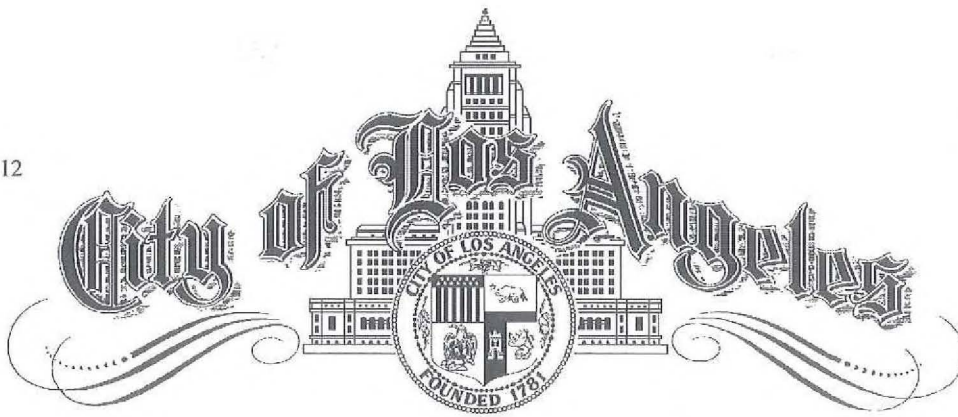


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 1 - 0 0 5 7
FEB 1 4 2011

REPORT RE:

**DRAFT ORDINANCE AMENDING ARTICLE 5, CHAPTER IX OF THE
LOS ANGELES MUNICIPAL CODE PROVISIONS
RELATING TO THE MECHANICAL CODE**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File 10-2335

Honorable Members:

We have prepared and transmit to you for your consideration, approved as to form and legality, a draft ordinance amending Los Angeles Municipal Code (LAMC) provisions relating to the Mechanical Code.

Summary of Ordinance Provisions

On September 28, 2010, this matter was presented to the Planning and Land Use Management (PLUM) Committee. At that time, PLUM requested that the City Attorney prepare the final ordinance based on the amended proposed ordinance submitted at the Committee meeting by the Department of Building and Safety (DBS) and attached to the Council file.

The City Attorney has now prepared the final ordinance. If adopted, the final ordinance would update the LAMC to be consistent with state law. In addition, the final ordinance includes amendments, which are more restrictive than state law and are justified by the City's local climatic, geological or topographical conditions.

CEQA Determination

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Department of Building and Safety recommended you find that adoption of these ordinances is exempt from the provisions of CEQA under Article II, Section 2(m) of the City's CEQA Guidelines because the ordinances establish design standards for the construction of buildings and structures for enforcement purposes only and it can be seen with certainty that adoption of the ordinances will not cause a physical change that would constitute a significant effect on the environment. If the City Council concurs, it should adopt this finding prior to or concurrent with its action on the ordinances.

Council Rule 38 Referral

The draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety.

If you have any questions regarding this matter, please contact Deputy City Attorney Kim Rodgers Westhoff at (213) 978-8242. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE/KRW:mrc
Transmittal

ORDINANCE NO. _____

An ordinance amending Article 5, Chapter IX of the Los Angeles Municipal Code to make local administrative changes and incorporate by reference portions of the 2010 Edition of the California Mechanical Code (C.M.C.)

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The first unnumbered paragraph of Section 95.102 of the Los Angeles Municipal Code is amended to read as follows:

The provisions of Chapters 2 through 17, Chapter 1, Division II and Appendices A and D of the 2007 Edition of the California Mechanical Code prepared by the International Association of Plumbing and Mechanical Officials and amended by the California Building Standards Commission, are adopted by reference as part of the Los Angeles Municipal Code with amendments in the form of exceptions, modifications, deletions, supplements and additions which have been added to Article 5, Chapter IX of the Los Angeles Municipal Code. Chapter references are to chapters of the California Mechanical Code. The abbreviation "C.M.C." shall mean and refer to the 2007 Edition of the California Mechanical Code. References to "LAMC" or "Code" shall mean the Los Angeles Municipal Code.

Sec. 2. Section 95.103 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.103. SCOPE.

Section 103.0 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 3. Section 95.104 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.104. APPLICATION TO EXISTING MECHANICAL SYSTEMS.

Sections 104.0 through 104.4 of Chapter 1, Division II of the C.M.C. are adopted by reference, Section 104.5 of Chapter 1, Division II of the C.M.C. is not adopted, and in lieu thereof, Section 95.104.5 shall apply.

Sec. 4. Section 95.107 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.107. TESTS.

Sections 107.0 through 107.2 of Chapter 1, Division II of the C.M.C. are adopted by reference.

Sec. 5. Section 95.108.3 of the Los Angeles Municipal Code is amended to read as follows:

95.108.3. RIGHT OF ENTRY.

Section 108.3 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 6. Section 95.108.4 of the Los Angeles Municipal Code is amended to read as follows:

95.108.4. STOP ORDERS.

Section 108.4 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 7. Section 95.108.5 of the Los Angeles Municipal Code is amended to read as follows:

95.108.5. AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES.

Section 108.5 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 8. Section 95.108.6 of the Los Angeles Municipal Code is amended to read as follows:

95.108.6. AUTHORITY TO CONDEMN EQUIPMENT.

Section 108.6 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 9. Section 95.108.7 of the Los Angeles Municipal Code is amended to read as follows:

95.108.7. CONNECTION AFTER ORDER TO DISCONNECT.

Section 108.7 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 10. Section 95.108.8 of the Los Angeles Municipal Code is amended to read as follows:

95.108.8. LIABILITY.

Section 108.8 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 11. Section 95.108.9 of the Los Angeles Municipal Code is amended to read as follows:

95.108.9. COOPERATION OF OTHER OFFICIALS AND OFFICERS.

Section 108.9 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 12. Section 95.109 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.109. UNSAFE EQUIPMENT.

Section 109.0 of Chapter 1, Division II of the C.M.C. is adopted by reference.

Sec. 13. Paragraphs K and L of Subsection 3 of Section 95.112.1 of the Los Angeles Municipal Code are amended to read as follows:

K. The replacement of defective forced-air units with one of equivalent size, Btu/hr (W) rating and vent capacity when the vent does not require replacement or relocation in a detached single-family dwelling and the replacement is performed by a contractor with a valid Certificate of Registration pursuant to Section 91.1716 of the Building Code. A Certificate of Compliance pursuant to Section 91.108.12 of the Building Code must be filed with the City in lieu of a permit.

L. The replacement of defective air-conditioning units when they are replaced with one of equivalent size and Btu/hr (W) rating by a contractor with a valid Certificate of Registration pursuant to Section 91.1705 of the Building Code. A Certificate of Compliance pursuant to Section 91.108.12 of the Building Code must be filed with the City in lieu of a permit.

Sec. 14. Paragraph 1 of Subdivision A of Subsection 1 of Section 95.113.2 of the Los Angeles Municipal Code is amended to read as follows:

1. Installations where the aggregate Btu/h input capacity is 500,000 Btu/h (146,500 W) and over for comfort heating, or for comfort cooling, or for absorption units.

Sec. 15. Paragraph 2, including the Exceptions, of Subdivision A of Subsection 1 of Section 95.113.2 of the Los Angeles Municipal Code is deleted.

Sec. 16. Subdivision C of Subsection 1 of Section 95.113.2 of the Los Angeles Municipal Code is amended to read as follows:

C. Any comfort-cooling compressor or refrigeration compressor for any system which requires a machinery room.

Sec. 17. Subdivision L of Subsection 1 of Section 95.113.3 of the Los Angeles Municipal Code is amended to read as follows:

L. The weight of the equipment.

Sec. 18. The definition of Occupancy Classification in Section 95.217.0. O. of the Los Angeles Municipal Code is amended to read as follows:

OCCUPANCY CLASSIFICATION. Classifications are defined in the Los Angeles Building Code.

Sec. 19. Section 95.300 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.300. BASIC PROVISIONS.

Chapter 3 of the C.M.C. is hereby adopted by reference.

Sec. 20. Section 95.312 of the Los Angeles Municipal Code is added to read as follows:

SEC. 95.312. WATER SUPPLY.

Water supplies and backflow protection shall be as required by the Los Angeles Plumbing Code.

Sec. 21. Section 95.500 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.500. BASIC PROVISIONS.

Chapter 5 of the C.M.C. is hereby adopted by reference.

Sec. 22. Section 95.507.1.1 of the Los Angeles Municipal Code is added to read as follows:

95.507.1.1. Electric cooking equipment that has been listed in accordance with UL 197 and provided with integral recirculation system (also referred to as ductless hoods) or non integral recalculating system listed in accordance with UL 710B shall not be required to be provided with an exhaust system. [NFPA 96:4.1.1.1*]

Sec. 23. Section 95.1500 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.1500. BASIC PROVISIONS.

Chapter 15 of the C.M.C. is adopted by reference.

Sec. 24. Section 95.1500.1 of the Los Angeles Municipal Code is deleted.

Sec. 25. Section 95.1800 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.1800. BASIC PROVISIONS.

Chapter 1, Division II and Appendices A and D of the C.M.C. are adopted by reference.

Sec. 26. **Urgency Clause.** The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety for the following reason: In order for the City of Los Angeles to facilitate a seamless transition with the State of California and its Mechanical Code and maintain predictability and streamlined case processing for the benefit of economic development during distressed times, it is necessary to immediately adopt the foregoing exceptions, modifications and additions to the California Mechanical Code. Additionally, the California Mechanical Code became effective on January 1, 2011 and the amendments to that code as reflected herein must be adopted by the City Council and become effective as soon as possible. The Council, therefore, with the Mayor's concurrence, adopts this ordinance to become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 27. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all of its members, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
KIM RODGERS WESTHOFF
Deputy City Attorney

Date February 14, 2011

File No. CF 10-2335