in accordance with this code.~~
 3. ~~Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.~~

~~The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.~~

5. *108.4 Violation Penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ten (10) days, or both such fine and imprisonment.
6. *108.5 Stop Work Orders.* Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than twenty five dollars (\$25.00) or more than five hundred dollars (\$500.00).

SECTION 109 MEANS OF APPEAL

7. *109.1 Application for appeal.* A person shall have the right to appeal a decision of the code official to the Board of Adjustment. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.
8. *109.1.1 Limitation of authority.* The Board of Adjustment shall not have authority relative to interpretation of the administration of this code nor shall such board be empowered to waive requirements of this code.
9. ~~109.2 Membership of board.~~ ~~The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years;~~

one for 3 years; one for 2 years; and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

10. ~~109.2.1 Qualifications.~~—The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.
 1. ~~Registered design professional who is a registered architect, or a builder or superintendent of building construction with not less than 10 years experience, 5 of which shall have been in responsible charge of work.~~
 2. ~~Registered design professional with structural engineering or architectural experience.~~
 3. ~~Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with not less than 10 years experience, 5 of which shall have been in responsible charge of work.~~
 4. ~~Registered design professional with electrical engineering experience; or an electrical contractor with not less than 10 years experience, 5 of which shall have been in responsible charge of work.~~
 5. ~~Registered design professional with fire protection engineering experience; or a fire protection contractor with not less than 10 years experience, 5 of which shall have been in responsible charge of work.~~
11. ~~109.2.2 Alternate members.~~—The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.
12. ~~109.2.3 Chairman.~~—The board shall annually select one of its members to serve as chairman.
13. ~~109.2.4 Disqualification of member.~~—A member shall not hear an appeal in which that member has a personal, professional or financial interest.
14. ~~109.2.5 Secretary.~~—The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.
15. ~~109.2.6 Compensation of members.~~—Compensation of members shall be determined by law.

Chapter 2 Definitions

Chapter 3 General Regulations

16. *306.5 Equipment and appliances on roofs or elevated structures.* Where equipment requiring access or appliances are located on an elevated structure or the roof of a

building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access such equipment or appliances, an interior or exterior means of access shall be provided. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall. Where the elevated structure or roof is between 10 feet and 16 feet above grade then a ladder standoff will be required on the edge of the roof to allow for a portable ladder to be used to access the equipment.

Chapter 4 Ventilation

Chapter 5 Exhaust Systems

17. *502.16.1 Repair garages for hydrogen-fueled vehicles.* Repair garages used for the repair of hydrogen-fueled vehicles shall be provided with an approved exhaust ventilation system in accordance with this code and Chapter 6 of NFPA 2
18. *502.16.2 Exhaust ventilation system.* Repair garages used for the repair of compressed natural gas, liquefied natural gas or other lighter-than-air motor fuel, other than hydrogen, shall be provided with an approved mechanical exhaust ventilation system. The mechanical exhaust ventilation system shall be in accordance with this code and Sections 502.16.2.1 and 502.16.2.2.

~~Exception:—Where approved, natural ventilation shall be an alternative to mechanical exhaust ventilation.~~

19. *508.1 Makeup air.* Makeup air shall be supplied during the operation of commercial kitchen exhaust systems that are provided for commercial cooking appliances. The amount of makeup air supplied to the building from all sources shall be approximately equal to the amount of exhaust air for all exhaust systems for the building. The makeup air shall not reduce the effectiveness of the exhaust system. Makeup air shall be provided by gravity or mechanical means or both. Mechanical makeup air systems, shall be automatically controlled to start and operate simultaneously with the exhaust system. The makeup air system shall automatically shutoff at the time of discharge of the fire extinguishing system. Makeup air intake opening locations shall comply with Section 401.4.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS _____TH DAY OF _____, 2020.

CODY LEATHERS, MAYOR

Attest:

CHRISTINE NASH, CITY CLERK

(City Seal)

Approved as to the form.
WILLIAMS, ROBINSON, RIGLER & BUSCHJOST, P.C.

By: _____

Lance B. Thurman, 51214
901 North Pine Street, Fourth Floor
Post Office Box 47
Rolla, Missouri 65402
(573) 341-2266

ATTORNEYS FOR THE CITY OF CUBA, MISSOURI

Alderman	Vote on First Reading On _____, 2020	Vote on Second Reading On _____, 2020
Kevin Copling		
Sam Black		
Debbie Martin		
Warren Graddy		
Curtis Holt		
Jeff Bouse		