

ORDINANCE NO. 48-369

AN ORDINANCE CREATING SECTIONS 21.14.010, 21.14.020, 21.14.030, 21.14.040, 21.14.050, 21.14.060, 21.14.070, 21.14.080, AND 21.14.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO WATER CONDITIONING CONTRACTORS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 21.14.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Definitions. (a) 'Technician' means an individual who performs maintenance or repair of residential, commercial and industrial water conditioning equipment. A Technician is not a Certified Installer. Unless directly supervised by a Certified Installer, a Technician may not install or replace residential, commercial and industrial water conditioning equipment.

(b) 'Certified Installer' means an individual who holds a certificate, issued pursuant to this title, evidencing such person to be qualified to install, service, maintain, repair and replace residential, commercial and industrial water conditioning equipment.

(c) 'Master Water Conditioner Installer' means an individual who holds a master certificate, issued pursuant to this title, evidencing such person to be qualified to install, service, maintain and replace residential, commercial and industrial water conditioning equipment.

(d) 'Qualified, Master' means a person who holds a masters Water Conditioning Installer's Certificate and has the control and authority of all technical work performed under the authority of the Licensed Water Conditioning Contractor's enterprise and assures quality control and is responsible for complying with all applicable laws, codes and regulations.

(e) 'Licensed Water Conditioning Contractor' means any person, partnership, association, limited liability company or corporation which engages in the business of installing, servicing, maintaining or repairing residential, commercial and industrial water conditioning equipment. This term shall include the alteration, exchange or maintenance of residential, commercial and industrial water conditioning equipment.

(f) 'Water conditioning equipment' means any water conditioning device, such as filters, softeners, carbon filters, reverse osmosis systems, hydrochlorinators, aerators, chemical feeders, and other similar equipment used for the conditioning of water for residential, commercial and industrial purposes. Such term shall not include point of use filters which do not require a drain."

(g) 'Direct supervision' means that the Technician is working in the same structure and/or building as the Certified Installer.

SECTION 2. Section 21.14.020 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Certificate – Examination Required. (a) It is unlawful for any person to engage in the business of installing or replacing water conditioning equipment unless and until a certificate has been obtained, a license has been issued for such business and a permit has been issued for such work. Permits and inspections shall be obtained as required by this title. The permit fee shall be the minimum permit fee established by Section 21.04.050 of this code.

(b) It shall be unlawful for any Qualified Master, Certified Installer or Licensed Water Conditioner Contractor to allow or permit an uncertified individual to engage in the business of installing or replacing water conditioning equipment.

(c) Any person desiring to engage in or work at the business of installing or replacing water conditioning equipment shall make application to the Office of Central Inspection for a Water Conditioner Installer Certificate.

(d) No Water Conditioner Installer Certificate shall be issued to any individual:

(1) Who is not currently certified by the Water Quality Association as a Certified Installer; or

(2) Who has knowingly given any false statement in his or her application for a certificate;

(e) No Master Water Conditioner Installer Certificate shall be issued to any individual with less than two years experience in the installation, service, replacement or repair of water conditioning equipment and who is not certified by the Water Quality Association as a Certified Installer.

(f) No Water Conditioning Contractor's License shall be issued to any person, partnership, association, limited liability company or corporation who:

(1) Has been convicted of a felony or any crime involving moral turpitude or fraud, deception or misrepresentation; For purposes of this chapter moral turpitude means those charges involving prostitution, pimping, indecent exposure, illegal use, possession or sale of narcotics or non-narcotic drugs, sodomy, incest, gambling, illegal cohabitation, adultery, bigamy and crimes against nature.

(2) Has not complied with the provisions of subsection 21.14.060 regarding insurance requirements;

(3) Has been refused a certificate or license in another jurisdiction;

(4) Any partnership, limited liability company or corporation, unless all partners, members or majority shareholders of such partnership, limited liability company or corporation are qualified to obtain a license.

(g) Any license issued pursuant to this section shall expire on the thirty-first day of December of the year in which it was issued.

(h) Any person holding a current Master Water Conditioning Installer Certificate shall be entitled to only one contractor's license unless authorized by the Board of Appeals of Plumbers and Gas Fitters, and each such business shall obtain a license; provided, however, that such person shall be entitled to obtain additional licenses and act as the qualified person for up to two businesses that are wholly owned corporate subsidiaries of the business in which he or she is an active member or corporate officer.

(i) No license shall be transferred from one person to another person, partnership, limited liability company or corporation.

(j) A Water Conditioning Contractor's license may be issued to any person, partnership, limited liability company or corporation which has at least one active member or officer who has been qualified as and has a Master Water Conditioning Certificate.

(k) Persons currently engaging in the business of installing, servicing, repairing or replacing water conditioning equipment shall have two years from the date of publication of this ordinance to obtain certification from the Water Quality Association as a Certified Installer.

(l) Individuals holding a journeyman or master's plumbing certificate are not required to obtain a Water Conditioning Certificate in order to install, service, repair, alter, replace or exchange water conditioning equipment.

(m) It is unlawful for any person to install or replace or cause to be

installed or replaced any water conditioning equipment in a building or premises without first obtaining a permit to do such work from the Superintendent of Central Inspection. Master Certified Installers are the only persons entitled to obtain such permits.

(n) It is unlawful for any Water Conditioning Licensed Contractor to allow or permit any person to do or cause to be done any work under a permit secured by the contractor unless such person is employed by such contractor.

SECTION 3. Section 21.14.030 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Certificate – Classification. The certificate issued to an individual wishing to install or replace water conditioning equipment shall be known as a class ‘W-C installer’ certificate and shall authorize such individual, to engage in such activities.”

SECTION 4. Section 21.14.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Certificates--Fees--Expiration--Duration. (a) The fee for each certificate of class ‘W-C installer’ shall be established by the Superintendent of the Office of Central Inspection to cover the administrative costs of issuing such certificates. All such certificates shall be renewed bi-annually upon payment of a fee established by the Superintendent of the Office of Central Inspection to cover the administrative costs of issuing such certificates. All certificates shall expire on the thirty-first day of December of each odd numbered year and no reduction shall be made for part of the year being elapsed. Certificates which have not been renewed by March 1st after their expiration may be subject to recertification by the Water Quality Association and/or appearance before the Board of Appeals of Plumbers and Gas Fitters prior to reissuance of a certificate.

(b) All applicants for renewal of a W-C certificate must provide written proof of current Certified Installer certification from the Water Quality Association.

SECTION 5. Section 21.14.050 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Application of related provisions of this Code and additional codes adopted by reference. All water conditioning equipment installations shall comply with existing laws and ordinances as contained in the following parts of this Code and any other that may apply:

Mechanical Code--Chapter 22

Plumbing Code--Chapter 21

Electrical Code--Chapter 19

Building Code--Chapter 18

The Qualified Master of the Licensed Water Conditioning Contractor is responsible for compliance with all applicable codes.

SECTION 6. Section 21.14.060 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Insurance. Every Water Conditioning Contractor licensed under this title shall procure and maintain a policy of general liability insurance covering the activities of the water conditioning contractor while engaged in contracting hereunder. Such insurance policy shall be written with an insurance company licensed to do business in the state and shall have minimum limits of coverage of three hundred thousand dollars (\$300,000) per occurrence. In addition, every such Water Conditioning Contractor shall procure and maintain worker’s compensation insurance as required by law and automobile liability insurance as required by law. Every contractor licensed under this title shall, prior to the issuance of a license, file with the Office of Central Inspection certificates of insurance evidencing the insurance coverage specified herein. All such certificates shall indicate that the city shall be given at least thirty days advance written notice of any cancellation or material change in coverage of such insurance. Failure of a

Water Conditioning Contractor to either procure or maintain such insurance shall be a violation of law punishable as a general misdemeanor and shall be grounds for suspension or revocation of the Water Conditioning Contractor's License and certificate.”

SECTION 7. Section 21.14.070 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

Contractors--Marking of vehicles. Any person, partnership, limited liability company or corporation required by this title to obtain a Water Conditioning Contractor's License shall be subject to the following:

(a) Vehicles used in performance of installations regulated under this title shall display the contractor's permanent vehicle permit numbers. Such numbers shall be assigned by the Superintendent of Central Inspection to a contractor duly licensed under the provisions of this title.

(b) Permanent vehicle permit numbers must be affixed to both sides of vehicle(s), in a conspicuous place, either by paint of a contrasting color or by the use of a permanent decal.

(c) Permanent vehicle permit numbers must be a minimum of two inches high with a one-half inch wide stroke per character.

(d) A contractor's employee(s) using their personal vehicles as transportation to or from the job site are exempted from the provisions of this section. A contractor's employee using a personal vehicle in any job related capacity must display the permanent vehicle permit marking.

(e) The contractor shall be responsible for removing the permanent vehicle permit number at the time any vehicle is taken out of service.

(f) Violation of any provision of this section may result in a hearing before the board of appeals of plumbers and gas fitters. The board may order any or all of the following:

1. No water conditioning permits shall be issued to the contractor until such time as the violation is abated.

2. All inspections of further work performed by the contractor will be suspended until such time as the violation is abated, excepting extreme hazard or life safety inspection.

3. A license review, subjecting the contractor to possible suspension, recall or cancellation of the master certificate and/or license, in accordance with the provisions of Section 21.04.040 of the Code of the City of Wichita, Kansas.

Exception: If the contractor chooses to advertise his or her business on their vehicles and abides with Section 21.04.043 of the Code of the City of Wichita, Truth in advertising requirements, then the above Section 21.04.045 of the Code of the City of Wichita, Marking of vehicles, does not apply.

SECTION 8. Section 21.14.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Installations. (a) Drain piping from water conditioning equipment shall be run to an approved receptor.

(b) Any new drain openings or openings in an existing waste and vent system, which are required for the installation or replacement of water conditioning equipment, must be inspected by the Superintendent of Central Inspection or his or her designee.

(c) Installations which are completed by a drill and tap with an approved saddle clamp on the tail piece shall not require an inspection. Such installations will require that a permit be issued for such installation.

(d) Certified Installers and Water Conditioning Contractors shall not be authorized to engage in the business of plumbing.

SECTION 9. Section 21.14.090 shall be created to read as follows:

“Violation--Penalty. Any person who violates any of the provisions of this title is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than six months or both such fine and imprisonment.”

SECTION 10. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 21st day of July, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law