

ORDINANCE 2019-34

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEARCY, ARKANSAS; TO INCLUDE SECTION 7-14 RELATING TO HVAC REQUIREMENTS AND THE SEARCY MECHANICAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

The City Council of the City of Searcy, Arkansas, meeting in regular session, makes the following findings of fact and enacts the following provisions:

WHEREAS, the Searcy City Council recognizes the need to provide for provisions of the Searcy Code of Ordinance to permit proper installation and inspection of HVAC units and related work and to provide for the adoption of the Arkansas Mechanical Code; and

WHEREAS, the Searcy City Council finds that, in light of the need to provide for the public peace, health, safety and welfare of its citizens, an emergency exists requiring the immediate enforcement of this Ordinance.

NOW, THEREFORE, the Searcy City Council adopts the following amendment to the Code of Ordinances:

Section 1. The Code of Ordinances of the City of Searcy, Arkansas, is hereby amended by adding a Section 7-14 to Chapter 7 of the said Code, which said Section reads as follows:

“Section 7-14 – Heating, Ventilation, Air-Conditioning & Refrigeration and Mechanical Code.

Sec. 7-14-1. Adoption of Arkansas Mechanical Code. There is hereby adopted the mechanical code known as the Arkansas Mechanical Code, (the “AMC” or the “State Code”) that has been adopted by the Arkansas Heating, Ventilation, Air Conditioning and Refrigeration Licensing Board, (the “Board”) as may be amended or adopted from time to time by the Board and the same shall be deemed to be amended upon the adoption of any new version of the AMC by the Board except as may be specifically provided herein, and three (3) copies of the AMC shall be retained and maintained by the Searcy Clerk-Treasurer or his designee.

Sec. 7-14-2. Adoption of Searcy Mechanical Code. There is hereby adopted the mechanical code known as the Searcy Mechanical Code, (the “SMC” or the “Searcy Code”) (the AMC and SMC may be referred to in this Section, collectively, as the “Code”) as may be amended or adopted from time to time by the Mayor or his designee and including without limitation the Department Head of the Searcy Code Enforcement Department. (the “Department”) and the same shall be deemed to be amended upon the adoption of any new version of the

Department. Three (3) copies of the AMC shall be retained and maintained by the Searcy Clerk-Treasurer or his designee.

Sec. 7-14-3. Applicability of Code. This Section and the AMC and the SMC shall apply to the installation of mechanical systems, including the alteration, repair, replacement, addition to, use or maintenance to equipment, appliances, fixtures, fittings, appurtenances and anything related in any way to any ventilation, heating, cooling, air conditioning and refrigeration systems within the City of Searcy, Arkansas.

Sec. 7-14-4. Conflicts. The SMC is supplemental to the AMC and, in the event of any direct conflict between the SMC and AMC, the terms of the AMC shall be controlling.

Sec. 7-14-5. Amendment to SMC. Any amendment to the SMC shall be promulgated by the Mayor, or the designee of the Mayor and including without limitation the Department. Any proposed amendment to the SMC may be adopted by resolution of the Searcy City Council, after a public hearing, which shall be advertised in a newspaper of citywide circulation, or as may otherwise be required by law in connection with advertising of a public meetings for the purpose of a proposed notice of zoning change, with such notice in no event to be made less than ten (10) days prior to any such hearing.

Sec. 7-14-6. Compliance with Applicable Codes. Any party desiring to construct, enlarge, alter, repair, move or demolish any mechanical system in the City shall, before commencing or doing any work, file an application in writing for a permit with the Department, including copies of the plans and specifications of the proposed work and the street address of the location where the work is to be done, and accompanied by the fee proscribed herein. The application shall describe in detail the work to be performed and type of equipment to be installed, constructed, enlarged, altered, repaired, moved or demolished. Forms for making such application shall be furnished by the City through the Department.

Sec. 7-14-7. Process for Review.

(A) All such applications shall be reviewed and authorized by a Code Enforcement Officer if found to conform to the requirements hereof.

(B) Applications shall be completed for all proposed new work or modification of existing work. Plans, describing in detail, the type of work to be performed and type of equipment to be installed and load calculations complying with ASHRAE / ACCA Standard 183 or approved equivalent shall be required

with the application. Design plans and information on existing systems may be required by Code Enforcement as deemed necessary.

(C) Any person performing or attempting to perform any mechanical work within the City without the required permit shall be guilty of a misdemeanor and shall be punished as hereinafter provided.

(D) No permit shall be required or necessary for the making of minor repairs.

(E) All mechanical systems and components, including duct, whether permanent or temporary, must be installed by a person, authorized agent or contractor holding the proper Arkansas license for the scope of work to be done and inspected by a Code Enforcement Officer.

(F) Permits under this code may be issued only to persons duly licensed by the state of Arkansas. Exception: Permits under this ordinance can and will be issued to any person who performs HVACR work in an existing building or structure in which they own and occupy as their primary residence.

Sec. 7-14-8. New Permit Required for Alterations or Additions to Original Plans. No alterations or additions shall be made in any mechanical installations without first notifying the Department, procuring a permit for such work, submitting, if required, the plans and specifications covering the proposed work, and paying the fees as specified for the proposed work. If it is desired to increase the work specified for in the original permit, such increase shall be considered as an addition to the original installation and a permit procured, for which a fee shall be paid as an addition. Any addition or extension to a previously issued permit must be described in detail.

Sec. 7-14-9. Inspections.

(A) All mechanical work for which permits are required, by this and other ordinances shall be inspected at the following stages:

a. Underground Inspection: To be made after trenches or ditches are excavated, underground duct and piping installed and before any backfill is put in place.

b. Rough-In Inspection: To be made after roof, framing, fire blocking and bracing are in place and all ducting and other concealed components are complete and prior to the installation of wall or ceiling membranes.

c. Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(B) Any excessive inspection needed, in the opinion of the Code Enforcement Officer, shall be billed and collected before a Certificate of Occupancy will be issued.

Sec. 7-14-10: Correction of Defects.

(A) Whenever any person has obtained a permit to install or to do any mechanical work and whenever an inspection of such work by the Department discloses that such work was not done in accordance with the Codes, or any provision thereof, it shall be the duty of the Department to serve notice upon such permit holder, pointing out the defects in such work or installation and such permit holder shall proceed immediately to correct such defects and to make the work and materials conform to the provisions of the Codes.

(B) In the event such permit holder neglects or refuses to promptly comply with the Codes, the Department shall not issue any more permits to the said offending permit holder until corrections are made and Department has approved.

Sec. 7-14-11. Re-inspection: Notice to Put in Safe Condition; Existing Building. The Code Enforcement Officer is hereby empowered to inspect or re-inspect all interior and exterior mechanical work, in any structure within the corporate limits of the City, and when found to be unsafe, he shall notify the person owning or using the same, to place it in a safe condition within forty-eight (48) hours. Any person failing to comply with such shall be punished as hereinafter provided.

(A) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.

(B) The application for mechanical permit shall be accompanied by fees in accordance with the appropriate schedule as outlined in Section 7-14-12.

Sec. 7-14-12. Permit Fees.

Sec. 7-14-13. Certificate of Inspection; Requirements. No certificate of inspection shall be issued unless the equipment and appliances and all ductwork and mechanical components and installations are in strict conformity with the provision of the Codes.

Sec. 7-14-14. Local Exceptions to the AMC. The following rules to govern local conditions shall be exceptions to the provisions of the Arkansas Mechanical Code:

(A) All flex duct being installed, or any portion being modified or repaired shall be limited to individual branch lines and shall be limited to six (6) feet in length.

1. All flex duct is prohibited in residential dwellings and shall be limited to commercial, industrial or institutional occupancies.

2. Flex duct shall not be installed in crawl spaces or any other location subject to mechanical abuse.

3. Flex duct shall be supported by 1.5 inch wide support with spacing and supported as shown in the manufacturer's installation instructions

4. Mechanically approved fittings are required for all takeoffs and changes of direction greater than 45 degrees.

(B) Fibrous glass duct board shall not be allowed

(C) All duct systems above a mechanically suspended ceiling shall be properly supported.

(D) Condensation drains shall be trapped at the appliance per manufacturer's installation instructions.

(E) Condensation drains shall be insulated per Arkansas Energy Code requirements.

(F) Where damage to any building components could occur as a result of overflow from the equipment primary condensate removal system, an auxiliary pan with a separated drain shall be provided under the appliance on which condensation shall occur.

(G) All condensing equipment shall have installed a water level detection device conforming to UL 508 that will shut off the equipment in the event that the primary drain line is blocked. The device shall be installed in either the secondary drain at the coil or in the auxiliary pan.

(I) Approved disconnects are required on all new construction installations as required by the National Electric Code.

(J) Condensing units/coils shall be a minimum of 3 feet away from dryer vent exhaust terminations

(K) Return plenums shall be free of debris and shall be sealed to prevent unconditioned air from entering into the system.

(L) When it becomes necessary to replace mechanical equipment, access for maintenance and repair shall be provided in accordance of section 306 of the Codes.

(M) The Arkansas Mechanical Code shall be followed in all cases where this code does not apply.

(N) All work shall be done in a work-man-like manner.

Sec. 7-14-15. Sale of Unsafe Appliances. It shall be unlawful and a misdemeanor punishable as provided in this code for any person in the city to sell or offer for sale any mechanical appliances, devices or materials, which when used, are dangerous to life, health or property.

Sec. 7-14-16. Liability Construed. This code shall not be construed to affect the responsibility or liability of any person owning, operating, controlling or installing material devices, appliances or equipment for damages to persons or property caused by any defects therein nor shall the City be held to assume any such liability by reason of the approval of any material, devices, appliance or equipment authorized herein.

Sec. 7-14-17. Penalties.

(A) Any person or entity who shall do or fail to do any act contrary to the requirements of this code shall be guilty of an unclassified misdemeanor. The fine upon conviction shall be in an amount not exceeding \$1,000.00.

(B) Work commencing before permit issuance

1. Before beginning any mechanical work within the area of jurisdiction of the City of Searcy, the person installing the same, shall make application for the required permits and pay all fees for said permit. Any person who violates the provision of this code and commences work on any mechanical system before obtaining the necessary permits, shall be subject to 100 percent of the usual permit fee, in addition to the required permit fees.

2. Any person who violates the provision of this code and commences work before obtaining the necessary permits for a second time within a twelve (12) month period shall be subject to a \$100.00 fine in addition to the 100 percent of the usual permit fee and the required permit fee.

3. Any person who violates the provision of this code and commences work before obtaining the necessary permits three times within a twelve (12) month period shall be subject to a \$250.00 fine in addition to the 100 percent of the usual permit fee and the required permit fee.

Section 2. The provision of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision shall be enforceable according to their terms.

Section 3. All ordinances, resolution or other acts of the City in conflict with the terms hereof are repealed to the extent of any such conflict.

Emergency Clause. The Searcy City Council has determined that an emergency exists and that the immediate adoption and enforcement of this ordinance being necessary for the public peace, health, safety and welfare, the provisions hereof shall be in full force and effect from and after its passage.

Adopted this ____ day of _____, 2019.

The City of Searcy, Arkansas

By: _____
Mayor of Searcy

Attest

Searcy City Clerk-Treasurer

PUBLISH BY ONE INSERTION IN A NEWSPAPER OF GENERAL CIRCULATION IN SEARCY, WHITE COUNTY, ARKANSAS