

Chapter 190

PLUMBING AND MECHANICAL TRADES

- | | |
|--|---|
| § 190-1. Title. | § 190-14. Shelving of license. |
| § 190-2. Legislative intent. | § 190-15. Shelving of license for
municipal
plumbers/tradespersons. |
| § 190-3. Definitions. | § 190-16. Regulation of business. |
| § 190-4. License required. | § 190-17. Mechanical trades. |
| § 190-5. Plumbing and Mechanical
Trades Board. | § 190-18. Incidental potable water
connections. |
| § 190-6. Powers and duties of Director. | § 190-19. Reciprocal license. |
| § 190-7. Powers and duties of Board. | § 190-20. License/certification display. |
| § 190-8. Application and examination
procedure. | § 190-21. Prohibited acts. |
| § 190-9. Issuance and renewal of license
and/or certification. | § 190-22. Code Enforcement Officer. |
| § 190-10. Transfer of license or
certification. | § 190-23. Enforcement. |
| § 190-11. Registration of journeymen. | § 190-24. Criminal penalties. |
| § 190-12. Unlicensed or unregistered
plumbers and uncertified or
unregistered mechanical
tradespersons. | § 190-25. Immunity. |
| § 190-13. Suspension or revocation of
license or certificate. | § 190-26. Insurance and bonding. |
| | § 190-27. Provisions not subject to
waiver. |
| | § 190-28. Severability. |
| | § 190-29. Repealer. |

[HISTORY: Adopted by the Legislature of the County of Putnam 5-28-1996 by L.L. No. 7-1996; amended in its entirety 12-1-2009 by L.L. No. 20-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Contracting with County — See Ch. 134.
Contractors — See Ch. 135.

Contracts and procurement — See Ch. 140.
Electricians — See Ch. 145.

§ 190-1. Title.

This chapter of the Code of Putnam County shall be entitled and known as the "Putnam County Plumbing and Mechanical Trades Licensing Law."

§ 190-2. Legislative intent.

It is the intent of this chapter to regulate, license and certify the business of plumbing and related mechanical trades, within the County of Putnam, in order to protect and promote the health, safety and welfare of the residents of Putnam County. This chapter, which amends L.L. No. 7-1996, provides that no person, business, partnership or other entity shall engage in the work or trade of installing, altering, removing, replacing, testing or the repairing of plumbing and related systems, as provided for herein, within the County of Putnam unless duly licensed or permitted as required by the provisions of this chapter.

§ 190-3. Definitions. [Amended 9-3-2013 by L.L. No. 11-2013]

For the purposes of this chapter, the following terms shall have the following meanings, unless otherwise indicated by the context:

BOARD — The Plumbing and Mechanical Trades Board of Putnam County as provided for by this chapter.

BUSINESS ENTITY — Shall include any corporation, partnership, limited partnership or joint venture formed for the purpose of engaging in the business and/or trade of plumbing and/or related mechanical trades.

CERTIFICATE OF COMPETENCY — A certificate issued by the Board to persons who have successfully completed an examination for master plumber or other mechanical trade as provided for by the provisions of this chapter.

DIRECTOR — The Director of the Putnam County Department of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

FAMILY — A spouse of a Board member, or a person claimed as a dependent on the Board member's latest individual tax return.

FIRE PROTECTION SPRINKLER SYSTEM — All devices and apparatuses comprising the sprinkler system extending from the clapper valve station(s) to and including the sprinkler heads and inspection test stations, and any other required apparatuses and terminal points within the piping system.

HVAC SYSTEM — Any device or apparatus used in connection with a heating, ventilation and/or air-conditioning system located in any building structure whatsoever. For purposes of this chapter, this definition shall include all conveyance pipes for any and all types of refrigerant gas, oil and/or water, including piping to potable water connections.

INCIDENTAL POTABLE WATER CONNECTION — A connection to an existing potable water system that does not involve substantial modification, alteration and/or repair to the existing system. For purposes of this chapter, an "incidental potable water connection" does not include the installation of, alteration of and/or modification to a potable water, waste, soil and/or vent system or replacement of valves or backflowing devices.

JOURNEYMAN — A person who works within Putnam County and is employed by and under the direct supervision and control of a licensed master plumber or a licensed or certified mechanical tradesperson, with a minimum of five years' experience in plumbing, heating,

sheet metal, or HVAC; or has met the requirements of the Certified Employee Training Program (CETP) offered through the National Propane Gas Association; or has satisfied the state guidelines permitting a person to install protection sprinklers. Effective June 30, 2008, a journeyman will be required to successfully complete an examination for registration as a journeyman plumber cardholder or certification as a journeyman mechanical tradesperson cardholder. Prior to June 30, 2008, the Board will issue journeyman plumber cards and journeyman mechanical tradesperson cards upon successful application to the Board.

LAWN, GARDEN AND AGRICULTURAL SPRINKLER SYSTEM — A system of piping or other mechanical means for the purpose of supplying land with water by artificial means, as by diverting streams, flooding or spraying, or to moisten, wet or nourish vegetation, lawns, crops or other agricultural means.

LEGISLATURE — The Putnam County Legislature.

LP GAS SYSTEM — All devices and apparatuses comprising the liquid petroleum gas piping system for all LP-gas-burning appliances extending from the point of connection with the local supplier's meter and/or storage tank to all termination points contained in the customer's piping system.

MASTER PLUMBER — A person who engages in or carries on the craft of plumbing, as provided for by the provisions of this chapter.

MECHANICAL TRADES — Trades that are directly related to the trade of plumbing and subject to certification under the provisions of this chapter:

- A. Fire sprinkler systems: installation, repair and maintenance;
- B. Lawn, garden and/or agricultural sprinkler systems: installation, repair and maintenance;
- C. LP gas systems (including natural, propane, butane, and any other gas used for heating, cooking, or ornamental purposes from the point of connection with the local supplier's meter and/or storage tank to all termination points contained in consumers' piping system, and oxygen and similar piping systems located at medical offices): installation, repair, maintenance, extension, relocation and/or alteration;
- D. Heating, ventilation and air-conditioning (HVAC) systems: installation, repair and maintenance, extension and/or alteration; and
- E. Water well, pump, storage, treatment and/or filtration systems: installation, drilling, repair and maintenance.

MECHANICAL TRADESPERSON — A person engaged in any one of the mechanical trades as defined by this chapter.

PERSON — Shall include an individual, partnership, corporation, business organization or other similar entity.

PLUMBER — A craftsman who installs, repairs pipes, fixtures and other apparatus relating to the distribution of water or gas in a building and for disposal of sewage, as defined by the New York State Plumbing Code, Chapter 2.

PLUMBING — Utility consisting of the pipes, fixtures and other apparatus for the distribution of water or gas in a building or for the disposal of sewage; the occupation of a plumber, as defined by the New York State Plumbing Code, Chapter 2.

POTABLE WATER SOURCE — Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

SHEET METAL — Utility consisting of the duct work and material for the distribution of air-controlled movement.

§ 190-4. License required. [Amended 9-3-2013 by L.L. No. 11-2013]

- A. No person shall engage in, carry on or conduct the business or trade of plumbing or similar mechanical trade within the County of Putnam, and no person shall represent himself or herself to be or advertise as a plumber, master plumber or mechanical tradesperson within the County of Putnam, unless duly licensed or certified in accordance with the provisions of this chapter.
- B. No person shall engage in the business or trade of plumbing or other similar mechanical trade, as defined herein, or hire himself or herself out to perform the services of master plumber, licensed or certified mechanical tradesperson, or journeyman plumber or journeyman mechanical tradesperson unless he or she has been duly authorized to do so by the issuance of a master plumber license, mechanical trades certification, or journeyman plumber card or journeyman mechanical tradesperson card.
- C. No person who has been licensed or certified under the provisions of this chapter shall commence any new installation, repair or alteration to any plumbing or gas system within the County of Putnam without first having obtained the appropriate permit(s) from the local building department having jurisdiction, which shall forward a copy of the same to the Board.
- D. Nothing contained in this chapter shall be construed to obviate the need for procuring any and all permits otherwise required by law for the performance of plumbing and/or mechanical trades work.

§ 190-5. Plumbing and Mechanical Trades Board. [Amended 9-3-2013 by L.L. No. 11-2013]

- A. There shall be a Plumbing and Mechanical Trades Board ("Board") consisting of nine members, who shall each be residents of the County of Putnam.
- B. The Board shall interview all candidates for Board membership and submit all candidates' resumes to the Legislature.
- C. Board members shall be appointed by a majority vote of the Putnam County Legislature. Board members shall serve a term of three years and at the pleasure of the Legislature.

- D. At no time may more than one owner, shareholder or employee of the same partnership, corporation, business organization or other similar entity, or more than one member of the same family, serve on the Board at the same time.
- E. The composition of the Board shall be as follows:
- (1) One member shall be a licensed professional engineer with a minimum of five years' active practice in New York State; a licensed professional engineer currently employed by the Putnam County Department of Health; or licensed master plumber with a minimum of 10 years' experience, but who is no longer actively engaged in the trade of plumbing or other mechanical trade, as defined herein.
 - (2) One member shall be a journeyman plumber or building inspector.
 - (3) One member shall be a resident of the County and shall not be nor have been a licensed plumber, journeyman plumber or a licensed or certified mechanical tradesperson. Said member shall serve a term of three years.
 - (4) Two members shall be licensed master plumbers with a minimum of five years' experience as such.
 - (5) One member shall be a licensed master plumber with a minimum of five years' experience as such or a licensed journeyman plumber who is a resident of the County of Putnam and who has a minimum of five years' experience as such.
 - (6) One member shall be a certified HVAC mechanical tradesperson with a minimum of seven years' experience as such.
 - (7) One member shall be a certified LP gas mechanical tradesperson with a minimum of seven years' experience.
 - (8) One member shall be a certified well driller with a minimum of seven years' experience.
- F. Secretary. Excepting the current Secretary to the Board, all future secretaries to the Board shall be appointed by the County Executive. The Secretary shall report to the Director, who shall be responsible for the direct daily supervision of the Secretary.
- G. Chairperson and Vice Chairperson. The Board, by majority vote of the entire Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a one-year term. A Chairperson shall serve no more than two consecutive one-year terms. Once a Chairperson has served two consecutive one-year terms, he/she shall be prohibited from serving as the Board Chairperson or Vice Chairperson for a period of not less than two years.
- H. Quorum. A majority of the Board shall constitute a quorum for the transaction of business. As a matter of illustration, a quorum for this nine-member board is five.
- I. Vacancies. In the event of a vacancy on the Board, such vacancy shall be appointed by a majority vote of the Putnam County Legislature to fulfill the remainder of the vacating member's term.

- J. Removal. A Board member may be removed by majority vote of the Putnam County Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause as set forth in the Board's rules and regulations.

§ 190-6. Powers and duties of Director.

In addition to such other powers and duties as may be provided for by local law, the Director shall be responsible for the direct daily supervision of the Secretary to the Board, Code Enforcement Officer(s), Gas Inspector(s) and any other employees of the Department of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

§ 190-7. Powers and duties of Board.

The Board shall have the following powers and duties:

- A. Rules and regulations. The Board shall promulgate its own rules and regulations with respect to its proceedings and with respect to any matter over which it has jurisdiction, subject to guidelines set forth in the Putnam County Legislative Manual for the setting of agendas, conduct of meetings, and keeping of minutes. The rules and regulations established by the Board shall not supersede the provisions of this Chapter. The Board shall prepare a manual of its duly adopted rules and regulations, which shall be made available for public inspection, and file the same with the Clerk of the Legislature. The Board shall, within 30 days, file with the Clerk of the Legislature a copy of every rule, regulation and/or amendment thereto, and every decision, determination and/or appeal thereof, and the same shall be public record. [Amended 5-4-2010 by L.L. No. 10-2010]
- B. Meetings. The Board shall hold a minimum of four meetings per year at the call of the Chairman and any other occasion on the call of the Chairman or upon written request of two Board members. All members shall be provided with a minimum of four days' prior written or oral notice of a meeting.
- C. Minutes/voting records. At a minimum, the Board shall keep minutes of its meetings and proceedings, including a recorded roll call vote on every action taken by the Board. Such roll call vote shall indicate whether the member voted "yes" or "no," abstained from voting (and the reason therefor), or was otherwise absent for the vote. These minutes shall be filed with the Clerk of the Legislature within 30 days after they have been approved by the Board.
- D. Examinations and qualifications. The Board shall prescribe the licensing and certification examinations for assessing an applicant's knowledge and expertise in the field of plumbing or related mechanical trade. In addition to prescribing written examinations, the Board shall investigate into the qualifications, fitness and employment history of any applicant requesting licensure or certification pursuant to this chapter. The Board may require, as a condition of examination, that the applicant provide documentation and/or information relating to current or prior employment, qualifications and fitness, as set forth in § 190-8, for the purpose of ascertaining an applicant's qualifications for licensure and/or certification. [Amended 5-4-2010 by L.L. No. 10-2010]

- E. Licenses/certification. Upon successful completion of the requisite examination(s) and upon the Board's satisfaction of the applicant's qualifications for the license and/or certification sought, the Board shall grant and issue periodic licenses and/or certifications. The Board shall maintain a record of all licenses and certifications issued, suspended and/or revoked under the provisions of this chapter and which shall be made available for public inspection.
- F. Complaints. The Board shall have the power to hold hearings on complaints and charges which have been filed by any person, business, the Director or the License Enforcement Officer and to make formal findings of facts and impose penalties and sanctions in accordance with the law.
- G. Subpoena power. The Board shall have the power to issue and cause to be served subpoenas for the production of books, records and documents and appearance of witnesses at any duly convened hearing of the Board.
- H. Fees. The Board shall have the power to collect fees for 1) the administration of examinations and 2) the issuance and/or renewal of licenses and/or certifications hereunder. Said fees shall be in accordance with fee schedules duly adopted and approved by the Putnam County Legislature.
- I. Recommendations. The Board shall make recommendations to the Putnam County Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
- J. Suspension/revocation; civil penalties. The Board shall have the power to suspend and/or revoke licenses and certifications issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provision of this chapter.
- K. Experts, etc. Subject to legislative approval and appropriation of funds, the Board may hire experts and/or consultants and pay for their services as may be necessary and appropriate in the conduct of its business.
- L. Oaths. The Chairman of the Board or his/her designee shall be empowered to administer oaths.

§ 190-8. Application and examination procedure. [Amended 5-4-2010 by L.L. No. 10-2010; 9-3-2013 by L.L. No. 11-2013]

- A. Written application. Written applications of licensure and/or certification shall be submitted to the Secretary of the Board on the form prescribed by the Board. At a minimum, each application shall set forth the name, residence address, business address, telephone numbers and trade names of the applicant, plus such additional information concerning his or her qualifications as the Board may require. The Board shall not require a letter from a former employer evidencing experience in the applicant's respective field. All applications shall be signed by the applicant, whose signature shall be duly acknowledged. Applications must be made in the name of the individual seeking licensure and/or certification. If the applicant is an officer, owner or employee of a plumbing and/or mechanical trade business, partnership or corporation, then the

application shall set forth the names of all officers, owners and employees thereof as of the date of application.

- B. Proof of current or prior employment, qualifications and fitness for licensure. The Board shall investigate the employment history, qualifications and fitness of any applicant requesting licensure pursuant to this chapter. All applicants with relevant work experience outside of Putnam County must provide proof of such experience. Applicants with relevant work experience within Putnam County shall be required to show proof of such work experience within Putnam County if the applicant has not been issued a Putnam County journeyman registration card. Proof of employment must include the name and address of the former employer, the length of time the applicant worked for the former employer and the type of work the applicant performed while working for the former employer. Proof of employment may include but is not limited to letters from the former employers evidencing experience in the applicant's respective field, tax returns and work logs.
- (1) Applicants for a master plumber's license must have 8,000 hours' experience as a journeyman in the plumbing trade under the employ of a licensed master plumber.
 - (2) Applicants for certification in the heating, HVAC or sheet metal trades must have 8,000 hours' experience as a journeyman in the heating, HVAC or sheet metal trade under the employ of a licensed master tradesman.
 - (3) Applicants for certification in the L.P. gas, sprinkler, pump installation, water treatment or well drilling trades must have 2,000 hours' experience as a journeyman in the L.P. gas, sprinkler, pump installation, water treatment or well drilling trades under the employ of a licensed master tradesman.
- C. Upon receipt of an application, the Secretary shall immediately forward a copy of the same to the Chairman of the Board.
- D. Testing fee. Where applicable, applications must be accompanied by the appropriate testing fee. Testing fees collected under this chapter shall not be refundable in the event of failure to take or pass the written examination.
- E. Written examination. Upon satisfactory submission of all application materials, the applicant shall be required to take and successfully complete the appropriate Putnam County examination for the trade for which licensure and/or certification is sought. Either the Board or an approved testing agency shall provide written examinations a minimum of four times per calendar year. The date, time and place of testing shall be determined by the Board or the approved testing agency. The Board shall provide applicants with a minimum of two weeks' written notice of testing dates. A complete record of every examination administered under the provisions of this chapter shall be kept on file with the Board for a period of three years following the date of examination.
- F. Passing grade. Applicants must receive a grade of 70% or higher on the written examination to qualify for licensure. Applicants shall be notified of the results of their written examinations within 10 working days after the date of the examination. The names and addresses of all successful applicants shall be registered by the Board in the plumbing and mechanical trades licensing records maintained by the Board.

- G. **Failing grade.** In the event an applicant fails the written examination (i.e., receives a 69% or lower), he or she may reapply for licensure under the provisions of this chapter, subject to the following additional waiting periods:
- (1) **Second written examination:** at the next available test date, measured from the date of the applicant's first written examination.
 - (2) **Third and subsequent written examination:** one-year waiting period, measured from the date of the applicant's preceding written examination.
 - (3) **New application required.** An applicant who fails the written examination three times must submit a new application, accompanied by payment of the appropriate fee.
- H. **Fees.** The amounts for testing, licensing, renewal and other fees provided for under the provisions of this chapter shall be set by resolution of the Putnam County Legislature. All fees collected under the provisions of this chapter are nonrefundable.
- I. **Exceptions to testing requirements; reciprocal licensing.**
- (1) The Board, with legislative approval, may waive the examination requirements and issue a master plumbing license or a mechanical trade certification to any person holding an equivalent current and valid license or certification issued by other political subdivisions of the State of New York outside of Putnam County, provided that, in the judgment of the Board, the qualifications for such licenses or certifications by such other political subdivisions are substantially similar to those required by or permitted pursuant to this chapter. Furthermore, such political subdivision shall similarly issue a license or certification without examination to an individual with such qualifications licensed or certified in Putnam County, as evidenced by local law and/or resolution by such political subdivision. Both Putnam County and the political subdivision shall file with their respective County or Town Clerk these reciprocity agreements. All other requirements for licensure and/or certification provided for by this chapter remain applicable to such persons. Such persons are subject to all provisions of this chapter.
 - (2) Licenses and/or certifications issued pursuant to Subsection I may be renewed in accordance with the provisions of this chapter.
 - (3) Persons licensed or certified in accordance with this subsection must at all times retain their licensure and/or certification from the conferring jurisdiction. Failure to do so will result in immediate termination of the license and/or certification issued hereunder.
 - (4) Nothing in this subsection shall obviate the need for procuring any permits for plumbing work otherwise required by local or state law, rule or regulation.
- J. **Employment authorization using E-Verify system.**
- (1) All applications for an original or renewal registration certificate shall include a representation by the applicant, in a form as determined by the Putnam County Legislature, that he or she will a) use the E-Verify Internet-based system, operated

by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), to verify the employment authorization of the applicant and all newly hired employees, and b) maintain records documenting his or her use of E-Verify during the term of his or her registration certificate. If such representations are not made, such registration certificate will not be issued. All applications shall also be accompanied by documentation issued by the United States Department of Homeland Security, indicating that the applicant has registered as an E-Verify user. An applicant's failure to comply with the provisions as described herein shall constitute grounds for the imposition of a fine and/or the suspension or revocation of an application for the renewal of a registration certificate, in accordance with the applicable provisions of this chapter. This subsection shall not apply to applicants who have no employees or applicants who reasonably anticipate that no employees will be hired during the term of such registration certificate.

- (2) Applicants who hire workers from a temporary agency or temporary staffing company shall not be required to use the E-Verify Internet-based system to verify employment authorization of those workers hired through the temporary agency or staffing company.

§ 190-9. Issuance and renewal of license and/or certification. [Amended 9-3-2013 by L.L. No. 11-2013]

- A. Issuance of license and/or certification. Upon payment of the appropriate fee, the Board shall issue a license or mechanical trade certificate to the approved applicant, together with an indicia of licensure or certification evidencing the same (which shall remain the property of the County of Putnam). Licenses and/or certifications shall be issued to individuals only.
- B. Term.
 - (1) Each master plumbing license and/or mechanical trades certification issued hereunder shall expire on the next succeeding 31st day of December.
 - (2) Beginning on the 30th day of June 2008, each journeyman plumber's card and each journeyman mechanical tradesperson card shall be issued for a two-year period expiring on the second succeeding 30th day of June and shall be issued upon the payment of a two-year fee. Thereafter, such journeyman plumber's card and journeyman mechanical trades card shall expire on the 30th day of June of each even-number year.
- C. Renewals. Applications for renewal of a license or certification duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board on the form prescribed by the Board at least 30 days prior to the expiration date of the license and/or certification and shall be accompanied by the appropriate annual licensing fee. Upon request by the Board, applicants for renewal must provide the Board with such proof as may be necessary and appropriate to satisfy the Board of the applicant's qualifications, competency and fitness to carry on the trade for which he or she is licensed and/or certified.

- D. Late renewal. If application for renewal is not made within the time prescribed herein, the Board, in its sole discretion, may nevertheless renew the license and/or certification in accordance with the Board's rules and regulations. In such event, before the Board may issue a renewal, the licensee or certificate holder must pay the appropriate penalty fee, as set by the Legislature. If an application for a renewal is not made by March 31, the Board will notify the applicant by registered mail that his or her application for renewal has not yet been received, and an additional late fee, in an amount set by the Board and approved by the Legislature, shall be assessed against the licensee or certificate holder, which fee shall be paid in full prior to the issuance of a license or certificate renewal.
- E. Severance of business ties; notice to Board. Whenever a licensed master plumber or licensed or certified mechanical tradesperson representing a plumbing or mechanical trades business, which operates under a trade, partnership or corporate name, severs his or her relationship with such business, it shall be the duty of the licensee and/or certificate holder and the business to notify the Board of such action within 30 days from the date thereof. Failure to do so shall be deemed sufficient cause for denying a new license, certification and/or renewal thereof to such person and prohibiting the business to continue in the business of plumbing and/or mechanical trades.
- F. Presentation on demand. All licensees, certificate holders and card holders shall be required to present evidence of licensure, certification or registration upon demand by the Director, the Code Enforcement Officer(s) and/or the License Enforcement Officer(s) appointed under this chapter and Chapter 135, Contractors, and Chapter 145, Electricians, of Putnam County. Failure to do so shall constitute a violation of this chapter. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter.
- (1) Licensed and certified contractors shall require all workers working for the licensed or certified contractor on a job site to carry identification at all times while on the job site. A violation of this section shall subject the licensed or certified contractor to a civil penalty as provided for in this chapter.
 - (2) Should a licensed or certified contractor be charged with a violation of § 190-9F(1) for a worker not carrying identification, the licensed or certified contractor shall have two County business days to produce the worker's identification to the Department of Consumer Affairs for a reduction in the civil penalty. In order to receive a reduction in the civil penalty, at the time the identification is produced to the Department of Consumer Affairs the licensed or certified contractor shall present the payroll records of the employee or evidence of the licensed or certified contractor's payment to the company that employs the worker found on the job site without identification.
- G. Military service exception. In the event a licensee and/or certificate holder is called to active duty in the United States military, his or her license and/or certificate shall be deemed frozen during the period of such active duty. Upon return from active duty and presentation to the Board of proof of the dates of active duty, such license and/or certificate shall be reactivated effective the day after the last date of active duty and

credited for each day of active duty. This exception shall be retroactive to account for any deployment occurring after September 11, 2001.

§ 190-10. Transfer of license or certification.

No holder of a license or mechanical trade certification duly issued under the provisions of this chapter shall, directly or indirectly, authorize, consent to or permit the use of his or her license or certification by or on behalf of any other person or business entity. A violation of this section shall be grounds for immediate revocation or suspension of license or certification in accordance with § 190-13 of this chapter and shall subject such licensee and/or certificate holder to civil and criminal penalties as provided for in this chapter.

§ 190-11. Registration of journeymen. [Amended 5-4-2010 by L.L. No. 10-2010; 9-3-2013 by L.L. No. 11-2013]

- A. No person who is licensed as a master plumber or licensed or certified as a mechanical tradesperson pursuant to this Putnam County Plumbing and Mechanical Trades Law shall hire any person to perform services of a journeyman plumber or journeyman tradesperson in Putnam County unless such person has obtained a journeyman plumber card or journeyman mechanical tradesperson card under this chapter.
- B. (Reserved)
- C. A licensed master plumber or certified mechanical tradesperson shall respond to the Board's request for information regarding the registered journeymen employed by the licensed master plumber or certified mechanical tradesperson. The licensed master plumber or certified mechanical tradesperson must provide the specific information requested by the Board within the specific time frame of such request.
- D. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master plumber shall be responsible for any and all unregistered employees.
- E. This section shall not be construed to impose penalties upon an employee of an unlicensed plumber or an unlicensed or uncertified mechanical tradesperson. Should an unlicensed plumber or unlicensed or uncertified mechanical tradesperson hire a journeyman plumber, or journeyman mechanical tradesperson, the unlicensed plumber or uncertified mechanical tradesperson shall be penalized.

§ 190-12. Unlicensed or unregistered plumbers and uncertified or unregistered mechanical tradespersons. [Amended 9-3-2013 by L.L. No. 11-2013]

- A. No person who has not qualified for and obtained a license, certificate, or registration card issued under the provisions of this chapter shall represent himself or herself to the public, or engage in the work of, a licensed master plumber, journeyman plumber, licensed or certified mechanical tradesperson, or journeyman mechanical tradesperson in Putnam County.

- B. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master plumber shall be responsible for any and all unregistered employees.

§ 190-13. Suspension or revocation of license or certificate.

- A. The Board shall have the power to suspend or revoke any license, certification or renewal thereof duly issued under the provisions of this chapter upon a showing, made in accordance with the rules and regulations of the Board and supported by substantial evidence, that:
- (1) The licensee and/or certificate holder violated any provision of this chapter, the rules and regulations of the Board, or any other law or ordinance pertaining to plumbing or mechanical trades; or
 - (2) The licensee and/or certificate holder is unfit or incapable of performing or engaging in the trade for which he or she is licensed and/or certified, as evidenced by substantiated complaints and/or charges filed against the licensee and/or certificate holder with the Board.
- B. Prior to taking action to suspend or revoke a license or certificate, the Board shall provide notice and conduct a hearing in accordance with the procedures set forth in § 190-23 of this chapter.
- C. In the event the Board suspends or revokes a license and/or certificate issued hereunder, it shall set forth in writing the reasons supporting such determination and provide a copy of the same to the licensee and/or certificate holder within 10 days after the close of the hearing provided for in Subsection B.
- D. In the event of suspension, said determination shall set forth the term of the suspension.
- E. In the event of revocation, the licensee and/or certificate holder shall return his or her indicia of licensure or certification to the Board via certified mail, return receipt requested. Such person shall not be eligible for relicensing and/or recertification unless and until he or she receives written authorization to reapply from the Board, and only then after successful reexamination in accordance with the provisions of this chapter.

§ 190-14. Shelving of license.

Upon written request by the licensee and/or certificate holder, setting forth in detail the reasons therefor, the Board may deem a license or certificate shelved, subject to the following:

- A. The licensee and/or certificate holder shall surrender his or her plate to the Board.
- B. The granting of a request for shelved status shall not be deemed or otherwise considered a suspension of license or certificate.
- C. The period of shelved status may be granted for a period of one year.

- D. The period of shelved status shall commence on January 1 of the next year following the granting of approval by the Board.
- E. On or before December 31 of each year of shelved status, the licensee and/or certificate holder must either:
 - (1) Submit a written request for an extension of shelved status, which may be granted at the discretion of the Board; or
 - (2) Submit a written request that his or her license or certificate be reactivated, which request shall be granted by the Board without further testing or qualification.
- F. Upon reactivation, the licensee and/or certificate holder shall be required to pay the appropriate annual licensing or certificate fee regardless of the time remaining in the calendar year.
- G. Any license or certificate holder of a shelved license found working in Putnam County shall be deemed unlicensed/uncertified. The licensee or certificate holder shall be subject to fines and penalties as provided for in this chapter and shall permanently lose his/her eligibility to apply for a shelved license in the future.
- H. A licensee or certificate holder granted shelved status must complete any continuing education credit hours that may be required during the period of time the license or certificate is shelved in order to reactivate the license or certificate.

§ 190-15. Shelving of license for municipal plumbers/tradespersons.

- A. For purposes of this section, a licensed master plumber or mechanical tradesperson, as defined in this chapter, shall be eligible to shelve his/her license/certification while he/she is exclusively employed by:
- (1) Putnam County government;
 - (2) A Putnam County town or village government; or
 - (3) A school district within Putnam County.
- B. The request for shelved status hereunder shall be made annually to the Board in writing. Once the Board has granted authorization to shelve, the licensee/certificate holder shall surrender his/her plate, license/certificate and remove decals from his/her vehicles, prior to activation of such shelving status. No shelved license/certificate holder shall receive a copy or any other reproduction of such shelved license/certification. In no way shall approval of shelved status hereunder be deemed a suspension under § 190-13 above.
- C. A fee shall be assessed against the licensee and/or certificate holder during any period of approved shelving. If a licensee/certificate holder activates his/her license/certification at any time during the calendar year, he/she will be responsible for the full year's fee. Fees will not be prorated.
- D. Any license or certificate holder of a shelved license found working outside his/her exclusive employment by Putnam County government, a Putnam County town or village government, or a school district within Putnam County shall be deemed unlicensed/uncertified. He/she shall be subject to fines and penalties as provided for in this chapter and shall permanently lose his/her eligibility to apply for a shelved license in the future.
- E. A license or certificate holder granted shelved status must complete any continuing education credit hours that may be required during the period of time the license or certificate is shelved in order to reactivate the license or certificate.

§ 190-16. Regulation of business.

- A. Licenses may not be issued in the name of a corporate or business entity. In the case of a corporation, partnership, limited partnership or joint venture, the individuals who are responsible for the performance of work covered by this chapter on behalf of such corporation, partnership, limited partnership or joint venture, whether they be employees, officers, owners, or shareholders of the same, must be individually licensed or certified in accordance with the provisions of this chapter.
- B. Such licensed master plumber or licensed or certified tradesperson shall be solely responsible for the proper supervision and layout of any plumbing or mechanical trade work performed in the name of such business entity. All performing work under such licensed master plumber and/or licensed or certified tradesperson must be active employees of such business entity.

- C. All such corporations, partnerships, limited partnerships or joint ventures must file with the Board a certified copy of the applicable business certification as is on file with the Clerk of the County where such business entity maintains its principal place of business.
- D. It shall be a violation of this chapter for any person or business entity doing or seeking to do business in Putnam County to present himself, herself or itself to the public as "plumber," "master plumber" or "mechanical tradesperson" by the use of such terms or other words of similar import and meaning on signs, cards, stationary, printed material or in any other manner whatsoever, unless such person or business entity shall have complied with the requirements of this chapter.

§ 190-17. Mechanical trades.

- A. Certification required. Persons and/or business entities, including licensed master plumbers, who wish to perform services in connection with the installation, repair and maintenance of fire-protection sprinkler systems; lawn, garden and agricultural sprinkler systems; LP gas systems; HVAC systems; and water well, treatment and pump systems must be certified in accordance with the provisions of this chapter.
- B. Special regulations and requirements.
 - (1) Fire sprinkler system and lawn, garden and agricultural sprinkler system certification.
 - (a) The applicant must submit proof of a minimum of 4,000 hours' experience working with sprinkler systems.
 - (b) Upon certification, such certified mechanical tradesperson and/or business entity, in addition to performing the work for which they are certified, may make only incidental potable water connections as defined herein. Any connection to a potable water source must be made by a licensed master plumber.
 - (2) LP gas certification.
 - (a) The applicant must successfully complete the Putnam County LP examination.
 - (b) The applicant must submit proof of successful completion of CETP and gas check to the Board prior to the issuance of an LP gas certification.
 - (c) The applicant must submit proof of a minimum of 4,000 hours' experience working in the LP gas industry.
 - (d) Any relocation of more than three feet of an LP/natural gas appliance connected to a potable water supply must be performed by a licensed master plumber.
 - (e) LP/natural gas filing requirement.

- [1] All LP/natural gas work performed in Putnam County must be filed for inspection with the Putnam County Plumbing Board.
- [2] All LP/natural gas hookups must be inspected before any gas service can be turned on.
- [3] A violation of this section shall subject such person to civil penalties as provided for in this Chapter.

(3) HVAC certification.

- (a) Certification will be issued only upon submission to the Board of such proof as may be required to demonstrate the applicant's experience, qualifications and skill to perform the work of an HVAC mechanical tradesperson, including satisfactory proof of a minimum 14,000 hours' experience in the performance of HVAC installation, maintenance and repair.
- (b) Work performed under an HVAC certification shall be limited to oil heating and cooling systems.
- (c) Any HVAC alteration, modification or installation involving relocation of any part of the HVAC system more than three feet from an existing heating, ventilation or air-conditioning appliance which is connected to a potable water source must be performed by a licensed master plumber.

(4) Water well and pump certification.

- (a) Certification is required for all persons and business entities engaged in the drilling of water wells, installation of water pumps and/or pumping systems, installation of filtration and/or water treatment systems, and/or installation of cold-water storage tanks. Separate certifications are required for each such related trade. No other work may be performed, except for the work for which certification is issued.
- (b) Certification will be issued only upon submission to the Board of such proof as may be required to demonstrate the applicant's experience, qualifications and skill to perform such work.
- (c) Applicants for certification for well water drilling must:
 - [1] Be at least 21 years of age;
 - [2] Possess a minimum of 4,000 hours' experience in the drilling industry;
 - [3] Pass two exams given by the National Ground Water Association, Water Systems Council or a New York Department of Environmental Conservation recognized equivalent testing company with a grade of 70% or better; and
 - [4] Be registered with the New York Department of Environmental Conservation.

- (d) Applicants for certification in pump and/or pumping system installation, must:
 - [1] Be at least 21 years of age;
 - [2] Possess a minimum of two years' experience in the pump industry;
 - [3] Pass two exams given by the National Ground Water Association, the Water Systems Council or a New York State Department of Environmental Conservation recognized testing company with a grade of 70% or better; and
 - [4] Be registered with the New York Department of Environmental Conservation.
 - (e) Applicants for all other certifications in this field must present the Board with satisfactory proof of a minimum of two years' prior experience in the field for which certification is sought.
- (5) Water treatment certification.
- (a) Certification is required for all persons and business entities engaged in the installation, repair, replacement, alteration and maintenance of water softeners, water treatment and/or purification systems.
 - (b) Certification under this section does not authorize the certificate holder to install the initial connection to a potable water source or to sanitary waste systems or lines. Such connections must be performed by a licensed master plumber.
 - (c) Certification will be issued only upon submission to the Board of such proof as may be required to demonstrate the applicant's experience, qualifications and skill to perform such work.
 - (d) Applicants for water treatment certification must:
 - [1] Be at least 21 years of age;
 - [2] Possess a minimum of 4,000 hours' experience in the water treatment industry; and
 - [3] Pass two exams given by the Water Quality Association with a passing grade of 70% or better.
- (6) Sheet metal certification.
- (a) Certification is required for all persons and business entities engaged in the installation of sheet metal and ductwork used in HVAC systems.
 - (b) Certification will be issued only upon submission to the Board of such proof as may be required to demonstrate the applicant's experience, qualifications and skill to perform such work, including satisfactory proof of a minimum of 14,000 hours' experience working in the sheet metal industry.

(c) Applicants for certification for sheet metal certification must:

- [1] Be at least 21 years of age;
- [2] Possess a minimum of seven years' experience working with sheet metal; and
- [3] Pass the sheet metal examination with a grade of 70% or better.

§ 190-18. Incidental potable water connections.

- A. Notwithstanding any other provision of this chapter, a master plumbing license shall not be required to make incidental potable water connections to existing potable water piping systems, provided that such connection is made by a person who has been duly certified under the provisions of this chapter in the related and applicable mechanical trade.
- B. Exception. In a new construction, defined herein to mean a structure that does not have a present existing potable water system, all final potable water supply connections to and from any appliance located within the structure must be made by a licensed master plumber. Further, all LP gas piping and natural gas piping connections within such structures must be installed by a licensed master plumber or duly certified mechanical tradesperson.

§ 190-19. Reciprocal license.

- A. Upon written application, payment of the required fee as determined by the Legislature, and submission of proof of successful completion of the appropriate plumbing or the applicable mechanical trades examination, the Board may issue a reciprocal license to any person who holds a valid master plumbing license or recognized mechanical trade certification issued by another municipality in New York State, provided that such municipality recognizes and reciprocates plumbing licenses and mechanical trade certifications issued by Putnam County. Such reciprocal license will allow the holder thereof to engage in the work or trade for which he or she is so licensed and/or certified, provided that such municipality has duly adopted the standards issued by the New York State Uniform Fire Prevention and Building Code as are applicable to plumbing and/or related mechanical trades.
- B. All persons holding a reciprocal license issued under this section shall be subject to the provisions of this chapter.

§ 190-20. License/certification display.

- A. Each person issued a license or certification under this chapter will be issued a written certificate of license or certification, a personal identification card and a vehicle bumper decal, each of which will contain the holder's name, Putnam County license or certification number, and the expiration date thereof. All items so issued shall be and remain the property of the County of Putnam.

- B. The certificate of license or certification must be conspicuously displayed at the holder's place of business at all times.
- C. The personal identification card must be in the holder's possession at all times while on a job site, and available for inspection.
- D. The vehicle bumper decal must be affixed to the left rear bumper of all vehicles owned, leased or used by the license or certification holder in the performance of his or her trade or business.
- E. All vehicles which are owned, leased or used in the name of a business entity, the owners, principals and/or employees of which are subject to the provisions of this chapter, must prominently display the business name and Putnam County license or certification.
- F. All vehicles which are owned, leased or used in the name of a business entity, the owners, principals and/or employees of which are subject to the provisions of this chapter, must be duly registered with the Board by providing proof of vehicle registration.
- G. Failure to comply in any manner with the provision of this section shall be a violation of this chapter and shall subject the license/certification holder to the sanctions provided for herein.

§ 190-21. Prohibited acts. [Amended 5-4-2010 by L.L. No. 10-2010; 9-3-2013 by L.L. No. 11-2013]

The following acts are strictly prohibited:

- A. Abandonment or failure to perform, without justification, any contract for plumbing or mechanical trades work or project engaged in or undertaken by the contractor.
- B. Making any substantial misrepresentation in the procurement of a contract for plumbing or mechanical trades work, or making any false promise likely to influence, persuade or induce.
- C. Any fraud in the execution of or in the material alteration of a contract for mechanical trade work, or making any false promise likely to influence, persuade or induce.
- D. Any fraud in the execution of or in the material alteration of any contract, promissory note or other document incident to a contract for plumbing or mechanical trades work.
- E. Making a false statement or providing false information in making an application for registration, including duplicate or renewal.
- F. Making a false statement or providing false information when responding to the Board's request for information regarding registered journeymen employed or formerly employed by the licensed master plumber or certified mechanical tradesperson.
- G. Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a contract for plumbing or mechanical trades work with

- knowledge that it represents a greater monetary obligation than the agreed-upon consideration for the contract.
- H. Demanding or receiving any payments prior to the signing of a contract for plumbing or mechanical trades work.
 - I. Receiving at or before the time of execution of a contract a deposit of more than 1/3 of the contract price.
 - J. Directly or indirectly publishing any advertisement relating to plumbing or mechanical trades work which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with then-existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading, or by any means of advertising or purporting to offer the general public any mechanical trade work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.
 - K. Disregard and violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.
 - L. Failure to notify the Board, in writing, of any change or control in ownership, management or business name or location.
 - M. Failure to adhere to any of the requirements as set forth in § 190-4 of this chapter.
 - N. Conducting a plumbing or mechanical trades business in any name other than the one in which the contractor is registered.
 - O. Failure to respond to the Board's request for information regarding the registered journeymen employed or formerly employed by the licensed master plumber or certified mechanical tradesperson.
 - P. Failure to comply with any order, demand or requirement made by the Board pursuant to the various provisions of this chapter.
 - Q. Failure to list registration number in any and all advertisements for the registered plumbing or mechanical trades business.
 - R. Failure to establish or maintain financial solvency, taking into account the scope and size of a person's business in relation to the person's current assets, liabilities, credit rating, net worth and circumstances affecting solvency. Such financial information shall be confidential and not a public record but, where relevant, shall be admissible as evidence in any administrative hearing or judicial action or proceeding.
 - S. Failure to maintain the proper insurance, surety license and permit bond, as required by § 190-26 hereof.
 - T. Any fraud in recommending the installation, repair or replacement of any item the tradesman knew or should have known was not required.

- U. Work which is not consistent with New York State Building Codes, local codes, contemporary industry standards or any other applicable codes.

§ 190-22. Code Enforcement Officer.

- A. Appointment. Subject to budgetary considerations, there shall be a Code Enforcement Officer, who shall be appointed by the County Executive and shall be charged with the enforcement of this chapter. The Code Enforcement Officer(s) shall report directly to the Director, who shall be responsible for the direct daily supervision of the Code Enforcement Officer(s).
- B. Powers and duties. The Code Enforcement Officer(s) shall have the following powers and duties:
- (1) Investigations. Upon receipt of a complaint by any person alleging a violation of this chapter, or on his or her own initiative based on personal knowledge of a suspected violation, the Code Enforcement Officer may conduct any independent investigation necessary to carry out the provision of this chapter. Pursuant to this power, the Code Enforcement Officer may:
 - (a) Subpoenas: issue subpoenas for the appearance of witnesses before a meeting of the Board and/or to compel the production of any books, records or documents which he or she may deem material and relevant.
 - (b) Appearance tickets: issue appearance tickets to alleged violators to compel their appearance before the Board. Such appearance tickets shall be in a form prescribed by the Board and shall contain the information as provided for in § 190-23 below.
 - (2) Prosecutions. The Code Enforcement Officer shall be charged with the duty of presenting material and relevant evidence of alleged violation(s) of this chapter at a hearing duly convened by the Board in accordance with § 190-23 of this chapter.
 - (3) Gas inspections. The Code Enforcement Officer shall be responsible for performing gas inspections. All such inspections shall be subject to an inspection fee in an amount established by the Putnam County Legislature, which fee shall be paid by the LP gas certificate holder responsible for the performance of the work subject to inspection.

§ 190-23. Enforcement.

- A. Suspension, revocation and civil fines. Following a hearing as provided for herein, the Board shall have the power to revoke or suspend for such period as the Board may deem appropriate any license or certification issued under the provisions of this chapter, and/or assess and impose civil fines as provided that for herein, provided that a majority of the Board is satisfied by substantial evidence that a person or the holder of such license or certification has violated a provision of this chapter, the rules and regulations of the Board, or any other law, regulation or ordinance applicable to plumbing or related mechanical trades.

B. Procedure for suspension, revocation and/or imposition of civil fines.

- (1) **Notice of charges.** Prior to revocation or suspension of a license or certification and/or the assessment of any civil penalties as provided for herein, the holder thereof shall receive in writing, in the form of an appearance ticket, all of the particulars of the alleged violation. Such notice shall be forwarded to the alleged violator by the Code Enforcement Officer via registered or certified mail, return receipt requested, and shall contain the following information:
 - (a) The name and address of the alleged violator.
 - (b) The specific section(s) of this chapter alleged to have been violated.
 - (c) A statement of the facts and circumstances supporting the charge(s).
 - (d) The date, time and place where the alleged violator is summoned to appear before the Board for a hearing on the alleged violation.
 - (e) A statement advising the alleged violator that any answer to the charges must be filed with the Board within 15 days of his or her receipt thereof, as evidenced by the returned receipt of mailing.
 - (f) A statement of the possible penalties to be imposed in the event the charges are proven to the Board by substantial evidence.
 - (g) A statement advising the alleged violator that a default judgment will be entered against him or her in the event he or she fails to appear as directed.
 - (h) A statement advising the alleged violator that he or she has the right:
 - [1] To be represented by legal counsel (at his or her own expense);
 - [2] To testify, call witnesses and/or present evidence in his or her defense at the hearing.
- (2) **Hearing.**
 - (a) **Timing.** The hearing on any alleged violation of this chapter shall be held before the Board within 60 days of the date of the written notice provided for in Subsection B(1).
 - (b) **Adjournments.** Any requests for an adjournment must be made in writing and may be granted at the sole discretion of the Board.
 - (c) **Record.** A stenographic or recorded record of the hearing shall be made by the Board.
 - (d) **Rules of evidence.** Compliance with the technical rules of evidence shall not be required, but all evidence presented must be material and relevant as determined by the hearing officer (or presiding Board member).

- (e) Presiding officer. The hearing shall be conducted by the Board and shall be presided over by the Chairman of the Board or, in his or her absence, the Vice Chairman.
 - (f) Presentation of evidence in support of the charges. Evidence of the alleged violation shall be presented to the Board by the Code Enforcement Officer, or his/her designee, who shall be subject to questioning/cross-examination by the alleged violator or his or her legal representative.
 - (g) Burden of proof. The charges contained in the notice shall be proven by substantial evidence.
 - (h) Findings of fact and decision. Within 30 days from the submission of all evidence and the close of the hearing, the Board shall issue a written decision on the charges, setting forth therein:
 - [1] Its findings of fact as determined by the evidence presented at the hearing;
 - [2] Its decision regarding the alleged violator's guilt or innocence of the charges set forth in the notice of charges;
 - [3] A statement of the reasons supporting its decision;
 - [4] The penalty, if any, to be imposed, including any relevant effective date(s) or periods of duration as determined by the Board; and
 - [5] A statement regarding the right to challenge the Board's decision pursuant to Article 78 of the New York Civil Practice Law and Rules.
 - (i) Notice of decision. The Board shall immediately cause a written copy of its findings of fact and decision to be delivered to the alleged violator via registered or certified mail, return receipt requested.
 - (j) Judicial review. The decision of the Board shall be subject to judicial review in accordance with Article 78 of the New York Civil Practice Law and Rules.
- C. Permissible penalties. In addition to its power to suspend or revoke a license or certification issued hereunder, or in lieu thereof, the Board, following a determination that the charges have been proven by substantial evidence, may impose the following additional penalties:
- (1) Issuance of an official reprimand and warning letter, a copy of which shall be retained by the Board and considered in connection with future applications for licensure, certification and/or renewal.
 - (2) Imposition a civil penalty in an amount authorized by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation of this chapter.
 - (3) Restitution. To the extent a consumer has been materially damaged as a direct result of a violation of this chapter, the Board may issue an order of restitution, the

amount of which shall be based upon sufficient and satisfactory evidence of such damage as presented to the Board by the aggrieved consumer.

- D. Litigation costs. In the event the County is required to institute legal proceedings to collect any portion of a fine or penalty imposed upon a person under this chapter, the County shall be entitled to recover from the person any and all associated costs thereof, including attorneys fees and interest on any unpaid fine or penalty calculated at the statutory rate.
- E. To investigate alleged violations of § 190-8J herein, the Director, or his duly authorized designee, shall be entitled to request and review records maintained by the holder of a license and/or certification which demonstrate his or her compliance with said § 190-8J. Upon the completion of an investigation, the Director shall have the power to forward his or her findings to the Board for the institution of proceedings pursuant to this section. The determination of the Board shall be subject to judicial review in any court of competent jurisdiction.

§ 190-24. Criminal penalties.

- A. In addition to any civil penalties that may be imposed pursuant to § 190-23 of this chapter, it shall be a Class A misdemeanor, as defined in New York State Penal Law, punishable by a term of imprisonment not exceeding one year and a fine not exceeding \$1,000, to directly or indirectly engage in or work at the business of master plumber or licensed or certified mechanical tradesperson, as provided for herein, in the County of Putnam without the applicable license or certificate or while his or her license or certificate is suspended or revoked.
- B. This section shall be enforced by the Putnam County Sheriff's Department. Arrests made pursuant to this section shall be made by a police officer or a peace officer acting under his or her special duties.

§ 190-25. Immunity.

Nothing set forth in this chapter shall subject the County of Putnam, its officers, agents or employees, including the Board and the License Enforcement Officer, to any liability for damages arising out of or related to the conduct of any person licensed by the County of Putnam.

§ 190-26. Insurance and bonding. [Amended 12-2-2014 by L.L. No. 13-2014]

- A. Prior to the issuance of a master plumbing license or mechanical trades certification, or renewal thereof, the applicant must provide the Board with the following proofs of insurance and/or bonding:
 - (1) A license/permit bond in the amount of \$25,000.
 - (2) Workers' compensation insurance for all employees.

- (3) General liability insurance of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. All insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured and certificate holder.
- C. All bonds shall contain a provision identifying Putnam County as an obligee. Notwithstanding the foregoing, any payment issued on behalf of a claim for an aggrieved individual or company, shall be paid directly to said individual or company by the bond company.
- D. Any licensed or certified contractor who has completed the appropriate "no employee" affidavit (Form CE 200) and is found in violation of the workers' compensation waiver shall be subjected to a civil penalty as provided for in this chapter.

§ 190-27. Provisions not subject to waiver.

The provisions of this chapter are intended for the protection of an owner and shall not be subject to waiver by an owner in a contract for plumbing or mechanical trades work or otherwise.

§ 190-28. Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

§ 190-29. Repealer.

All ordinances, local laws and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, charge, liability, forfeiture or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

PUTNAM COUNTY LEGISLATURE

Resolution #322

Introduced by Legislator: Dini LoBue on behalf of the Rules, Enactments & Intergovernmental Relations Committee at a Regular Meeting held on December 2, 2014.

page 1

A LOCAL LAW TO AMEND THE CODE OF PUTNAM COUNTY/CHAPTER 190 "PLUMBING AND MECHANICAL TRADES" SECTION 190-26 ENTITLED "INSURANCE AND BONDING"

Be it enacted by the County Legislature of the County of Putnam as follows:

Section 1

Section 190-26 of Chapter 190 of the Putnam County Code is hereby amended to read as follows:

Section 190-26. Insurance and Bonding.

- A. Prior to the issuance of a master plumbing license or mechanical trades certification, or renewal thereof, the applicant must provide the Board with the following proofs of insurance and/or bonding:
 - (1) A license/permit bond in the amount of \$25,000.
 - (2) Workers' compensation insurance for all employees.
 - (3) General liability insurance of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. All insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured and certificate holder.
- C. All bonds shall contain a provision identifying Putnam County as an obligee. Notwithstanding the foregoing, any payment issued on behalf of a claim for an aggrieved individual or company, shall be paid directly to said individual or company by the bond company.
- D. Any licensed or certified contractor who has completed the appropriate "no employee" affidavit (Form CE 200) and is found in violation of the workers' compensation waiver shall be subjected to a civil penalty as provided for in this chapter.

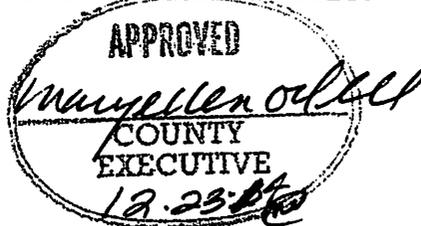
Section 2

This local law shall take effect immediately.

BY POLL VOTE: ALL AYES. LEGISLATOR CASTELLANO WAS ABSENT. MOTION CARRIES.

Vote:
State Of New York
ss:

County of Putnam



I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on December 2, 2014.

Dated: December 4, 2014

Signed: *Diane Schonfeld*

Diane Schonfeld
Clerk Of The Legislature Of Putnam County

amount of which shall be based upon sufficient and satisfactory evidence of such damage as presented to the Board by the aggrieved consumer.

- D. Litigation costs. In the event the County is required to institute legal proceedings to collect any portion of a fine or penalty imposed upon a person under this chapter, the County shall be entitled to recover from the person any and all associated costs thereof, including attorneys fees and interest on any unpaid fine or penalty calculated at the statutory rate.
- E. To investigate alleged violations of § 190-8J herein, the Director, or his duly authorized designee, shall be entitled to request and review records maintained by the holder of a license and/or certification which demonstrate his or her compliance with said § 190-8J. Upon the completion of an investigation, the Director shall have the power to forward his or her findings to the Board for the institution of proceedings pursuant to this section. The determination of the Board shall be subject to judicial review in any court of competent jurisdiction.

§ 190-24. Criminal penalties.

- A. In addition to any civil penalties that may be imposed pursuant to § 190-23 of this chapter, it shall be a Class A misdemeanor, as defined in New York State Penal Law, punishable by a term of imprisonment not exceeding one year and a fine not exceeding \$1,000, to directly or indirectly engage in or work at the business of master plumber or licensed or certified mechanical tradesperson, as provided for herein, in the County of Putnam without the applicable license or certificate or while his or her license or certificate is suspended or revoked.
- B. This section shall be enforced by the Putnam County Sheriff's Department. Arrests made pursuant to this section shall be made by a police officer or a peace officer acting under his or her special duties.

§ 190-25. Immunity.

Nothing set forth in this chapter shall subject the County of Putnam, its officers, agents or employees, including the Board and the License Enforcement Officer, to any liability for damages arising out of or related to the conduct of any person licensed by the County of Putnam.

§ 190-26. Insurance.

- A. Prior to the issuance of a master plumbing license or mechanical trades certification, or renewal thereof, the applicant must provide the Board with the following proofs of insurance and/or bonding:
 - (1) A license/permit bond in the amount of \$25,000.
 - (2) Workers' compensation insurance for all employees.

- (3) General liability insurance of at least \$500,000 per occurrence.
- B. All bonds and insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured.
- C. Any licensed or certified contractor who has completed the appropriate "no employee" affidavit (Form CE 200) and is found in violation of the workers' compensation waiver shall be subjected to a civil penalty as provided for in this chapter.

§ 190-27. Provisions not subject to waiver.

The provisions of this chapter are intended for the protection of an owner and shall not be subject to waiver by an owner in a contract for plumbing or mechanical trades work or otherwise.

§ 190-28. Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

§ 190-29. Repealer.

All ordinances, local laws and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, charge, liability, forfeiture or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.