

LICENCE

Chapter 379 PLUMBING

CHAPTER INDEX

Article 1 INTERPRETATION

- 379.1.1 Apprentice plumber - defined
- 379.1.2 Chief Building Official - defined
- 379.1.3 Drain contractor - defined
- 379.1.4 Drain work - defined
- 379.1.5 Interpretation
- 379.1.6 Journeyman plumber - defined
- 379.1.7 Licence/Plumbing Inspector - defined
- 379.1.8 Maintenance person - defined
- 379.1.9 Master drainage layer - defined
- 379.1.10 Master Plumber - defined
- 379.1.11 Master plumbing contractor - defined
- 379.1.12 Plumbing - defined
- 379.1.13 Plumbing contractor - defined
- 379.1.14 Plumbing Examination Board - defined
- 379.1.15 Reciprocal licensing program - defined
- 379.1.16 Sewer or drain contractor - defined

Article 2 GENERAL PROVISIONS

- 379.2.1 Conformity - Chapter - required

PLUMBING

- 379.2.2 Administration - enforcement - Chief Building Official
- 379.2.3 Application - Chapter 326
- 379.2.4 Fees - Chapter 326

Article 3 LICENCE - REQUIRED

- 379.3.1 Qualifications - evidence of - required
- 379.3.2 Exception - owner - self-installation - own home
- 379.3.3 Exception - maintenance person
- 379.3.4 Work - installation - not licensed - prohibited
- 379.3.5 Plumbing contractor - act for one only
- 379.3.6 Plumbing - contractor required
- 379.3.7 Master drainage layer - licence required
- 379.3.8 Exemption - water conditioners
- 379.3.9 Exemption - service water heaters

Article 4 MASTER PLUMBER - EXAMINATION

- 379.4.1 Application - referred to Chief Building Official
- 379.4.2 Application - personal submission
- 379.4.3 Records - retained by Chief Building Official
- 379.4.4 Master Plumber's examination - eligibility to apply
- 379.4.5 Examination - time
- 379.4.6 Examination - approval
- 379.4.7 Examining Board - composition
- 379.4.8 Successful - entitled to licence
- 379.4.9 Fee
- 379.4.10 Fee - not refundable

PLUMBING

Article 5 SEWER - DRAIN CONTRACTOR - EXAMINATION

- 379.5.1 Sewer - drain contractors - examination - composition
- 379.5.2 Applicant - qualification - practical experience
- 379.5.3 Time - within thirty days of application - format
- 379.5.4 Acceptable standing - each section - required
- 379.5.5 Fee
- 379.5.6 Fee - not refundable
- 379.5.76 Failure - retry - waiting period - thirty days - fee

Article 6 LICENCE - ISSUE

- 379.6.1 Examination - entitlement - where successful
- 379.6.2 Display - prominent - in place of business
- 379.6.3 Master - photographic identification
- 379.6.4 Master - display - identification card
- 379.6.5 Calendar year - valid for
- 379.6.6 Non-transferable
- 379.6.7 Proof - place of business - conditions
- 379.6.8 Issued - by Issuer of Licences - eligibility - certified
- 379.6.9 Exemption - drainage layer
- 379.6.10 Sewer drain contractor - restriction
- 379.6.11 Sewer drain contractor - restriction - exemption
- 379.6.12 Business - advertisement

Article 7 EXAMINATION - WAIVING - REQUIREMENTS

- 379.7.1 Special circumstance - requirements - waived

Article 8
ENFORCEMENT

- 379.8.1 Penalty - for employment - unlicensed individual
 379.8.2 Suspension - prosecution - contravention
 379.8.3 Licensee - responsible - contravention by employees
 379.8.4 Prosecution - for operating - with suspended licence

SCHEDULE

Schedule 'A' - List of recognized municipalities

WHEREAS section 150 of the *Municipal Act, 2001* permits municipalities to license, regulate and govern any business wholly or partly carried on within the municipality;

AND WHEREAS except as otherwise provided, a municipality may only exercise its licensing powers under this section, including imposing conditions, for the primary purpose of consumer protection and the secondary purpose for nuisance control;

AND WHEREAS a by-law licensing or imposing any condition shall include an explanation as to the reason the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under the *Municipal Act, 2001*, subsection 150 (2);

AND WHEREAS notice of a public meeting was provided to licensees and advertised in a local newspaper;

AND WHEREAS a public meeting was held on August 9, 2006 to allow any person attending to make representations with respect to this Chapter.

Article 1
INTERPRETATION

379.1.1 Apprentice plumber - defined

“apprentice plumber” means an apprentice as set out and described in the *Trades Qualification and Apprenticeship Act* and who is apprenticed as a plumber.

379.1.2 Chief Building Official - defined

“Chief Building Official” means the person who may, from time to time, be appointed by the Council of The Corporation of the City of Brantford to the position of Chief Building Official.

379.1.3 Drain contractor - defined

“drain contractor” means a person who performs drain work as a business within the City.

379.1.4 Drain work - defined

“drain work” includes the laying of metallic or non-metallic pipe into trenches not within a building to form sanitary or storm sewers, storm drainage piping and storm management systems, private sewers and private water supply systems on private property, repairing of drains or removing tree roots and other obstructions from sewers.

379.1.5 Interpretation

Undefined words in this Chapter shall be interpreted in a manner consistent with their usage within the *Building Code Act, 1992*.

379.1.6 Journeyman plumber - defined

“journeyman plumber” means a person other than a Master Plumber who has been employed in plumbing installation and has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible mechanic, and performs plumbing work as a livelihood for a plumbing contractor.

379.1.7 Licence/Plumbing Inspector - defined

“Licence/Plumbing Inspector” means a person or persons designate, from time to time, by the Chief Building Official of the City of Brantford to enforce any part or parts of this Chapter.

379.1.8 Maintenance person - defined

“maintenance person” means a person employed to maintain and keep in good condition the plumbing, sewerage and drainage lines and to repair cocks, valves and leaks within a building or upon premises owned and/or used by his or her employer and “maintenance” means to preserve and keep said plumbing and appurtenances in their present state and not to add to or change their location.

379.1.9 Master drainage layer - defined

“master drainage layer” means a person who is skilled in the planning and superintending and installing of drain work, is familiar with the laws, rules and regulations governing same, has a regular place of business in Ontario and who alone, or by a person under his or her supervision, performs drain work.

379.1.10 Master Plumber - defined

“Master Plumber” means a person who is certified in the Province of Ontario as a journeyman plumber, who is qualified in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same, and who alone, or by journeyman plumbers under his or her supervision, performs plumbing work.

379.1.11 Master plumbing contractor - defined

“master plumbing contractor” means a person who is certified by the Province of Ontario and who is certified by the City as a Master Plumber, is qualified in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same, and who alone, or with journeyman plumbers in his or her employ, performs plumbing work.

379.1.12 Plumbing - defined

“plumbing” means plumbing as used in the *Building Code Act, 1992*.

379.1.13 Plumbing contractor - defined

“plumbing contractor” means a person who is not qualified as a Master Plumber, who carries on a business of performing plumbing work in the City and employs on a full-time basis at least one Master Plumber (who is not carrying on any separate plumbing business or work), and whose name appears on the face of the contractor’s licence when one is issued.

379.1.14 Plumbing Examination Board - defined

“Plumbing Examination Board” means the plumbing examination board appointed pursuant to this Chapter.

379.1.15 Reciprocal licensing program - defined

“reciprocal licensing program” means the program for the licensing of Master Plumbers operated by the Mechanical Contractors Association of Ontario and participating municipalities.

379.1.16 Sewer or drain contractor - defined

“sewer or drain contractor” means a person who is qualified in the planning, superintending and installation of pipes for the conveyance of sewage and is familiar with the laws, rules and regulations governing the same, and who alone, or by sewer or drainage layers in his or her employ, performs the work of laying sewers or drains outside of buildings.

Article 2 GENERAL PROVISIONS

379.2.1 Conformity - Chapter - required

No plumbing or drains shall be installed and no plumbing or drains shall be used within the City of Brantford, except in conformity with Chapter 462 of the City of Brantford Municipal Code and the Building Code, as it applies to plumbing and sewers.

379.2.2 Administration - enforcement - Chief Building Official

This Chapter shall be administered and enforced by the Chief Building Official and/or those persons who may, from time to time, be delegated by the Chief Building Official to enforce any part or all of the provisions of this Chapter.

379.2.3 Application - Chapter 326

The provisions of Chapter 326 of the City of Brantford Municipal Code apply to this Chapter.

379.2.4 Fees - Chapter 326

The fees for a licence issued under this Chapter shall be set out in Chapter 326 Schedule 'B' of the City of Brantford Municipal Code.

Article 3 LICENCE - REQUIRED

379.3.1 Qualifications - evidence of - required

In order to safeguard life, health and property, every person, firm or corporation engaged in or working at the business of plumbing or sewer or drain laying, either as a Master Plumber of a plumbing contractor or as a master drainage layer or sewer or drain contractor, must submit evidence to the licence/plumbing inspector that he or she is qualified, and has obtained a licence to do so from the City.

379.3.2 Exception - owner - self-installation - own home

The provisions of this Chapter shall not apply to an owner who may install plumbing in a single-family dwelling occupied or to be occupied by him or her, provided he or she abides by all rules and regulations pertaining to plumbing under Province of Ontario regulations for plumbing and sewers, and the provisions of this Chapter.

379.3.3 Exception - maintenance person

The provisions of this Chapter shall not apply to anyone who is employed as or acting as a maintenance person while working on the piping and fittings on premises owned by or occupied by the person by whom he or she is employed.

379.3.4 Work - installation - not licensed - prohibited

No person holding a Master Plumber's licence shall cause or permit an apprentice or an apprentice person to perform any plumbing work or install any plumbing fixtures within the corporate limits of the City unless he or she is a holder of a Master Plumber's licence or a journeyman plumber's licence.

379.3.5 Plumbing contractor - act for one only

No Master Plumber or master drainage layer shall act as such for more than one plumbing contractor or sewer drain contractor at one time. Every person licensed as a Master Plumber or as a master drainage layer shall notify the Plumbing Inspector when he or she ceases to act for a plumbing contractor or sewer drain contractor.

379.3.6 Plumbing - contractor required

No licensed Master Plumber shall carry out any plumbing within the City unless he or she is a licensed plumbing contractor or is employed by a licensed sewer drain contractor.

379.3.7 Master drainage layer - licence required

No licensed master drainage layer shall carry out any drain work within the City of Brantford unless he or she is a licensed sewer drain contractor or is employed by a licensed sewer drain contractor.

379.3.8 Exemption - water conditioners

Despite Section 379.3.1, no licence shall be required by a person engaged in the business of installing, repairing, or servicing water conditioners where the only plumbing carried out is limited to the following:

- (a) the installer may alter the water supply system to the extent of providing a cold water supply pipe, not exceeding 6 metres (20 feet) in length, to the conditioner, and connecting a cold conditioned water supply pipe from the conditioner outlet to the existing cold water supply system;
- (b) a drain line may be installed from the conditioner to discharge indirectly to a floor drain, hub drain or plumbing fixture; and
- (c) all work done is subject to inspection and other requirements of relevant by-laws, the Ontario Building Code, and other applicable law.

379.3.9 Exemption - service water heaters

Despite Section 379.3.1, no licence shall be required by a person engaged in the business of replacing service water heaters, as defined in the Ontario Building Code, provided all work done shall be subject to inspection and other requirements of relevant by-laws, the Ontario Building Code, and other applicable law.

Article 4
MASTER PLUMBER - EXAMINATION

379.4.1 Application - referred to Chief Building Official

For the purpose of conducting the examination or examinations for a person to qualify as a licensed Master Plumber, the application shall be referred to the Chief Building Official who shall make such inquiries and conduct such examination as may be necessary to ascertain the qualifications of the applicant.

379.4.2 Application - personal submission

No person shall apply for a Master Plumber's licence for anyone other than himself or herself.

379.4.3 Records - retained by Chief Building Official

Records of applications, examinations and results of each applicant shall be kept on file in the office of the Chief Building Official.

379.4.4 Master Plumber's examination - eligibility to apply

No person shall be eligible to apply for a Master Plumber's examination until he or she has submitted proof to the Chief Building Official that he or she holds a current certificate of qualification as a plumber in the Province of Ontario, and submits evidence that he or she has held a certificate as a plumber in the Province of Ontario for at least two years prior to the date of the said application.

379.4.5 Examination - time

The Licence/Plumbing Inspector designated by the Chief Building Official shall set the time of examination.

379.4.6 Examination - approval

The examination used to examine Master Plumbers shall be the examination approved by the Mechanical Contractors Association of Ontario Reciprocal Licensing Review Board.

379.4.7 Examining Board - composition

The Plumbers Examining Board shall consist of one Plumbing Inspector and the Chief Building Official.

379.4.8 Successful - entitled to licence

An applicant, upon successfully completing the examination required by this Chapter, shall be issued a licence by the Issuer of Licences upon payment of the required fee.

379.4.9 Fee

All fees for Master Plumber's examination as outlined in Chapter 326, Schedule 'B' of the City of Brantford Municipal Code shall be paid at the time of application for examination.

379.4.10 Fee - not refundable

Fees for a Master Plumber's examination shall not be refundable.

Article 5**SEWER - DRAIN CONTRACTOR - EXAMINATION****379.5.1 Sewer - drain contractors - examination - composition**

The Sewer and Drainage Layers Examining Board shall consist of one Plumbing Inspector and the Chief Building Official who shall conduct the examination or examinations for persons to qualify as licensed sewer or drain contractors.

379.5.21 Applicant - qualification - practical experience

In order to qualify for an examination to obtain a sewer or drain contractor's licence, the applicant must satisfy the Chief Building Official that he or she has had sufficient practical experience in the trade.

379.5.3 Time - within thirty days of application - format

The Chief Plumbing Inspector shall set the time of examination, which examination shall be held within thirty days of the application and may be of the following format: written test, practical test, and may at the discretion of the Board, be oral.

379.5.4 Acceptable standing - each section - required

The applicant must obtain an acceptable standing in each section of the examination.

379.5.5 Fee

All fees shall be paid at the time of application for examination as outlined in Chapter 326, Schedule 'B' of the City of Brantford Municipal Code.

379.5.6 Fee - not refundable

Fees for a sewer or drain contractor examination shall not be refundable.

379.5.76 Failure - retry - waiting period - thirty days - fee

If an applicant fails to pass all sections of the required examination, there shall be a mandatory waiting period of thirty days and he or she shall be required to pay the original fee over again for a second and each subsequent examination.

Article 6
LICENCE - ISSUE

379.6.1 Examination - entitlement - where successful

An applicant for a licence, upon successfully completing the required examination, shall be issued a licence by the Issuer or Licences.

379.6.2 Display - prominent - in place of business

The Master Plumber's or sewer or drain contractor's licence shall be prominently displayed in his or her place of business.

379.6.3 Master - photographic identification

An applicant for a Master Plumber or Master Drainage Layer Licence shall be photographed by the Issuer of Licences, or his or her designate and shall carry the identification card with him or her at all times.

379.6.4 Master - display - identification card

Every person to whom an identification card is issued pursuant to this Chapter shall display their identification card upon request by any Provincial Offences Officer or upon request by the owner, operator, or person in charge of any premises at which that person is carrying on his or her trade.

379.6.5 Calendar year - valid for

Every licence shall be for the calendar year current at the time of the issuance thereof, regardless of the date of issue.

379.6.6 Non-transferable

No licence shall be transferable.

379.6.7 Proof - place of business - conditions

The applicant must submit proof that his or her place of business shall not be contrary to the Zoning By-law of the City of Brantford.

379.6.8 Issued - by Issuer of Licences - eligibility - certified

All licences shall be issued by the Issuer of Licences, but no licence shall be issued to an applicant unless his or her eligibility for the licence applied for is certified by the Chief Building Official.

379.6.9 Exemption - drainage layer

Every person holding a Master Plumber's Licence shall be deemed to have obtained and to hold a Master Drainage Layer's Licence.

379.6.10 Sewer drain contractor - restriction

The Licence issued to a sewer drain contractor does not entitle the holder to perform any plumbing work within a building.

379.6.11 Sewer drain contractor - restriction - exemption

Despite Section 379.7.9, a sewer drain contractor may extend building services on private property between the property line and a point not more than two feet inside the outside wall of a building.

379.6.12 Business - advertisement

No person shall advertise, promote or carry on a business regulated by this Chapter except under the name in which the licence has been issued pursuant to this Chapter.

Article 7**EXAMINATION - WAIVING - REQUIREMENTS****379.7.1 Special circumstance - requirements - waived**

Where the applicant for a licence holds a licence in the category applied for in any other municipality in Ontario where a condition of granting such licence requires the applicant to pass an examination before an Examining Board, and the standards of examination of such board are approved by the local Examining Board, the local Examining Board may waive the requirements for examination as required by this Chapter and authorize the issuance of the licence to the applicant upon payment of necessary fees. Municipalities listed in Schedule 'A' are deemed to meet the requirements of this Section.

Article 8**ENFORCEMENT****379.8.1 Penalty - for employment - unlicensed individual**

Any person who assumes responsible charge and direction of other persons in the installation of plumbing, drainage or sewers and who employs, whether for gain or otherwise, a person not licensed as provided in this Chapter to perform and install plumbing, drainage or sewers, shall be guilty of a contravention of this Chapter and, upon conviction, shall be subject to the penalties provided for in this Chapter.

379.8.2 Suspension - prosecution - contravention

Any licensed plumbing contractor, Master Plumber or sewer or drain contractor responsible for the work done who neglects or refuses to comply with this Chapter, Chapter 462 of the City of Brantford Municipal Code or the Building Code as it applies to plumbing and sewers, may have his or her licence suspended or cancelled by Council upon the recommendation of the Chief Building Official and shall also be liable to prosecution for breach of this Chapter.

379.8.3 Licensee - responsible - contravention by employees

Every licensee shall be held responsible for any violation of the regulations set out in Section 379.8.2, that are committed by agents, employees, mechanics, helpers, or labourers employed by him or her or them.

379.8.4 Prosecution - for operating - with suspended licence

If any licence granted under the terms of this Chapter or any other licensing by-law of the City is suspended or is cancelled, the licensee shall not exercise any right or privilege conferred by such licence and such licensee attempting to exercise any right or privilege under such licence during such suspension, or other cancellation, shall be liable to the same penalties, and may be prosecuted in the same way as though such person being required to obtain a licence has failed to obtain the same. By-law 134-2006, 25 September, 2006.

PLUMBING

SCHEDULE

Schedule 'A' - List of recognized municipalities

The Corporation of the City of Barrie
The Corporation of the City of Cambridge
The Corporation of the City of Guelph
The Regional Municipality of Hamilton-Wentworth
The Corporation of the City of Kingston
The Corporation of the City of Kitchener
The Corporation of the City of London
The Municipality of Metropolitan Toronto
The Corporation of the City of Ottawa
The Corporation of the City of Sarnia
The Corporation of the City of Sault Ste. Marie
The Corporation of the City of Stratford
The Corporation of the City of Thunder Bay
The Corporation of the City of Waterloo
The Corporation of the City of Windsor
By-law 134-2006, 25 September, 2006; Schedule 'A'.