SECTION 10. That Article X, "Mechanical Code", is hereby repealed and re-enacted with amendments as follows:

## ARTICLE X. MECHANICAL CODE

## DIVISION 1. GENERALLY

**Sec. 5-216. Scope.**

This article shall govern the design and installation of mechanical systems, including heating systems, process piping, boilers and pressure vessels, appliances utilizing gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration systems, fireplaces, barbecues, incinerators, crematories, fire protection systems, and air pollution control systems.

**Secs. 5-217 – 5-220. Reserved.**

## DIVISION 2. ADMINISTRATION AND ENFORCEMENT

**Sec. 5-221. International Mechanical Code--Adopted.**

The International Code Council (ICC) International Mechanical Code, 2009 Edition, as modified herein, is hereby adopted as the mechanical code for the City. One (1) copy of such publication as adopted shall be maintained by the City Clerk in the office of the Council and made available for inspection by the public during regular office hours. Any amendment or change in such publication hereafter promulgated by the International Code Council shall not become a part of this article until adopted by ordinance. References to other ordinances and codes of the City shall be interpreted and applied in accordance with the terms and effect of such ordinances and codes at the time of such application and interpretation.

**Sec. 5-222. Same--Amendments.**

The ICC International Mechanical Code, 2009 Edition (IMC), is amended in the following respects:

*Section 101.1* of the IMC is amended to read as follows:

> **101.1 Title.** These regulations shall be known as the *Mechanical Code of the City of Rockville*, hereinafter referred to as "this code".

*Section 106.1* of the IMC is amended to read as follows:

> **106.1 When required.** An owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work.

Such permit shall be issued to an HVACR contractor, licensed by the State of Maryland for the type of work covered under the permit.

**Exception:** Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of mechanical inspection.

*Section 106.2* of the IMC is amended to read as follows:

**106.2 Permits not required.** Permits shall not be required for the following:

1. Portable heating appliances connected to fixed tanks up to 500 gallons;
2. Portable ventilation appliances and equipment;
3. Portable cooling units;
4. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code;
5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe; and
6. Portable evaporative coolers.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

*Sections 106.4.3* and *106.4.4* of the IMC are amended to read as follows:

**106.4.3 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit does not continue to progress or is abandoned for a period of six (6) months after the last approved/valid inspection. Before such work recommences, a new permit shall be first obtained and the appropriate fees shall be paid.

The fees shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work.

**106.4.4 Extensions.** The code official can extend the time for action by the permittee if there is reasonable cause. A permittee holding an unexpired permit shall have the right to apply for an extension, in writing, for time to complete such work. The extension shall be requested for a justifiable cause. A permit shall not be extended more than once.

*Sections 106.5.1* and *106.5.2* of the IMC are amended to read as follows:

**106.5.1 Work commencing before permit issuance.** Any person who commences work on a mechanical system, except as provided for in Section 106.1, before obtaining the necessary permits shall be subject to, an investigation fee as set fourth by resolution, and 100 percent of the usual permit fee.

**106.5.2 Fee Schedule.** The fees for mechanical work shall be as established by resolution of the Mayor and Council.

*Section 106.5.3* of the IMC is deleted in its entirety.

*Section 107.2* of the IMC is amended to add No. 4 to read as follows:

4. Other inspections as deemed necessary by the code official.

*Sections 108.4* and *108.5* of the IMC are amended to read as follows:

**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 municipal infraction. Each day that a violation continues after notice has been served shall be deemed a separate offense.

**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 verbal or in writing and shall be given to the owner of the property, or to the owners 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 as established by resolution.

*Section 109* of the IMC is to be deleted in its entirety, and replaced to read as follows:

**109.1 Administrative Appeals.** Any person aggrieved by and desirous of challenging a decision of the administrative authority in connection with the interpretation, application, or modification of any provision of this chapter relating to the manner of construction or materials used in connection with the erection, alteration, or repair of a building or structure or system installed therein, shall appeal such decision to a Board of Adjustments and Appeals. An appeal may be taken when it is claimed that:

(1) The true intent of the code or the rules legally adopted there under have been incorrectly interpreted; or

(2) The provisions of the code do not fully apply; or

(3) An equally good or better form of construction can be used.

**109.2 Application for appeal.** An appeal shall be filed with the City Clerk within seven (7) calendar days from the date of the administrative decision being appealed, and a copy thereof shall be submitted to the Chief of Inspection Services. The appeal shall be in writing and shall contain a detailed statement of the reasons in support of such appeal.

**109.3 Membership.**

**109.3.1. Number.** The Board of Adjustments and Appeals shall consist of three (3) persons:

a) A licensed professional engineer or architect chosen by the administrative authority;

b) A licensed professional engineer or architect chosen by the owner of the subject building or structure; and

c) A licensed professional engineer or architect to be jointly chosen by the other two (2) members.

**109.3.2 Compensation**. All fees charged by the licensed professional engineers or architects to serve on the Board shall be paid for by the person appealing the administrative decision.

**109.4 Meetings and Hearings.** The Board of Adjustments and Appeals shall conduct a hearing on the appeal, at which time the appellant, the appellant's representative, representatives of the City who have inspected the subject building or structure or applicable system installed therein, and any other person having knowledge of the matter or whose interests may be affected by the decision on the appeal shall be given an opportunity to be heard. The hearing shall be conducted informally, and the formal rules of evidence shall not apply. The Board may accept written testimony and shall give it such weight as it deserves.

**109.4.1 Interpretation.** Interpretation given provisions of the applicable ICC or NFPA Code by the International Code Council or National Fire Protection Association shall be given great deference.

**109.4.2 Actions.** The Board may inspect the structure or building and conduct any other investigation or research necessary in order to render a decision.

**109.5 Decision.** The following process shall be followed:

(1) Within fifteen (15) working days of the hearing, the Board shall affirm, modify or reverse the decision of the administrative authority.

(2) The agreement of any two (2) members of the Board shall constitute the decision of the Board. Failure to obtain the agreement of any two (2) members of the Board shall constitute a denial of the appeal and an affirmation of the decision of the administrative authority. The Board's findings and decision shall be rendered in writing and copies thereof shall be provided to the appellant and any other party who has entered their appearance before the Board and requested a copy of the decision. The decision may contain recommendations for remedial steps to be taken to meet the intent of the applicable code.

**109.6 Appeal.** Any person aggrieved by a decision of the Board of Adjustments and Appeals may appeal the decision to the Circuit Court for the County in accordance with the Maryland Rules as set forth in Title 7, Chapter 200.

*Section 303.3* of the IMC is amended by adding No. 6 and No. 7 to read as follows:

6. Under stairs.

7. Garages, repair garages or similar spaces.

*Section 506.1* of the IMC is amended to read as follows:

**506.1 General.** Commercial kitchen hood ventilation ducts and exhaust equipment shall comply with the requirements of this section and the requirements of the 2008 NFPA 96. Commercial kitchen grease ducts shall be designed for the type of cooking appliance and hood served.

**506.1.1 Placards for Kitchen Exhaust Extinguishing Systems.** Placards installed for the operating instructions of kitchen exhaust hood-extinguishing systems shall have bilingual language provided. The main language shall be English with a secondary language representative of the work force of the restaurant.

*Section 507.1* of the IMC is amended to delete *Exception No. 3*.

*Section 507.2.1* of the IMC is amended to read as follows:

**507.2.1 Type I hoods.** Type I hoods shall be installed where cooking appliances produce grease or smoke, such as occurs with griddles, fryers, broilers, ovens, ranges and wok ranges. Installation and maintenance of commercial kitchen Type I hoods shall be governed by this code and the 2008 NFPA-96.

*Section 603.17.3* of the IMC is added to read as follows:

**603.17.3 Diffusers in suspended ceilings.** Diffusers in suspended ceilings shall be adequately supported independent of the ceiling assembly and tied at opposite ends to the building structure with #12 wire or equivalent.

**Secs. 5-223 – 5-230. Reserved.**