

CHAPTER 26

HEATING, AIR CONDITIONING AND REFRIGERATION COMMISSION AND CONTRACTORS

1. **BUILDING OFFICIAL AND INSPECTION DIVISION.** Whenever the words "Inspection Division" are used in this chapter, it shall refer to the Building Inspections Division of the Economic and Community Development Department of the City of Decatur, Illinois and whenever the words "building official" are used herein the same refers to the Manager of Building Inspections in said department.

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

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

(Amended, Ordinance No. 2005-09, February 21, 2005)

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

2. **DEFINITIONS.** As used in this Chapter, the following terms shall have the meanings set out herein:

A. Heating, Air Conditioning and Refrigeration Contractor means:

1) Any corporation, partnership, or other person engaged in the business of installing, altering or servicing of heating, air conditioning, ventilation or refrigeration systems.

2) Any private or municipally owned public utility if such public utility installs, or alters, heating, air conditioning, ventilation, or refrigeration systems as herein defined, in connection with or as a part of their business of supplying fuel used in such appliances or equipment. (Amended, Ordinance No. 2007-77, October 1, 2007)

The term Heating, Air Conditioning, and Refrigeration Contractor does not include:

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1) Any electrical contractor regulated or licensed as such under the provisions of the Electrical Code of the City of Decatur, Illinois;

2) Any Heating, Air Conditioning and Refrigeration Mechanic as defined in this Code.

B. Heating, Air Conditioning and Refrigeration Mechanic means: Any individual who installs, services or alters heating, air conditioning or refrigeration systems as herein defined, or who supervises same, and who has passed a written exam approved by the City of Decatur Heating, Air Conditioning and Refrigeration Commission.

(Amended, Ordinance No. 2007-77, October 1, 2007)

C. Heating System means: To include but not limited to (1) Any heating unit intended to warm the atmosphere of any building or rooms therein for human occupancy except heating units that use electric elements to warm such atmosphere without ductwork; (2) Any heating unit, except hot water heaters, designed to produce steam or hot water for purposes other than to warm the atmosphere of a building or room.

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

D. Air Conditioning Systems means: Any air conditioning unit designed to cool the atmosphere of any building or rooms therein used for human occupancy which has a rated heat removal capacity in excess of 20,000 B.T.U.'s per hour; however, any unit regardless of size or rating that is installed in such a manner that it projects from a building where pedestrian traffic will pass below it shall also be included as an air conditioning system.

E. Refrigeration System means: Any refrigeration unit, other than an air conditioning system as defined in this section which is to be used in conjunction with or as an aid to any commercial enterprises but not to include a refrigeration unit used for household purposes.

F. Ventilation System means: To include but not limited to (1) Any exhaust system designed for the removal of odor or contaminants from a building or room, (2) Kitchen exhaust system and make-up ventilation air for a commercial application only.

(Amended, Ordinance No. 2000-32, April 17, 2000).

G. Commission means: The Heating, Air Conditioning and Refrigeration Commission of the City of Decatur, as established by this Chapter.

3. **LICENSE REQUIRED.** (A) No corporation, partnership, or other person shall install, alter or service heating, air conditioning, ventilation or refrigeration systems in the City of Decatur, Illinois, without first having obtained a license as a City of Decatur Heating, Air Conditioning or Refrigeration Contractor. All Heating, Air Conditioning or Refrigeration Contractors shall employ at least one (1) properly licensed Heating, Air Conditioning or Refrigeration Mechanic in a supervisory or administrative capacity; and (2) said mechanic shall be licensed in the city in which is located his or her principal place of business.

(Amended, Ordinance No. 2007-77, October 1, 2007)

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

(B) No person shall install, alter or service heating, air conditioning or refrigeration systems, or supervise same, in the City of Decatur without first having obtained a license as a Heating, Air Conditioning and Refrigeration Mechanic; provided, however that any Heating, Air Conditioning or Refrigeration Mechanic properly licensed through testing comparable to the City of Decatur in a municipality in the State of Illinois, may install, alter or service heating, air conditioning and refrigeration systems in this City without securing an additional license so long

as such Mechanic complies with the rules and regulations and provisions of ordinance of this City and they are employed by, or licensed as, a City of Decatur Heating, Air Conditioning and Refrigerator Contractor. (Amended, Ordinance No. 2007-77, October 1, 2007)

(C) The license requirements of subsections (A) and (B) hereof shall not apply to persons working under the supervision of a person licensed under the provisions of subsection (B).

4. **APPLICATION FEE.** Any partnership, corporation or individual desiring a license as a Heating, Air Conditioning and Refrigeration Contractor in the City of Decatur shall make application for the same on an application prescribed and provided by the Economic and Community Development Department Inspections Division. All licenses shall expire on October 1 following the issuance thereof. Applicants shall provide to the City of Decatur evidence of liability insurance in the amount of Five Hundred Thousand Dollars (\$500,000.00) general aggregate.

Any individual desiring a license as a Heating, Air Conditioning and Refrigeration Mechanic shall make application for the same on an application prescribed and provided by the Economic and Community Development Department Inspections Division.

(Amended, Ordinance No. 2017-07, February 6, 2017)
(Amended, Ordinance No. 2010-03, February 1, 2010)
(Amended, Ordinance No. 2007-77, October 1, 2007)
(Amended, Ordinance No. 2005-09, February 21, 2005)
(Amended, Ordinance No. 2000-26, April 17, 2000)
(Amended, Ordinance No. 2000-11, March 13, 2000)

5. **EXAMINATION.** Before a license as a Heating, Air Conditioning and Refrigeration Mechanic shall be issued to an applicant, he shall, successfully pass the “Standard Master Mechanical Exam” administered by the International Code Council National Contractor Trades Examination Program.

(Amended, Ordinance No. 2007-77, October 1, 2007)
(Amended, Ordinance No. 2005-09, February 21, 2005)

6. **CONTENT OF EXAMINATION (MECHANIC).** The content of the examination is to be determined by the International Code Council's Contractor Trades Examination Program. (Amended, Ordinance No. 2007-77, October 1, 2007)

7. **QUALIFICATIONS OF APPLICANT (MECHANIC).** Each applicant shall be at least 21 years of age and be a Registered Professional Engineer, or have had not less than four years practical experience in the field of heating, air conditioning or refrigeration work, or have satisfactorily completed a course in the particular subject in a recognized school accompanied by one year of practical experience.

8. **LICENSE FEE.** Licenses shall be issued annually for the period of October 1 through September 30 of the next succeeding year with an annual fee of \$100.00 for Contractors License and \$100.00 for a Mechanics License, which is in addition to the examination fee provided for elsewhere herein. Any properly registered Mechanical Contractor, who also qualifies for a Mechanics license, shall be granted both licenses for a single fee. Mechanics licenses may be annually renewed without further examination provided that the application for renewal and the payment of the annual fee is received by the Finance Department before the 1st day of November next succeeding the expiration date of the license.

(Amended, Ordinance No. 2007-77, October 1, 2007)

9. **REVOCAION OF LICENSE(S).** Licenses provided for herein are not transferable and shall not be loaned. Such license may be suspended or revoked by the Commission for cause and after hearing held upon reasonable notice to the licensee as the Commission may by rule provide. Repeated failure of a licensee to comply with the provisions of this Chapter or any reasonable direction of the Inspection Division shall constitute cause for revocation of license or

suspension thereof. No licensee having had a license revoked shall again be licensed except after re-examination and approval by the Commission and the approval by the Commission and with the consent of the City Manager. Decisions of the Commission of revocation or suspension of licenses may be appealed to the Decatur City Council and require a two-third (2/3) affirmative vote for reversal of the Commission decision. Application for such appeal shall be submitted to the City Clerk within ten (10) days of the Commission's final decision.

10. **ELECTRICAL CONTRACTOR.** Notwithstanding any other provision hereof, appliances and apparatus for the utilization of electricity for space heating without the use of duct work may be installed, upon the requisite permit being issued therefor, by either licensed heating, air conditioning and refrigeration mechanics, or by licensed electrical contractors. Furnaces, appliances and apparatus for utilization of electricity for space heating by the use of duct work may be installed by either contractor; however, any such duct work shall be done only by licensed heating, air conditioning and refrigeration mechanics upon the requisite permit being issued for such electrical work. Air conditioning units shall be installed only by licensed heating, air conditioning and refrigeration mechanics. Through the wall combination heating and air conditioning units may be installed by either a licensed electrical contractor or heating, air conditioning and refrigeration mechanic. Furnaces, appliances and apparatus utilizing a source of energy other than electricity shall be installed only by a licensed heating, air conditioning and refrigeration mechanic, and all wiring and electrical connections and the like therewith shall be done only by licensed electrical contractors.

11. **COMMISSION ESTABLISHED.** There is hereby created the Heating, Air Conditioning and Refrigeration Commission of the City of Decatur, Illinois which shall consist of seven residents of the City, whom shall be appointed by the Mayor with the advice and

consent of the Council. These members appointed by the Mayor shall be appointed for a term of three years, said terms to commence the first day of September. Vacancies shall be filled by the Mayor with advice and consent of the Council for the unexpired terms. One of those members appointed by the Mayor shall be a Contractor or Mechanic with at least five years experience in the installation of steam and hot water boilers and accessory equipment used for heating; one such member shall be a Contractor or Mechanic with at least five years experience in the installation and maintenance of coal, gas, oil or electrical supplied residential heating systems; one such member shall be a Contractor or Mechanic with at least five years experience in the installation and maintenance of refrigeration systems; and four such members shall have qualifications other than those mentioned herein which the Mayor may deem appropriate for service as such commissioners.

(Amended, Ordinance No. 2005-15, March 7, 2005)

12. **RULES AND REGULATIONS.** The Commission shall promulgate and adopt such necessary reasonable rules and regulations not inconsistent with statute, code or ordinance as may be required to carry out the purposes and intent of this Chapter and its duties and responsibilities under the provisions hereof and shall keep a record of such rules and regulations along with the minutes of all its acts and doings.

13. **SEVERABILITY.** If any section, sub-section, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect and to this end the provisions of this Chapter are declared to be severable.

14. **PENALTY.** Any person, firm or corporation who violates any provision of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five

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Hundred Dollars (\$500.00) for each offense and every day that such violation continues may be deemed to be a separate offense. (Amended, Ordinance No. 2011-66, October 31, 2011)