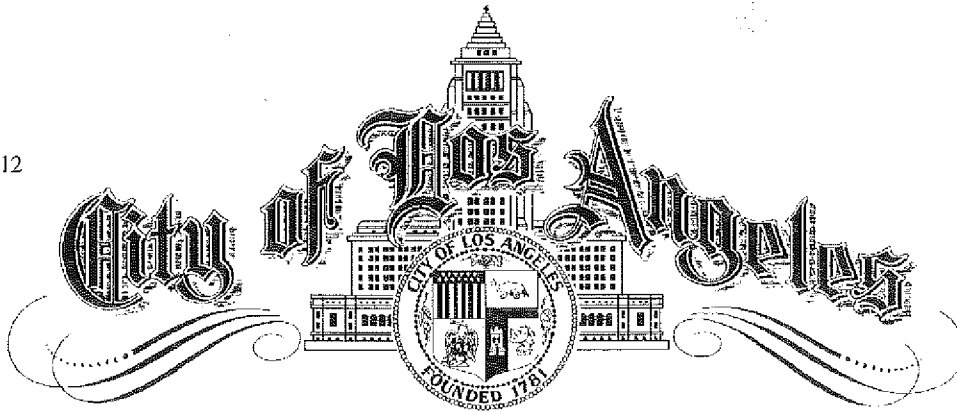


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R11-0143

APR 07 2011

REPORT RE:

**REVISED 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 previously transmitted 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. (City Attorney Report No. R11-0057). Upon further review, we find that technical corrections to that draft ordinance are necessary. We transmit herewith a revised draft ordinance for your consideration and action instead of the draft previously transmitted.

Summary of Ordinance Provisions

When this matter was considered by the Planning and Land Use Management (PLUM) Committee, the Committee 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. This draft ordinance would update the LAMC to be consistent with State law. In addition, the ordinance includes amendments that 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 that 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 you concur, you should adopt this finding prior to or concurrent with your action on the ordinance.

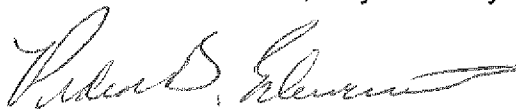
Council Rule 38 Referral

The draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety with the request that they present their comments, if any, at the time this matter is considered.

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 third unnumbered paragraph of Section 95.102 of the Los Angeles Municipal Code is amended to read as follows:

The provisions of Chapter 1, Division II, Appendices A and D, and Chapters 2 through 17 of the 2010 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 2010 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 of this Code 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 repealed.

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. Section 95.217.0. O. of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.217.0. O

Section 217.0 of Chapter 1, Division II of the C.M.C. is adopted by reference, except that the C.M.C. definition of the following term is not adopted:

OCCUPANCY CATEGORY

The following definition is also adopted:

OCCUPANCY CATEGORY. For definition of occupancy category, see the California Building Code, section 202.

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 repealed.

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 health and safety of the public and 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. This ordinance shall 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 B. Westhoff*
KIM RODGERS WESTHOFF
Deputy City Attorney

Date *April 7, 2011*

File No. CF 10-2335