

AN ORDINANCE 2008-03-06-0167

AMENDING CHAPTER 6 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY REQUIRING MECHANICAL MAINTENANCE PERMITS FOR CERTAIN MULTI-FAMILY APARTMENT HOUSES; ESTABLISHING RELATED FEES; ADDING DEFINITIONS AND DELETING WRITTEN EXAMINATION PROVISIONS; AND PROVIDING FOR PENALTIES AND PUBLICATION.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

**SECTION 1.** Chapter 6 of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added), and deleting the language that is stricken through (~~deleted~~).

**SECTION 2.** Chapter 6, Article I, Section 6-3, entitled "Fee Schedule" of the City Code of San Antonio, Texas, is hereby amended to include the following at the end of the listed subheading:

**Sec. 6-3. Fee schedule**

**HEATING AND AIR CONDITIONING PERMITS**

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<u>Annual Maintenance Permit Fee (mechanical only)</u> <u>Single Location</u>	<u>\$50.00 per permit plus \$0.21</u> <u>per residential apartment unit</u>
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<u>Annual Maintenance Permit Fee (mechanical only)</u> <u>Multiple Locations</u>	<u>\$50.00 per permit plus \$2.00</u> <u>per residential apartment unit</u>
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**SECTION 3.** Chapter 6, Article V, Section 6-67, entitled "Amendments" of the City Code of San Antonio, Texas, is hereby amended as follows:

**Sec. 6-67. Amendments.**

*Section 106.6 Annual Maintenance Permit for Residential Group R-2 Apartment Houses* is added to the International Mechanical Code to read as follows:

**106.6 Annual Maintenance Permit for Residential Group R-2 Apartment Houses**

**106.6.1 Required.** An Annual Maintenance Permit is required for all apartment houses containing more than four (4) dwelling units where the occupants are primarily permanent in nature. In this section, the term “permanent in nature” means having dwelling units where the original lease term is greater than two (2) months.

**Exception:** No permit is required for apartment houses that have self-contained, ductless air conditioning products that have a cooling capacity of three tons or less or for individual apartment houses containing less than five (5) dwelling units each.

**106.6.2 Scope.** The Annual Maintenance Permit replaces the necessity of obtaining individual permits for work performed on environmental air conditioning system, a process cooling or heating system, a commercial refrigeration system or commercial refrigeration equipment. The permit does not cover nor is a permit required for the installation, repair, or removal of the following:

1. vent hood used in residential kitchens
2. portable or self-contained ductless air conditioning product that has a cooling capacity of three tons or less
3. portable or self-contained heating product that does not require the forced movement of air outside the heating unit
4. environmental air conditioning equipment that is intended for temporary use and is not fixed in place
5. residential refrigerator, freezer or ice machine

**106.6.3 Permit holder.** An Annual Maintenance Permit for mechanical maintenance work will only be issued to the Building Owner/Manager or their authorized agent. For properties that contain less than twenty (20) dwelling units, the permit holder may obtain one permit covering multiple locations. For properties that contain twenty (20) or more dwelling units, the permit holder shall obtain one permit for the dwelling units contained within the property.

**106.6.4 Annual Maintenance Permit fee.** The annual maintenance permit fee shall be as follows:

Annual Maintenance Permit Fee (mechanical only) \$50.00 per permit plus \$0.21  
Single Location per residential apartment unit

Annual Maintenance Permit Fee (mechanical only) \$50.00 per permit plus \$2.00  
Multiple Locations per residential apartment unit

**106.6.5 Record keeping.** Records of all work performed under the Annual Maintenance Permit shall be maintained by the permit holder for no less than

twelve (12) months after performing such work and shall be made available for the Development Services Department's review upon request.

**106.6.6 Periodic inspections.** Work performed under the Annual Maintenance Permit will be subject to the Development Services Department's periodic inspections. No notice will be required by the Development Services Department to make periodic inspections of equipment located on the exterior of apartment houses. For periodic inspections of equipment located on the interior of apartment houses or their rooftops, coordination shall take place with the permit holder with a minimum five (5) days notice prior to the inspections. A date and time for the inspections shall be established by the Development Services Department. Maintenance records for both interior work and exterior work shall be made available during all interior inspections.

**106.6.7 Limits of work performed under Annual Maintenance Permit.** Work performed under the Annual Maintenance Permit shall be limited as follows:

1. All work required for the continued normal performance of an existing environmental air conditioning system, a process cooling or heating system, or a commercial refrigeration system. Work does not include the following:
  - a. Total replacement of a system.
  - b. Installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted by the commission under Chapter 755, Health and Safety Code.
2. Diagnosing and repairing problems associated with air conditioning, commercial refrigeration, or process cooling or heating equipment, and remedying or attempting to remedy these problems.

**106.6.8 Work not covered by the Annual Maintenance Permit.** The following work is not covered by the Annual Maintenance Permit unless it is performed by either a licensed contractor or licensed engineer:

1. Simultaneous replacement of the condensing unit, furnace and evaporator coil.
2. Replacement of any condensing unit that is more than ½ ton larger than the current size.
3. Replacement of any furnace that is more than 35,000 BTU's larger than the current size.
4. Replacement of any evaporator coil that is more than ½ ton larger than the current size.
5. Extension of any duct work more than one (1) foot.

6. Relocating any equipment to a new location more than five (5) feet from the original location.

**106.6.9 Who may perform work.** The following may perform maintenance work under the Annual Maintenance Permit:

1. Licensed air conditioning contractors.
2. A person who is licensed as an engineer under Chapter 1001 of the Texas Occupational Code and who engages in air conditioning and refrigeration contracting work in connection with the business in which the person is employed but does not engage in that work for the public.
3. A person who performs air conditioning and refrigeration maintenance work if the person:
  - a. is a maintenance technician or maintenance engineer and is a regular employee of the building owner/manager of the property where the work is being performed;
  - b. performs the work in connection with the business in which the person is employed; and
  - c. the person's employer does not engage in air conditioning and refrigeration contracting for the public.

*Section 110* of the International Mechanical Code is amended by deleting references to a written examination, providing a 30 day grace period for license renewal, and renumbering sections to read as follows:

**110.2.5 4 Certificate of insurance.** Any person applying for a master mechanical license shall present a certificate of insurance issued by an insurance company authorized to do business in the state of Texas, certifying that the applicant is insured to the limits of at \$100,000 public liability insurance per occurrence and \$100,000 property damage liability insurance per occurrence.

~~**110.2.5 Written examination.** Any person applying for a master mechanical license shall pass a written examination to be administered at times and places and by persons specified by the building official. Such examination shall be offered at intervals of not greater than once each quarter. Examination fees must be paid prior to taking the examination, in the amounts set forth by the fee schedule adopted by the city of San Antonio. If an applicant for a mechanical license fails to pass the required examination, he shall not be eligible for re-examination for a period of 90 days.~~

**110.2.6 7 Duplicate Licenses.** Any person whose license was destroyed or lost may obtain a duplicate license upon payment of the fee set forth in the fee schedule adopted by the City of San Antonio.

**110.2.7 8 Expiration date of license.** All licenses shall expire on December 31 of each year. Licenses shall be renewed prior to expiration date. Each person holding a valid mechanical license shall renew same in sufficient time to have the license renewal form returned to the Development Services Department with the appropriate renewal fee prior to license expiration date. A thirty (30) day grace period shall be authorized for good cause shown. ~~Any person who does not renew his license prior to expiration date must appear before the Mechanical Board of Appeals and show cause why his license should be renewed without taking the required examination. In the event that a person does not renew his license after one year from date of expiration, he shall be required to take an examination as per a new license, and pay the full fee.~~

**110.2.8 9 Certain acts prohibited.** In addition to other provisions of this code, it shall be unlawful for any person to do any of the following acts:

1. To display, cause or permit to be displayed or to have in one's possession any instrument purporting to be licensed for the doing of any mechanical work, knowing such instrument to be fictitious or to have canceled, revoked suspended or altered;
2. To lend or knowingly permit the use of any license for the doing of any mechanical work to any person not entitled thereto, under the provisions of this chapter;
3. To display or represent as one's own a license for the doing of any mechanical work when such license has not been lawfully issued to the person so displaying the same;
4. To fail or refuse to surrender to the building official on demand any license for the doing of any mechanical work, which has been suspended, canceled or revoked as provided for in this chapter.
5. To apply for or have in one's possession more than one current license of the same type provided for in this chapter.
6. To use a false or fictitious name or give a false or fictitious address in any application for any license provided for in this chapter, or any renewal or duplicate thereof, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application;
7. To employ as a master, technician or apprentice in mechanical work any person not licensed as provided in this chapter;

8. To perform any character of mechanical work for which a license is required by this chapter while such license is suspended, canceled or revoked.

*Section 202 Definitions* of the International Mechanical Code is amended to include the following definitions:

**AIR CONDITIONING AND REFRIGERATION CONTRACTING.** Performing or offering to perform the design, installation, construction, repair, maintenance, service, or modification of equipment or a product in an environmental air conditioning system, a commercial refrigeration system, or a process cooling or heating system for the general public.

**BUILDER OWNER/MANAGER.** A person or company that is in the business of managing properties and is responsible for the upkeep and maintenance of such properties.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**SECTION 4.** Funds generated by this Ordinance will be deposited into Fund 29097000 Development Services and Planning, Internal Order 229000000002 Development Inspections, General Ledger 4202264 Permit - Mechanical Annual Maintenance Fee.

**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** Wherever a fee established for a specific code section by this Ordinance is reflected in the Fee Schedule for the Development Services Department, the Fee Schedule shall be amended to reflect the new fee.

**SECTION 7.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 8.** All other provisions of Chapter 6, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

**SECTION 9.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

**SECTION 10.** A violation of this Ordinance is subject to the penalties and provisions of Chapter 6, Section 6-68 entitled "Penalties" of the City Code of San Antonio, Texas.

**SECTION 11.** The publishers of the City Code of San Antonio, Texas, are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 12.** The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the Charter of the City of San Antonio.

**SECTION 13.** This Ordinance shall become effective on the 4<sup>th</sup> day of June, 2008.

**PASSED AND APPROVED this 6<sup>th</sup> day of March, 2008.**



M A Y O R

**PHIL HARDBERGER**

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney