

ORDINANCE NO. 7475-70

CITY OF URBANA

WARM AIR HEATING AND AIR CONDITIONING CODE

ARTICLE III (2) OF CHAPTER 8

URBANA CITY CODE

ADOPTED MARCH 3, 1975

Published by the Authority of
The City Council of Urbana, Illinois

ARTICLE III (2)

ORDINANCE NO. 7475-70

ORDINANCE ADOPTING THE NFPA NO. 90B "RESIDENCE TYPE
WARM AIR HEATING & AIR CONDITIONING, 1968"

WHEREAS, Section 1-2-4 and 1-3-2 of the Illinois Municipal Code, and Section 1--2 of Chapter 85, Illinois Revised Statutes, 1973 provide that, where rules and regulations for the construction of new buildings and safe use and occupancy of existing buildings or any parts thereof have been printed in book or pamphlet form, such rules and regulations or portions thereof may be adopted by reference, and

WHEREAS, three (3) copies of each of the pamphlets containing the rules and regulations hereinafter adopted have been filed in the office of the City Clerk for use and examination by the public at least thirty (30) days prior to their adoption, as provided by said Statute, and

WHEREAS, the City of Urbana, Illinois, on the date hereof contains a population in excess of 25,000 persons and is therefore a Home Rule unit under the provisions of the Illinois Constitution 1970, and this Ordinance is to be regarded as an exercise in Home Rule Powers of said City,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 8-3-9. ADOPTION

There is hereby adopted by the City of Urbana, Illinois, for the purpose of establishing rules and regulations for the installation of residence type warm air heating and air conditioning systems, including penalties, that a certain installation code known as "Residence Type Warm Air Heating & Air Conditioning, 1968" with all amendments

thereto, as recommended by the National Fire Protection Association, some of which said code and supplement have been and are now filed in the office of the City Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the installation of warm air heating and air conditioning systems within the corporate limits of the City of Urbana, Illinois.

Section 8-3-10. ENFORCEMENT AND PENALTIES

Any person who violates any provision of this ordinance, or who fails or refuses to perform any duty or obligation imposed upon such person by this ordinance, shall be fined in an amount not to exceed \$200.00. Each day that a violation shall continue shall be deemed a separate offense.

In addition, the City may seek relief by way of injunction or mandamus against any person violating any of the provisions of this ordinance, to compel observance of the requirements of this ordinance or to prevent a failure in performance by such person of any of the provisions hereof.

Section 8-3-11. DEFINITIONS

a. Wherever the word "municipality" or "City" is used in "Residence Type Warm Air Heating & Air Conditioning, 1968" standard, it shall be held to mean the City of Urbana, Illinois.

b. Wherever the term "authority having jurisdiction" is used in "Residence Type Warm Air Heating & Air Conditioning, 1968" standard, it shall be held to mean the Building Official of his authorized agents.

Section 8-3-12. ENFORCEMENT

The Code Enforcement Department shall be responsible for the enforcement of the "Residence Type Warm Air Heating & Air Conditioning, 1968" standard.

Section 8-3-13. APPEALS BOARD

The Building Code Board of Appeals established under Section 8-1-5 of the Urbana City Code is hereby authorized to hear appeals as outlined in the amended basic building code Section 127.11 and variation as outlined in the amended basic building code Section 127.21. The Building Code Board of Appeals also has the general authority to resolve conflicts between the "Residence Type Warm Air Heating & Air Conditioning, 1968" standard and the basic building code.

Section 8-3-14. CONFLICTS WITH BUILDING CODE

Wherever in the "Residence Type Warm Air Heating and Air Conditioning, 1968" standard there is a conflict with the basic building code of the City of Urbana, the provision which offers more protection to life and property shall prevail.

Section 8-3-15. SAVING CLAUSE

Nothing in this ordinance or in the "Residence Type Warm Air Heating and Air Conditioning, 1968" standard hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any right acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby nor shall any right or remedy of any character be continued, impaired or affected by this ordinance.

Section 8-3-16. INCONSISTENT ORDINANCES REPEALED

Ordinances or parts thereof in force at the time that this ordinance shall take

effect and inconsistent herewith, are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1 - 2 - 4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 3 day of March, 1975.

PASSED by the City Council this 3 day of March, 1975.

Duane Eckerty
Duane Eckerty, City Clerk

APPROVED by the Mayor this 13 day of March, 1975.

Hiram Paley
Hiram Paley, Mayor

I, Duane Eckerty, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in pamphlet form on the 18 day of April, 1975.

Duane Eckerty
Duane Eckerty, City Clerk