

Whereas, at the request of the City of Middletown, the City has been exempted by special State legislation from the requirements of Article 4 of the General City Law, and

Whereas, the purpose of such request was to increase the number of qualified plumbers to operate and perform work and services in the City of Middletown, and

Whereas, there is now a need for new City legislation to define and implement the beneficial changes made available to the City by this special legislation, and

Whereas, the Common Council wishes to continue and upgrade the City's regulation of the qualifications and performance of plumbers performing work and services in the City.

Now, therefore, be it Resolved and Ordained by the Common Council of the City of Middletown:

Section 1. Chapter A-500 is hereby repealed and removed from the Code of the City of Middletown.

Section 2. There is to be added to the Code of the City of Middletown a new Chapter 356, entitled "Plumbers and Plumbing Standards" to read in its entirety as follows:

CHAPTER 356. PLUMBERS AND PLUMBING STANDARDS

Article 1. Plumbing Standards.

Section 356-1. The City of Middletown hereby adopts in its entirety the provisions of the 2015 International Plumbing Code or its latest edition as adopted by the State of New York.

(Editor's Note. The City hereby acknowledges the copyright of this document by the International Code Council, and further acknowledges the assistance the Code Council provides to various municipal jurisdictions.

It is further noted that the Plumbing Standards of the State Building Construction Code (Bulletin No. 23, Minimum Requirements for Plumbing) were adopted for the City of Middletown by the Board of Health and the Board of Examining Plumbers at a joint meeting on 4-11-1962.

Section 356-2. Compliance with sanitary requirements. Whenever the plumbing within the City limits shall be condemned by the Commissioner of Public Works as being insanitary or constituting a menace to health, the owner or operator of the property shall, when duly notified, proceed forthwith to make such improvements as may be necessary to place the said plumbing and drainage in sanitary condition, in accordance with the requirements of this Chapter.

Section 356-3. Connection to sewer system; prohibited discharges. No connection through which it is designed to discharge offal, garbage, solid refuse or other matter which might clog or stop the pipes shall be made with the sewer system of the City or any of its branches; nor shall any person discharge such matters into the sewer system; nor shall any person make or permit discharges into the sewer system which are prohibited by Section 389-27 of the City Code.

Section 356-4. Oil, gasoline and sand interceptors. It shall be unlawful to use or attach any garage, dry-cleaning or other establishment with the public sewers where gasoline, oils or other inflammable materials are used or stored, unless an oil and gasoline and sand interceptor, shall be approved in advance by the Commissioner of Public Works or his/her designee. Any use or emplacement of interceptors must comply with the provisions of Section 389-31 of the City Code.

Section 356-5. Soil pipe. No soil pipe other than extra-heavy (X. H.) shall be used on any part of plumbing system.

Section 356-6. Curb boxes. Curb boxes on water services shall be at least four-inch inside diameter (I. D.).

Article II. Plumbing Work and Permits.

Section 356-7. Plumbing work; by whom permitted; permits; reports.

A. None but (1) master plumbers licensed by the City of Middletown or (2) individual owners personally working in their primary residences will be permitted to make any extension, addition or new installation in connection with the plumbing, plumbing system, house drain or house sewer of any building, structure or dwelling within the City of Middletown.

B. The above designated plumbing work cannot be performed by a master plumber unless and until a permit for such work is issued by the Commissioner of Public Works or his designee.

C. All individual owners personally performing the above designated plumbing work in their primary residences shall submit a monthly report of all work done to the Commissioner of Public Works.

Section 356-8. Minor and emergency repairs. The provisions of Section 356-7 shall not apply to the following:

A. Minor repairs. Minor repairs shall be construed as meaning repairs of leaks in pipes, traps and cocks, putting in new cocks, opening waste or supply pipes, traps

and drains, repairing broken fixtures and frozen pipes. When fixtures are in place without traps, or old traps are renewed, approved antisiphon traps may be inserted without "back-air" to sewer, at the discretion of the Commissioner of Public Works or his/her designee, and

B. Emergency repairs which are approved in advance by the Commissioner of Public Works or his designee.

Section 356-9. Permit and inspection fees.

A. The Commissioner of Public Works shall make the following charges after approval of plans of work to be performed by master plumbers by the Building Inspector or Plumbing Inspector: for issuance of approval of plans and permit, a fee of \$10 per fixture will be charged, minimum of \$25. The receipt of said program shall be kept on the premises where the work is in progress.

B. Definition. As used in this Section, the following term shall have the meaning indicated:

Fixture: Includes water closets, washbasins, bathtubs, shower stalls, kitchen and pantry sinks, urinals, laundry tubs, automatic washing machines, drinking fountains, openings for future fixtures, soda fountains, bar wastes, dental units, water heaters and refrigerator waste and connections for drip pans and all other plumbing fixtures.

C. All plans of proposed work shall be filed with and approved by the Commissioner of Public Works or his/her designee, and permit fee paid before any work is started.

D. A final inspection card shall be required on all work, and notification to the Commissioner of Public Works or his/her designee shall be required within 48 hours of its completion.

Section 356-10. Special conditions; modifications. Whenever, in the opinion of the Commissioner of Public Works or his/her designee, special conditions arise that render it impracticable to comply with all the provisions of this Article, modifications may be allowed, provided the premises are left in a sanitary condition.

Section 356-11. Appeals. Any person claiming to be aggrieved by a determination, decision or ruling of the Building Inspector or Plumbing Inspector made pursuant to this Article shall have the right to appeal therefrom to the Commissioner of Public Works. The person desiring to take such an appeal must serve a notice in writing upon the Office of the Commissioner within a period of five (5) business days following

the day upon which the decision, determination or ruling of the Inspector is first made known to him/her. On any appeal so taken, the Commissioner shall have the authority to approve, modify, or vacate any such decision, determination or ruling.

Article III. Licensing and Examination Rules.

Section 356-12. Licenses and Reciprocity. All master plumbers performing the work described in Section 356-7, above, must be licensed in the City of Middletown. A master plumber is permitted to employ non-licensed plumbers to assist the master plumber in performing the work described in Section 356-7, above. It is a violation of this Chapter to open a plumbing business in the City of Middletown, or to display a sign or other advertisement in the City, before a license has been obtained pursuant to this Chapter.

Section 356-13. Eligibility for license; examination; reciprocity. Master plumbers licenses may only be issued to:

A. Persons who pass the examination as prescribed below in this Article,
or

B. Persons holding a masters plumbers license from another city or county in New York State who are approved for a Middletown license by the Commissioner of Public Works. Such persons may apply for a Middletown license by submitting proof of the out-of-City license, together with a financial and trade reference, and a listing of the largest five (5) projects completed with contact information, to the Commissioner or his/her designee for evaluation. The Commissioner has sole discretion whether to approve or disapprove this application.

Section 356.14. Standardized tests. Persons who wish to receive a master plumbers license by examination must first take and pass a standardized, written examination approved by the Commissioner of Public Works and administered by a private entity, such as Prometric. All examinations shall be written by the applicant and must be in English. The time and place of holding examinations shall be left to the discretion of the testing entity.

Section 356.15. Applications; procedure.

A. Persons applying for such examination shall file with the City Board of Plumbers an application on such forms as may be prescribed by the Board and approved by the Commissioner of Public Works. All such applicants shall furnish to the Board such information as it or the Commissioner of Public Works may require concerning the applicant's fitness and qualifications to receive a license. All applications must be under oath. Applications will be received by the Board at times and locations to be maintained on the City of Middletown website and/or posted in City Hall.

B. Each applicant shall be required to furnish two references who must be master plumbers licensed in the City of Middletown or in another city or county in New York State. The application must include written proof of such license in the current calendar year. One of these references shall appear before the Board of Plumbers and sign under oath on forms prescribed by the Board and approved by the Commissioner of Public Works certifying to the time the applicant has been employed by such reference as a journeyman plumber.

C. The Board of Plumbers shall refuse to receive an application from any person who at the time of making the application may be unlawfully engaged in business as a master plumber in the City of Middletown. The Board shall refuse any application from a person who cannot read or write in the English language.

D. Any applicant who is aggrieved by any action or decision of the Board, including the failure of the Board to provide an application form, may appeal to the Commissioner of Public Works within a period of five (5) business days following the day upon which the decision of the Board is first made known to him/her. On any appeal so taken, the Commissioner shall have the authority to approve, modify, or vacate any such decision.

Section 356-16. Requirements to take examination.

A. No person shall be examined unless he/she shall have had an experience of at least five (5) years as a journeyman plumber and is able to furnish satisfactory evidence of such fact.

B. No application will be received from any person who is not a citizen or lawful permanent resident of the United States. All applicants must submit proof of citizenship or lawful permanent resident status.

Section 356-17. Failure to pass examination. An applicant who fails in the practical or written examination shall not be eligible for another examination until the expiration of three (3) months; should he/she fail in the second examination, he/she will not be eligible for a third examination until the expiration of six (6) months; should he/she fail in the third examination, he/she will not be eligible for a fourth examination until the expiration of one (1) year.

Section 356-18. Time limitation. All applications will expire and be canceled after a period of three (3) months if the applicant does not appear for a noticed examination within that time period.

Section 356-19. Application fee. Each applicant for examination shall pay the sum of \$1,000.00 at the time of making his/her application. When an applicant has paid the first \$1,000 for examination and failed, he/she shall pay an additional sum of \$500 for each subsequent examination given to him/her.

Section 356-20. Loss of license; renewals; requests for proof; charges.

A. If a written license is lost by the holder thereof, the Board of Plumbers must issue a duplicate license. The charge for such duplicate license shall be \$100.

B. Upon request for proof of licensing, the Board shall issue a written statement indicating that the records of the Board show that a license was issued to a specific person on a specific date. The charge for such written proof shall be \$10.

C. All licenses of master plumbers must be renewed on a yearly basis.

(1) For licenses in effect on the effective date of this Chapter, the renewal fee shall be \$200 before January 1st of each year. If such a license is not renewed until after January 1st, the charge shall be \$400.

(2) For licenses issued after the effective date of this Chapter, the renewal fee shall be \$1,000 before January 1st of each year. If such a license is not renewed until after January 1st, the charge shall be \$2,000.

Section 356-21. License; restrictions on use. No license, after being issued to a master plumber, shall be leased, loaned, rented, transferred or sold. A person not actually engaged in the field of plumbing for a six (6) month time period must surrender his license to the Board of Plumbers.

Article IV. Enforcement and Penalties.

Section 356-22. Complaints. Any person wishing to complain about the interior or exterior work performed by a master plumber in the City of Middletown may file a written complaint with the Board of Plumbers. Within ten (10) business days of receiving such complaint, the Board must convene, make inquiry into the facts and circumstances of such complaint, and make a recommendation to the Commissioner of Public Works. The Commissioner may take such action as he/she deems appropriate in his/her sole discretion. Such action may include an order to remedy, a stop-work order or a temporary suspension of the license of the subject master plumber.

Section 356-23. Permits; signs. Any person performing work without first obtaining the permit required by Section 356-7B of this Chapter may, in addition to the penalties provided by Section 356-24 of this Article, be subject to such action as the

Commissioner of Public Works deems appropriate in his/her sole discretion. Such action may include an order to remedy, a stop-work order or a temporary suspension of the license of the subject master plumber. Any person violating the provisions of Section 356-12 of this Chapter shall, in addition to the penalties provided by Section 356-24 of this Article, be disqualified from obtaining a Middletown masters plumbing license for a period of five (5) years from the date of the violation.

Section 356-24. Penalties for offenses. A person who shall violate a provision of this Chapter or of the 2015 International Plumbing Code shall be guilty, upon conviction, of an offense punishable by a fine not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 3. Severability. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 4. This Ordinance shall take effect immediately.