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ORDINANCE NO. 2015 - 47

AN ORDINANCE AMENDING ARTICLE I. BUILDING TRADE CERTIFICATES AND LICENSES OF CHAPTER 21 OF THE CODE OF THE CITY OF HUTCHINSON RELATING TO BUILDING REGULATIONS; AND REPEALING ARTICLE XIV. REGISTRATION OF CONTRACTOR/TRADESMAN OF CHAPTER 21 OF THE CODE OF THE CITY OF HUTCHINSON RELATING TO BUILDING REGULATIONS.

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

Section 1. That Article I. Building Trade Certificates and Licenses of Chapter 21 of the Code of the City of Hutchinson is hereby amended to read as follows:

Article I. Building Trade License and Certification

Sec. 21-101 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“**Board**” means the Building Trades Board of the City.

“**Building Official**” means the head of the building inspection department of the City.

“**City**” means the City of Hutchinson, Kansas.

“**Contractor**” means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including: General Contractor, Building Contractor, Residential Contractor; Commercial Roofing Contractor, Framing Contractor, Swimming Pool Contractor, Demolition Contractor, Fire Sprinkler Installer, Limited Contractor, Plumbing Contractor, Electrical Contractor, and Mechanical Contractor. Unless provided otherwise by this chapter, only a contractor licensed or registered under the provisions of this article may obtain a building permit.

“**Department**” means the building inspection department of the City.

“Field Experience” means working under the direct supervision of a person having a valid journeyman or master certificate in a trade field.

“Firm” means any sole proprietorship, partnership, association, limited liability company, or corporation.

“Fulltime employee” means employed a minimum of 30 hours a week carrying out the work of the firm.

“This code” means Article 1 of Chapter 21 of the City Code.

Sec. 21-102 Intent.

The purpose of this article is to protect the public welfare by ensuring that those undertaking the construction, alteration, repair, or demolition of structures are qualified to perform such services. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a contractor's license, to perform minor work on such homeowner's residence.

Sec. 21-103 Exclusions.

- a. It is the intent of this article that the contractor that obtains a building permit shall be responsible, within the scope of such permit, for the completion of the construction, alteration, repair, or demolition in accordance with all applicable building, electrical, plumbing and mechanical codes. However, the following work shall be exempt from the building contractor licensing requirements within the meaning of this article:
 1. A homeowner who personally occupies or will occupy as the exclusive dwelling and undertakes the construction, alteration, repair, or maintenance of such homeowner's single-family residence or an accessory structure.
 2. An owner remodeling or repairing a single-family dwelling other than the home they occupy, provided that all sub-contractors are licensed or registered.
 3. Landlords remodeling or repairing property they own.
 4. Routine maintenance and repair of a building, including the mechanical, plumbing and electrical systems thereof, by any such agency, plant, enterprise, or utility, if such maintenance or repair is minor, not requiring issuance of a building permit and is done by a person regularly employed by such utility, agency, plant or enterprise to perform work of that type.

5. Work performed by students enrolled in the Hutchinson Career and Technical Educational Academy while such students are engaged in erection of a structure as part of the curriculum of such program; provided, that all such work shall be performed by such students with the advice of duly licensed members of the various construction trades and inspected by the city building inspector as otherwise required. The person supervising such work shall timely notify the city building inspector of the time for and necessity of such inspection.
- b. For purposes of this section and notwithstanding subsection (a) of this section, any homeowner who undertakes the construction of a new residence for such homeowner's personal occupancy more than three times in any five-year period shall be deemed to be a contractor under this article.

Sec. 21-104 Contractor Responsibilities.

- a. Upon issuance of a building permit to a contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents and subcontractors.
- b. Faithfully perform all work without deviation from drawings and specifications, filed with the department, without consent of the owner or his duly authorized representative and the Building Official.
- c. Complete all work authorized by the permit issued under the authority of this chapter unless good cause is shown.
- d. Obtain such inspections as are required by this chapter.
- e. Pay all fees imposed pursuant to this article.
- f. Label all vehicles used in the operation of a firm regulated by this article with identification of such firm in a manner as prescribed by the department.
- g. Use safety measures and equipment to protect workmen and the public in accordance with generally accepted industry practice or as prescribed by City ordinance or regulation.

Sec. 21-105 Suspension or Revocation of Contractor License, Registration or Trade Certification.

a. Authority.

The building official may recommend the suspension or revocation of a license, registration or trade certification when the licensee commits one or more of the following acts or omissions:

1. Failure to comply with any of the licensee responsibilities as outlined in Section 21-104 and Section 21-109, d.
2. Willful and deliberate disregard and violation of the provisions of this article or any other ordinance of the City.
3. Misrepresentations of a material fact by application in obtaining a registration or permit.
4. Fraudulent use of license, registration or trade certification to obtain building permits for another.
5. Failure to provide evidence, in such form and at such times as required by the Building Official, that the designated qualified representative or designated certified master remains in the employment of the licensee in an active, full-time capacity.
6. Failure to obtain permits as required in the adopted codes.

b. Emergency suspension.

If the building official finds that cause does exist for suspension or revocation of a license, registration or trade certification, he may enter an order for immediate suspension of such license/registration/trade certification, pending further investigation or appeal. The licensee may, upon notice of such suspension, request an immediate hearing before the Building Trades Board and the hearing shall be conducted in the manner prescribed in this article.

Sec. 21-106 Building Trades Board.

The Building Trades Board hereby known as "Board" is established to (a) determine questions of fact as to the acceptability and adequacy of alternate materials, equipment and types of construction, (b) provide for the review of decisions of the Building Official in the interpretation of all regulations of this chapter, (c) determine the qualifications of applicants for the licenses and certificates established and required by this chapter, (d)

approve the examination standards as required by Kansas Statutes and any amendments thereto, and (e) render decisions on all appeals of the interpretation of building codes and disciplinary hearings relating to the limitation, suspension, or revocation of any contractor license, registration or certificate.

a. **Creation.**

The review board consists of seven (7) members to be appointed by the mayor and approved by the city council. Prior to the initial appointment or subsequent expiration of any term of a board member, the building official will submit to the mayor and city council a list of names of persons of recognized ability who have the qualifications prescribed for board members. The city council shall give consideration to the list of names submitted.

b. **Qualifications of members.**

1. The Building Trades Board shall, to the extent qualified individuals are willing to serve, consist of the following members:
 - (a) One member shall be licensed by the state as an architect or as a civil engineer.
 - (b) One member shall be a licensed general contractor or an employee of such contractor.
 - (c) One member shall be a licensed building contractor or an employee of such contractor.
 - (d) One member shall be a licensed residential contractor or an employee of such contractor.
 - (e) One member shall be a licensed plumbing contractor or an employee of such contractor.
 - (f) One member shall be a licensed electrical contractor or an employee of such contractor.
 - (g) One member shall be a licensed mechanical contractor or an employee of such contractor.
2. Every member shall, at the time of the appointment, be active in the appointee's profession or trade and have had at least five years' experience in such appointee's profession or trade.

3. The building official shall be an ex officio, nonvoting member of said board. The building official shall be secretary of the board and shall keep the minutes of the board.

c. Term; compensation; officers; rules.

1. The term of office for Building Trades Board members shall be four (4) years. Vacancies occurring before the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired term. Board members who have served a full four-year term may not be reappointed so as to succeed themselves but may be subsequently appointed after at least one year of non-membership.
2. The members of the Board shall serve, without compensation.
3. No member of the Board shall vote on any matter in which he or she has a direct or financial interest.
4. The members of the Board shall, by majority vote, elect a member as chairperson and vice-chairperson. The chairperson and vice-chairperson shall hold their respective offices for one year and may be reelected for successive terms.
5. All decisions of the Board shall be by a majority vote of the attending members provided that a quorum is present.

d. Duties.

1. The Board shall approve the use of alternate materials, equipment and types of construction, whenever in any specific case, the Board shall find and determine that the application of a general rule or regulation governing such use will by reason of exceptional circumstances or conditions, constitute a practical difficulty or unnecessary hardship.
2. The Board shall be empowered to interpret the intent of the Building Regulations in specific cases and to authorize responsible, minimum variance from the literal provisions of the Building Regulations, where it is determined that such variance is, for the purpose intended, at least the equivalent of that prescribed in the Building Regulations with respect to quality, strength, effectiveness, fire resistance, durability and safety.

3. All such rulings and actions of the Board shall be consistent with the spirit and intent of the Building Regulations with respect to safety of human life.
4. To determine the qualifications and standardized testing required for any license, registration or certificate provided for in this chapter and recognition of licenses, registration and certificates issued by other governmental entities.
5. The building official and board shall, in addition, administer the provisions of this chapter pertaining to (a) renewal, suspension or revocation of any such contractor license, registration or certificate.

e. **Hearing an Appeal.**

1. Any decision of the building official in the enforcement of the Building Regulations of the City may be appealed to the Board by any person aggrieved or affected by any decision of the said building official. Such appeal shall be made within 30 days from the date of the order or other ruling of the building official, by filing with the building official a written notice of appeal specifying the ground therefor and payment. The building official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
2. The Building Official may, upon his own motion, and shall upon the verified complaint in writing of any person, require any licensed contractor or tradesman to appear before the Board for hearing due to the violation of the requirements of a contractor as provided in this chapter.
3. The Board shall fix a reasonable time for the hearing of the appeal, as well as due notice to the parties in interest, and decide the same within a reasonable time of the request for a hearing. When a hearing is conducted, the licensee and other interested parties may be in attendance. All evidence admitted shall be taken under advisement when rendering a ruling. Upon completion of the hearing, the board shall render all decisions and findings in writing to the appellant or contractor by certified mail.

f. **Rules and regulations.**

The board may adopt rules, regulations and procedures consistent with the provisions of this article.

Sec. 21-107 Building Contractor License & Limited Contractor Registration Required.

It shall be unlawful for any person to construct, remodel, install, repair, or otherwise perform or cause to be performed for hire unless such person holds a classification of building contractor license or is registered with the city as a limited contractor subject to the exclusions set forth in section 21-103.

Building contractors and limited building contractors that are licensed or registered shall not entitle the holder to perform mechanical, plumbing or electrical services.

a. **Classifications.**

Licensed contractors and limited contractor shall be classified as follows:

1. **“Class A Contractor License” – Unlimited Commercial or Residential.** A Class A license shall entitle the licensee to build unlimited commercial buildings and structures and shall entitle the licensee to those privileges held by holders of Class B and C in addition thereto that is permitted by this code. The annual class A license fee shall be \$150.00.
2. **“Class B Contractor License” – Three Story or Less.** A Class B license shall entitle the licensee to contract to build structures of three stories or less in height, whether commercial or residential, and to contract to perform non-structural remodels of buildings exceeding three stories in height, and shall entitle the licensee to those privileges held by holders of Class C in addition thereto that is permitted by this code. The annual class B license fee shall be \$150.00.
3. **“Class C Contractor License” – 1 & 2 Family Residential and Accessory Structures.** Class C licenses shall entitle the licensee to contract to build 1 & 2 family residential structures and accessory buildings to such residential structures, and to perform residential remodeling. The annual class C license fee shall be \$150.00.
4. **“Class L Limited Contractor Registration”.** Limited contractors shall entitle the holder thereof to contract for and to perform such work as installing windows, doors and siding; drywall or sheetrock; ceiling; millwork; structural concrete; residential roofing; masonry; fencing; unless such person is a licensed building contractor The annual limited contractor registration shall be \$100.00.

5. **“Class S Specialty License.** Class S license shall entitle the licensee to contract to perform any one of the following according to the sub-class of Specialty license obtained:
- (a) **“Roofing Contractors (Commercial)”**. Roofing contractor's license shall entitle the holder thereof to contract for and to install, repair and replace roofs on commercial and industrial buildings. Work may include roof deck insulation, roof coating, painting and covering, and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof. The annual license fee shall be \$150.00.
 - (b) **“Framing Contractors (Commercial and Residential)”**. Rough framing of structural and non-structural building components such as walls, floors and roofs using wood or metal. The annual license fee shall be \$150.00.
 - (c) **“Swimming Pool Contractors”**. Installation and repair of permanent in-ground or above-ground swimming pools as defined by city code. The annual license fee shall be \$150.00.
 - (d) **“Fire Sprinkler Contractors”**. Installation, maintenance, alteration and repair of fire sprinkler/suppression systems and related fire protection equipment. The annual license fee shall be \$150.00.
 - (e) **“Demolition Contractors”**. Demolition and removal of any building or structure or portion thereof. The annual license fee shall be \$100.00.

A separate Class S license shall be required for each and every sub-class and a separate license fee shall be collected thereof.

b. **General Licensing and Registration Requirements.**

1. **Application form and fee.**

Any person, firm or corporation desiring to engage in or work as a contractor shall submit the prescribed application form to the Building Inspection department along with required documentation. All application and license fees shall be paid without proration. No contractor's license may be transferred or assigned.

2. Contractor insurance.

Every contractor except a contractor who has an inactive license, shall keep in force a policy of general liability insurance including completed operations coverage. All contractors shall maintain general liability coverage in an amount not less than \$500,000 per occurrence. A contractor, at the time of licensing under this article, shall provide the inspection department with a certificate of insurance or other satisfactory evidence of the insurance coverage required by this section. The certificate of insurance shall name the City as an additional insured, and the policy shall be so endorsed, that the company shall notify the City in writing of any change or cancellation at least ten days prior thereto.

3. Firms designated representatives.

- (a) Under this article, a firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one fulltime employee who is designated by the firm as its qualified representative and such representative satisfies one of the requirements of Section 21-107, c.
- (b) The person qualifying on behalf of an individual, firm or corporation shall be responsible for exercising direct supervision and control of his employer's or principal's construction operations as is necessary to ensure full compliance with the provisions of the various rules and regulations of the city.

4. Change in status of qualified representative.

When the qualified representative becomes no longer associated with or employed by the licensee for any reason (the "date of disassociation"), the licensed contractor shall immediately notify the building official in writing of the date of disassociation and another qualified representative must be designated within thirty days. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new qualified representative has been designated. If a qualified representative is not designated within thirty days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a new qualified representative has been designated.

c. Qualifications.

1. Contractor applicants for Class A, Class B, Class C and Class S (excluding Demolition) shall be licensed if the firms designated representative has satisfied one or more of the following provisions:

(a) Submit or obtain a certificate of competency from a nationally recognized testing institution. Applicants shall provide proof of test score of the appropriate exam from International Conference of Building Officials, Block & Associates, Thompson Prometric, International Code Council (ICC) or other nationally recognized examination with a minimum score of seventy-five (75%) in compliance with Kansas Statutes Annotated 12-1556 and 12-1567.

(b) Hold a bachelor's degree in engineering, architecture, or construction science from an accredited college or university.

(c) Until July 1, 2016, a license may be obtained upon verification that a person or a firm's designated representative has the required number of years of fulltime experience in the building construction industry for that license:

(1) Class A license: fifteen (15) years or more experience.

(2) Class B license: ten (10) years or more experience.

(3) Class C license: five (5) years or more experience.

(4) Class S license (excluding demolition): five (5) years or more experience.

After July 1, 2016, applicants shall be required to qualify by certification (a) or education (b) only.

2. Any contractor installing commercial or residential roofing must also provide proof of State of Kansas Roofing Contractor certification.

d. Provisional License.

1. Until January 1, 2017, any person or firm that is unable to meet the qualifications for a contractor's license as described in Section 21-108, c., and secured a building permit in the previous year, may apply

for a provisional contractor's license if all of the following conditions are met:

- (a) At the time of the license application, the applicant, if an individual, or the designated representative, if a firm, is working fulltime in the construction industry for the license class requested.
- (b) The applicant for a Class A license shall have not less than seven (7) years of fulltime experience in planning, supervising, and undertaking Class A type construction.
- (c) The applicant for a Class B license shall have not less than five (5) years of fulltime experience in planning, supervising, and undertaking Class B type construction.
- (d) The applicant for a Class C and Class S (excluding Demolition) license shall have not less than three (3) years of fulltime experience in planning, supervising, and undertaking Class C and Class S type construction.
- (e) The applicant provides evidence of insurance coverage as required by Section 21-107, b.
- (f) All application and license fees are paid.

- 2. For the purposes of this section, twenty-four (24) credit hours of post-secondary education in the courses of engineering, architecture, or building trades shall be deemed equivalent to one year of fulltime experience.
- 3. The holder of a provisional license may renew the provisional license for an additional three hundred sixty five (365) days following its expiration with the approval by the building official. Upon the expiration of a provisional license, a contractor licensed under the provisional licensing provisions of the article shall be required to satisfy the licensing requirements of Section 21-107, c.

e. Renewal or Reinstatement of License.

- 1. Every contractor's license/registration shall be issued on a calendar year basis to expire on December 31 of each year. A contractor shall be entitled to renew such contractor's license/registration upon satisfaction of the requirements of this article. A license/registration renewal application may be submitted to the city beginning on December 1. Unless an expired license is renewed within one year

of its expiration, the contractor shall be required to make a new application and satisfy all of the then-existing contractor licensing requirements.

2. Every Class A, Class B, Class C and Class S (excluding demolition) contractor shall complete at least three (3) hours of continuing education as required each calendar year to meet the requirements for renewal of such contractor's license. The board shall provide for the recognition of codes-related education provided by governmental entities, trade associations, contractor education providers, and others for courses and instruction directly related to those codes adopted by the city.
3. Any contractor whose license/registration is suspended during the year for any violation(s) of the code must provide satisfactory evidence to the Building Trades Board that the violation(s) has been corrected in accordance with the applicable code. Failure to provide such evidence may result in the revocation of the contractor's license/registration.
4. When a contractor's license/registration is revoked, a new license/registration shall not be granted until the contractor has first passed an examination as required by Section 21-107, c, (a), and has provided the board with satisfactory evidence that a new license should be issued. If the contractor's license/registration was revoked as the result of a code-related violation, such contractor may not be relicensed/registered unless the board determines that the violation has been corrected.

Sec. 21-108 Trade Contractor License Required.

It shall be unlawful for any person, firm or corporation to engage in the business of contracting to perform, provide, broker or sub-contract for electrical, mechanical or plumbing construction without first securing the applicable contractor's license except as permitted herein.

a. Classifications.

Licensed trade contractors shall be classified as follows:

1. **“Electrical Contractor”**. Includes the installation, replacement, repair or alteration of panel, service or control equipment or of permanent premises electrical wiring, lighting, fixtures and/or utilization equipment or devices not otherwise connected by approved attachment cord and cap. Electrical work shall not include circuits and equipment operating at less than 50 volts,

communication wiring or devices, or the repair of motors or utilization equipment. Electrical work also includes the installation, replacement, or repair of predesigned fire alarm and fire alarm communications systems, except to the extent the same work can also be performed by a Specialty Fire Alarm company licensed pursuant to this chapter. The annual licensing fee shall be \$150.00.

2. **“Mechanical Contractor”**. Includes the installation, replacement, repair or alteration of any ventilation or exhaust system, chilled water systems, hydronic, refrigerant, fuel gas or condensate piping, water heaters and boilers for both domestic hot water and space heating, refrigeration systems including electrical disconnecting means immediately adjacent to remote condensers, incinerators or other miscellaneous heat-producing appliances or warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation or by radiation. Mechanical work also includes the installation or repair of solid-fuel appliances, cooking or clothes drying equipment, fully self-contained permanent electrical environmental heating and/or cooling appliances, or self-contained appliances or refrigeration equipment such as, but not limited to, ice machines, ice cream machines, walk-in coolers and freezers without remote condensers and other similar appliances which require only electrical and/or water hook-ups. The annual licensing fee shall be \$150.00.
3. **“Plumbing Contractor”**. Includes the installation, replacement, repair or alteration of water, wastewater, vent, hydronic and fuel gas piping, water heaters and boilers for both domestic potable water and environmental heating and their vents, medical gas systems, plumbing fixtures and appliances. Plumbing work shall not include the clearing of stoppages or the repair of plumbing appliances such as but not limited to dishwashers, garbage disposals, water softeners or ice machines. Plumbing work also includes the installation, replacement, or repair of predesigned fire suppression systems, except to the extent the same work can be performed by a Specialty Fire Sprinkler Contractor licensed or registered pursuant to this chapter. The annual licensing fee shall be \$150.00.

b. **General Licensing Requirements.**

1. **Application form and fee.**

Any person or firm desiring to engage in or work as a trade contractor shall submit the prescribed application form to the Building Inspection department along with required documentation. All

application and license fees shall be paid without proration. No contractor's license may be transferred or assigned.

2. Contractor insurance.

Every contractor except a contractor who has an inactive license, shall keep in force a policy of general liability insurance including completed operations coverage. Such insurance policy shall be written with an insurance company licensed to do business in the state. All contractors shall maintain general liability coverage in an amount not less than \$500,000 per occurrence. A contractor, at the time of licensing under this article, shall provide the inspection department with a certificate of insurance or other satisfactory evidence of the insurance coverage required by this section. The certificate of insurance shall name the City as an additional insured, and the policy shall be so endorsed, that the company shall notify the City in writing of any change or cancellation at least ten days prior thereto.

3. Firms designated certified master.

(a) In order to qualify for an electrical, plumbing or mechanical contractor license, an applicant shall designate at least one fulltime owner, officer or employee, certified as a master, as defined by Section 21-109 in the trade for which licensing is sought. The designated master shall: (1) be the legal representative for the business entity relative to the provisions of this article, and (2) satisfy the requirements of this article.

(b) The person qualifying on behalf of an individual, firm or corporation shall be responsible for exercising direct supervision and control of his employer's or principal's construction operations as is necessary to ensure full compliance with the provisions of the various rules and regulations of the city.

4. Change in status of designated master.

When the designated master becomes no longer associated with or employed by the licensee for any reason (the "date of disassociation"), the licensed trade contractor shall immediately notify the building official in writing of the date of disassociation and another designated master must be designated within thirty (30) days. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new designated master has been designated. If a designated master is not

designated within thirty (30) days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a new designated master has been assigned.

5. Requirements on construction site.

The designated master shall be responsible to ensure that either a certified master or journeyman in the employment of the trade contractor be on the construction site at all times work is being conducted. Apprentices shall work at all times under the supervision of a master or journeyman. Failure to do so will result in a citation being issued to the master who is responsible for the company.

c. Renewal or Reinstatement of License.

1. Every contractor's license shall be issued on a calendar year basis to expire on December 31 of each year. A contractor shall be entitled to renew such contractor's license upon satisfaction of the requirements of this article. A license renewal application may be submitted to the city beginning on December 1 of each year.
2. Any contractor whose license is suspended during the year for any violation(s) of the code must provide satisfactory evidence to the Building Trades Board that the violation(s) has been corrected in accordance with the applicable code. Failure to provide such evidence may result in the revocation of the contractor's license.

Sec. 21-109 Individual Certification of Trades Required.

It shall be unlawful for any individual to engage in the trade or otherwise perform plumbing, electrical or mechanical work as defined in Section 21-108 within or on any building or premises within the city without first having secured a trade certificate issued by the City of Hutchinson as a master, journeyman or apprentice for the trade at which they are laboring and being in the employment of a licensed trade contractor.

a. Classification of Trade Certifications.

Trade certifications shall be classified as follows:

1. **“Master”**. A plumbing, electrical or mechanical master shall provide written certification of passage of the standard trade exam for Master administered by a recognized testing agency as prescribed by the State of Kansas with a minimum score of 75%. Plumbing, electrical and mechanical master certificates shall be limited to certification of passage of those examinations that qualify an applicant to do all types of the work in that specific trade as defined in this chapter upon

any kind of building or structure. Plumbing and mechanical examinations shall include natural gas/fuel piping. An applicant for a master's certificate in plumbing or mechanical must provide documented proof of a minimum of four (4) years of field experience or having a valid journeyman certificate for a minimum of two (2) years in the trade for which they seek certification, doing the type of work they will be required under the direct supervision of a person holding a valid journeyman or master certificate. An applicant for a master's certificate in electrical must provide documented proof of having a valid journeyman certificate as an electrician for a minimum of two (2) years. The annual master certificate fee is \$25.00.

2. **“Journeyman”**. A plumbing, electrical or mechanical journeyman shall provide written certification of passage of the standard trade exam for journeyman administered by a recognized testing agency as prescribed by the State of Kansas with a minimum score of 75%. Plumbing, electrical and mechanical journeyman certificates shall be limited to certification of passage of those examinations that qualify an applicant to do all of the work in that specific trade as defined in this chapter upon any kind of building or structure. Plumbing and mechanical examinations shall include natural gas/fuel piping. An applicant for a journeyman's license must provide documented proof of a minimum of two (2) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, under the direct supervision of a person holding a valid journeyman or master certificate. The annual journeyman certificate fee is \$15.00.

Note: An applicant for a journeyman certificate may use completion of a technical or trade related school for one (1) year of the required two (2) years. The training shall consist of a minimum of two hundred and forty (240) hours of classroom training.

3. **“Apprentice”**. Any person earning his livelihood as a plumber, electrician, or mechanic but who has not acquired the necessary longevity of experience to be eligible to become a journeyman, or who with the necessary longevity of experience has not passed the required journeyman examination, is hereby classified as an apprentice. An apprentice shall not labor at the trade in which they are apprenticing except when under the immediate supervision and direction of a journeyman or master, properly certified by the City of Hutchinson. The apprentice to supervisor ratio shall be one (1) certified journeyman or master to two (2) apprentices. A mechanical apprentice that has been authorized by the building official to install duct work (“duct installer” indicated on the apprentice certificate),

does not require supervision by a certified journeyman or master. The annual apprentice certificate fee is \$5.00.

4. **“Grandfathered”**. A trade certificate issued by the City based on any test or criteria other than passage of the standard trade exam prescribed by the State of Kansas shall remain valid without examination provided such reissuance shall be accomplished during the first three months following expiration. If a certificate is not reissued during this time, the qualification for the certificate shall expire; and a new application shall be filed based on passage of the standard trade exam in order to continue to labor at the trade for which they seek certification.
5. **“Inactive”**. An inactive certificate shall entitle the license holder to retain the certified status most recently held prior to becoming inactive upon renewal of such trade certificate, and no fee shall be charged for such renewal or any subsequent renewal during the period of such retirement or inactivity. Any trade certificate renewed pursuant to this subsection, shall at the time of such renewal, be stamped or otherwise conspicuously marked so as to indicate that the holder thereof is inactive. An inactive license shall be renewed at each renewal rotation, and if such inactive license is not renewed, it shall expire and the provisions relating to obtaining a new license shall apply.

b. **General Certification Requirements.**

1. **Application and Fees.**

Any person desiring to engage in or work at the business of plumbing, electrical, mechanical, shall submit the prescribed application form to the Building Inspection Department for a certificate along with the required documentation.

The fee shall be paid to the Building Inspection Department when the application for a certificate is made. All such certificates shall expire on December 31st of the year and no reduction shall be made for part of the year being elapsed.

The trade certificate fee for employees of the city, when performing work for the city as tradesmen or inspectors, shall be waived.

2. Qualifications.

Applicants for a Master or Journeyman certification shall be approved if the individual has satisfied one or more of the following provisions:

- (a) Submit a certificate of competency from a nationally recognized testing institution. Applicants shall provide proof of test score of the appropriate exam from Block & Associates, Thompson Prometric, International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO) or other nationally recognized examination with a minimum score of seventy-five (75) percent.
- (b) Submit documentation of completed six (6) hours of continuing education courses related to the building trades during the previous year of application. Three (3) hours of the six (6) required, shall be instruction on codes that are equivalent to or newer than the adopted codes in the specific trade of the applicant.
- (c) Individuals who obtain a certificate during such certificate cycle by the standardized test required by K.S.A. 12-1508, 12-1525 and 12-1541, will be issued the initial certificate without documentation of continuing education. Such certificate will be issued noting the test provider, specific test type and grade. Such test shall be completed during the certificate cycle.

c. Renewal or Reinstatement of certificate.

- 1. Every trade certificate shall be issued on a calendar year basis to expire on December 31 of each year. A certificate holder shall be entitled to renew such trade certificate upon satisfaction of the requirements of this article. A trade certificate renewal application may be submitted to the city beginning on December 1. It is the total responsibility of the certificate holder to assure that his/her certificate has been renewed and is valid.
- 2. Any person certified as a journeyman or master in the plumbing, electrical, or mechanical trade shall, as a precondition of renewal of the certification yearly, be required to complete and submit six (6) hours of continuing education courses related to the building trades during the term of the license of which three (3) hours each calendar year must be instruction on codes that are equivalent to or newer

than the adopted codes. These will include, but not be limited to the International or Uniform Plumbing Codes, International or Uniform Mechanical Codes, or National Electrical Codes. Continuing education courses must be applicable to the skilled trade for which the journeyman or master is certified.

3. Any person whose trade certification is suspended during the year for any violation(s) must provide satisfactory evidence to the Building Trades Board that the violation(s) has been corrected in accordance with the applicable code. Failure to provide such evidence may result in the revocation of the trade certification issued by the city.

d. **Holder's Responsibility.**

All certificate holders shall be responsible for the work they assume in accordance with the requirements of this chapter including the following:

1. To have the city issued certificate on his/her person at all times.
2. To present his/her certificate when requested by any member of the department.
3. Demonstrate competency or knowledge in matters relating to the certificate issued.
4. Obey any order issued under authority of this chapter.
5. Observe any city ordinances prescribing measures for the safety of workmen and of the public.
6. The designated master for a licensee shall maintain supervision of the workmen under his direction on a day to day basis during normal working hours of the licensee.

Section 2. That the existing Article I. Building Trade Certificates and Licenses and Article XIV. Registration of Contractor/Tradesman of Chapter 21 of the Code of the City of Hutchinson are hereby repealed.

Section 3. That upon passage and publication once in the official City newspaper, this Ordinance shall take effect and be in force from and after January 1, 2016.

PASSED BY THE GOVERNING BODY, this 17th day of November, 2015, for the City of Hutchinson, Kansas.

Jade Piros de Carvalho, Mayor

ATTEST:

Karen Weltmer, City Clerk