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OCA #230100

ORDINANCE NO. 47-857

AN ORDINANCE CREATING SECTION 22.04.070 AND AMENDING SECTIONS 22.04.100, 22.04.130 AND 22.04.220 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO AIR CONDITIONING, REFRIGERATION AND WARM AIR HEATING CODE AND REPEALING THE ORIGINALS OF SECTIONS 22.04.100, 22.04.130 AND 22.04.220.

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

SECTION 1. Section 22.04.070 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. 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 Mechanical Code as adopted by the City, as the context of this article may require.

‘Direct supervision’ means that the apprentice is limited to the same structure and/or building site as the journeyman or master, except in the case of one- and two-family residential development, where the apprentice may be on the job site within 100 feet of where the journeyman or master is working.

‘Journeyman’ means an individual that holds a license 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 air conditioning, refrigeration or warm air heating.

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

‘Master mechanic’ means an individual that holds a master 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 master mechanic is responsible for the supervision of any apprentice assigned to work with him.

‘Master mechanic, 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 2. Section 22.04.100 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 mechanical 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 the 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 air conditioning, refrigeration, warm air heating and boilers. The board may order any or all of the following:

(1) No further mechanical 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 of 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 22.04.260.

Exception: If the contractor chooses to advertise his or her business on their vehicles and abides with Section 22.04.242, Truth in advertising requirements, then Section 22.04.100, Marking of vehicles, does not apply.”

SECTION 3. Section 22.04.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Apprentices.** (a) Apprentices shall be permitted to work when accompanied by and under the direct supervision of a master or journeyman mechanic, who shall be responsible for the mechanical work performed by the apprentice. At any given time, there shall be a maximum of two apprentices per one master or one journeyman mechanic for all one or two-family dwelling residential job sites. There shall be a maximum of three apprentices per one master or one journeyman mechanic for all triplex or greater density residential job sites or commercial job sites. The on-site master or journeyman shall be responsible for maintaining the ratio of master/journeyman to apprentices as required by this section. If an apprentice works without the required supervision,

both the qualified master and the apprentice may be held responsible for violation of this section.

(b) It shall be unlawful for any qualified master to allow or permit an uncertified individual to engage in the business of erecting, installing, altering, repairing, servicing or maintaining air conditioning, warm air heating or refrigeration.”

SECTION 4. Section 22.04.220 of the Code of the City of Wichita, Kansas, shall be amended to read as follows:

**“Same—Fees for examination, certificates, etc.; duration of certificates; procedure upon failure to renew certificates.** (a) The

fee for each examination and original certificate of a master or journeyman 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 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. Any holder of a certificate who fails to renew the same by March 1st after their expiration may be required to take a new examination and/or provide proof of completion of the required continuing education hours set forth in subsection (b) and/or board appearance prior to reissuance of a certificate.

It is the total responsibility of the certificate holder to assure that his/her certificate has been renewed and is valid.

(b) 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 Mechanical Codes.”

SECTION 5. The originals of Section 22.04.100, 22.04.130 and 22.04.220 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 6. 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 25th day of March, 2008.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law