

Chapter 22.5

**MECHANICAL<sup>1</sup>**

- Art. I. In General, §§ 22.5-1 -- 22.5-20**  
**Art. II. Mechanical Journeymen and Contractors, §§ 22.5-21 -- 22.5-51**  
Div. 1. Generally, §§ 22.5-21 -- 22.5-30  
Div. 2. Board of Mechanical Examiners, §§ 22.5-31 -- 22.5-50  
Div. 3. Examinations, Licenses and Certificates, § 22.5-51 – 22.5-67

**ARTICLE I. IN GENERAL**

**Sec. 22.5-1. Mechanical code adopted.**

The International Mechanical Code, 2012 edition, one (1) copy of which is, and has been on file in the Office of the City Council Clerk for more than fifteen (15) days, is hereby adopted as the official Mechanical Code of the City.

(Code 1986, § 22.5-1; Ord. No. 9361, § 1, 5-8-90; Ord. No. 9654, § 106, 1-6-92; Ord. No. 10174, § 1, 3-7-95; Ord. No. 10677, § 1, 3-10-98; Ord. No. 11723, § 1, 7-26-05; Ord. No. 12275, § 1, 8-04-09; Ord. No. 12603, § 1, 5-29-12)

**Sec. 22.5-2. Appendices to code adopted.**

The following appendices to the International Mechanical Code, 2012 edition, and as further amended in this chapter, are hereby adopted as part of the official Mechanical Code of the City.

Appendix A – Chimney Connection Pass-Through.

(Ord. No. 9361, § 2, 5-8-90; Ord. No. 10174, § 2, 3-7-95; Ord. No. 10677, § 2, 3-10-98; Ord. No. 11723, § 2, 7-26-05; Ord. No. 12275, § 2, 8-04-09; Ord. No. 12603, § 2, 5-29-12)

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<sup>1</sup> **Editor's note**--Ordinance No. 8795, enacted May 26, 1987, amended the Code by adding thereto a new Ch. 22.5, to read substantially as herein set forth. Section numbering in accord with established Code format was at the discretion of the editor.

**Cross reference**--Buildings generally, Ch. 10; building code adopted, § 10-1; building code amendments, § 10-3; businesses, trades, etc., Ch. 11; electricity, Ch. 14; energy, Ch. 15; gas, Ch. 19; plumbing, Ch. 27.

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**Sec. 22.5-3. Amendments to code adopted.**

The following sections and appendices of the International Mechanical Code, 2012 edition, are hereby amended, as hereinafter provided:

- a. Section 101.1 is amended as follows:

**Section 101.1 Title.** These regulations shall be know as the International Mechanical Code hereinafter referred to as “this code.”

- b. Section 101.2 is amended as follows:

**Section 101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

**Exceptions:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

- c. Section 106.1 is amended as follows:

**106.1 When required.** Any properly licensed 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.

**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 or mechanical inspection.

- d. Section 106.3 is amended as follows:

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**Section 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 proposed work and its location. The application shall be signed by the properly licensed contractor. The 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 such other information required by the code official.

- e. Section 106.4.3 and 106.4.4 are deleted in their entirety and the following language is substituted in lieu thereof:

**Section 106.4.3 Expiration.** Every permit issued by the code 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 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 180 days. Before such work can be recommenced, a new permit shall be first obtained.

**Section 106.4.4 Extensions.** Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once.

- f. Section 106.5.2 is amended as follows:

**Section 106.5.2 Fee Schedule.** The fees for all mechanical work shall be as indicated in the following schedule:

**PERMIT FEES**

**Initial Fee**

For issuing each permit.....\$ 35.00

**Additional Fees**

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Fee for inspecting heating, ventilating, ductwork, air conditioning and refrigeration systems shall be \$20.00 for the first \$1,000.00, or fraction thereof, of valuation of the installation plus \$5.00 for each additional \$1,000.00 or fraction thereof.

Fee for inspecting repairs, alterations and additions to an existing system shall be \$10.00 plus \$5.00 for each \$1,000.00 or fraction thereof.

Fee for inspecting boilers (based upon Btu input):

33,000 Btu (1 BHp) to 165,000 (5 BHp).....	\$
5.00	
165,001 Btu (5 BHp) to 330,000 (10 BHp).....	
10.00	
330,001 Btu (10 BHp) to 1,165,000 (52 BHp).....	
15.00	
1,165,001 Btu (52 BHp) to 3,300,000 (98 BHp).....	
25.00	
over 3,300,000 Btu (98 BHp).....	
35.00	

**Note:** 1 KJ = 1.055 BTU, 1 BHp = 33,475 Btuh.

**Fee for Reinspection**

In case it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a reinspection fee of \$50.00.

**Temporary Operation Inspection Fee**

When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration, or air conditioning system, or portion thereof, a fee of \$25.00 shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual reinspection fee shall be charged for each subsequent preliminary inspection for such purpose.

**Self-Contained units less than two tons**

In all buildings, except one and two family dwellings, where self-contained air

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conditioning units of less than two tons are to be installed, the fee charged shall be that for the total cost of all units combined as listed under **Additional Fees** above.

All of the fees under Section 106.5.2 shall be nonrefundable. Any refund of fees shall be in the sole discretion of the Director of Public Works.

- g. Section 106.5.3 is deleted in its entirety.
- h. Sections 108.4 and 108.5 are amended as follows:

**108.4 Violation penalties.** Any person 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 plumbing 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 offense subject to a fine assessed as a general penalty under Chattanooga City Code § 1-8. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**108.5 Stop work orders.** Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner 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 a written notice prior to stopping the work. Any person who shall continue any work in or about the structure 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 to a fine assessed as a general penalty under Chattanooga City Code § 1-8.

- i. Section 109. Means of Appeal, is amended by deleting said Section in its entirety, and substituting in lieu thereof the following:

**Section 109. Board of Adjustments & Appeals.**

The Construction Board of Adjustments and Appeals for the Building,

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Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing Codes of the City of Chattanooga as established by Section 2-625, Part II, Chattanooga City Code, shall act as the Board of Adjustments and Appeals for appeals from any decision of the Building Official or his designee and consider variances of the technical codes as provided in this Code.

- j. Any reference to the International Building Code, the International Residential Code, the International Sewage Disposal Code, and/or the International Electrical Code shall be deleted from the reference standards in Chapter 15 of the International Mechanical Code and all such references shall be construed to reference the appropriate official codes adopted by the City of Chattanooga.

(Code 1986, § 22.5-3; Ord. No. 9361, § 3, 5-8-90; Ord. No. 10174, § 3, 3-7-95; Ord. No. 10677, § 3, 3-10-98; Ord. No. 11723, §§ 3 & 4, 7-26-05; Ord. No. 12275, § 3 & 4, 8-04-09; Ord. No. 12358, § 2, 3-02-10; Ord. No. 12603, § 3, 5-29-12)

### **Sec. 22.5-4. Same-violations; penalty.**

Any person, firm, corporation or agent who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof or who shall install, construct, alter, repair, replace or move any mechanical system, or has installed, altered, repaired, removed or replaced a mechanical system in violation of a detailed statement or drawing submitted to the chief building official and permitted thereunder, shall be guilty of a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) for each offense. Each such person shall be deemed guilty of a separate offense for each and every day's violation and during which [day] any violation of any provision of this code is permitted or continued, punishable by a fine of not more than fifty dollars (\$50.00) per day for each offense.

(Code 1986, § 22.5-4)

**Secs. 22.5-5 -- 22.5-20. Reserved.**

## **ARTICLE II. MECHANICAL JOURNEYMEN AND CONTRACTORS**

### **DIVISION 1. GENERALLY**

#### **Sec. 22.5-21. Purpose.**

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In the interests of the public health, safety and welfare, the following provisions establishing the board of mechanical examiners for the licensing and regulation of those engaged in mechanical heating, ventilation and air conditioning equipment installation are adopted.  
(Code 1986, § 22.5-21)

### **Sec. 22.5-22. Liabilities not affected.**

This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any mechanical heating, ventilation and air conditioning equipment, devices, or appliances for damage to persons or property caused by any defect therein, nor shall the city be held as assuming liability by reason of the examination authorized herein or the license and certificate issued as herein provided.  
(Code 1986, § 22.5-22)

### **Sec. 22.5-23. Notices.**

Notices shall be considered sufficient when either delivered personally to the person to whom such notice is directed or when mailed to the last known address of the applicant as shown in the records of the board.  
(Code 1986, § 22.5-23)

### **Secs. 22.5-24 -- 22.5-30. Reserved.**

## DIVISION 2. BOARD OF MECHANICAL EXAMINERS

### **Sec. 22.5-31. Established.**

There is hereby created and established a board of mechanical examiners of the city.  
(Code 1986, § 22.5-31)

### **Sec. 22.5-32. Composition; appointment.**

The board of mechanical examiners shall consist of seven (7) members to be appointed by the mayor and confirmed by the city council.  
(Code 1986, § 22.5-32; Ord. No. 9654, § 2, 1-6-92)

### **Sec. 22.5-33. Terms of members.**

Members of the board of mechanical examiners shall hold office for a term of four (4) years and until their successors are elected.  
(Code 1986, § 22.5-33)

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**Sec. 22.5-34. Qualifications of members.**

Members of the board of mechanical examiners shall consist of:

- (1) A mechanical engineer holding a degree from a recognized college and licensed as an engineer by the state;
  - (2) An educator or teacher;
  - (3) A member of the mechanical, heating, ventilation and air conditioning industry without union affiliation;
  - (4) A member of the mechanical, heating, ventilation and air conditioning contracting industry who is affiliated with a union;
  - (5) A mechanical journeyman with at least five (5) years' experience;
  - (6) A factory representative and/or supplier of mechanical, heating, ventilation and air conditioning equipment; and
  - (7) A representative of the general public not connected with the mechanical industry.
- (Code 1986, § 22.5-34)

**Sec. 22.5-35. Officers.**

(a) *Chairman.* One (1) member of the board of mechanical examiners shall be designated by the mayor as chairman of the board, which appointment as chairman shall be subject to the approval of the city council. Such member shall serve as chairman for his full term on the board or until his successor is elected.

(b) *Secretary.* The board shall select from its membership one (1) member to serve as secretary for at least one (1) year and until his successor is elected by the board unless that position is provided by staff of the building inspection office.

(Code 1986, § 22.5-35; Ord. No. 9654, § 2, 1-6-92; Ord. No. 12587, § 1, 5-1-12)

**Sec. 22.5-36. Removal of members; compensation; quorum**

Any member of the board of mechanical examiners may be removed for cause at any time by the mayor after ten (10) days' written notice. Such board shall serve without compensation. Four (4) members shall constitute a quorum for the transaction of business.

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(Code 1986, § 22.5-36; Ord. No. 9654, § 13, 1-6-92)

### **Sec. 22.5-37. Meetings.**

(a) *Regular meetings.* The board of mechanical examiners shall hold meetings semiannually in March and September for the purpose of conducting examinations of applicants to determine their knowledge of the rules and regulations for the installation of mechanical, heating, ventilation, and air conditioning devices, appliances and equipment as set forth in the statutes of this state, this Code and other ordinances of the city and the International Mechanical Code; to issue licenses and certificates therefore; to determine the general qualifications and fitness of each applicant for executing the class of work covered by the license applied for and for the transaction of other business.

(b) *Special meetings.* Special meetings of the board of mechanical examiners may be called by the chairman with the approval of a majority of the board.

(Code 1986, § 22.5-37; Ord. No. 12587, § 2, 5-1-12)

### **Sec. 22.5-38. Records to be open to inspection.**

Records of the meetings of the Board of Mechanical Examiners, including the names of all licensees, shall be open for inspection by the public at all reasonable times.

(Code 1986, § 22.5-38)

### **Sec. 22.5-39. Appeals.**

Any person aggrieved by any action or decision of the board of mechanical examiners shall have the right of appeal to the board of adjustments and appeals by requesting an appeal in writing and by lodging such request with the Chief Building Official of the city within ten (10) days after such action or decision.

(Code 1986, § 22.5-39; Ord. No. 12587, § 3, 5-1-12)

### **Sec. 22.5-40. Regulations authorized; printing.**

The board of mechanical examiners may promulgate rules and regulations not inconsistent with this article, and in such event shall have such rules and regulations printed for distribution.

(Code 1986, § 22.5-40)

### **Secs. 22.5-41 -- 22.5-50. Reserved.**

## DIVISION 3. EXAMINATIONS, LICENSES AND CERTIFICATES

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### **Sec. 22.5-51. Application for examination required; contents; qualifications.**

(a) *Application for Examination.* All persons now or hereafter desiring to engage in the installation, servicing and/or repairing of mechanical or environmental control systems, including alterations, repairs, replacement of equipment, appliances, fixtures, fittings and/or appurtenances, and including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems, either as a Master Mechanical contractor or a journeyman mechanic, shall apply in writing to the secretary of the Board for an application to take the respective examination, as specified in this division. Such application must be completed fully and returned to the secretary of the Board with a check or money order for the proper examination fee no later than thirty (30) days prior to the examination date. Upon approval of the application by the Board, the applicant shall appear before the Board for examination for the particular license applied for.

The examinations for Master Mechanical contractor and journeyman mechanics, shall be different, reasonable and especially thorough, so as to obtain from the applicant an understanding of the extent of knowledge and the subject matter upon which the applicant is questioned. "To engage in business" as defined in this Chapter shall mean "to hold or be held out to the public for hire" in the mechanical business.

(b) *Qualifications of Master Mechanical contractors.* Any person shall be eligible for the examination as a Master Mechanical contractor who:

- (1) Has three (3) or more years' practicable experience as a Journeyman Mechanic Class 1 or Class 2 HVAC and/or sheet metal mechanic in a metropolitan area of the city; or
- (2) Has held an unrevoked Master Mechanical Contractor, Class 1 or Class 2 HVAC or sheet metal contractor's license in the city; or any other governmental agency licensing HVAC and sheet metal contractors; or
- (3) Has a professional license to practice engineering in the state; and/or
- (4) Has had such education and experience in heating, ventilation and air conditioning systems and/or sheet metal installation and design in commercial, industrial or residential installations as shall be acceptable to the Board.

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(c) *Qualifications of Journeyman Mechanics.* Any person shall be eligible for examination as a Journeyman Mechanic who:

- (1) Has three (3) or more years' practicable experience as a registered Journeyman or HVAC/sheet metal helper in the metropolitan area of the city. One (1) year shall be equivalent to a minimum of two thousand (2,000) hours' actual experience in HVAC/sheet metal installations; or
- (2) Has previously held an unrevoked Journeyman Mechanic, HVAC mechanic or sheet metal mechanic license in the city or any other governmental agency licensing HVAC and sheet metal mechanics; and/or
- (3) Has had such experience in heating, ventilation and air conditioning work or sheet metal work as shall be acceptable to the Board.

(d) *Proof of Qualifications.* The Board shall require written proof of any of the above qualifications, and it is the responsibility of the applicant to provide such definite proof with his application.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 1, 7-26-05)

### **Sec. 22.5-52. Examinations to be written; records required.**

Examinations for Master Mechanical Contractors and Journeyman mechanics given by the Board shall be written and a complete record of the results of every examination including the score of the applicant shall be kept on file by the Board in compliance with the Records Retention Manual adopted by the City Council pursuant to T.C.A. 10-7-702.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 2, 7-26-05; Ord. No. 12587, § 4, 5-1-12)

### **Sec. 22.5-53. Passing examination; issuance of license.**

Any applicant making a grade of seventy (70%) percent or more on each section of the written examination shall be considered qualified for, and the Board shall issue to the applicant, the particular license which was applied for upon payment of the required fees and the furnishing of all other required information specified within this chapter. All such licenses shall be signed by the Chairman and secretary of the Board.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-54. Examination fee established.**

Examination fees in the following amount shall accompany the application for examination:

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Master Mechanical Contractor.....	\$ 100.00
Journeyman Mechanics.....	100.00

These fees shall cover all costs to the City of Chattanooga for the costs of written examinations and proctoring fees in connection with these examinations. (Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 3, 7-26-05)

**Sec. 22.5-55. License fee established.**

Beginning on the date of passage of this Ordinance, all licenses issued by the Board shall be effective and renewed on a two year scheduled basis with the license expiring on the 31st day of October in odd numbered years following its date of issuance. Those whose licenses expire on October 31, 2012 shall be renewed for one (1) year. Beginning with the renewal due on October 31, 2013, all journeyman mechanics and Master Mechanical Contractors licenses shall be renewed every two (2) years in the odd numbered years. Each certificate of competency shall be renewable without further examination upon application of the holder within sixty (60) days after notice of the expiration date, and the payment of the two year fee set out above. Any applicant for a renewal who fails to make application and pay the required fee within sixty (60) days of notice may be required to take another examination by the board of examiners unless such applicant shows good and sufficient cause for the failure to make such application; provided that, if any licensee enters active service in the armed forces of the United States, the applicant shall be granted a renewal license upon an application after discharge from such service if such application is presented to the board within six (6) months following the date of discharge. as follows:

Master Mechanical Contractor.....	\$200.00
Journeyman Mechanic or temporary.....	20.00
Registered Helper.....	No Charge

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 4, 7-26-05; Ord. No. 12587, § 5, 5-1-12)

**Sec. 22.5-56. Disposition of fees.**

Fees required by this article shall be collected by the secretary of the Board of Mechanical Examiners and paid over to the city treasurer. All expenses incurred by such Board shall be paid by the city treasurer from the fees collected. Any balance left in such funds shall be held by the city treasurer subject to the order of the city council, and in no event shall the Board incur a greater expense than the amount collected in fees.  
(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9654, § 134, 1-6-92)

**Sec. 22.5-57. Licenses and certificates required.**

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No person shall engage in or hold himself out as being in the business of installing, servicing, maintaining or repairing environmental-control systems, pipefitting and structural layout or in the fabrication, assembly and/or installation of duct work, chassis parts for heating, ventilation and air conditioning systems in the city unless such person has received a mechanical license of the appropriate class and a certificate therefor; or in the case of a firm or corporation, unless it is owned or operated by, or has in its regular employment, a person who has received a mechanical license of the appropriate class and a certificate therefor.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-58. Classes of license; limitations.**

(a) The following classes of licenses shall be issued by the Board of Mechanical Examiners.

(b) A Master Mechanical contractor license shall entitle the holder thereof to perform the installation, servicing, maintenance and repairing of heating, ventilation and air conditioning environmental control systems with no input restrictions upon the amount of tonnage or cooling or BTU restriction upon heating. A Master Mechanical contractor's license shall entitle the holder thereof to engage in the business of and secure permits for any work covered by the International Mechanical Code, subject to any limitation in effect for such contractor's license.

(c) A Journeyman mechanic license shall entitle the holder thereof to perform the installation, alteration and repair of any environmental/control system within the city utilizing knowledge of heating and refrigeration and/or control theories, pipefitting, or structural layouts, under the supervision of a holder of a Master Mechanical contractor license. The holder of a Journeyman Mechanic's license may supervise other licensed mechanics or registered helpers but may not be issued permits for any work covered by the International Mechanical Code.

(d) The Board of Mechanical Examiners may also issue special restricted licenses to persons as it determines qualified.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 5, 7-26-05)

### **Sec. 22.5-59. Appropriate license and certificate prerequisite to doing work; exceptions.**

(a) Where any mechanical work is being done, involving the installation, alteration and repair of heating, ventilation and air conditioning environmental control systems in the city, it shall be done by a licensed Journeyman mechanic. No person shall, in any manner, engage in the business of or secure permits for installing, maintaining, altering or repairing any heating, ventilation and air conditioning environmental control system within the city unless such person has received a Master Mechanical contractor's license and certificate therefore; provided that, no permit shall be required in order to execute any of the following classes of work:

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- (1) Ordinary minor repairs for which permits are not required as specified within Section 106.2 of the International Mechanical Code.
- (2) Any work involved in the manufacture, test or repair of mechanical materials, devices, appliances or apparatus so long as such manufacture, test or repair is not performed at the location of installation of heating, ventilation and air conditioning environmental control system in the city.
- (3) Any work not specifically covered by the International Mechanical Code.
- (4) Any mechanical work done by a registered helper under the direct supervision of a licensed Journeyman mechanic in accordance with Section 22.5-57.

(b) It shall be unlawful for a Master Mechanical contractor to allow any person who is not licensed as a Journeyman mechanic to directly supervise any mechanical worker.  
(Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 6, 7-26-05)

### **Sec. 22.5-60. Expiration, renewal of license.**

Beginning on the date of passage of this Ordinance, all licenses issued by the Board shall be effective and renewed on a two year scheduled basis with the license expiring on the 31st day of October in odd numbered years following its date of issuance. Each certificate of competency shall be renewable without further examination upon application of the holder within sixty (60) days after notice of the expiration date, and the payment of the two year fee set out above. Any applicant for a renewal who fails to make application and pay the required fee within sixty (60) days of notice may be required to take another examination by the board of examiners unless such applicant shows good and sufficient cause for the failure to make such application; provided that, if any licensee enters active service in the armed forces of the United States, the applicant shall be granted a renewal license upon an application after discharge from such service if such application is presented to the board within six (6) months following the date of discharge. The failure to renew any license before October 31 of the third year following expiration of a license will result in retesting.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 1, 10-15-91; Ord. No. 12587, § 6, 5-1-12)

### **Sec. 22.5-61. Review of renewal applications; statement required.**

It shall be the duty of the Board of Mechanical Examiners to review all applications for the renewal of any license, and the Board shall require that each applicant for renewal shall file a statement signed by the applicant that he has not misused his license and that he has abided by

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this Code and the ordinances of the City pertaining to mechanical contractors and the installation, alteration and repair of any heating, ventilation and air conditioning environmental control systems, including duct work or chassis parts. If an applicant for renewal cannot honestly file such a statement, a full explanation of the reasons must accompany the renewal application in lieu of all or part of the required statement.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-62. Specific responsibilities of license holders of mechanical business.**

(a) Every holder of a Master Mechanical contractor's license shall keep his certificate and license displayed in a conspicuous place at his principal place of business and shall identify any vehicles used in the installation, servicing and repair of heating, ventilation and air conditioning environmental control systems, including duct work or chassis parts, with his certificate number and his name of the company with which he is associated in letters and numerals not less than three (3) inches high on each side of said vehicles. Any individual identifying vehicles for installation servicing and repair of heating, ventilation and air conditioning environmental control systems, including duct work or chassis parts, shall be required to obtain a license under this Chapter.

(b) Every holder of any license issued under this article will also be issued a license card annually with his license renewal which he shall carry with him at all times while engaged in any mechanical work and shall show when requested to do so by any mechanical inspector or other duly authorized person having responsibility for enforcing these articles.

(c) The Board of Mechanical Examiners and the Chief Mechanical Inspector shall be notified in writing of the name of the firm with whom the holder is associated.

(d) The license holder shall be a full-time employee of the corporation, partnership, sole proprietorship or other business entity which he represents, during the normal working hours of said business represented. The license holder shall not obtain permits for any other corporation, firm, association, or other individual. Further, the license holder shall neither represent nor obtain permits for more than one (1) corporation, firm, association, or individual at any one time.

(e) Any license holder who applied as and was licensed as a representative of a corporation, partnership, sole proprietorship or other business entity and who ceases to be a representative of such corporation, partnership, sole proprietorship or other business entity for whatever reason, shall immediately notify the Board in writing of such termination. The Board shall immediately contact the corporation, partnership, sole proprietorship or other business entity by which the holder was employed and ascertain the status of current bids, contracts, permits, etc. covering work being or to be performed in the City, and the Board may, in its

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discretion, relieve any hardships and permit such work on a temporary basis as it deems advisable.

(f) If the Board becomes aware of the death or incompetency of any license holder, the Board shall contact the corporation, partnership, sole proprietorship or other business entity with whom the license holder was associated regarding the status of all ongoing work. The Board shall require any ongoing business to obtain a licensed contractor who shall be responsible for any ongoing work after the death or incompetency of the license holder associated with the business. Any license holder assisting in the operation of an ongoing business previously operated by a deceased or mentally or physically incompetent license holder shall not be in violation of subsection (d) above provided, however, that such license holder cannot continue operating more than one (1) business entity for a period of more than two (2) years after the date of death or onset of physical or mental incompetency.

(g) The license holder shall have ultimate responsibility for all work performed under his license and shall require all work to be performed in accordance with the Mechanical Codes and ordinances lawfully adopted by the City of Chattanooga.

(h) All license holders will comply with all workers compensation provisions for any employees which are required by the State of Tennessee at the time any work is performed and submit any evidence of workers compensation insurance that is required by the State of Tennessee before any license is issued.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 3, 10-15-91; Ord. No. 11724, § 7, 7-26-05; Ord. No. 12587, § 7, 5-1-12)

### **Sec. 22.5-63. Licenses; certificates not transferable.**

No license and certificates issued in accordance with the provisions of this article shall be assignable or transferable.

(Ord. No. 9046, § 1, 10-18-88)

### **Sec. 22.5-64. Suspension; revocation of certificates; denials of renewal.**

(a) The Board of Mechanical Examiners shall revoke or suspend a certificate issued to any contractor or mechanic upon positive proof that such person:

- (1) Knowingly violated the provisions of this chapter or the rules and regulations of the Board.

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- (2) Practiced fraud or deception in making application for or obtaining such certificate for registration.
- (3) Is incompetent to perform a service to the public as certified.
- (4) Permitted his certificate of registration to be used, directly or indirectly, by another to obtain or perform mechanical work or services.
- (5) Is guilty of such other unprofessional or dishonorable conduct of such nature as to deceive or defraud the public.
- (6) Has done mechanical work in excess of that permitted by the license held.
- (7) Failed to comply with this chapter of this Code, the requirements of the Mechanical Code, repeatedly failed to obtain permits required before commencing work.
- (8) Has obtained a permit directly or indirectly for another unless the license holder shall be the supervisor of all work covered by the permit.
- (9) Has received from another any compensation wherein the sole consideration thereof is obtaining of a permit.

(b) The Board may refuse to issue or renew a certificate of license to any applicant who has misused his license due to lack of expertise; or to any applicant who has demonstrated a lack of financial responsibility during the term of his license; or to any applicant who has submitted false evidence with regard to an application for license or renewal; or to any applicant who has been guilty of any act or conduct which would constitute grounds for revocation or suspension of a certificate as herein provided; provided, however, the Board shall not disapprove any renewal until after the applicant has been accorded an opportunity to be heard after five (5) days' notice by registered mail or personal service of such a notice.

(c) No action of the Board to suspend or revoke a certificate of competency or registration shall become final until the alleged offender has been given an opportunity to appear before the Board to show cause as to why such action should not be taken.

(d) Notice, in writing, of the proposed action of the Board to revoke or suspend a certificate shall be given to the holder of such certificate, stating the specific charges upon which such action is based. The notice shall stipulate that a hearing will be scheduled at a time and place set by the Board for the party to show cause why such action should not be made final.

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Such hearing shall not be held less than five (5) days following notice to the party. Failure to appear before the Board to answer the specific charges set forth in the notice shall be deemed just cause for final revocation or suspension of a certificate.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 8, 7-26-05)

### **Sec. 22.5-65. Certain persons exempted from written examinations.**

(a) *Existing Business.*

All persons holding Class 1 and Class 2 HVAC contractor's licenses, Class 1 and Class 2 HVAC mechanic license and Class 1 and Class 2 sheet metal mechanic licenses in accordance with Section 22.5-65 will be exempted from taking the examination by this article. The Board of Mechanical Examiners is hereby authorized to issue Master Mechanical contractor licenses to any holder of a Class 1 or Class 2 HVAC or Class 1 or Class 2 Sheet Metal or Plant Master and Plant Mechanical License; provided such licenses are current on the effective date of this ordinance. The Board of Mechanical Examiners is further authorized to issue Journeyman mechanics licenses to any holder of a Class 1 or Class 2 HVAC mechanic or Class 1 or Class 2 sheet metal mechanic provided such licenses are current on the effective date of this ordinance. All other persons desiring such licenses shall be required to conform to the requirements of this Chapter and take the necessary examination.

(b) *Newly-Annexed Territory.*

(1) All Mechanical contractors who have had an established place of business located in newly-annexed territory and whose principal business has been in such territory and whose principal business has been mechanical contracting and who have maintained such place of business for three (3) or more years next preceding the date of the annexation of such territory shall be exempted from taking the written examination required by this article. The Board of Mechanical Examiners is hereby authorized in its discretion to issue Master Mechanical contractor licenses to such persons as it deems qualified upon written application for such license, the submission of adequate written proof of the above requirements and the payment of fees set out in this article, provided that such application and payment is made within one (1) year after the date of annexation of such territory.

(2) Journeyman mechanics who are qualified under 22.5-51(b) of this article and whose legal place of residence has been in the newly-annexed area

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for the three (3) years next preceding the annexation of such territory or who are currently employed by a Master Mechanical contractor whose principal place of business is in the newly-annexed area shall be exempted from taking the examinations required by this article. The Board of Mechanical Examiners is hereby authorized to issue journeyman mechanic licenses to such persons upon written application for said license, the submission of adequate written proof of the above requirements and the payment of fees set out in this article, provided that such application and payment is made within one (1) year after the date of annexation of said territory.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 11724, § 9, 7-26-05)

### **Sec. 22.5-66. Temporary certificates.**

Anything hereinabove to the contrary notwithstanding, however, it shall be lawful for the Board of Mechanical Examiners through the Office of the Chief Mechanical Inspector of the city, to issue a temporary journeyman mechanic's license to any applicant who presents evidence of qualifications as a journeyman mechanic and pays the prescribed fee. The Chief Mechanical Inspector shall determine the qualifications of the applicant and may at his discretion restrict the limits of the use of the temporary license. The temporary journeyman mechanic's license shall be valid for one (1) year from the date of issue and may be renewed for no more than one (1) additional year, at the discretion of the Chief Mechanical Inspector. The intent of this limitation of renewal is to limit one (1) individual to no more than two (2) years of operation under temporary license. The Board of Mechanical Examiners may revoke for just cause the said temporary journeyman mechanic's license permit at any time.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 2, 10-15-91; Ord. No. 11724, § 10, 7-26-05)

### **Sec. 22.5-67. Helper registration.**

Any person who shall apply for registration as a helper upon a written form provided for that purpose by the city shall be registered by the Board of Mechanical Examiners without examination and without charge. A certificate of registration as a helper shall be issued to such applicant, without charge, and such certificate of registration shall be permanent and not renewed annually. Any helper shall only do mechanical work under the direct supervision of a licensed journeyman mechanic.

(Ord. No. 9046, § 1, 10-18-88; Ord. No. 9625, § 2, 10-15-91; Ord. No. 11724, § 11, 7-26-05)