

CHAPTER 68

MECHANICAL CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said Code, except as modified by the provisions of this Chapter.

2. **MECHANICAL CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the International Mechanical Code 2015 and the International Fuel Gas Code 2015 of the International Code Council, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference, the same to be known, and which may be cited, as "The Mechanical Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2018-66, November 5, 2018, Effective January 1, 2019)

(Amended, Ordinance No. 2011-50, August 15, 2011)

(Amended, Ordinance No. 2007-20, April 2, 2007)

(Amended, Ordinance No. 2005-10, February 21, 2005)

(Amended, Ordinance No. 2002-44, June 3, 2002)

(Amended, Ordinance No. 2000-26, April 17, 2000)

(Amended, Ordinance No. 97-94, October 20, 1997)

3. **SUBSTITUTIONS.** Whenever in said Code the words, "name of jurisdiction" or "jurisdiction" appear in brackets, said Code is modified by removal of said brackets and substitution of the words, "the City of Decatur, Illinois," in lieu of the words contained therein and whenever the words "name of state" or "State" so appear said Code is so modified and the word "Illinois" so substituted, and said Code shall be taken and construed as if such was

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expressly so set out therein.

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Manager of Building Inspections or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or to the department of mechanical inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2020-03, January 6, 2020, Effective February 1, 2020)

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2005-10, February 21, 2005)

(Amended, Ordinance No. 2000-11, March 13, 2000)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City.

6. **DELETIONS.** The following numbered articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

M Section No. (inclusive)

103.1 - 103.3

106.5.2 - 106.5.3

108.4

109

603.5

(Amended, Ordinance No. 2011-50, August 15, 2011)

(Amended, Ordinance No. 2007-20, April 2, 2007)

(Amended, Ordinance No. 2005-10, February 21, 2005)

(Amended, Ordinance No. 2002-44, June 3, 2002)

(Amended, Ordinance No. 2000-26, April 17, 2000)

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(Amended, Ordinance No. 2018-66, November 5, 2018, Effective January 1, 2019)

International Fuel Gas Code Section No. (inclusive)

103.2

106.6.2

109 (IFGC)

(Amended, Ordinance No. 2011-50, August 15, 2011)

(Amended, Ordinance No. 2002-44, June 3, 2002)

(Amended, Ordinance No. 2018-66, November 5, 2018, Effective January 1, 2019)

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) M-106.5.2 by substituting the words “See Section 9 of Chapter 68 of the City Code” after the words “following schedule”. (Amended, Ordinance No. 2000-26, April 17, 2000)

(b) M-108.4 by deleting the words “of not less than (amount) dollars or more than (amount) dollars”.

(Amended, Ordinance No. 2005-10, February 21, 2005)

(Amended, Ordinance No. 2000-26, April 17, 2000)

(c) Reference to ICC International Plumbing Code in Chapter 16 changed to reference Illinois State Plumbing Code, latest edition, as amended.

(Amended, Ordinance No. 2011-50, August 15, 2011)

(Amended, Ordinance No. 2002-44, June 3, 2002)

(Amended, Ordinance No. 2000-26, April 17, 2000)

(d) M603.5. Nonmetallic ducts. Fibrous duct construction, specifically duct board material, shall not be used as Class 0 or Class 1 air duct.

(Amended, Ordinance No. 2005-10, February 21, 2005)

(Amended, Ordinance No. 2002-44, June 3, 2002)

(Amended, Ordinance No. 2018-66, November 5, 2018, Effective January 1, 2019)

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8. **PERMIT REQUIRED.** It shall be unlawful to do mechanical work in the City unless and until permit for the same has been obtained when required by and issued in accordance with the provisions of the Building Code. All applications for building permits shall be accompanied by complete and finalized plans, specifications, and cost estimates. (Amended, Ordinance No. 2020-03, January 6, 2020, Effective February 1, 2020)

9. **FEES REQUIRED.** No permit shall be issued except upon prior payment of the total building fees as set forth in Chapter 67, Section 9. The fee schedule set forth is cumulative and is in addition to all other fees required by applicable provisions of the municipal code, unless specifically noted to the contrary. (Amended, Ordinance No. 2020-03, January 6, 2020, Effective February 1, 2020)

10. **WORK DONE WITHOUT PERMIT.** Except for work performed in response to an unanticipated emergency at a time other than the regular business hours of the mechanical official and for which a permit is later obtained during the next succeeding regular business day of said official, should any work for which a permit is required be commenced or be done before such permit is issued and obtained the required permit may nonetheless be issued for such and subsequent work; however, the amount of the required fee as provided herein for all work, both that commenced before and that proposed to be done after said permit is issued, shall be double that otherwise so provided, and issuance of such permit shall not, and shall not be construed to be, an excuse from, or waiver of, or defense to or absolution from any liability or action otherwise provided for in said Code or this Chapter but shall be in cumulative of and in addition thereto. Failure to obtain a permit by such means as described previously and occurring three (3) times within a calendar year, shall constitute automatic suspension of contractor's mechanical license for a period of (90) days. (Amended, Ordinance No. 2007-20, April 2, 2007)

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11. **PENALTY.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, install or operate mechanical equipment regulated by said Code of this Chapter, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions thereof. It shall be unlawful to continue work after a stop order has been issued, served or posted under said provisions. Any person, firm or corporation violating or found to be in violation of any of said provisions shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and shall be prosecuted as a separate and distinct offense. (Amended, Ordinance No. 2011-75, October 31, 2011)

12. **OTHER REMEDIES.** The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to stop an illegal act, conduct, business or operation of mechanical equipment or systems in or about any premises.

13. **RE-INSPECTION FEES.** A re-inspection fee of \$45.00 shall be assessed against the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons: (1) The work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made; (2) The inspection reveals that the mechanical system has code violations due to: Mechanical equipment and appliances not being installed in accordance with manufacturer's installation instructions for the labeled equipment; or (3) the work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made.

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(Amended, Ordinance No. 2020-03, January 6, 2020, Effective February 1, 2020)

If an inspection can be made, but 3 or fewer items are found which need correction to fully comply with the Mechanical Code, the permit applicant or licensed subcontractor shall be notified in writing by the Inspection Division of the corrections required, and a re-inspection fee of \$30.00 shall be assessed against the permit applicant or licensed subcontractor only when any subsequently requested inspection reveals that any of the previously noted code violations have not been corrected. (Amended, Ordinance No. 2000-26, April 17, 2000)

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section 11 of this Chapter. No Certificate of Occupancy shall be issued for any building for which re-inspection fees are unpaid.

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14. **WITHHOLDING OF PERMITS.** Building permits may be withheld from a permit applicant, or in the case of combined permits from the licensed subcontractor, who is in violation of Chapters 67, 67.2, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought. (Amended, Ordinance No. 2020-03, January 6, 2020, Effective February 1, 2020)

Such violation may include, but shall not be limited to the following:

- a. Failure to arrange for inspections required under Chapters 67, 67.2, 68, 69, and/or 70.1 of the City Code within a reasonable time frame. (Amended, Ordinance No. 2020-03, January 6, 2020, Effective February 1, 2020)
- b. Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.
- c. Failure to pay required permit or re-inspection fees.
- d. Failure to obtain a building permit for work which required a building permit.
- e. Failure to take reasonable action to notify and obtain approval from the Inspections Division of changes made to approved building permits.
- f. Falsifying information on building permit applications.
- g. Performance of building permit work under an invalid or voided building permit.
- h. Failure to obtain a required Certificate of Occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or licensed subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or licensed subcontractor of the violations, which if corrected, will allow the City to issue to the permit applicant or licensed

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subcontractor additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

The withholding of permits as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

15. **SEVERABILITY.** The provisions hereof are and shall be construed to be severable and invalidity of any section or provision of this Chapter or of the codes and standards hereby adopted, shall not invalidate other sections or provisions hereof.