

CHAPTER 12

PLUMBING AND GAS/MECHANICAL LICENSING REQUIREMENTS

SECTION

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12-1201. Authority. This ordinance shall be known as the "The Plumbing and Gas/Mechanical Licensing Ordinance of the Town of Farragut." This ordinance is adopted pursuant to authority granted by Tennessee Code Annotated, § 6-54-504 through § 6-54-506. (As added by Ord. #99-13, May 1999)

12-1202. Purpose. The purpose of this ordinance is to secure the protection of the general public safety and welfare, by regulating the installation and maintenance of all plumbing and gas/mechanical work in the Town of Farragut. (As added by Ord. #99-13, May 1999)

12-1203. Scope. The provisions of this ordinance shall apply to every plumbing and heating/ventilation and air conditioning installation, including alterations, repairs, equipment, construction and/or appurtenances thereto, within the Town of Farragut. (As added by Ord. #99-13, May 1999)

12-1204. Definitions. In the enforcement of this ordinance, the following terms are defined as follows and shall be interpreted as such throughout this ordinance. Terms not defined herein shall have the meaning customarily assigned to them:

(1) "Board." The term "board" shall mean the board of plumbing and gas/mechanical examiners created by Chapter 12.

(2) "Plumbing contractor." A person who has been issued such license by the Town of Farragut.

(3) "Plumbing contracting." The practice of installing plumbing materials and fixtures in accordance with the Town of Farragut's adopted codes and ordinances.

(4) "Gas/mechanical contractor." A person who has been issued such license by the Town of Farragut.

(5) "Gas/mechanical contracting." The practice of installing gas and/or mechanical materials and equipment in accordance with the Town of Farragut's adopted codes and ordinances.

(6) "Qualifying party." An individual who has taken and passed the required plumbing or gas/mechanical examination from the appropriate examining authority.

(7) "Plumbing or gas/mechanical permit." The permit that is the required authorization for work to proceed at the location and under the conditions described in the permit. (As added by Ord. #99-13, May 1999)

12-1205. Administration. The town administrator or his/her designee shall enforce the provisions of this ordinance, and such persons, consistent with any constitutional limitations, may enter any building, structure, or premises in the town to perform any duty imposed by this ordinance. (As added by Ord. #99-13, May 1999)

12-1206. Enforcement. (1) No officer or employee of the town charged with the duty of enforcing this ordinance, except one whose connection is as a member of the board of plumbing and gas/mechanical examiners or of the board of mayor and aldermen, shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of plumbing or gas/mechanical installations or in the making of plans or of specifications therefor, unless he/she is the owner of the building involved. No such officer or employee shall engage in any work which is inconsistent with his/her duties or with the interests of the town.

(2) Every person engaged in the business of plumbing or gas/mechanical contracting in the town shall present evidence of general liability insurance and/or assurance with coverage in an amount equal to or greater than the value of the work being performed, with a minimum of \$300,000.

(3) Every person engaged in the business of plumbing or gas/mechanical contracting in the town shall present evidence of workman's compensation insurance in compliance with state regulations.

(4) All new plumbing or gas/mechanical work and such portions of existing systems as may be affected by new work or any changes, shall be inspected to ensure compliance with all of the requirements of the most recently adopted code.

(5) When any part of a plumbing or gas/mechanical installation is to be hidden from view by the permanent placement of parts of the building, the person installing the work shall notify the town administrator or his/her designee and such parts of the installation shall not be concealed until they have been inspected and approved by the town administrator or his/her designee. On

large installations where concealment of parts of work proceeds continuously, the person installing the work shall notify the town administrator or his/her designee so that he/she can make inspections periodically during the progress of the work.

(6) Upon the completion of the work which has been authorized by issuance of a permit under this ordinance, it shall be the duty of the person installing the same to notify the town administrator or his/her designee who shall inspect the completed installation.

(7) If the completed plumbing or gas/mechanical installation inspected pursuant to this ordinance is found to be fully in compliance with the provisions of this ordinance, the town administrator or his/her designee shall issue a certificate of approval.

(8) Upon notice from the town administrator or his/her designee that work on any permitted plumbing or gas/mechanical installation is being done contrary to the provisions of the adopted code or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of such property, or to his/her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, oral notice given by the town administrator or his/her designee shall be sufficient, but it shall be immediately followed by written notice. (As added by Ord. #99-13, May 1999, and amended by Ord. #05-05, March 2005)

12-1207. Board of plumbing and gas/mechanical examiners.

(1) Board membership. (a) There is hereby established in the town a board of plumbing and gas/mechanical examiners, which shall consist of seven (7) members. Such board shall be composed of one (1) member holding a current and valid plumbing contractors license from the Town of Farragut and one (1) member holding a current and valid gas/mechanical contractors license from the Town of Farragut, if such qualified applicants are available, and the remaining members from the public at large, including persons who possess valid plumbing or gas/mechanical licenses from other jurisdictions.

(b) Board members shall not own or be employees of the same contracting corporation, firm, partnership, or individual employer.

(c) Members of the board shall be appointed by the mayor and approved by the Farragut Board of Mayor and Aldermen.

(d) Terms of office for board members shall be three (3) years. In case of resignation, death, or removal from office, another appointment shall be made to finish out the unexpired term of office of the former member. Members of the board may be removed for cause by the board of mayor and aldermen at any time.

Attendance at scheduled meetings is a requirement for board membership. Unexcused absence from three meetings in any one year

may be cause for removal from the board by the board of mayor and aldermen. Illness, job requirements, and military duty shall be considered excused absences.

(2) General powers and duties. The board shall recommend standards and procedures for the qualification, examination, and licensing of plumbing and gas/mechanical contractors under the provisions of this ordinance. Such standards and procedures shall be submitted to the board of mayor and aldermen for approval and authorization to implement. The board shall exercise the powers and perform the duties provided for in this ordinance and shall have such other duties and powers as are necessary to carry out the intent and provisions of this ordinance.

(3) Examination of applicants. The board shall use the Block and Associates Competency Examination for the Plumbing and Gas/Mechanical Construction Industry or any other nationally recognized examination designed to measure competency in the profession as the standard written examination. All exams shall be proctored by the testing agency. (As added by Ord. #99-13, May 1999, and amended by Ord. #02-11, Aug. 2002, and Ord. #05-05, March 2005)

12-1208. Licenses for plumbing and gas/mechanical contractors.

(1) Effective date of licensing requirement. The licensing requirement of this ordinance shall become effective and enforceable beginning July 1, 2000.

(2) Application. Any person or entity desiring a license required by this chapter shall apply therefor to the board, in writing using the forms provided by the town, stating the type of license certificate applied for, his/her name and place of business, and the name of the supervisor of work to be done under the license.

(3) Qualifications of applicant. Subject to the authority of the board to set higher standards with board of mayor and aldermen approval, the following minimum standards and qualifications shall be met before the board grants a license required by this chapter.

(a) "Plumbing contractor license." The applicant must establish a regular ongoing place of business, supervise or perform plumbing work, have a minimum of five (5) years total full time work experience in the plumbing craft, have demonstrated competency, honesty, and integrity in the performance of plumbing work, have obtained a score established by the board's regulations on the written examination prescribed in this ordinance, and must provide evidence of honesty and integrity in his/her former dealings with the public as demonstrated by at least three (3) favorable work references from former clients or employers. Such clients or employers shall be selected at random by the board from a list submitted by the applicant of clients and employers for whom applicant has performed plumbing installation or repair for a period of two years.

The applicant must have and keep current the bond and insurance specified in this ordinance.

(b) "Gas/mechanical contractor license." The applicant must establish a regular ongoing place of business, supervise or perform gas/mechanical work, have a minimum of five (5) years total full time work experience in the gas/mechanical craft, have demonstrated competency, honesty and integrity in the performance of gas/mechanical work, have obtained a score established by the board's regulations on the written examination prescribed in this ordinance, and must provide evidence of honesty and integrity in his former dealings with the public by at least three (3) favorable work references from former clients or employers. Such clients or employers shall be selected at random by the board from a list submitted by the applicant of clients and employers for whom applicant has performed gas/mechanical installation or repair for a period of two years. The applicant must have and keep current the bond and insurance specified in this ordinance.

(4) Public hearing on application for plumbing or gas/mechanical license. The board shall conduct a public hearing before a license is issued under this ordinance to a plumbing or gas/mechanical contractor. Such hearing shall be announced in the official town newspaper a minimum of one week before the date of the scheduled hearing. The announcement shall state the time, date, and place of hearing and the name of the contractor in words as follows:

"On (date) there will be a hearing before the Board of Plumbing and Gas/Mechanical Examiners of the Town of Farragut on a petition for a license to operate as a plumbing or gas/mechanical contractor, which ever the case may be, in the Town of Farragut. Any person who as a result of former dealings with (applicant's name), has reason to doubt his/her integrity or honesty or has a complaint about workmanship, is urged to come forward at the above time and place and announce such information. Evidence reviewed in the public hearing will be considered in determining the competency, integrity, and honesty of such applicant."

(5) Obtaining a license. An applicant for a license under this ordinance must obtain the license within thirty (30) days after successfully meeting all licensing requirements or the application shall be null and void, provided, however, in the event of possible extenuating circumstances affecting an individual, a maximum period of ninety (90) days may be allowed for compliance with this ordinance.

(6) Fees. No license shall be granted until the fee of one hundred dollars (\$100) has been paid to the Town of Farragut.

(7) Issuance. The town administrator or his/her designee shall issue an appropriate license or certificate under this ordinance to each person, who:

(a) Meets the qualifications therefor, pays the necessary fees, and who successfully passes the required examination; or

(b) Holds a valid State of Tennessee Plumbing or Mechanical Contractors license which has been issued after May 11, 1992.

(8) Issuance by reciprocity. Any person not licensed under this ordinance but who exhibits a valid and effective license issued by a lawfully organized board of licensing examiners or similar licensing body of another city in the United States having a standard of requirements equal to or superior of that of the Town of Farragut, shall be issued a license under this ordinance without an examination, if such person otherwise meets the requirements of this ordinance, for which the town shall collect a fee of one hundred dollars (\$100.00).

(9) Contents. Each license issued in accordance with the provisions of this chapter shall specify the name of the person who has passed the examination and the name of the company. Such person shall be designated in the license as the qualifying person for all work done under the license.

(10) Work authorized. (a) "A plumbing contractor's license." A plumbing contractor's license shall entitle the person/entity to whom it is issued to contract for, supervise, and engage in the type of plumbing work described on said license within the Town of Farragut.

(b) "A gas/mechanical contractor's license." A gas/mechanical contractor's license shall entitle the person/entity to whom it is issued to contract for, supervise, and engage in the type of gas/mechanical work described on said license within the Town of Farragut.

(11) Expiration and renewal. All licenses issued by the board under this ordinance shall be issued for a period of twelve (12) months beginning July 1 of each year and shall expire on June 30 of the following year. Licenses may be renewed upon payment of fees prescribed in this ordinance. If the license has not been renewed within one year following the date of expiration, the examination must be taken again. The license must be renewed by the person/entity in whose name it was issued. (As added by Ord. #99-13, May 1999)

12-1209. License required. (1) Generally. (a) No person shall engage in the business of installing or altering within the town any plumbing or gas/mechanical devices, equipment, or appliances unless such person shall have received a plumbing or gas/mechanical license according to the type of work engaged in, whichever the case may be, depending upon the type of work contracted and license issued in accordance with this ordinance.

(b) Any firm, corporation, or other such legal entity engaged in the plumbing or gas/mechanical business shall have employed a minimum of one (1) qualifying person having a plumbing or gas/mechanical license, depending upon the type of work being engaged

in by such firm or corporation, and everyone who does any actual plumbing or gas/mechanical work for such firm or corporation must be licensed or supervised as set forth in this ordinance.

(c) When the qualifying person providing technical expertise for plumbing or gas/mechanical contract work for a firm or corporation leaves the firm or corporation, the firm or corporation shall have ninety (90) days to employ another qualifying person.

(2) Exceptions. (a) Any person doing his/her own work personally in a single-family dwelling used exclusively for living purposes, and who is the bona fide owner of and occupies or will occupy such dwelling, and who personally purchases all materials and performs all labor in connection therewith, shall not be required to have a license under this ordinance. Such privilege does not convey the right to violate any of the provisions of this ordinance, nor is it to be construed as exempting any such owner from obtaining a permit, except for minor repairs, and paying the required fees therefor.

(b) Apprentices or helpers are not required to have a license under this ordinance. However, they will only be allowed to work for an individual or entity that holds a valid license, depending upon the type of work authorized to be done by such license holder. (As added by Ord. #99-13, May 1999)

12-1210. Disciplinary action. (1) The board is hereby authorized to reprimand, suspend for any period up to one year, or to revoke any license issued under this ordinance for any of the following reasons:

(a) If the license was obtained through nondisclosure or the application contains a statement or misrepresentation of a material fact;

(b) If the license holder is determined to have violated a provision of this ordinance where the conduct in such violation constituted a serious threat to the public safety;

(c) For repeated violations of this ordinance and the plumbing, gas, and mechanical codes by a license holder. A reprimand or suspension of up to ninety (90) days may be issued for any such violation;

(d) For civil fraud or intentional misrepresentation by a license holder in the performance of licensed work for which a license was issued under this ordinance;

(e) For allowing another to use the licensee's name to obtain permits;

(f) For doing business or work under the license of another or allowing a license to be used by another to do business; or

(g) For the license holder not providing job supervision for an apprentice or helper who is performing plumbing or gas/mechanical work at the job site for which the permit was issued, provided that a first

offense under this ordinance shall be subject to a reprimand or suspension not to exceed seven (7) days.

(2) Before any disciplinary action is taken against a licensee under this ordinance, the licensee shall have notice in writing, enumerating the charges against him/her, and be entitled to a hearing by the board not sooner than ten (10) days from receipt of such notice. The licensee shall be given an opportunity to present relevant testimony, oral or written, shall have the right to cross-examination, and shall have the right to be represented by an attorney. All testimony shall be given under oath. The board shall have the power to administer oaths, issue subpoenas, and compel the attendance of witnesses for the purpose of hearings on licenses. The decision of the board shall be based upon the evidence produced at the hearing and made a part of the record thereof.

(3) Any person may bring a complaint before the board against a licensee for the purpose set forth in this ordinance. If the board finds a complaint provides a reasonable basis to indicate a reason for disciplinary action under this ordinance, a hearing on the license shall be scheduled as set forth in this ordinance.

(4) A person whose license has been revoked under this ordinance shall not be permitted to reapply for a period of one (1) year from the date of revocation. With due cause, the board may waive any or all of such waiting period. (As added by Ord. #99-13, May 1999)

12-1211. Work permit. (1) When required. Except as otherwise provided in the plumbing, gas, and mechanical codes, all plumbing or gas/mechanical work performed in the Town of Farragut, including installing, altering, or repairing any plumbing or gas/mechanical devices and equipment, shall be undertaken only after the issuance of a permit by the town administrator or his/her designee. Emergency repairs and replacements may be made under the condition that a permit shall be obtained within five (5) days calendar days of commencement of work.

(2) When not required. (a) For the purpose of this section, minor repairs shall be as defined in the adopted plumbing, gas, and mechanical codes.

(b) No permit shall be required for minor maintenance and repair.

(c) No permit shall be required for the installation, maintenance, or alteration of plumbing or gas/mechanical devices, appliances, or equipment to be installed by or for a public service corporation, for the use of such corporation in the distribution, or metering of services, or for the use of such a corporation in its operations.

(3) Who entitled to receive. Permits required by this ordinance shall be issued only to:

(a) Licensed plumbing contractors as authorized by this ordinance.

(b) Licensed gas/mechanical contractors as authorized by this ordinance.

(c) Homeowners doing their own work as authorized by this ordinance.

(4) Permit fees. No permit shall be issued until the appropriate fees have been paid.

(5) Effect. A permit issued under this ordinance shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this ordinance, nor shall such issuance of a permit prevent the town administrator or his/her designee from thereafter requiring correction of errors in construction, or of violations of this ordinance.

(6) Invalidity if work not commenced or is abandoned. A permit issued under this ordinance shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the town administrator or his/her designee.

(7) Revocation. The town administrator may revoke a permit issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to a material fact on which the permit was based, or when the permit has been otherwise erroneously issued. In all such cases, no permit fees shall be refunded. (As added by Ord. #99-13, May 1999)