STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 3rd day of November, 2015, there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2015-220-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of the City, this 4th day of December, 2015.

[SEAL]

LEGAL DIRECTOR AND EX OFFICIO
KEEPER OF THE RECORDS AND SEAL

AH:sa Committee report passed: November 2, 2015

ORDINANCE NO. 2015-220-O

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKFORD, ILLINOIS, THAT:

Chapter 105 of the City of Rockford Code of Ordinances, and the 2015 International Mechanical Code are hereby amended and modified, repealing and replacing any provision of ordinances, as attached hereto.

The provisions and sections of this Ordinance shall be deemed severable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

All orders, resolutions, or ordinances in conflict herewith are hereby repealed insofar as such conflict exists, and this Ordinance shall take effect immediately upon its passage, approval, and publication, as required by law.

A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by and under authority of the Corporate Authorities.

APPROVED: November 3, 2015.

MAYOR

AYES: DURKEE, GETCHIUS, MCNAMARA, FROST, CONNELL, THOMPSON-KELLY ODDO, NEWBURG, BEACH, ELYEA, BECK, CHIARELLI

NAYS: MCNEELY

ABSENT: HERVEY

ABSTAIN:

ATTESTED:

LEGAL DIRECTOR

PASSED: APPROVED: PUBLISHED:

FILED in my office this 3rd day of November, 2015, and published in pamphlet form this 3rd day of November, 2015 by order of the City Council of the City of Rockford, Illinois.

Legal Director and ex officio
Keeper of the Records and Seal

APPROVED BY:

Patrick W. Hayes, Legal Director

RECOMMENDED BY:

Angela Hammer, Assistant City Attorney

ORDINANCE NO. 2015 - _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY ROCKFORD, ILLINOIS THAT:

Chapter 105, Article II, Division V, of the Code of Ordinances of the City of Rockford, Illinois, ~~passed November 30, 1970, approved December 2, 1970 and published December 8, 1970,~~ as amended, be and the same is hereby amended by the following, to wit:

Article II, Division V, International Mechanical Code is replaced as follows:

Article II, Division V, International Mechanical Code adopted by reference:

An ordinance establishing minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of all buildings and structures: providing for the issuance of permits, collection of fees, making of inspections: providing penalties for the violation thereof; known as the Mechanical Code.

The ICC International Mechanical Code/2015 as published by the International Code Council including Appendix A, is hereby adopted and amended as the Mechanical Code of the City of Rockford in the State of Illinois; and each and all of the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted and made a part thereof as if fully set out in the Ordinance, with the additions, insertions, deletions and amendments contained in this article.

Amendments to the Mechanical Code.

The ICC International Mechanical Code/2015 edition is amended as follows:

(1) Section 101.1 is amended as follows:

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

(2) Section 103.5 is added as follows:

103.5 Restriction of employees. An official or employee connected with the enforcement of this code, except whose only connection is that of a member of the board of appeals established under the provisions of section 109 of this code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

(3) Section 105.1 is amended as follows:

[A] 105.1 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *Mechanical Board* shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the Mechanical Board shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the mechanical inspection department.

(4) Section 105.2 is amended as follows:

[A] 105.2 Alternative materials, methods, equipment and appliances. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. Any alternative material or method of construction shall be *approved* where the *Mechanical Board* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the *Mechanical Board* shall respond in writing, stating the reasons the alternative was not approved.

(5) Section 105.4 is amended as follows:

[A] 105.4 Approved materials and equipment. Materials, equipment and devices *approved* by the Mechanical Board shall be constructed and installed in accordance with such approval.

(6) Section 106.1.1 is added as follows:

106.1.3 Permits required. Mechanical work shall not be commenced until a permit for such work has been issued by the code official. A mechanical permit shall not be transferable. All work shall be performed and completed by permit holder. License holder or firm must be on site while work is being performed to supervise, install and direct work under scope of permit.

(7) Section 106.2 is amended as follows:

106.2 Permits not required. Permits shall not be required for the following types of mechanical work:

1. Portable heating appliances;
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 *equipment* or *appliance* unsafe;
6. Portable evaporative coolers; and
7. Self-contained refrigeration package-type equipment in which all components of the refrigeration system are located within a single enclosure without requirement for on-site assembly or piping of any kind whatsoever.

(8) Section 106.3 is amended a follows:

106.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the work and its location. The application shall be signed by the mechanical licensee or his/her authorized designee. The permit application shall indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain other such information required by the code official. The application shall be completed by the City of Rockford mechanical licensee. In the event more than one licensee is employed by a firm or corporation, the licensee applying shall be included on the application.

Exception: Where an owner-occupant is permitted to perform mechanical work by section 111.5, an owner-occupant application shall be made to the code official on form provided by the code official.

(9) Section 106.5.1 is deleted and replaced with the following:

106.5.1 Work commencing before permit issuance. When a permit is required by this code, and work is started or proceeded fees shall be in accordance with the Fee Schedule of the City of Rockford Code of Ordinances. No permit can be issued for any person, company or contractor until any outstanding permit fines/fees have been paid in full.

(10) Section 106.5.2 is amended as follows:

106.5.2 **Fee Schedule.** The fees for work shall be as set forth in the Fee Schedule of the City of Rockford Code of Ordinances.

(11) Section 106.5.3 is deleted and replaced with the following:

106.5.3. Refunds. No permit fees shall be refunded.

(12) Section 108.4 is amended as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work equipment or systems in violation of *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties within the limits provided in state and local laws and punishable by a fine of not less than $50 and not more than $750. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(13) Section 108.5 is amended as follows:

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 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 more than $750.00 dollars.

(14) Section 109.2 is amended as follows:

109.2 Membership of board. The board of appeals (Mechanical Board) shall consist of seven members appointed by the chief appointing authority as follows: two (2) for five (5) years; two (2) for four (4) years; one (1) for three (3) years; one (1) for two (2) years; and one (1) for one (1) year. Thereafter, each new member shall serve for five (5) years or until a successor has been appointed.

(15) Section 109.2.1 is deleted and replaced as follows:

109.2.1 Qualifications. The members of the board shall consist of one registered Professional Engineer, one licensed plumbing contractor, one license holder from hydronic heating-cooling, one license holder for refrigeration, one license holder from warm-air heating-cooling and two representatives of the mechanical industry with at least ten years of experience in mechanical fields, five of which shall have been in responsible charge of work.

(16) Section 109.4.1 is deleted and replaced as follows:

109.4.1 Procedures. The procedures of the board shall be as follows:

1. The board shall adopt reasonable rules and regulations for procedure of its investigations and hearings in conformity with this code, and shall keep a file of its minutes in the office of the Construction and Development Services Division of the Community Development Department. The board may recommend to the council such new legislation as may be

considered necessary. It shall be the responsibility of the chairman of the board to notify the board of meetings in writing at least twenty-four (24) hours in advance of the time of the meeting.

2. The board shall have the authority to determine the suitability of alternate material or equipment, and to permit deviations from the provisions of the code if it appears that such provisions do not cover the point raised or that manifest injustice will be done. A special tag setting forth this deviation shall be issued to the owner and shall be required to be permanently posted in a conspicuous location in the mechanical equipment room on the premises.

3. Any person whose application for a permit has been refused or who may consider the provisions of this code do not cover the point raised in connection with the work contemplated by him, or that any particular provision would cause a manifest injury to be done to him, may appeal to the board by serving written notice on the inspector. Such notice shall be at once transmitted to the board, and the board shall arrange for a hearing on the particular point raised. Such hearing shall be held within seven (7) days, and the decision of the board shall be given within twelve (12) days after serving notice on the inspector. Any action of the board varying application of this code must be made by a concurring vote of the majority of the board, (four (4) members), and issued in writing.

4. It shall be the duty of the board to receive and consider suggestions for revision and/or improvements of the mechanical code; and if in the board's judgment, such suggestions will contribute to the objectives of the code, make such revisions as are deemed necessary and submit them to the City Council for consideration.

(17) Section 109.6 is amended as follows:

109.6 Board decision. The board shall modify or reverse the decision of the code official by concurring vote of a majority of members present. Quorum of the board shall by four (4) members.

(18) Section 111 GENERAL LICENSING RESPONSIBILITIES is added as follows:

SECTION 111
GENERAL LICENSING RESPONSIBILITIES

111.1 Scope. The board shall examine applications for licenses involving any installation of work governed by the provisions of this code.

(19) Section 112 MECHANICAL LICENSES is added as follows:

SECTION 112
MECHANICAL LICENSES

112.1 License required. It shall be unlawful for any person, firm, or corporation to act, engage, or to otherwise represent themselves as a Mechanical Contractor unless an authorized representative of such person, firm, or corporation shall first obtain and keep in full effect a license as provided in this code.

112.2 Application for permits by license holder. It shall be unlawful for any person, firm, or corporation to install, erect, alter, repair, service, reset, or replace any work, as defined in this code, unless said person or some member of such firm or corporation shall first have obtained and

kept in full effect, the required license and is a full time employee of that firm, or corporation and actively engaged in the business of that firm on a daily basis, and who shall be the authorized representative of the person, firm or corporation in all matters pertaining to this code.

In the event that said license holder leaves the employment of a firm or corporation the license holder shall inform the City of Rockford Building Department, Mechanical Division within five (5) working days. Failure to notify the City of Rockford Building Department, Mechanical Division in said time shall result in forfeiture of any and all Mechanical Licenses.

112.3 Violations. Any person not duly licensed by the City of Rockford who shall attempt Mechanical Contracting in the City of Rockford; any person (1) representing or attempting to file as his own the license certificate of another; (2) who shall give false or forged evidence of any kind to the board or any member thereof in acquiring a certificate or license; (3) who falsely shall impersonate another; (4) who shall use an expired or revoked certificate or license; or (5) any person not licensed hereunder shall be guilty of a misdemeanor and it shall be the duty of the code official, or other authorized agent, to report such acts to the board who will review the matter and if it is found that sufficient evidence is produced to substantiate a prosecution, then the board shall instruct the code official or other authorized agent to report such acts to the City Attorney and to assist the attorney or others in prosecuting any case which may come to his notice.

112.4 Grace period without license holder. Should the authorized representative holder of a City of Rockford mechanical license terminate his employment, or partnership with such person, firm or corporation, a new authorized holder of such a license must be obtained within thirty (30) days thereafter.

112.5 Owner-occupant exemption to license requirement. Work being performed by the owner-occupant of a single family dwelling or owner of a single family dwelling under construction for his or her occupancy upon completion is permitted to plan, install, alter and repair the mechanical and gas piping systems of such dwelling without a license provided that required permits are obtained and such systems comply with the requirements of this code. Any work being performed by other than the owner-occupant shall be performed by a City of Rockford licensed mechanical contractor.

112.6 Classes of license. There shall be eight (8) classes of licenses issued pertaining to heating, cooling, ventilating, hydronics, solar systems, refrigeration, gas piping and fireplaces in the City of Rockford.

112.6.1 Class A. Class "A" license shall be issued to a person desiring to enter into the business of installing, altering, or servicing warm air heating, air conditioning, ventilating equipment and prefabricated fireplaces.

Class A1. Class "A1" license shall be issued to a person desiring to enter into the business of performing work on detached one (1) and two (2) family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures constructed under the International Residential Code on warm air heating and cooling (air conditioning) installations, pre-fabricated fireplaces, and service replacements. The "A1" license excludes hotels, motels, and any housing units as established by the *International Building Code* (such as group homes, boarding houses, halfway houses and similar uses).

112.6.2 Class B. Class "B" license shall be issued to a person desiring to enter into the business of installing, altering, or servicing hydronic or steam heating and solar systems.

112.6.3 Class C. An existing Class "C" license issued to a person for repair of gas, oil, or coal conversion automatic equipment and controls in existing heating plants, and service, clean, and repair above-mentioned equipment shall be permitted to be renewed. No future Class "C" license will be issued.

112.6.4 Class D. Class "D" license shall be issued to a person, desiring to enter into the business of installing, altering, or servicing any refrigeration piping, equipment or equivalent such as: walk in coolers, walk in freezers, cases, ice machines, and the refrigerant piping of comfort cooling equipment only.

112.6.5 Class E. Class "E" license shall be issued to a person, desiring to enter into the business of installing, altering, or servicing any or all of the consumer gas piping from the point of delivery to the gas cock preceding the appliance.

Class E1. Class "E1" license shall be issued to a person desiring to enter into installation, altering, or servicing of any or all of the consumer gas piping from the point of delivery(meter) to the gas shut-off valve immediately preceding the appliance on detached one (1) and two (2) family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures constructed under the International Residential Code and provided it is under one P.S.I.G. and less than 2 ½" inside diameter pipe. The "E1" license excludes hotels, motels, and any housing units as established by the *International Building Code* (such as group homes, boarding houses, halfway houses and similar uses).

112.6.6 Class F. Class "F" license shall be issued to a person desiring to enter into the business of installing prefabricated fireplaces, gas logs, Franklin stoves, inside barbecue burners or pits, and inside charcoal pits and includes servicing of all such equipment.

112.6.7 Geothermal systems. A person desiring to enter into the business of installing, altering, or servicing geothermal systems shall possess active class "A" and "B" licenses.

112.7 License fees.

112.7.1 Each class of license. The fee for each class of license "A" though "F" inclusive shall be according to City of Rockford fee schedule.

112.7.2 Active license renewal. The renewal fee for a license in the second and subsequent years shall be according to the City of Rockford Fee schedule.

112.7.3 Inactive license renewal. The renewal fee for inactive license shall be according to the City of Rockford Fee schedule.

112.8 License issuance. After an applicant for Mechanical license fully complies with the provisions of this article and passes an examination required by M-124.2, and upon receipt of the appropriate license fees to be paid within 30 working days, and a license and permit bond that shall contain both the license holder's name and firm or corporation name, and be in the penal sum of twenty-five thousand dollars bond ($25,000.00) with surety to the authorized authority, conditioned for the faithful performance in accordance with the provisions of code for all work performed under said license, the board shall instruct the code official to issue a license authorizing the licensee to conduct a business for the branch or branches for which he is qualified.

112.9 Issuance to individual, not transferable; renewal generally; inactive status:

112.9.1 Non-transferable. The license herein provided shall be issued to an individual and is not transferable. If the individual who has been acting as representative of the firm or corporation, and is no longer a full time employee of said firm or corporation, the firm or corporation must have a new license holder as provided in Section 111.0.

112.9.2 Renewal. A license shall be renewable without examination and shall remain in force until expiration unless revoked by the board for cause.

112.9.3 Inactive status. A person, either individually as a member of a firm or as an officer or employee holding a license, may apply for an inactive status if the following conditions are satisfied:

1. After one year in good standing with proper bonding, a licensee may establish an inactive status if he is not actively engaged in the business of installing and or repairing mechanical work covered by his license or where more than one person holds an active license for the firm.
2. The inactive licensee shall pay a renewal fee of twenty fine dollars ($25.00) per year to maintain his inactive status.
3. The inactive status cannot be renewed for more than a period of five years.

112.9.4 City Employees. City employees may maintain inactive status as long as they are employed by the City of Rockford, and are not required to pay a renewal fee.

112.10 Expiration date. Every license shall expire on the first day of January following the date of issue, and may be renewed upon payment of the renewal fee (and posting of current license and permit bond) pertaining to that class of license, not later than the first day of January of the year in which the license expires. Should any person fail to renew his license by January 10, he shall pay a penalty of one dollar ($1.00) for each day that the license is past due and a re-instatement fee of $100.00 per license. A license may not be issued until all fees are paid in full and all other requirements are met.

112.11 Suspension and revocation. The board shall have the authority to suspend or revoke for cause any license granted under this code for violation thereof, after due hearing and upon notice to the party charged. Such notice shall be in writing and served by certified mail with returned receipt card to the party charged, mailing to be not less than five (5) days prior to the hearing.

112.12 Responsibility of employer and Mechanical license holder for violation. In case of a firm or corporation employing a Mechanical license holder, both such persons, firms, or corporations, and the license holder shall be responsible for any and all violations created by them under this code.

112.13 Service on equipment installed. Every employer of a license holder shall offer the purchaser, and have available, twenty-four (24) hours service on the equipment installed.

(20) Section 113 Examinations is hereby added:

SECTION 113
EXAMINATIONS

113.1 Qualification of applicant. All applicants for a license shall be of legal age, and shall:

1. Demonstrate at least five (5) years of active experience in the trade for the class of license he is applying for (as specified in and defined in this code) or

2. have a degree in related mechanical technologies from an accredited university or college for the class of license he is applying for plus one (1) year of practical experience in that class, or
3. have completed a registered apprenticeship program recognized by the mechanical board for the class of license he is applying for, and shall pass an examination as provided by the mechanical board.

113.2 License examination general:

113.2.1 Examination dates. Examination for license shall be given by the board on the second Thursday of every month. The Board by a majority of 2/3 vote may establish additional or special test dates. The applicant shall test or re-test within 90 calendar days of approval to test or will have to re-apply.

113.2.2 Application for examination. An application shall be filed with the code official on the second Thursday of each month. The application forms may be obtained from the Building Department, City Hall Building, Rockford, Illinois.

113.2.3 Re-examination. If the applicant for a license fails in his examination, he may take the examination the next time it is given, but if on re-examination he fails, he then must wait (6) months from the time of the last examination before he can again take the examination.

113.3 Passing grade, record of examination applications. A passing grade on the license examination required by section M-123.2 shall be seventy-five percent (75%) of a possible one hundred percent (100%). The board shall keep an accurate record of all applications and examinations. Upon notification of a passing grade, the applicant has 30 calendar days to submit all appropriate bonds and fees; failure to do so shall negate application and test results.

The provisions and sections of the Ordinance shall be deemed severable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

All orders, resolutions, or ordinances in conflict herewith are hereby repealed insofar as such conflict exists, and this Ordinance shall take effect immediately upon its passage, approval and publication as required by law.

A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by and under authority of the Corporate Authorities.

APPROVED:

_____

MAYOR

ATTESTED:

_____

LEGAL DIRECTOR

PASSED: APPROVED: PUBLISHED:

ATTESTED and FILED in my office this _____ day of _____, 20____, and published in pamphlet form this _____ day of _____, 20_____.

_____

Legal Director and ex officio
Keeper of the Records and Seal

Published in pamphlet form this _____ day of _____, 20 _____, by order of the City Council of the City of Rockford, Illinois.