

## EXHIBIT 67

### 2009 INTERNATIONAL MECHANICAL CODE

#### *New Amendment Proposal IMC 2009 – 108.4, 108.5*

##### **CURRENT LANGUAGE of the 2009 IMC:**

**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 [SPECIFY OFFENSE], punishable by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. 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 of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

##### **CURRENT LANGUAGE of the 2006 IMC as amended by NH:**

**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 mechanical 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 [SPECIFY OFFENSE] punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense~~ subject to the penalty provisions prescribed by RSA 155-A:8.

**108.5 Stop work orders.** Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work 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 on the system 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 for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to the penalty provisions prescribed by RSA 155-A:8.

## PROPOSED AMENDMENT:

**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 [SPECIFY OFFENSE], punishable by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense~~ subject to *penalties as prescribed by law.* Each day that a violation continues after due notice has been serviced 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 of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ *subject to penalties as prescribed by law.*

## REASON:

The current amendment to the 2006 codes makes specific reference to RSA 155-A:8 and RSA 329-A:18. RSA155-A:8 then makes a reference to RSA 676:17 which is enabling legislation that permits towns/municipalities to seek fines in court. But the reference should not be so specific because it then limits prosecution of code violation solely to RSA 676:17 and code officials of towns/municipalities leaving state agencies out. RSA 329-A 18 is the penalty section of the plumbing licensing law for penalties for plumbing without a license.

The proposed language is identical to the language in section R113 of the International Residential Code 2009 edition, and would be more consistent and give more options to prosecute violators of the code(s).