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ORDINANCE NO. 48-093

AN ORDINANCE AMENDING SECTIONS 22.06.010, 22.06.020, 22.06.030, 22.06.040, 22.06.050, 22.06.060, 22.06.065 AND 22.06.066 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO FUEL BURNING FIREPLACE EQUIPMENT AND REPEALING THE ORIGINALS OF SAID SECTIONS.

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

Section 1. Section 22.06.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Definitions. (1) 'Solid fuel-burning equipment for the purpose of this chapter, means any factory-built fireplace, including chimney liners, vents and connectors, fireplace inserts (non-gas) and free-standing fireplace stoves which use wood, pellets or coal for fuel.

(2) 'Gas fireplace equipment' shall mean gas fireplaces, including chimney liners, vents and connectors, fireplaces with gas starters, and direct or natural vent fireplaces.

(3) 'Gas fireplace contractor' shall mean any individual who has been duly qualified by the Office of Central Inspection to engage in or work in the trade of installing, repairing or replacing gas fireplace equipment.

(4) 'Solid Fuel Contractor,' for the purpose of this chapter, means any individual who has been duly qualified by the Office of Central Inspection to engage in or work at the trade of installing, repairing or replacing solid fuel-burning equipment."

SECTION 2. Section 22.06.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Certificate--Examination required. (a) It is unlawful for any person in the business of installing, repairing or altering solid fuel-burning or gas fireplace equipment in the City, unless and until a certificate has been obtained therefore, and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of this code. Apprentices shall be permitted to work when accompanied by and under the direct supervision of a master or journeyman solid fuel or gas fireplace contractor, who shall be responsible for the work done by the apprentice. There shall be a maximum of three apprentices per one master or journeyman.

(b) Any person desiring to engage in or work at the business of installing, repairing or altering solid fuel-burning equipment or gas fireplace equipment shall make application to the Office of Central Inspection for a certificate.

(c) No certificate shall be issued to any individual who is not certified by the National Fire Institute in one or more of the following areas:

- (1) NFI Gas Specialist
- (2) NFI Wood-burning Specialist
- (3) NFI Pellet Specialist

(d) A journeyman's certificate shall not be issued to any individual with less than one year's experience as an apprentice.

Individuals wanting a master's certificate for gas fireplace and solid fuel shall be required to be certified by the National Fire Institute as both a gas and wood-burning specialist.

(e) Individuals holding a SF certificate, which was issued based on passing the City of Wichita's examination, shall have two years from date of publication of this ordinance to obtain certification from the National Fireplace Institute.

(f) Individuals holding a journeyman or master's mechanical (A-C) certificate are not required to obtain a SF-P, SF-W or GF certificate to install solid fuel or gas fireplace equipment."

SECTION 3. Section 22.06.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

~~Certificate--Classification.~~ (a) The certificate issued to an individual wishing to engage in the business of installing, repairing or replacing solid fuel wood-burning equipment shall be known as a class 'SF-W' certificate and shall authorize such individual, upon his complying with Section 22.06.060, to engage in such business.

(b) The certificate issued to an individual wishing to engage in the business of installing, repairing or replacing solid fuel pellet-burning equipment shall be known as a class 'SF-P' certificate and shall authorize such individual, upon his complying with Section 22.06.060, to engage in such business.

(c) The certificate issued to an individual wishing to engage in the business of installing, repairing or replacing gas fireplace equipment shall be known as a class 'GF' certificate and shall authorize such individual, upon his complying with Section 22.06.060, to engage in such business.

(d) It shall be unlawful for any individual or contractor to engage in the business of installing, repairing or replacing solid fuel-burning equipment in the city, unless and until a certificate has been obtained therefor and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of the Code of the City of Wichita, Kansas.

(e) It shall be unlawful for any individual or contractor to engage in the business of installing, repairing or replacing gas fireplace equipment in the city, unless and until a certificate has been obtained therefor and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of the Code of the City of Wichita, Kansas.”

SECTION 4. Section 22.06.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Certificates--Fees--Expiration--Duration. (a) The fee for each examination and original certificate of class ‘SF-W’, ‘SF-P’ or ‘GF’ 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-number 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 reexamination and/or board appearance prior to reissuance of a certificate.

(b) All applicants for renewal must provide written proof of having completed bi-annually not less than twelve (12) hours of continuing education approved by the Superintendent of Central Inspection or his/her designee. Continuing education may be provided by the Office of Central Inspection or a nationally recognized trade association, community college, technical school or technical college.”

SECTION 5. Section 22.06.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Application of related provisions of this code and additional codes adopted by reference.

All solid fuel-burning equipment and gas fireplace equipment installations, repairs or replacements 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.”

SECTION 6. Section 22.06.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“License requirement. Anyone engaging or desiring to engage in the business of installing, repairing or replacing solid fuel-burning equipment or gas fireplace equipment and who has been qualified and approved to do so by the office of central inspection as required by this Code, shall before obtaining any permits or transacting any business, procure a license therefor, from the license collector of the city, which license shall expire on December 31st of the year in which it was issued. No license shall be transferred from one person to another. The fee for such license shall be one hundred dollars.

SECTION 7. Section 22.06.065 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Insurance required. Every solid fuel and gas fireplace contractor licensed under this title shall procure and maintain a policy of general liability insurance covering the activities of the solid fuel or gas fireplace contractor while engaged in contracting hereunder. Such insurance policy shall be written with an insurance company licensed to do business in the state of Kansas and shall have minimum limits of coverage of three hundred thousand dollars per occurrence. In addition, every such solid fuel or gas fireplace 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 of Wichita shall be given at least thirty days advance written notice of any cancellation or material in coverage of such insurance. Failure of a solid fuel or gas fireplace 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 contractor's license and certificate.

SECTION 8. Section 22.06.066 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Truth in advertising requirements. Any person, firm or corporation required by this title to obtain a solid fuel or gas fireplace contractor's license shall be subject to the following:

(a) It shall be unlawful for any such person, firm or corporation to advertise as a solid fuel or gas fireplace contractor unless, at the time such advertisement occurs, such person, firm or corporation has a valid solid fuel or gas fireplace contractor's license issued under the provisions of this chapter;

(b) Any advertisement by such person, firm or corporation as a solid fuel or gas-fireplace contractor which is placed or published in any publication or other print medium circulated, displayed or distributed within the city limits or which is broadcast by radio or television or any other means to persons within the city limits shall include the full name of the licensed person, firm or corporation and the license number assigned by the office of central inspection to such person, firm or corporation.

(c) As used in this section, the words "advertised" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, any other printed or written material designed to inform persons of the services offered by the advertising person, firm or corporation and to solicit business from such persons, or any broadcast statement designed to inform persons of the services offered by the advertising person, firm or corporation and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page listings."

SECTION 9. The originals of Sections 22.06.010, 22.06.020, 22.06.030, 22.06.040 22.06.050, 22.06.060, 22.06.065 and 22.06.066 of the Code of the City of Wichita, Kansas, are hereby repealed.

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 October, 2008.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law