

# LICENCE

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578.5.1 By-law - previous

578.5.2 Effective date

## **SCHEDULE**

Schedule 'A' - Business Licence Procedure

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WHEREAS *it is deemed expedient to exercise the powers conferred on Council by the Municipal Act, 2001, S.O. 2001, c. 25;*

AND WHEREAS *Council has determined that Plumbing work has a significant impact on the health of the public and consumers of those services;*

AND WHEREAS *Council has determined that requiring those performing plumbing work to work under the supervision of a Master Plumber with specified qualifications contributes to a higher standard of plumbing work and thus protects consumers;*

AND WHEREAS *Council has determined that licensing Master Plumbers and Plumbing Contractors protects consumers as there is a record of licence holders and the ability to require legal and honest operation of such businesses and to hold licensees responsible when the business is not conducted in accordance with the law or with integrity;*

AND WHEREAS *Council has determined that the ability to add conditions to, suspend, revoke or refuse licences encourages licensees to comply with the by-law requirements;*

AND WHEREAS *notice of a public meeting was given by advertisement in a local newspaper on October 8, 2004;*

AND WHEREAS a public meeting was held on October 18, 2004 to allow any person attending to make representations with respect to this by-law.

## **Article 1 INTERPRETATION**

### **578.1.1 Apprentice - defined**

“apprentice” means a person indentured with the Ministry, acting as an apprentice as defined in the *Trades Qualification and Apprenticeship Act*.

### **578.1.2 Certificate - defined**

“certificate” means a Certificate of Qualification for Plumbing issued pursuant to the *Trades Qualification and Apprenticeship Act*.

### **578.1.3 Journeyman Plumber - defined**

“Journeyman Plumber” means a person who holds a current certificate. By-law 2004-247, 6 December, 2004.

### **578.1.4 Master Plumber - defined**

“Master Plumber” shall mean a person who is skilled in the planning, superintending and installing of plumbing fixtures and systems, who is familiar with the laws, rules and regulations governing the same, has a regular place of business in Ontario and who performs plumbing work and/or supervises journeyman plumbers performing plumbing work. By-law 2006-230, 27 November, 2006.

### **578.1.5 Permit - defined**

“permit” means the written authorization given by the City to execute plumbing work at a specified location.

### **578.1.6 Person - defined**

“person” means a human being.

### **578.1.7 Plumbing - defined**

“plumbing” has the meaning that it has in the Ontario *Building Code Act, 1992* and any other terms defined in the Act or the Regulation thereto will have the same meaning in this Chapter.

### **578.1.8 Plumbing Contractor - defined**

“Plumbing Contractor” means a corporation, partnership, or sole proprietorship:

- (a) engaged in the business of contracting for the making and repairing of plumbing installations in the Province of Ontario;
- (b) solicits for plumbing work; or

- (c) which in any way advertises, or holds itself out to the public as doing plumbing work or as being a Plumbing Contractor.

## **Article 2 GENERAL PROVISIONS**

### **578.2.1 General provisions - Chapter 500**

The provisions of Chapter 500 of the City of Kitchener Municipal Code shall apply to this Chapter. In the event of any conflict, the provisions of this Chapter shall apply.

### **578.2.2 Fees - Chapter 501**

The fees for a licence under this Chapter shall be as set out in Chapter 501 of the City of Kitchener Municipal Code.

### **578.2.3 Schedule 'A' - Business Licence Procedure**

The provisions of Schedule 'A' hereto shall form a portion of this Chapter.

### **578.2.4 Operation - without licence - prohibited**

No person shall engage in any work as a Master Plumber without having made application in person and having received a licence issued in the name of the Council by the Manager of Licensing or his/her delegate.

### **578.2.5 Operation - business - without licence - prohibited**

No corporation, partnership, or sole proprietorship shall engage in any work as a Plumbing Contractor without having made application and having received a licence issued in the name of the Council by the Manager of Licensing or his/her delegate.

### **578.2.6 Applicable - all locations - within - outside - City**

The provisions of this Chapter apply to any trade, occupation, calling or business described herein that is carried on either wholly or partly within the City even if the business is being carried on from a location outside the City.

### **578.2.7 Applicant - proof - current certificate**

Every applicant for a Master Plumber licence shall provide to the Manager of Licensing the name of his/her employer and proof that the applicant has a current certificate and has held the certificate for at least two years prior to the date of application.

### **578.2.8 Master Plumber - employment one contract at a time**

No Master Plumber shall act as such for more than one Plumbing Contractor at a time.

### **578.2.9 Master Plumber - ceasing to act for contractor - notice**

Every person licensed as a Master Plumber, upon ceasing to act for a Plumbing Contractor, shall notify the Manager of Licensing within two days thereafter.

**578.2.10 Classes of licences**

There shall be the following classes of licences pursuant to this Chapter:

- (a) Plumbing Contractor; and
- (b) Master Plumber.

**578.2.11 Licence holder - deemed incompetent - refer to Council**

In addition to the grounds set out in Schedule 'A' hereto, upon the recommendation of the Plumber Examining Board if the licence holder is shown to be incompetent, the Manager of Licensing shall refer an application or a licence to Council or a Committee of Council and after due consideration of the application or licence and after Council or a Committee of Council has heard such representations as the applicant or licensee and staff may care to make, Council may direct that the licence be issued or renewed, or may refuse, suspend, revoke or add conditions to a licence.

**578.2.12 Master Plumber - supervision - plumbers - apprentices**

No Journeyman Plumber or apprentice shall do or perform any plumbing work within the City except under the effective, direct and personal supervision of a Master Plumber licensed under this Chapter. By-law 2004-247, 6 December, 2004.

**578.2.13 General liability insurance - minimum requirement**

Every Plumbing Contractor must have proof of general liability insurance in the amount of \$2,000,000. inclusive of public liability and property damage.

**578.2.14 Vehicles - business use - identification requirements**

Every Plumbing Contractor operating a business in the City shall ensure that all vehicles used in the course of business have on both sides of each such vehicle, the Plumbing Contractor's name and the City of Kitchener Licence Number, in letters and figures, not less than 2.5 cm (1") in height, and clearly legible at a distance of 6 m (20"). By-law 2006-230, 27 November, 2006.

**578.2.15 Repealed: By-law 2006-230, 27 November, 2006**

**578.2.16 Repealed: By-law 2006-230, 27 November, 2006**

**578.2.17 Repealed: By-law 2006-230, 27 November, 2006**

**578.2.18 Repealed: By-law 2006-230, 27 November, 2006**

**578.2.19 Repealed: By-law 2006-230, 27 November, 2006**

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**578.2.20 Repealed: By-law 2006-230, 27 November, 2006**

**578.2.21 Repealed: By-law 2006-230, 27 November, 2006**

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**578.2.22 Repealed: By-law 2006-230, 27 November, 2006**

**578.2.23 Plumbing Contractor - Master Plumber - employed**

Every Plumbing Contractor shall have in its employ a Master Plumber licensed under this Chapter whose name shall be stated on the Plumbing Contractor licence.

**578.2.24 Change of address - notice to Manager of Licensing**

Every Plumbing Contractor and person licensed as a Master Plumber, upon changing their business address, shall, within two days thereafter, provide the Manager of Licensing with the new address.

**578.2.25 Exemption - employee - repair - maintenance**

The provisions of this Chapter with respect to licensing shall not apply to anyone who keeps plumbing in repair, repairs or replaces valves, faucets or fixtures or forces out a stoppage during the course of his/her employment, so long as he/she is working on plumbing belonging to the person by whom he/she is employed, provided that the exemption does not apply to the installation, construction, or relocation of plumbing or additions thereto.

**578.2.26 Exemption - owner - repair - maintenance**

The provisions of this Chapter with respect to licensing shall not apply to an owner who may install plumbing in a single family dwelling in which he/she is actually resident at the time or which he/she is erecting and in which his/her family will reside, provided that he/she abides by all rules and regulations pertaining to plumbing under the regulations pursuant to the Ontario *Building Code Act, 1992*.

**578.2.27 Inspection - of work - at all reasonable times**

Every licence holder shall allow the Licensing Inspector and any other person duly authorized, including the Chief Building Official and his/her designate(s), City Building or Plumbing Inspector or any other Municipal Law Enforcement Officer to inspect or observe at any reasonable time the work completed or being performed.

**578.2.28 Construction - renewed - alteration - permit required**

No plumbing shall be constructed, reconstructed, renewed, repaired or altered by any person unless a permit therefor has been obtained by the Plumbing Contractor, Master Plumber, drain layer, building contractor or owner pursuant to the provisions of Chapter 710 (Building - Permits and Fees) of the City of Kitchener Municipal Code.

**578.2.29 Repair - maintenance - permit not required**

No permit or inspections shall be required when the work performed is repair of the working parts of a faucet or valve, the clearance of stoppages, repair of leaks or replacement of defective faucets or valves, providing no changes are made in the piping.

**578.2.30 Permit issue - compliance with other applicable laws**

The issuance of a plumbing permit to the applicant therefor and any inspections made by a Building/Plumbing Inspector under such permit shall in no way relieve the owner of the lands and premises in or upon which plumbing is being installed from compliance with any other applicable laws.

**578.2.31 Compliance with Act**

Neither the granting of a plumbing permit, nor the approval of plans and specifications, nor inspection made by a Building/Plumbing Inspector shall in any way relieve the Plumbing Contractor from full responsibility for carrying out the work authorised thereby in strict accordance with the provisions of this Chapter and the regulations made pursuant to the Ontario *Building Code Act, 1992*.

**578.2.32 Enforcement - Manager of Licensing - CBO**

The provisions of this Chapter shall be enforced by the Manager of Licensing and the Chief Building Official.

**578.2.33 Supervision of non-licensed person - prohibited**

Any person who assumes responsible charge and direction of other persons in the installation of plumbing, drainage or sewers and any corporation, partnership or sole proprietorship who employs, whether for gain or otherwise, a person not licensed as provided herein to perform and install plumbing, drainage and sewers shall be in contravention of this Chapter.

**578.2.34 Operation - while suspended - revoked - prohibited**

No person shall engage in any work as a Master Plumber and no corporation shall engage in any work as a Plumbing Contractor while a licence issued under this Chapter is suspended or revoked by Council.

**578.2.35 Condition of licence - compliance**

No person shall violate any condition that Council places on a licence issued under this Chapter.

### **Article 3 ENFORCEMENT**

#### **578.3.1 Fine - for contravention - person**

Every person other than a corporation who contravenes any provision of this Chapter and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and is liable, upon conviction, to a fine not exceeding Twenty-Five Thousand Dollars (\$25,000).

#### **578.3.2 Fine - for contravention - corporation**

Every corporation that contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Fifty Thousand Dollars (\$50,000).

### **Article 4 VALIDITY**

#### **578.4.1 Severability**

It is hereby declared that each and every of the foregoing Sections of this Chapter is severable and that, if any provisions of this Chapter should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

### **Article 5 REPEAL - ENACTMENT**

#### **578.5.1 By-law - previous**

By-law 2000-201, section 24 of By-law 2000-228, Section 26 of By-law 2001-239, section 20 of By-law 2001-241, By-law 2001-56, By-law 2002-185, section 26 of By-law 2002-233 and the contents of the previous Chapter 578 are hereby repealed as of January 1, 2005.

#### **578.5.2 Effective date**

This Chapter comes into force and effect on January 1, 2005. By-law 2004-247, 6 December, 2004.

# PLUMBING PLUMBER

## SCHEDULE

### Schedule 'A' - Business Licence Procedure

1. Upon receipt of a complete licence application the Manager of Licensing shall either issue or renew a licence hereunder or shall refer the matter to Council or a Committee of Council where appropriate under the provisions of this Chapter or any other by-law of Council.
2. Save as otherwise provided herein, every licence issued or renewed pursuant to this Chapter shall be issued in the name of Council by the Manager of Licensing.
3. The Manager of Licensing shall not process an application where that application is incomplete. An application will be deemed incomplete where:
  - (a) required information has not been provided on the application form;
  - (b) information or documentation required by the Manager of Licensing as part of the application process has not been provided;
  - (c) the prescribed licence fee is unpaid; or
  - (d) the Manager of Licensing has received an unsatisfactory report regarding an investigation carried out pursuant to Chapter 500 of the City of Kitchener Municipal Code or any other by-law of the City and the conditions causing the report to be unsatisfactory have not been remedied.
4. Where the Manager of Licensing receives an incomplete application, the Manager of Licensing shall, where an address or other contact information has been provided, notify the applicant that the application is incomplete and of the steps required to complete the application.
5. Where the Manager of Licensing decides an application is incomplete, the applicant shall have the right to appeal that decision to Council or a Committee of Council.
6. If the Manager of Licensing is unable to determine whether an application is incomplete, he/she may refer the matter to Council or a Committee of Council for consideration.
7. The Manager of Licensing may refer an application or a licence to Council or a Committee of Council where:

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- (a) the applicant or licensee does not meet the requirements of this Chapter or any other applicable law or by-law;
  - (b) there are reasonable grounds for belief that an application or other document provided to the Manager of Licensing by or on behalf of an applicant or licensee contains a false statement or provides false information;
  - (c) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity;
  - (d) without limiting the generality of Section 7(c), any person, including the officers, directors, employees or agents of a corporation, has contravened this Chapter or any other by-law or federal or provincial statute or regulation while engaged in or conducting the business;
  - (e) any special conditions placed on a former or current licence of the applicant or licensee under this Chapter have not been met; or
  - (f) the provisions of this Chapter provide grounds not to issue or renew in the circumstances.
8. When any matter has been referred or appealed to Council or a Committee of Council, the applicant or licensee shall be given reasonable notice of the time and place of the hearing and shall be invited to make submissions.
9. When any matter has been referred or appealed to Council or a Committee of Council, after due consideration of the application or licence and after Council or a Committee of Council has heard such representations as the applicant or licensee and staff may care to make, Council may direct that the licence be issued or renewed, or may refuse, suspend, revoke or add conditions to a licence where:

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- (a) the applicant or licensee does not meet the requirements of this Chapter or any other applicable law or by-law;
- (b) information or documentation required by the Manager of Licensing as part of the application process has not been provided;
- (c) the application is incomplete or the prescribed licence fee is unpaid;
- (d) the Manager of Licensing receives an unfavourable report regarding an investigation carried out pursuant to Chapter 500 of the City of Kitchener Municipal Code or any other by-law of the City;
- (e) there are reasonable grounds for belief that an application or other document provided to the Manager of Licensing by or on behalf of an applicant or licensee contains a false statement or provides false information;
- (f) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (g) without limiting the generality of Section 9(f), any person, including the officers, directors, employees or agents of a corporation, has contravened this Chapter or any other by-law or federal or provincial statute or regulation while engaged in or conducting the business;
- (h) any special conditions placed on a former or current licence of the applicant or licensee under this Chapter have not been met;
- (i) the provisions of this Chapter provide grounds not to issue or renew in the circumstances; or

## PLUMBING PLUMBER

- (j) the applicant or licensee has consented to the refusal, suspension, revocation or adding of conditions to the licence.
10. Where a licensee is convicted of an offence under any federal or provincial Act, any regulation made thereunder, or any by-law of the City in relation to or during the carrying on of the trade, calling, business or occupation licensed hereunder, the licence may be suspended forthwith by Council until such time as the matter can be heard and finally determined by Council. By-law 2004-247, 6 December, 2004; Schedule 'A'; By-law 2006-46, 13 February, 2006.