

CHAPTER 127

**LICENSING OF
PLUMBING AND MECHANICAL CONTRACTORS**

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127.01 PURPOSE. The purpose of this chapter is to provide for the examination and licensing of plumbing and mechanical contractors in order to protect the public safety, health and welfare.

127.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Apprentice" or "plumber/mechanic's helper" means any person who, while learning the trade of plumbing or mechanical work, is assisting in the installation, alteration or repair of plumbing or mechanical work and is actually with and in the presence of a plumbing or mechanical contractor.
2. "Mechanical" has the meaning given in the Uniform Mechanical Code.
3. "Plumbing" has the meaning given in the Uniform Plumbing Code.
4. "Plumbing or mechanical contractor" means any person engaged in planning, supervising and contracting for the installation of plumbing and who is licensed as a plumbing or mechanical contractor.
5. "Exterior Plumbing Contractor" means any person engaged in planning, supervising and contracting for the installation of plumbing only on the exterior of buildings and who is licensed as a plumbing or mechanical contractor.

127.03 LICENSE REQUIRED. No person shall engage in the business of plumbing or mechanical work unless licensed as a plumbing or mechanical contractor in accordance with Chapter 105 of the Iowa Code. No person shall engage in the practice of installing, repairing or altering plumbing on the exterior of buildings unless licensed as a plumbing contractor by the State of Iowa or as an "Exterior Plumbing Contractor" by the City of Creston.

127.04 ISSUANCE OF PERMITS. Permits to do plumbing and mechanical work as required by the Plumbing and Mechanical Code of the City (Chapter 156

of this Code of Ordinances) shall be issued only to plumbing or mechanical contractors licensed by the City. However, any permit required by the Plumbing and Mechanical Code may be issued to the owner of a single-family dwelling used exclusively for living purposes, to do any work regulated by the Plumbing and Mechanical Code in that dwelling, including the usual accessory buildings located on the same lot as the dwelling, provided that the dwelling will be occupied by the owner, that the owner appears before the City Building Inspector and shows competency to do the specific work for which the owner desires a permit, and that the owner personally shall purchase all materials and perform all labor in connection with the work. All work done in accordance with this exception must meet all the requirements of the Plumbing and Mechanical Code and shall be inspected like other work.

127.05 APPRENTICES AND HELPERS. Apprentices and helpers employed to assist a City licensed plumbing contractor to do exterior work need not be licensed, provided, however, that such apprentices and helpers perform their work under the direct supervision of a licensed plumbing contractor.

127.06 LICENSE FEES. Any person who desires to be licensed as an exterior plumbing contractor shall make a written, signed application to the Clerk on forms provided by the Building Department. The annual license fee shall be paid to the Clerk and the amount shall be established by resolution of the Council. The license fees shall be used for the payment of the costs of issuing such licenses and the enforcement of this chapter.

(Ord. 16-169 – Aug. 16 Supp.)

127.07 EXPIRATION OF LICENSE. All licenses shall expire on June 30 and shall be renewed annually upon application of the licensee and payment of the license fee to the Clerk. Any license not renewed prior to July 31 shall expire on July 31.

127.08 INSURANCE OR BOND. Any person who has been issued a license as an exterior plumbing contractor shall execute and deposit with the Clerk a bond in the sum of \$100,000.00 or insurance certificate with sureties approved by the Clerk and Mayor. This bond or insurance is to be held as surety that the licensee will fulfill these conditions:

1. All exterior plumbing performed by the licensee or under his or her supervision shall be performed in accordance with the provisions of the Plumbing Code of the City.

2. He or she will pay all fines and penalties imposed upon the contractor or person working under his or her supervision for violation of this chapter or the Plumbing Code.
3. The City shall be held free from any liability sustained by reason of the negligence or incompetence of such exterior plumbing contractor or other person working under his or her supervision.
4. The contractor shall indemnify the City for work done by the City to correct any condition during excavation or backfilling, including safety measures required therefor.

127.09 REVOCATION OF LICENSE. After notice and hearing, the Council may revoke any exterior plumbing license issued under this chapter for the following reasons:

1. **Fraudulent Statements.** The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. **Violation of Law.** The licensee has violated this chapter or the Plumbing Code or has otherwise conducted the business in an unlawful manner.
3. **Endangered Public Welfare, Health or Safety.** The licensee has conducted the business in such manner as to endanger the public welfare or safety.

127.10 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address or hand deliver the notice not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

127.11 HEARING. The Council shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. The licensee shall have the right to be represented by counsel, to testify and present witnesses in his or her own behalf, and to cross-examine adverse witnesses. Should the licensee, or authorized representative, fail to appear without good cause, the Council may proceed to a determination of the complaint.

127.12 RECORD AND DETERMINATION. The Council shall make and record findings of fact and conclusions of law, and shall revoke a license only when

upon review of the entire record the Council finds clear and convincing evidence of substantial violation of this chapter or State law.

127.13 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

127.14 USE OF LICENSEE'S NAME BY ANOTHER. No licensee shall allow his or her name to be used by another person either for the purpose of obtaining permits or for the purpose of doing business or work under the license. Every licensee shall notify the Building Department of the address of his or her place of business and the name under which such business is carried on and shall give immediate notice to the Building Department of any change in either. No license issued under this chapter shall be transferable.

127.15 INSPECTIONS AND INVESTIGATIONS. It is the duty of the Building Inspector to make any investigations or inspections which he or she believes necessary or any investigations or inspections required or requested by the Council to carry out the purposes of this chapter.

(Ch. 127 – Ord. 13-146 – Jan. 13 Supp.)