ORDINANCE NO. 11-003

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA REPEALING THE 2006 EDITION OF THE UNIFORM MECHANICAL CODE, REPEALING ORDINANCE 08-007, AND ADOPTING BY REFERENCE THE UNIFORM MECHANICAL CODE, 2009 EDITION, AND THE CALIFORNIA MECHANICAL CODE, 2010 EDITION, AMENDMENTS THERETO.

The Board of Supervisors of the County of Orange, California, does ordain as follows:

SECTION 1. Article 1 of Division 5 of Title 7 of the Orange County Codified Ordinances is hereby repealed.

SECTION 2. Article 1 of Division 5 is hereby added to Title 7 of the Orange County Codified Ordinances to read as follows:

Section 7-5-1 ADOPTION OF UNIFORM MECHANICAL CODE, 2009 EDITION AND THE CALIFORNIA MECHANICAL CODE, 2010 EDITION AND AMENDMENTS THERETO

a. The Board of Supervisors of the County of Orange hereby adopts the Uniform Mechanical Code, 2009 Edition and the California Mechanical Code, 2010 Edition as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including Appendices A and D, Division II of Chapter 1, except such portions as are deleted, modified, or amended in this Article. Chapter 1 of the Uniform Mechanical Code is replaced with Division II of Chapter 1 of the California Mechanical Code.

b. The purpose of this Code is to prescribe regulations for the protection of the public health and safety and to establish minimum regulations for the installation, alteration, design, construction, quality of materials, location, operation, and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances, and the inspection thereof.

c. Not less than one (1) copy of each has been made and is now filed in the office of the OC Public Works. They are hereby adopted and incorporated as if set forth at length herein.

Sec 7-5-2. Section 103.1 replaced.

Section 103.1 of said Division II of Chapter 1 of the California Mechanical Code is hereby replaced to read as follows:

GENERAL The provisions of this Code shall apply to the erection, installation, alteration, repair, relocation, replacement, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within the unincorporated area of the County and County-owned buildings, except work located in a public way and hydraulic flood control structures.

Addition, alterations, repairs and replacement of equipment or systems shall comply with the provisions for new equipment and systems, except as otherwise provided in Section 104.0 of this Code.

Whenever the term "Authority Having Jurisdiction" is used in this Code, it shall mean the "Building Official" of the County of Orange.

In the event of any differences between the California Code and the Uniform Code, the text of the California Code shall govern.

The design and testing of equipment regulated by this Code shall be subject to the approval of the Building Official.

Section 110 of said Division II of Chapter 1 of the California Mechanical Code is hereby amended to read as follows:

HEARING OFFICER Sec. 110.1 In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretation of the provisions of this Code, there shall be and is hereby created a Hearing Officer as specified in Orange County Codified Ordinances Sec. 7-1-23.

Sec. 7-5-4. Section 110.3 added.

Section 110 of said Division II of Chapter 1 of the California Mechanical Code is hereby amended by adding Section 110.3 to read as follows:

Section 110.3 NOTICE, ADMINISTRATIVE HEARING, APPEAL

Whenever the Building Official issues a Condemnation Order in accordance with the provisions of

Section 108.6 of Division II of Chapter 1 of the California Mechanical Code, or a Stop Work Order in accordance with the provisions of Section 108.4 of said Code, the procedures for notice, administrative hearing, and appeal may be instituted in accordance with the provisions of Section 7-1-16 - UNSAFE BUILDING, NUISANCE, NOTICE, ADMINISTRATIVE HEARING, APPEAL of the Orange County Codified Ordinance . The remedies and procedures here provided for shall be cumulative and in addition to the penalties provided for in the Orange County Codified Ordinances pertaining to "Violations and Penalties."

Sec. 7-5-5. Section 112.2 amended.

Section 112.2 of said Division II of Chapter 1 of the California Mechanical Code is hereby amended to read as follows:

112.2 Exempt Work. A mechanical permit shall not be required for the following:

112.2.1 A portable heating appliance, portable ventilating equipment, portable cooling unit or portable evaporative cooler.

112.2.2 A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by this Code.

112.2.3 Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this Code.

112.2.4 Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of this Code.

112.2.5 A unit refrigerating system.

112.2.6 Other incidental improvements of a minor nature may be exempt from the provisions of this Code upon the determination of the Building Official.

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.

Sec. 7-5-6. Section 114 amended.

Section 114 of said Division II of Chapter 1 of the California Mechanical Code is hereby amended to read as follows:

Section 114.1 Issuance. The application, plans and specifications and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and that the fees as established by the Board of Supervisors have been paid, he shall issue a permit therefor to the applicant.

When the Building Official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of a part of the mechanical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of such permit may proceed at his own risk without assurance that the permit for the entire building, structure or mechanical system will be granted.

114.2 Retention of Plans. One (1) set of approved plans, specifications and computations shall be retained by the Building Official until final approval of the work covered therein. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

114.3 Validity of Permit. The issuance of a permit or approval of plans and specifications and computation shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications, computations and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this Code or of other ordinances of this jurisdiction.

114.4 Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be commenced or recommenced, a permit shall first be extended or re-issued.

(1) Requesting extension of an unexpired permit: Any permittee holding an unexpired permit or a permit which has expired for less than 180 days may apply for an extension of time within which permittee may commerce work under that permit when permittee is unable to commence or recommence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits extended in this manner will not be subject to new regulations adopted after issuance of the permit. Fees for time extension shall be as established by the Board of Supervisors. Fees shall not be required for first extension.

(2) Requesting re-issuance of a permit which has been expired for 180 days or more: Any permittee holding a permit which has been expired for 180 days or more may apply for re-issuance of the permit subject to compliance with current regulations and payment of full plan check and permit fees. Plans must be re-submitted for plan check. Portions of the structure which have been built under the expired permit will not be subject to current regulations.

For the purpose of permit extension, multiple permits of the same structure such as building, foundation, retaining wall, plumbing, mechanical, and electrical permits shall be considered as one

permit. Extension of building permit shall include extension of ancillary permits of the same structure. Each separate permit with work completed, inspected and approved entirely prior to suspension or abandonment will not be subject to extension or re-issuance.

114.4.1 Change of Contractor or of Ownership. A permit issued hereunder shall expire upon a change of ownership or a change of contractor regarding the building, structure or grading for which said permit was issued if the work thereon has not been completed, and a new permit shall be required for the completion of the work. If the provisions of Section 114.4 above are not applicable and if no changes have been made to the plans and specifications last submitted to the Building Official, no charge, other than a "name change" fee and the permit issuance fee, shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the Building Official, a fee as established by the Board of Supervisors shall be charged to the permit application.

114.5 Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of other ordinance or regulation of the jurisdiction.

Sec. 7-5-7. Section 115 amended.

Section 115 of said Division II of Chapter 1 of the California Mechanical Code is hereby amended to read as follows:

FEES

Sec. 115.1 (a) General. Fees shall be assessed in accordance with the provisions of this section.

Sec. 115.2 (b) Permit Fees. A fee as established by the Board of Supervisors shall be paid for each permit at the time of issuance.

Failure to pay fees and obtain a permit before commencing work shall be deemed a violation of this Code, except when it can be proven to the satisfaction of the Building Official that an emergency existed which made it impractical to first obtain the permit. A violation shall result in an assessment of double fees for work done prior to permit issuance. Payment of a double fee shall not relieve any

person from fully complying with the requirements of Code nor from any other penalties prescribed herein.

115.3 Plan Check Fees. When plans are required, a plan check fee as established by the Board of Supervisors shall be paid at the time of submittal of such plans.

115.3.1 Additional Plan Review Fees. Where plans are incomplete or changed so as to require additional plan checking, an additional plan checking fee as established by the Board of Supervisors shall be paid. Said fee may be waived when in the opinion of the Building Official the additional fee is not warranted. 115.4 Expiration of Plan Review. Application for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

115.5 Special Investigation Fees. A special investigation may be required before a permit will be issued for work which has been started without first obtaining a permit. Except in the case of emergency work, a fee as established by the Board of Supervisors may be collected for such investigation. The special investigation fee shall be in addition to any regular or double fee.

No permit shall be issued when an investigation fee is due until such fee has been paid.

The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

115.6 Fee Refunds. The Building Official may authorize refunding of fee which was erroneously paid or collected.

Sec. 7-5-8. Section 116 Amended.

Section 116 of said Division II of Chapter 1 of the California Mechanical Code is hereby amended

to read as follows:

INSPECTIONS

Sec.116.1 (a) General. Mechanical systems for which a permit is required by this Code shall be subject to inspection by the Building Official and such mechanical systems shall remain accessible and exposed for inspection purposes until approved by the Building Official.

It shall be the duty of the permit applicant to cause the mechanical system to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to permit inspection. When installation of a mechanical system is complete, an additional and final inspection shall be made. Mechanical systems regulated by this Code shall not be connected to the energy fuel-supply lines until authorized by the Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

116.2 Operation of Mechanical Equipment. The requirements of this section shall not be considered to prohibit the operation of any mechanical systems installed to replace existing equipment or fixtures serving an occupied portion of the building in the event a request for inspection of such equipment or fixture has been filed with the Building Official not more than 48 hours after such replacement work is completed, and before any portion of such mechanical system is concealed by any permanent portion of the building.

116.3 Testing of Equipment. Refrigeration equipment regulated by this Code shall be tested and approved as required by Section 1124.0 of this Code.

Steam and hot-water boilers and piping shall be tested and approved as required by Section 1124.0, 1201.2.8, and 1207.0 of this Code.

Where applicable (see Section 103), fuel-gas piping shall be tested and approved as required by

Section 1304 of this Code.

116.4 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing, telephone or by Internet at the option of the Building Official.

It shall be the duty of the person requesting inspections required by this Code to provide access to and means for proper inspection of such work.

116.5 Other Inspections. In addition to the called inspections required by this Code, the Building Official may make or require other inspections of any mechanical work to ascertain compliance with the provisions of this Code and other laws which are enforced by the code enforcement agency.

116.6 Reinspections. To obtain reinspection, the applicant shall pay the reinspection fee as established by the Board of Supervisors.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Section 116.7 PENALTIES. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

In addition to the provisions of the subsection above, a notice of violation of this Code may be recorded in accordance with Subsections 1 through 6 of Section 7-1-24 of the Orange County Codified Ordinances.

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This ordinance shall take effect and be in full force thirty (30) days from and after its passage and before the expiration of fifteen (15) days after the passage thereof, shall be published once in an adjudicated newspaper in the County of Orange.

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Orange County Board of Supervisors on January 25, 2011, to wit:

AYES: Supervisors: PATRICIA BATES, JANET NGUYEN, JOHN M. W. MOORLACH SHAWN NELSON, BILL CAMPBELL

NOES:
EXCUSED:
ABSTAINED:

Bill Campbell

CHAIRMAN

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Ordinance was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

DARLENE J. BLOOM
Clerk of the Board.
County of Orange, State of California

Ordinance No.: 11-003
Agenda Date: 01/25/2011
Item No.: 48

I certify that the foregoing is a true and correct copy of the Ordinance adopted by the Board of Supervisors , Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By:_____
Deputy