

County of Putnam  
Local Law #11 of 2013  
(Passed at the September 3, 2013 Regular Meeting)

APPROVAL/LOCAL LAW/AMEND CHAPTER 190/CODE OF PUTNAM COUNTY ENTITLED  
“PLUMBING AND MECHANICAL TRADES.”

Section 1.

Section 190-3 of Chapter 190 of the Code of Putnam County entitled “Definitions is hereby amended to read as follows:

§ 190-3. Definitions.

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.

~~**HELPER** -- 1) A person who is learning the plumbing or related trade under the direct supervision and control of a licensed master plumber or a licensed or certified mechanical tradesperson in Putnam County. 2) Any person working on a job site in Putnam County under a licensed master plumber who is not a licensed master plumber or licensed journeyman. Effective June 30, 2009, the Board will issue helper registration cards upon successful application to the Board.~~

**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 (5) years experience in plumbing, heating, sheetmetal, 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~~10,000 hours' experience as a helper in the plumbing, heating, or with a minimum of 2,000 hours' experience as a helper in the LP gas, sprinkler, pump installation, water treatment, or well-drilling trade, or a minimum of 6,000 hours' experience in HVAC.~~ 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.

## Section 2.

Section 190-4 of Chapter 190 of the Code of Putnam County entitled "License required" is hereby amended to read as follows:

### § 190-4. License required.

- 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, ~~or helper~~ 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, ~~or helper registration~~.
- 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.

## Section 3.

Section 190-5 of Chapter 190 of the Code of Putnam County entitled "Plumbing and Mechanical Trades Board" is hereby amended to read as follows:

### § 190-5. Plumbing and Mechanical Trades Board.

- 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 ~~helper~~, 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.

#### **Section 4.**

Section 190-8 of Chapter 190 of the Code of Putnam County entitled "Application and examination procedure" is hereby amended to read as follows:

#### **§ 190-8. Application and examination procedure.**

- 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. [Amended 5-4-2010 by L.L. No. 10-2010]
- 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 helper or~~ 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. [Amended 5-4-2010 by L.L. No. 10-2010]
- (1) Applicants for a master plumber's license must have ~~10,000 hours' experience as a helper and~~ 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 ~~6,000 hours' experience as a helper and~~ 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 helper and~~ 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 U.S. 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. ~~However, all other rules applicable to helpers in this Chapter shall apply to workers hired through a temporary agency or staffing company.~~

## Section 5.

Section 190-9 of Chapter 190 of the Code of Putnam County entitled "Issuance and renewal of license and/or certification" is hereby amended to read as follows:

### § 190-9. Issuance and renewal of license and/or certification.

- 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.
  - ~~(3) All helper registration cards issued pursuant to the definition of "helper" in § 190-3 of this chapter shall expire on June 30, 2011, and shall be issued upon payment of a two-year fee. Thereafter each helper registration card shall expire on the 30th day of June of each odd-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.

## Section 6.

Section 190-11 of Chapter 190 of the Code of Putnam County entitled "Registration of

helpers and journeymen” is hereby amended to read as follows:

§ 190-11. Registration of ~~helpers and~~ journeymen.

- 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. 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 helper in Putnam County unless such person has registered as a helper under this chapter.~~
- C. A licensed master plumber or certified mechanical tradesperson shall respond to the Board's request for information regarding the registered journeymen ~~and helpers~~ 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. [Amended 5-4-2010 by L.L. No. 10-2010<sup>EN</sup>]
- 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 ~~or helper~~, the unlicensed plumber or uncertified mechanical tradesperson shall be penalized.

Section 7.

Section 190-12 of Chapter 190 of the Code of Putnam County entitled “Unlicensed or unregistered plumbers and uncertified or unregistered mechanical tradespersons” is hereby amended to read as follows:

§ 190-12. Unlicensed or unregistered plumbers and uncertified or unregistered mechanical tradespersons.

- 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 ~~or helper~~ 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.

Section 8.

Section 190-21 of Chapter 190 of the Code of Putnam County entitled "Prohibited Acts" is hereby amended to read as follows:

§ 190-21. Prohibited acts. [Amended 5-4-2010 by L.L. No. 10-2010]

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 ~~and helpers~~ 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 ~~and helpers~~ 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.

#### **Section 9.**

**This Local Law shall take effect immediately.**

**BY POLL VOTE: ALL AYES. LEGISLATORS ALBANO & DICARLO WERE ABSENT.  
MOTION CARRIES.**

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