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ORDINANCE NO. 47-883

AN ORDINANCE AMENDING SECTIONS 21.04.020, 21.04.040 21.04.043, AND 21.04.045, CREATING SECTION 21.04.035 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE PLUMBING AND GAS FITTING CODE, AND REPEALING THE ORIGINALS OF SECTIONS 21.04.020, 21.04.040 21.04.043, AND 21.04.045, OF THE CODE OF THE CITY OF WICHITA.

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

SECTION 1. Section 21.04.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Section 102.1 of the Uniform Plumbing Code, as adopted by reference herein shall be amended to read as follows:

“**Administrative Authority.** The administrative authority duly appointed to enforce this Code shall be the Superintendent of the Office of Central Inspection, and for unsanitary conditions of any plumbing system or portion thereof, shall also include the Health Officer and for back siphonage and cross-connection shall be the Director of the Water and Sewer Department. The administrative authority shall make decisions as are necessary to administer and enforce the Code. The administrative authority shall have the authority to refer to the Board of Appeals of Plumbers and Gas Fitters any matter that relates to the

approval of plumbing material and methods as the same relate to this Code. All plumbing inspectors shall have had a minimum of five years of practical plumbing experience as a journeyman and/or master plumber. Persons in the employ of the City who are duly certified as combination inspectors or plumbing inspectors by the International Conference of Building Officials, International Code Council or International Association of Plumbing and Mechanical Officials shall also be qualified as plumbing inspectors for the inspection of installations in one-and two-family residential structures.”

SECTION 2. Section 21.04.035 of the Code of the City of Wichita, Kansas, shall read as follows:

“Unless otherwise specified, the following terms, as used in this chapter, mean as follows:

‘Apprentice’ means an individual, who works as an employee in training under the direct supervision of a journeyman or master, who is responsible for the layout, installation, maintenance, repair or connection of plumbing piping, or plumbing equipment such as toilets, sinks, bathtubs or showers. An apprentice is not a certified individual.

‘Board’ means that board appointed for each licensed trade for the purpose of reviewing code interpretations taken by the building code enforcement division, granting variances from the code, reviewing license applications and license suspensions and revocation.

‘Code’ means the International or Uniform Plumbing Code as adopted by the City, as the context of this article may require.

‘Direct supervision’ means that the apprentice is working on the same structure and/or building site as the journeyman or master, or where the apprentice is within 500 feet of where the journeyman or master is working.

‘Journeyman Plumber’ means an individual that holds a journeyman certificate issued pursuant to this article evidencing such person to be qualified to lay out, install, maintain and repair work in his area of expertise. A journeyman is responsible for the supervision of any apprentice assigned to work with him.

‘Licensed contractor’ means a person that engages in the business of plumbing or gas fitting.

‘Licensed trade’ or ‘trade’ means the mechanical, electrical, plumbing or gas fitting trade, as the context of this article may require.

‘Master Plumber’ means an individual that holds a master certificate issued pursuant to this article evidencing such person to be qualified to layout, install, maintain and repair work in his area of expertise. A master is responsible for the supervision of any apprentice assigned to work with him.

‘Master Plumber, Qualified’ means an individual who holds a contractor license issued pursuant to this article evidencing such person to be qualified to control and have authority of all technical work performed under the authority of the licensed contractor’s enterprise and assures quality control and is responsible for complying with all applicable laws, codes and regulations.”

SECTION 3. Section 21.04.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Certificates, examinations, cancellations, licenses and permits.

(a) It is unlawful for any person to engage in the business of plumbing, plumbing repair or gas fitting either as a master plumber or master gas fitter, or to do plumbing work, plumbing repair or gas fitting 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.

(b) Plumbers' apprentices shall be permitted to work when accompanied by and under the direct supervision of a master or journeyman plumber, who shall be responsible for the plumbing work done by the apprentice. There shall be a maximum of four apprentices per one master or journeyman plumber. The on-site master or journeyman shall be responsible for maintaining the ratio of master/journeyman plumbers to apprentices as required by this section. If an apprentice works without the required direct supervision, the qualified master, on-site master or journeyman plumber, and/or the apprentice may be held responsible for violation of this section.”

(c) It shall be unlawful for any qualified master to allow or permit an uncertified individual to engage in the business of plumbing, plumbing repair or gas fitting.

(d) Applications for examinations shall be made to the office of central inspection and each applicant shall be examined as to his or her particular knowledge and if satisfied as to the competency of the applicant shall thereupon direct that said certificate be issued to the applicant, authorizing him to engage in or work at the business of plumbing or gas fitting, either as a master plumber or

master gas fitter, to do plumbing work, plumbing repair or gas fitting. In order to sit for examination, the applicant must meet the following practical experience requirements:

Practical experience requirements:

Journeyman plumber: two years as apprentice

Master plumber: two years as journeyman

Journeyman gas fitter: two years as apprentice

Master gas fitter: two years as journeyman

Journeyman drain layer: two years as apprentice

Master drain layer: two years as journeyman

Journeyman lawn irrigation: two years as apprentice

Master lawn irrigation: two years as journeyman

The fee for each examination and original certificate of a master plumber, journeyman plumber, master drain layer, journeyman drain layer, master lawn irrigation, journeyman lawn irrigation, master gas fitter or journeyman gas fitter shall be established by the superintendent of central inspection to cover the administrative costs of issuing such certificates.

(e) All certificates shall be renewed bi-annually upon payment of a fee to be established by the superintendent of central inspection to cover the administrative costs of issuing such certificates. All such certificates shall expire on the thirty-first of December of each odd-number year. Any holder of a certificate who fails to renew the same by March 1st from the date of expiration may be required to take a new examination and/or provide proof of completion of

the required hours of continuing education before receiving a new certificate. All holders of certificates not renewed by March 1st after their expiration may be subject to re-examination and/or board appearance prior to re-issuance of a certificate.

All applicants for renewal must provide written proof of having completed biannually 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. All twelve (12) hours of education may consist of code up-date training on the Uniform or International Plumbing Codes.

(f) Any person engaging or desiring to engage in the business of plumbing, plumbing repair, drain laying, lawn irrigation, gas fitting or gas fitting repair shall, before obtaining any permit or transacting any business, obtain a license therefor from the superintendent of central inspection, which license shall expire on the thirty-first day of December of the year in which so issued. Any such person holding a current master plumber's certificate and/or a current master gas fitter's certificate shall be entitled to only one plumbing and/or gas fitting license unless otherwise 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.

(g) No license shall be transferred from one person to another; provided however, that any person not engaged in the business of plumbing within the scope of this Code who has in his regular and permanent employment a person or persons who possess current and valid master plumbing certificates shall be permitted to have such person or persons perform plumbing in and on buildings and premises that are owned, leased, operated or managed by him. This shall not be construed, however, to allow plumbing associated with the construction of new buildings or the construction of additions to existing buildings. Permits shall be obtained for such work as required in this Code, and the same shall be issued to the person who possesses the master plumber's certificate.

(h) The employer of said master certificate holder shall file with the superintendent of central inspection such certificates of insurance as required by code Section 21.04.042.

(i) A plumber's license may be issued to any firm, co-partnership or corporation of which at least one active member or officer has been qualified as and has a master plumber's certificate.

(j) A gas fitter's license may be issued to any firm, co-partnership or corporation of which at least one active member or officer has been qualified as and has a master gas fitter's certificate. The fees for a license to engage in plumbing, plumbing repair, gas fitting or gas fitting repair, shall be: plumber's license: one hundred dollars; gas fitters license: one hundred dollars; drain laying or sewer cleaning license: one hundred dollars.

(k) A plumbing license entitles the holder to engage in work performed by holders of gas fitting, drain laying, and sewer cleaning licenses. Each license shall be renewed annually by December 31st.

(l) Gas utility companies or corporations which operate under a franchise to the city shall not be required to furnish the license as required for a gas fitting business, and any person in the employ and under the supervision of such utility company or corporation shall be examined and pay the examination fee therefor and shall also pay the annual certification as required for gas fitters.

(m) The board of appeals of plumbers and gas fitters is authorized to cancel and recall the certificate of any master plumber, gas fitter, drain layer, or lawn irrigation, journeyman plumber, gas fitter, drain layer or lawn irrigation, and the license of any master plumber, master gas fitter, master drain layer or master lawn irrigation for any of the following reasons:

1. Abandonment of any contract without legal cause;
2. Diversion of funds or property received for performance or completion of a specific contract, or for a specific purpose in the performance or completion of any contract, and the application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;
3. The committing of any act in violation of any provisions of this Code or the failure or refusal to comply with any lawful order of the administrative authority;

4. Misrepresentation of a material fact by the applicant in obtaining a license;

5. The failure of any such master plumber, master gas fitter, master drain layer, master lawn irrigation, journeyman plumber, journeyman gas fitter, journeyman drain layer or journeyman lawn irrigation to fully satisfy all claims for labor and materials used in the performance of any work for which he has been engaged and for which he has been paid;

6. Use of a license to obtain permits for another;

7. Carelessness or negligence in providing safety measures for the protection of workmen and the public;

8. Failure to obtain permits;

9. Unreasonable delay in the performance and carrying out of any contract.

(n) It is unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the administrative authority. Master plumbers and master gas fitters are the only persons entitled to obtain such plumbing and/or gas fitting permits except as provided in Section 21.04.041.

(o) Excavation permits shall be obtained from the department of public works-engineering prior to performing any excavation work on public

property, and said permit to be obtained in accordance with the terms of Chapter 10.20 of the Code of the City of Wichita, Kansas. A separate permit shall be obtained for each building or structure or for any additional work other than authorized in the permit.

(p) No licensed contractor shall allow any other person to do or cause to be done any work under a permit secured by the permittee except persons in his employ.”

SECTION 4. Section 21.04.043 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 plumbing contractor's license shall be subject to the following:

(a) It is unlawful for any such person, firm or corporation to advertise as a plumbing contractor unless, at the time such advertisement occurs, such person, firm or corporation has a then valid plumbing contractor's license issued under the provisions of this chapter;

(b) Any advertisement by such person, firm or corporation as a plumbing 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 the central inspection to such person, firm or corporation;

(c) As used herein, the words "advertise" or "advertisement" shall mean and include, but not be limited to, a business card, contract bid proposal form, printed letterhead, any other printed or written material designated 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 5. Section 21.04.045 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Contractors--Marking of vehicles. Any person, firm, or corporation required by this title to obtain a plumbing contractor’s license shall be subject to the following:

(a) Vehicles used in performance of installations or service regulated under this title shall display contractors 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 further plumbing or gas fitting permits 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, Truth in advertising requirements, then the above Section 21.04.045, Marking of vehicles, does not apply.”

SECTION 6. The originals of Sections 21.04.020, 21.04.040 21.04.043, and 21.04.045, of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 7. 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 13 day of May, 2008.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law