

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, RELATING TO PUBLIC HEALTH AND SAFETY, REPEALING TITLE 4, BUILDING REGULATION, CHAPTER 6, MESA MECHANICAL CODE, SECTION 1 INTERNATIONAL MECHANICAL CODE ADOPTED AND SECTION 2 PENALTY CLAUSE OF THE MESA CITY CODE; ADOPTING THE 2018 INTERNATIONAL MECHANICAL CODE BY REFERENCE; ADOPTING AMENDMENTS TO CERTAIN PROVISIONS IN THE 2018 INTERNATIONAL MECHANICAL CODE; ADDING A NEW TITLE 4, CHAPTER 6, SECTION 1 MESA BUILDING CODE AND 2 PENALTY CLAUSE; AND AN EFFECTIVE DATE OF FEBRUARY 10, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA as follows:

Section One. REPEAL.

That Title 4, Chapter 6, Section 1 and Section 2 as amended, of the Mesa City Code is repealed.

Section Two. ADOPTION BY REFERENCE.

SECTION 4-6-1. That Title 4, Chapter 6, Section 1 of the Mesa City Code shall now read as follows:

The following publications are hereby adopted by reference as if set out at length in this Code, three copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection:

The 2018 International Mechanical Code:

Section Three. AMENDMENTS TO THE 2018 INTERNATIONAL MECHANICAL CODE.

That Title 4, Chapter 6, Section 2 of the Mesa City Code shall now read as follows:

Note: <u>Underlined</u> indicates proposed addition and Strikethrough indicates deletions to the text.

(A) **CHAPTER 1 ADMINISTRATION**

- (1) **Section 101.1 of the 2018 International Mechanical Code** is amended to read, in its entirety, as follows:

101.1 Title. These regulations shall be known as the ~~*Mechanical Code*~~ of [NAME OF JURISDICTION] *Mesa Mechanical Code*, hereinafter referred to as “this code.”

- (2) **Section 101.2 through 109.7 of the 2018 International Mechanical Code** is deleted in its entirety.

(3) **CHAPTER 2 DEFINITIONS**

Section 202 The definition of “unusually tight construction” has been added and reads as follows:

UNUSUALLY TIGHT CONSTRUCTION: Construction meeting the following requirements:

1. Walls exposed to the outside atmosphere having a continuous water vapor retarder with a rating of 1 perm (57 ng/s · m² · Pa) or less with openings gasketed or sealed;
2. Openable windows and doors meeting the air leakage requirements of the Mesa Energy Code, Section 402.4.2; and
3. Caulking or sealants are applied to areas, such as joints around window and door frames, between sole plates and floors, between wall-ceiling joints, between wall panels, at penetrations for plumbing, electrical, and gas lines, and at other openings.

(4) **CHAPTER 5 EXHAUST SYTEMS**

Section 509.1 Where Required is amended by adding the following exception:

Exception: Type I hoods serving an individual electric or gas conveyor pizza oven unit or stack of units, unless the oven manufacturer requires a fire suppression system.

- (5) **CHAPTER 9 SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT** is amended by adding a new section. Section 930 Fireplace Restrictions.

Section 930 Fireplace Restrictions

930.1 Definitions. For purposes of this section, the following words and terms shall have the meaning ascribed thereto:

Solid fuel: Includes but is not limited to, wood, coal, or other nongaseous or nonliquid fuels, including those fuels listed as “inappropriate fuel” as defined by the Residential Woodburning Restriction Ordinance of Maricopa County.

Wood stove: A solid-fuel-burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

930.2 General. On or after December 31, 1998, no person, firm, or corporation shall construct or install a fireplace or a woodstove, and the city shall not approve or issue a permit to construct or install a fireplace or a woodstove, unless the fireplace or woodstove complies with (1) of the following:

1. A fireplace which has permanently installed a gas or electric log insert;
2. A fireplace, woodstove, or other solid-fuel-burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations part 60, subpart AAA;
3. A fireplace, woodstove, or other solid-fuel-burning appliance that has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 code of Federal Regulations part 60, subpart AAA; or
4. A fireplace, woodstove, or other solid-fuel-burning appliance that has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 code of Federal Regulations part 60, subpart AAA; or
5. A fireplace that has a permanently installed woodstove insert that complies with paragraphs 2, 3, or 4 above.

Exceptions: The following are not regulated and are not prohibited by this section:

1. Furnaces, boilers, incinerators, kilns, and other similar space-heating or industrial process equipment;
2. Cook stoves, barbecue grills, and similar appliances designed primarily for cooking; and
3. Fire pits, barbecue grills, and other outdoor fireplaces.

930.2.1 Fireplaces constructed or installed on or after December 31, 1998, that contain a gas or electric log insert or a woodstove insert, shall not be altered to directly burn wood or any other solid fuel. On or after December 31, 1998, no person, firm, or corporation shall alter a fireplace, woodstove, or other solid-fuel-burning appliance in any manner that would void its certification or operational compliance with the provisions of this section.

930.2.2 Fireplaces constructed or installed on or after December 31, 1998, shall not be altered without first obtaining a permit from the building safety director to insure compliance with this section.

(6) CHAPTER 10 Boilers, Water Heaters and Pressure Vessels is deleted in its entirety.

(7) CHAPTER 15 Referenced Standards has been amended as follows:

NFPA 72 – ~~46~~ 19 National Fire Alarm Code

NFPA 211 – ~~46~~ 19 Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances

SECTION 4-6-2. PENALTY CLAUSE: Any person, firm, or corporation who shall violate any of the provisions of this Chapter of the Mesa City Code as amended shall be subject to all penalties and provisions of Section 4-1-9.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County,
Arizona, this 7th day of January, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk