



MICHAEL N. FEUER
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REPORT NO. R 13 - 0 3 5 6
DEC 10 2013

REPORT RE:

**DRAFT ORDINANCE AMENDING ARTICLE 5, CHAPTER IX
OF THE LOS ANGELES MUNICIPAL CODE TO MAKE VARIOUS TECHNICAL
CHANGES AND INCORPORATE PORTIONS
OF THE 2013 EDITION OF THE CALIFORNIA 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 No. 13-1214

Honorable Members:

Pursuant to the request of City Council, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends the Los Angeles Municipal Code (LAMC) to make various technical changes and incorporate portions of the 2013 Edition of the California Mechanical Code.

Summary of Ordinance Provisions

On October 29, 2013, the Planning and Land Use Management (PLUM) Committee considered reports from the Mayor and the Department of Building and Safety (DBS) relative to proposed ordinances to amend various sections of the LAMC including the Mechanical Code. At the meeting, the PLUM Committee requested that the City Attorney prepare and present ordinances to amend the various sections of the LAMC as outlined in the reports.

This draft ordinance makes various technical changes to the existing regulations in the Mechanical Code. It also eliminates obsolete code sections, clarifies code sections and updates code year references.

CEQA Determination

Under California Environmental Quality Act Section 21065 and State CEQA Guidelines Section 15378(b)(2) and (b)(5), continuing administrative activities and organizational activities that will not result in direct or indirect physical changes in the environment are not CEQA projects. The draft ordinance makes various technical changes to the existing regulations, eliminates obsolete code sections, and clarifies code sections. These changes will not result in any direct or indirect physical change to the environment. Therefore, the ordinance is not subject to CEQA.

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,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM/KRW:zra
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 2013 Edition of the California Mechanical Code (C.M.C.)

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

Section 1. Section 95.101.0 of the Los Angeles Municipal Code is added to read as follows:

SEC. 95.101. TITLE, SCOPE, AND GENERAL.

Sec. 2. Section 95.101 of the Los Angeles Municipal Code is renumbered as Subsection 95.101.1 and amended to read as follows:

95.101.1. TITLE. This article is a portion of the Los Angeles Municipal Code and shall be known as the Los Angeles Mechanical Code. Whenever the word "Code" is used in this article, it shall mean the Los Angeles Mechanical Code unless it is apparent from the context that another code is intended and applicable.

Section number references are to the Los Angeles Municipal Code unless otherwise indicated.

Sec. 3. Section 95.102 of the Los Angeles Municipal Code is renumbered as Subsection 95.101.2.

Sec. 4. The third unnumbered paragraph of Section 95.101.2 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 2013 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 "CMC" shall mean and refer to the 2013 Edition of the California Mechanical Code. References to "LAMC" or "Code" shall mean the Los Angeles Municipal Code.

Sec. 5. Section 95.103 of the Los Angeles Municipal Code is renumbered as Subsection 95.101.3.

Sec. 6. Section 95.104 of the Los Angeles Municipal Code is renumbered as Section 95.102.

Sec. 7. Subsection 95.104.5 of the Los Angeles Municipal Code is renumbered as Subsection 95.102.5.

Sec. 8. Section 95.105 of the Los Angeles Municipal Code is renumbered as Section 95.103.

Sec. 9. Section 95.106 of the Los Angeles Municipal Code is renumbered as Section 95.104.

Sec. 10. Section 95.107 of the Los Angeles Municipal Code is renumbered as Section 95.105 and amended to read as follows:

SEC. 95.105. TESTING.

Sections 105.0 through 105.3 of Chapter 1, Division II of the CMC are adopted by reference.

Sec. 11. Section 95.108 of the Los Angeles Municipal Code is renumbered as Section 95.106.

Sec. 12. Subsection 95.108.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.1.

Sec. 13. Subsection 95.108.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.2.

Sec. 14. Subsection 95.108.3 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.3.

Sec. 15. Subsection 95.108.4 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.4.

Sec. 16. Subsection 95.108.5 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.5.

Sec. 17. Subsection 95.108.6 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.6.

Sec. 18. Subsection 95.108.7 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.7.

Sec. 19. Subsection 95.108.8 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.8.

Sec. 20. Subsection 95.108.9 of the Los Angeles Municipal Code is renumbered as Subsection 95.106.9.

Sec. 21. Section 95.109 of the Los Angeles Municipal Code is renumbered as Section 95.107 and amended to read as follows:

SEC. 95.107. UNSAFE EQUIPMENT.

Sections 107.0 and 107.1 of Chapter 1, Division II of the C.M.C. are adopted by reference.

Sec. 22. Section 95.110 of the Los Angeles Municipal Code is renumbered as Section 95.108.

Sec. 23. Section 95.111 of the Los Angeles Municipal Code is renumbered as Section 95.109.

Sec. 24. Section 95.112 of the Los Angeles Municipal Code is renumbered as Section 95.111.

Sec. 25. Subsection 95.112.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.111.1.

Sec. 26. Subsection 95.112.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.111.2.

Sec. 27. Subsection 95.112.3 of the Los Angeles Municipal Code is renumbered as Subsection 95.111.3.

Sec. 28. Subsection 95.112.4 of the Los Angeles Municipal Code is renumbered as Subsection 95.111.4.

Sec. 29. Section 95.113 of the Los Angeles Municipal Code is renumbered as Section 95.112.

Sec. 30. Subsection 95.113.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.112.1.

Sec. 31. Subsection 95.113.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.112.1.

Sec. 32. Subsection 95.113.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.112.2.

Sec. 33. Subsection 95.113.3 of the Los Angeles Municipal Code is renumbered as Subsection 95.112.3.

Sec. 34. Subsection 95.113.4 of the Los Angeles Municipal Code is renumbered as Subsection 95.112.4.

Sec. 35. Section 95.114 of the Los Angeles Municipal Code is renumbered as Section 95.113.

Sec. 36. Subsection 95.114.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.113.1.

Sec. 37. Subsection 95.114.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.113.2.

Sec. 38. Subsection 95.114.3 of the Los Angeles Municipal Code is renumbered as Subsection 95.113.3.

Sec. 39. Subsection 95.114.4 of the Los Angeles Municipal Code is renumbered as Subsection 95.113.4.

Sec. 40. Section 95.115 of the Los Angeles Municipal Code is renumbered as Section 95.114.

Sec. 41. Subsection 95.115.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.1.

Sec. 42. Subsection 95.115.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.2.

Sec. 43. Subsection 95.115.3 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.3.

Sec. 44. Subsection 95.115.4 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.4.

Sec. 45. Subsection 95.115.5 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.5.

Sec. 46. Subsection 95.115.6 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.6.

Sec. 47. Subsection 95.115.7 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.7.

Sec. 48. Subsection 95.115.8 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.8.

Sec. 49. Subsection 95.115.9 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.9.

Sec. 50. Subsection 95.115.10 of the Los Angeles Municipal Code is renumbered as Subsection 95.114.10.

Sec. 51. Section 95.116 of the Los Angeles Municipal Code is renumbered as Section 95.115.

Sec. 52. Subsection 95.116.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.115.1.

Sec. 53. Subsection 95.116.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.115.2.

Sec. 54. Section 95.117 of the Los Angeles Municipal Code is renumbered as Section 95.116.

Sec. 55. Subsection 95.117.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.116.1.

Sec. 56. Subsection 95.117.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.116.2.

Sec. 57. A new Section 95.117 of the Los Angeles Municipal Code is added to read as follows:

SEC. 95.117. UNCONSTITUTIONAL.

Sections 117.0 through 117.1 of Chapter 1, Division II of the CMC are adopted by reference.

Sec. 58. A new Section 95.118 of the Los Angeles Municipal Code is added to read as follows:

SEC. 95.118. VALIDITY.

Sections 118.0 through 118.1 of Chapter 1, Division II of the CMC are adopted by reference.

Sec. 59. Section 95.118 of the Los Angeles Municipal Code is renumbered as Section 95.119.

Sec. 60. Subsection 95.118.1 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.1.

Sec. 61. Subsection 95.118.2 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.2.

Sec. 62. Subsection 95.118.3 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.3.

Sec. 63. Subsection 95.118.4 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.4.

Sec. 64. Subsection 95.118.5 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.5.

Sec. 65. Subsection 95.118.6 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.6.

Sec. 66. Subsection 95.118.7 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.7.

Sec. 67. Subsection 95.118.8 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.8.

Sec. 68. Subsection 95.118.9 of the Los Angeles Municipal Code is renumbered as Subsection 95.119.9.

Sec.69. Section 95.203.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.203.0. A.

Section 203.0 of the CMC is adopted by reference, except that the CMC definitions of the following terms are not adopted:

AUTHORITY HAVING JURISDICTION

The following definitions are adopted:

ADMINISTRATIVE AUTHORITY is the Superintendent of Building or an authorized agent.

APPLICANT is the person signing the application and paying the fees.

APPRENTICE is a person who is enrolled in an apprenticeship program approved by the Department of Industrial Relations of the State of California.

AUTHORITY HAVING JURISDICTION is the City of Los Angeles Department of Building and Safety.

Sec. 70. Section 95.204.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.204.0. B.

Section 204.0 of the CMC is adopted by reference, except that the CMC definition of the following terms are not adopted:

BUILDING CODE

The following definitions are adopted:

BOARD is the Board of Building and Safety Commissioners of the City of Los Angeles.

BUILDING CODE is the City of Los Angeles Building Code, set forth in Article 1 of Chapter IX of the Los Angeles Municipal Code.

Sec. 71. Section 95.206.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.206.0. D.

Section 206.0 of the CMC is adopted by reference, except that the CMC definition of the following term is not adopted:

DEPARTMENT

The following definition is adopted:

DEPARTMENT is the Department of Building and Safety of the City of Los Angeles.

Sec. 72. Section 95.208.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.208.0. F.

Section 208.0 of the CMC is adopted by reference, except that the CMC definition of the following term is not adopted:

FIRE CODE

The following definition is adopted:

FIRE CODE is the City of Los Angeles Fire Code, set forth in Article 7 Chapter V of the Los Angeles Municipal Code.

Sec. 73. Section 95.215.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.215.0. M.

Section 215.0 of the CMC is adopted by reference with the following additions:

MAINTENANCE CERTIFICATE OF REGISTRATION is a certificate issued to the owner or occupant of specified premises for the sole purpose of adding to, altering, maintaining or repairing existing heating, ventilating, air-conditioning, or refrigeration equipment on the premises.

MAINTENANCE SUPERVISOR is comfort heating and cooling Maintenance Supervisor or a refrigeration Maintenance Supervisor.

Sec. 74. Section 95.218.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.218.0. P.

Section 218.0 of the CMC is adopted by reference.

Sec. 75. Section 95.219.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.219.0. Q.

Section 219.0 of the CMC is adopted by reference with the following addition:

QUALIFIED INSTALLER is:

- (A) A person who holds a valid contractor's license in the proper classification issued by the State of California; or
- (B) A person who holds a valid Maintenance Certificate of Registration issued pursuant to the provisions of this Code; or
- (C) A person who is the owner of a single-family dwelling and has demonstrated to the satisfaction of the Department his or her qualifications to satisfactorily perform plumbing work in the dwelling which is occupied by the owner, and their accessory buildings, provided that all of the following conditions are met:
 - (1) The work is performed prior to sale of the dwelling.
 - (2) The homeowner has actually resided in the residence for the 12 months prior to completion of the work.
 - (3) The homeowner has not availed himself or herself of this exemption on more than two structures during any three year period; or
- (D) A person who is employed by a governmental agency that is required to comply with the provisions of this Code, and who is

qualified, as determined by the Department, to supervise or control any work regulated by this Code.

Sec. 76. Section 95.221.0 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 95.221.0. S.

Section 221.0 of the C.M.C. is adopted by reference with the following additions:

SUPERINTENDENT OF BUILDING is the General Manager of the Department of Building and Safety.

Sec. 77. Subsection 95.315.1 of the Los Angeles Municipal Code is added to read as follows:

95.315.1. General. Water supply and backflow protection shall be in accordance with the Los Angeles Plumbing Code.

Sec. 78. Division 4 of Article 5, Chapter IX of the Los Angeles Municipal Code is amended by deleting the following notation in its entirety:

* The following sections in Division 4 are deleted in entirety by Ord. No. 172,595:

95.401 thru 95.404.

Sec. 79. Subsection 95.507.1.1 of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 80. Division 6 of Article 5, Chapter IX of the Los Angeles Municipal Code is amended by deleting the following notation in its entirety:

* The following sections in Division 6 are deleted in entirety by Ord. No. 172,595:

95.601 thru 95.609.

Sec. 81. Division 7 of Article 5, Chapter IX of the Los Angeles Municipal Code is amended by deleting the following notation in its entirety:

* The following sections in Division 7 are deleted in entirety by Ord. No. 172,595:

95.701 thru 95.707.

Sec. 82. Division 8 of Article 5, Chapter IX of the Los Angeles Municipal Code is amended by deleting the following notation in its entirety:

* The following sections in Division 8 are deleted in entirety by Ord. No. 172,595:

95.801 thru 95.818.

Sec. 83. The Title of Division 9 of Article 5, Chapter IX of the Los Angeles Municipal Code is amended to read as follows:

INSTALLATION OF SPECIFIC APPLIANCES

Sec. 84. The Title of Division 16 of Article 5, Chapter IX of the Los Angeles Municipal Code is amended to read as follows:

STATIONARY POWER PLANTS

Sec. 85. The Title of Division 17 of Article 5, Chapter IX of the Los Angeles Municipal Code is amended to read as follows:

REFERENCED STANDARDS

Sec. 86. **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 becomes effective on January 1, 2014 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. 87. 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 _____.

HOLLY L. WOLCOTT, Interim City Clerk

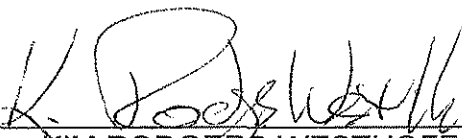
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
KIM RODGERS WESTHOFF
Deputy City Attorney

Date 12/10/13

File No. CF 13-1214