

**RESOLUTION #194 – Local Law #8
(Passed at September 5, 2017 Full Mtg.)**

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

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

Section 1.

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

**Chapter 190
Plumbing and Mechanical Trades**

§ 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 and license 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. 20-2009, 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 mechanical trades systems, as provided for herein, within the County of Putnam unless duly licensed or registered as required by the provisions of this chapter.

§ 190-3 Reserved.

§ 190-4 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 the context requires otherwise:

BOARD

The Plumbing and Mechanical Trades Board of Putnam County as provided for by the provisions of 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.

CERTIFIED EMPLOYEE TRAINING PROGRAM (“CETP”) –a formal structure for testing and documentation that assures workers in the propane industry have the necessary knowledge and skills to perform their work safely and effectively.

COUNTY

All references to the "County" will be to the County of Putnam, unless otherwise indicated.

DIRECTOR

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

FIRE PROTECTION SPRINKLER SYSTEM

All devices and apparatuses comprising the fire protection sprinkler system extending from the clapper valve backflow preventer station(s) to and including the sprinkler heads and inspection test stations, and any other required apparatuses and terminal points within the related piping system.

FIXED MEMBERSHIP

A specific number of memberships established in the rules governing an organization. Specifically, the fixed membership of the Plumbing and Mechanical Trades Board is nine (9).

GEOHERMAL HEATING VENTING & AIR CONDITIONING ("GEOHERMAL HVAC") SYSTEM

Any device or apparatus used in connection with a heating, ventilation and/or air-conditioning system that utilize the constant temperature of the earth as an exchange medium instead of outside air temperature. For purposes of this chapter, this definition shall include all design and conveyance pipes for any and all types of refrigerant gas, oil, glycol or water including piping to an incidental connection.

HEATING SYSTEM

The design, installation, maintenance, repair, fabrication, alteration and extension of heating duct systems and related appurtenances, including hot water, low pressure steam, solar systems and warm air furnace systems. For the purposes of this chapter, this definition shall include heating systems that are oil fired, natural gas, propane or geothermal.

HEATING, VENTILATION & AIR CONDITIONING ("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 heating and cooling systems which include geothermal, refrigerant gas, oil and/or water.

HEATING, VENTILATION & AIR CONDITIONING ("HVAC") TECHNICIAN

A person who performs installation, repairs, maintenance, extensions and/or alterations to a solar system, HVAC system or Geothermal HVAC system and who is licensed in accordance with the provisions of this chapter.

INCIDENTAL CONNECTION

A connection to an existing water system, HVAC system and/or electrical system that shall not exceed five (5) feet and does not involve substantial modification, alteration and/or repair to the existing system. For purposes of this chapter, an "incidental 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, water meters* or back-flowing devices. *Water meters that are installed by

the homeowner's own water system's or water department's licensed operators are exempt from this rule.

JOURNEYMAN

A person who works within the County and is employed by and under the supervision and control of a County-licensed master tradesperson, and:

- A. has a minimum of five (5) years' experience in plumbing, heating, sheet metal, or HVAC (including Geothermal and Refrigeration); or
- B. has met the requirements of the Certified Employee Training Program (CETP) offered through the National Propane Gas Association and has a minimum of two (2) years' experience in LP gas; or
- C. has satisfied the State guidelines through the National Fire Sprinkler Association permitting a person to install protection sprinklers and has a minimum of two (2) years' experience in fire protection sprinkler work; or
- D. has two (2) years' experience cleaning and tuning up oil burner heating systems; or
- E. a person who has been approved by the Board and is registered with Putnam County through the application process.

LEGISLATURE

The Putnam County Legislature.

LIQUID PETROLEUM ("LP") GAS SYSTEM

All devices and apparatuses comprising the liquid petroleum gas piping system for all LP-gas-burning appliances, including natural, propane, butane and any other gas used for heating, cooking or ornamental purposes, extending from the point of connection with the local supplier's meter and/or storage tank to all termination points contained in the consumer's piping system.

LIQUID PETROLEUM ("LP") GAS TECHNICIAN

An individual who performs installation, repairs, maintenance, extensions, relocation and/or alterations to an LP Gas System and who is licensed in accordance with the provisions of this chapter.

MASTER HEATING TECHNICIAN

A person who performs installation, repairs, maintenance, extensions and/or alterations to a heating duct system and related appurtenances, including hot water, low pressure steam, geothermal and solar systems and who is licensed in accordance with the provisions of this chapter.

MASTER PLUMBER

A person who installs and/or repairs pipes, fixtures and other apparatus relating to the distribution of water or gas in a building and for disposal of sewage and otherwise engages in or carries on the business of plumbing, as provided for by the provisions of this chapter.

MASTER TRADESMAN

A general term used within this chapter to denote a person who is licensed as a master in any trade.

MECHANICAL TRADES

Trades that are directly related to the trade of plumbing and subject to licensure under the provisions of this chapter, such as fire protection, geothermal heating, heating systems, ventilation and air conditioning systems, solar systems (“HVAC”), liquid petroleum gas, sheet metal work, water well drilling, geothermal drilling and water pumps.

MECHANICAL TRADESPERSON

A person engaged in the practice of mechanical trades as defined by the provisions of this chapter.

NATIONAL OIL-HEAT RESEARCH ALLIANCE (“NORA”)

A collaborative program established by the oil heating industry to strengthen the industry by improving education and training for employees in the industry, providing customers more information and developing new products for consumers.

OIL BURNER TECHNICIAN (“N.O.R.A.”)

Cleans and maintains oil burner heating systems.

PERSON

For purposes of this chapter, the term "person" shall include an individual, partnership, corporation, business organization or other similar entity.

PLUMBING

The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; medical gases and public or private water supply systems. From the Uniform Plumbing Code item #004: “Plumbing” includes many types of plumbing and piping systems including those piping systems for: plumbing (water supply and drainage), fuel gas, medical gas, vacuum, combustion flue vents, fire-stopping systems, firefighter breathing air replenishment systems, etc.

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.

PUMP INSTALLER

A person who is responsible for the on-site repair or installation of water pumps.

REFRIGERATION

The process by which any product or substance is cooled or maintained at or below 55 degrees Fahrenheit.

REFRIGERATION CONTRACTOR

Any person who engages in or carries on the business of installing, erecting, altering, extending, repairing or maintaining any device, system or equipment for refrigeration in buildings or structures, private or public.

SHEET METAL WORK

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

SUBSTANTIAL EVIDENCE

Evidence that a reasonable mind could accept as adequate to support a conclusion; evidence beyond a scintilla.

WATER TREATMENT SPECIALIST

A person who engages in the installation, repair, replacement, alteration and maintenance of water softeners, water treatment and/or purification systems.

WATER WELL DRILLER

A person who engages in the function of drilling, driving, boring, jetting and/or excavating in order to obtain a source of water supply from an aquifer or as it relates to the drilling concerning a geothermal HVAC system.

§ 190-5 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, Compliance Enforcement Officer(s) and any other employees of the Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

§ 190-6 Plumbing and Mechanical Trades Board.

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

- A. Board established. There shall be a Plumbing and Mechanical Trades Board ("Board") consisting of nine (9) members, who shall each be residents of the County or own a business within the County. (See definition of "Fixed Membership" § 190-3)
- B. The Board shall interview all candidates for Board membership and submit its recommendations with all candidates' résumés to the Legislature.
- C. Board members shall be appointed by a majority vote of the Legislature. Board members shall serve a term of three (3) years and at the pleasure of the Legislature.
- D. Composition of Board. The composition of the Board shall be a representative group of people ranging from those with no experience to a master's level experience with the plumbing and mechanical trades or working as a plumber or mechanical tradesperson. At no time, shall the composition of the Board interfere with the viability of the Board to perform its duties and to adhere to its responsibilities. A representative group may include:
 - (1) Licensed master plumbers
 - (2) Master heating technicians
 - (3) A citizen who has no experience with plumbing or mechanical trades
 - (4) Licensed mechanical tradespersons

- (5) Current or former Building Inspectors**
- (5) Licensed HVAC mechanical tradespersons**
- (6) Licensed LP gas mechanical tradespersons**
- (7) Licensed well drillers**
- E. Secretary. There shall be a Secretary to the Board who shall be appointed by the County Executive. The Secretary shall report to the Director of the Office of Consumer Affairs, Weights and Measures and Trades Licensing and Registration.**
- F. Chairperson and Vice Chairperson. The Board, by majority vote of the fixed 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.**
- G. Quorum. A majority of the fixed membership of the Board shall constitute a quorum for the transaction of business. A quorum may be achieved by members attending in person or by Board-approved electronic means that allow for simultaneous visual and aural communication throughout the entire deliberative session.**
- H. Vacancies. In the event of a vacancy on the Board, the Board shall send its recommendation to the Legislature and the remainder of the vacating member's term shall be filled by appointment by the Legislature.**
- I. Removal. A Board member may be removed by majority vote of the Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause.**

§ 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 and file the same with the Clerk of the Legislature. Such manual shall be made available for public inspection. The Board shall 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 at least seven (7) meetings a year at the call of the Chairperson and at such other times as the Board may determine necessary or desirable for the efficient discharge of the business of the Board at the call of the Chairperson or upon written request by two (2) Board members. All members shall**

be provided with a minimum of one week's prior written or oral notice of a meeting or otherwise to the extent practicable at a reasonable time prior to the meeting.

- C. Minutes/voting records.** The Board shall keep minutes of its meetings and proceedings, which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and shall include a record of the final vote of each member.
- (1) Within two weeks from the date of such meeting, the Secretary shall provide the members of the Board with copies of the proposed minutes and shall make copies of such minutes available to the public. The minutes made available to the public shall be clearly identified as "draft" and/or "unapproved." Upon approval of the minutes pursuant to subsections (2) and (3) of this section, the Secretary shall replace any "draft" or "unapproved" minutes available for public inspection with a copy marked "approved."
- (2) The Board shall consider draft and/or unapproved minutes for approval at the next regular Board meeting.
- (3) Any mistakes, errors or omissions noted by the Board shall be corrected by the Secretary and the revised minutes shall again be considered by the Board at its next regular meeting.
- (4) Within thirty (30) days after approval by the Board, the minutes shall be filed with the Clerk of the Legislature.
- (5) The Office of Consumer Affairs shall retain all tape recordings for one (1) year.
- D. Records.** The Board shall maintain a record of all licenses and registrations issued, suspended or revoked under the provisions of this chapter. A complete record of every examination administered under the provisions of this chapter shall be kept on file in accordance with the County's records retention and disposition schedule.
- E. Examinations and qualifications.** The Board shall prescribe the licensing 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 the qualifications, fitness and employment history of any applicant requesting licensure or registration 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 § 190-9. [Amended 5-4-2010 by L.L. No. 10-2010]
- F. Licenses/registration.** Upon successful completion of the requisite examination and upon the Board's satisfaction of the applicant's qualifications for the license or registration sought, the Board shall grant and issue periodic licenses and/or registrations.
- G. Complaints.** The Board shall have the power to hold hearings on charges of violations of this Code, to make formal findings of facts and to impose civil penalties and sanctions in accordance with the law. See § 190-22 Enforcement.

- H. **Subpoena power.** Pursuant to New York Civil Practice Law & Rules § 2302(a), 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.
- I. **Fees.** The Board shall have the power to collect fees or to cause fees to be collected for 1) the administration of examinations, 2) the issuance and/or renewal of licenses and/or registrations hereunder and 3) application fees. Said fees shall be in accordance with fee schedules duly adopted and approved by the Legislature.
- J. **Recommendations.** The Board shall make recommendations to the Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
- K. **Suspension/revocation; civil penalties.** The Board shall have the power to suspend and/or revoke licenses and registrations issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provisions of this chapter.
- L. **Experts/consultants.** 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.
- M. **Oaths.** The Chairperson of the Board or his/her designee shall be empowered to administer oaths.

§ 190-8 License/registration 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 other related mechanical trade, as defined herein, within the County, and no person shall represent himself or herself to be or a master tradesperson within the County, unless duly licensed in accordance with the provisions of this chapter. The trades include, but are not limited to: Fire Sprinkler, Geothermal, Heating, HVAC, LP Gas, N.O.R.A., Plumbing, Pump Installer, Refrigeration, Sheet Metal, Water Treatment and Well Drilling.**
- B. **No person shall engage in, carry on or conduct the business or trade of plumbing or other related mechanical trade, as defined herein, or hire himself or herself out to perform the services of master plumber, mechanical tradesperson, journeyman plumber or journeyman mechanical tradesperson unless he or she has been duly authorized to do so by the issuance of a license or registration.**
- C. **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 within the County.**

§ 190-8-a Mechanical trades; special regulations and requirements

- A. **Fire Sprinkler Installer.**

Applicants for Master Fire Sprinkler Installer license must:

- (1) **Be at least 21 years of age; and**

- (2) Submit proof of a minimum of five (5) years' experience working with fire sprinkler systems; and
- (3) Submit proof that he/she passed two (2) examinations given by the National Fire Sprinkler Association.

B. Geothermal

Applicants for a Geothermal Well Drilling license must:

- (1) Be at least 21 years of age; and
- (2) Possess a minimum of two (2) years' experience in the drilling industry; and
- (3) Pass two (2) examinations 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 seventy percent (70%) or better; and
- (4) Be registered with the New York Department of Environmental Conservation; and
- (5) Successfully complete the master Geothermal HVAC examination.
- (6) Additional Information: Vertically-drilled geothermal wells are to be drilled by a DEC New York State-certified well driller (registered in 2011) as defined in this chapter.

C. Heating

Applicants for a Heating license must:

- (1) Be at least 21 years of age; and
- (2) Submit proof of a minimum of seven (7) years' experience in the performance of heating maintenance and repair; and
- (3) Successfully complete the master Heating examination.

D. HVAC Technician

Applicants for an HVAC Technician license must:

- (1) Be at least 21 years of age; and
- (2) Submit proof of a minimum of seven (7) years' experience in the performance of HVAC installation, maintenance and repair and an EPA 2 or 3 card; and
- (3) Successfully complete the master HVAC examination with a grade of seventy percent (70%) or better.
- (4) Additional Information: Vertically-drilled geothermal wells are to be drilled by a DEC New York State-certified well driller (registered in 2011) as defined in this

chapter

E. LP Gas Technician

Applicants for LP Gas Technician license must:

- (1) Be at least 21 years of age; and**
- (2) Successfully complete the LP Gas examination; and**
- (3) Submit proof of successful completion of CETP; and**
- (4) Submit proof of a minimum of five (5) years' experience working in the LP gas industry.**

F. N.O.R.A.

Applicants for a N.O.R.A. license must:

- (1) Be at least 21 years of age; and**
- (2) Submit proof of a minimum of five (5) years' experience in the maintenance and tune up of oil burning heating systems; and**
- (3) N.O.R.A.- minimum Silver Certification (requires seventy-eight percent (78%) or better on testing administered through N.O.R.A.**

G. Plumbing

Applicants for a Master Plumbing license must:

- (1) Be at least 21 years of age; and**
- (2) Submit proof of a minimum of nine (9) years' experience in the field of plumbing; and**
- (3) Successfully complete the Master Plumbing with Gas examination**

H. Pump and/or Pumping System Installation

Applicants for Pump and/or Pumping System Installation license must:

- (1) Be at least 21 years of age; and**
- (2) Possess a minimum of two (2) years' experience in the pump industry; and**
- (3) Pass two (2) 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 seventy percent (70%) or better; and**
- (4) Be registered with the New York Department of Environmental Conservation.**

I. Refrigeration

Applicants for a Refrigeration license must:

- (1) Be at least 21 years of age; and**
- (2) Submit proof of a minimum of seven (7) years' experience in the performance of HVAC installation, maintenance and repair and an EPA Universal card; and**
- (3) Successfully complete the Master Refrigeration examination.**

J. Sheet Metal Worker

Applicants for Sheet Metal Worker license must:

- (1) Be at least 21 years of age; and**
- (2) Possess a minimum of seven (7) years' experience working with sheet metal; and**
- (3) Successfully complete the Sheet Metal examination.**

K. Water Treatment Specialist

Applicants for Water Treatment Specialist certification must:

- (1) Be at least 21 years of age; and**
- (2) Possess a minimum of two (2) years' experience in the water treatment industry; and**
- (3) Pass two (2) certification exams given by the Water Quality Association or other approved examination.**

L. Water Well Drilling

Applicants for Well Drilling, including Geothermal, certification must:

- (1) Be at least 21 years of age; and**
- (2) Possess a minimum of two (2) years' experience in the drilling industry; and**
- (3) Pass two (2) examinations 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 seventy percent (70%) or better; and**
- (4) Be registered with the New York Department of Environmental Conservation.**
- (5) Additional Information: Vertically-drilled geothermal wells are to be drilled by a DEC New York State-certified well driller (registered in 2011) as defined in this chapter.**

§ 190-8-b Incidental connections.

- A. Notwithstanding any other provision of this chapter, a master plumbing license shall not be required to make incidental connections, as defined herein, to existing piping systems, provided that such connection is made by a person who has been duly registered under the provisions of this chapter in the related and applicable mechanical trade*. *Water meters that are installed by the homeowner's own water system's or water department's licensed operators are exempt from this rule.**
- 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 mechanical tradesperson.**
- C. Any oil burner/boiler alteration, modification or installation involving relocation of any part of an HVAC system more than five (5) feet from an existing heating, ventilation or air-conditioning appliance which is connected to a refrigerant line(s) must be performed by a licensed HVAC technician.**
- D. The electrical connections involved in any alteration, modification or installation involving relocation of any part of a mechanical system or appliance more than five (5) feet from an existing mechanical system or appliance which is hard-wire connected to electrical line(s) must be performed by a licensed electrician.**

§ 190-9 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 for licensure and/or registration 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 of the individual seeking licensure or registration, residence address, business address, email address (if applicable), telephone numbers, date of birth and trade names of the applicant, plus such additional information concerning his or her qualifications and history, including any criminal record, as the Board may require. Any person applying for a licensure for any trade pursuant to this chapter must be at least twenty-one (21) years of age. All applications shall be notarized. 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. All applicants must provide proof of his/her experience by providing documentation and/or information relating to his/her current and/or prior employment, qualifications and fitness for licensure. Proof of employment must include the name and address of the current and/or former employer, the length of time the applicant worked for the current and/or former employer and the type of work the applicant performed while working for the current and/or former employer. Proof of employment may include, but is not limited to, letters from the current and/or former employers evidencing experience in the applicant's respective field, tax returns, W-2s, Social Security records and work logs.**

- C. Upon receipt of an application, the Secretary shall forward a copy of the same to the Chairman of the Board.**
- D. Board review. Upon receipt of an application to test for a license, the Board shall review such application to ascertain whether or not the applicant possesses the minimum qualifications necessary. At the discretion of the Chairperson, a committee of Board members could be convened to review and vote upon an individual's application before being sent to the full Board for final review and vote. Once an affirmative vote of a majority of the fixed Board has been made, the applicant shall be permitted to take the licensing examination.**
- E. Written examination.**
- (1) Either the Board or an approved testing agency shall provide written examinations. Should the Board administer the examination, it shall be monitored by at least two members of the Board, who shall sign their names to all parts of the applicant's examination. The date, time and place of testing shall be determined by the Board or the approved testing agency. The Board shall provide applicants with written notice of testing dates. Results of every examination administered under the provisions of this chapter shall be kept on file in accordance with the Putnam County's document retention policies.**
 - (2) Passing grade. Applicants must receive a grade of seventy percent (70%) or higher on the written examination to qualify for licensure or registration, except for the N.O.R.A. examination which requires a passing grade of seventy-eight percent (78%) or higher. Applicants shall be notified of the results of their written examinations within thirty (30) business days after the date of the examination. Activation of licensure within one (1) year of passing the exam is required.**
 - (3) If, during the three (3) years after application approval, the applicant wishes to re-test, a Re-Application Fee must be submitted for each re-test. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.**
 - (4) If, after three (3) years from application approval, the applicant has not passed the examination, a new complete Application and Application Fee must be submitted to continue seeking licensure. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.**
- F. Fees. The fees for applications, licensing, renewal and other fees provided for under the provisions of this chapter shall be proposed by the Board and set by resolution of the Legislature. All fees collected under the provisions of this chapter are nonrefundable.**
- G. Exceptions to testing requirements; for possible examination/testing waiver, please see § 190-16 Reciprocity.**
- H. Child support obligations. Under New York State General Obligations Law § 3-503, all applicants for a license or renewal license must complete a New York State Department of Labor Form GO 1 "Appendix to a License Application" regarding the applicant's child support obligations.**

§ 190-10 Licensing and registration.

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

- A. Issuance of license and/or registration. Upon payment of the appropriate fee, the Board shall issue a license or registration to the approved applicant, together with indicia of licensure or registration evidencing the same (which shall remain the property of the County of Putnam). Licenses and/or registrations shall be issued to individuals only.**
- B. Term.**
- (1) Each master tradesman license issued hereunder shall expire on the next succeeding 31st day of December.**
- (2) Each journeyman registration 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's registration shall expire on the 30th day of June of the licensed term, unless otherwise notified.**
- C. Renewals. Applications for renewal of a license or registration duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board on the form prescribed by the Board prior to the expiration date of the license and/or registration and shall be accompanied by the appropriate licensing/registration 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 registered.**
- 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 registration. In such event, before the Board may issue a renewal, the licensee or registrant must pay the appropriate late fee, as set by the Board and approved by the Legislature, in addition to the licensing or registration fee.**
- E. Suspension of renewal privileges. Failure to renew a license issued under the provisions of this chapter within one (1) year after expiration thereof may result in the suspension of all renewal privileges hereunder. Any person desiring a license after such suspension of privileges shall be required to reapply for licensure in accordance with the provisions of this chapter, including the payment of all applicable fees and successful re-examination.**
- F. Severance of business ties; notice to Board. Whenever a licensed master 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 the business to notify the Board of such action within thirty (30) days from the date thereof. Failure to do so shall be deemed sufficient cause for denying a new license and/or renewal thereof.**
- G. Presentation on demand. All licensees and registrants shall be required to present evidence of licensure or registration upon demand by the Director and/or the**

Compliance Enforcement Officer(s). Failure to do so shall constitute a violation of this chapter.

- (1) The licensee and his/her registered journeymen shall be issued an identification card, to be provided by the Office of Consumer Affairs, authorizing the individual to perform the work as indicated. The identification card shall contain: the name of the licensee, the license number and the name of the employee. This identification card shall be carried at all times and shall be produced upon request to the County inspector or town building inspector and/or his/her designee within the geographical area of such inspector's employment. A violation of this section shall subject the licensee or registrant to a civil penalty as provided for in this chapter.
 - (2) Should a licensee or registrant be charged with a violation of § 190-10(G)(1) for a worker not carrying identification, the licensee or registrant shall have five (5) County business days to produce the worker's identification to the Office 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 Office of Consumer Affairs, the licensee or registrant shall present the payroll records of the employee or evidence of the licensee's or registrant's payment to the company that employs the worker found on the job site without identification.
- H. Military service exception. In the event a licensee and/or registrant is called to active duty in the United States military, his or her license and/or registration shall be deemed "inactive status" 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 registration 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-a Hiring, supervision and responsibility.

[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 tradesperson pursuant to this chapter shall hire any person to perform services of a journeyman tradesperson in Putnam County unless such person has obtained a journeyman tradesperson registration card under this chapter.
- B. A licensed master tradesperson shall respond to the Board's request for information regarding the registered journeymen employed by the licensed master tradesperson. The licensed master tradesperson must provide the specific information requested by the Board within the specific time frame of such request.
- C. A violation of this section shall subject such person to civil penalties as provided for in this chapter, except that a master tradesperson shall be responsible for any and all unregistered employees.
- D. This section shall not be construed to impose penalties upon an employee of an unlicensed master tradesperson. Should an unlicensed master tradesperson hire a journeyman tradesperson, the unlicensed master tradesperson shall be penalized.
- E. No one person with a journeyman tradesperson registration shall hold himself/herself out as a master tradesperson. If found guilty, he/she will be subject

to civil penalties and/or a suspension of journeyman registration pursuant to a hearing as defined in this chapter.

§ 190-10-b Suspension or revocation of license/registration.

- A. The Board shall have the power to suspend or revoke any duly issued license, registration or renewal thereof 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 registrant 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 and that relates to public health and safety; or**
 - (2) The licensee and/or registrant is unfit or incapable of performing or engaging in the trade for which he or she is licensed and/or registered, as evidenced by substantiated complaints and/or charges filed with the Board against the licensee and/or registrant**
- B. Prior to taking action to suspend or revoke a license or registration, the Board shall provide notice and conduct a hearing in accordance with the procedures set forth in § 190-22 of this chapter.**
- C. In the event the Board suspends or revokes a license and/or registration 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 registrant within 10 days after the close of the hearing provided for in Subsection B.**
- D. In the event that the Board suspends a license and/or registration issued hereunder, said determination shall set forth the term of the suspension.**
- E. In the event that the Board revokes a license and/or registration issued hereunder, the licensee and/or registrant shall return his or her indicia of licensure or registration to the Board via certified mail, return receipt requested. Such person shall not be eligible to apply for relicensing and/or reregistration unless and until he or she receives written authorization to reapply from the Board, and only then after successful re-examination in accordance with the provisions of this chapter.**

§ 190-11 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 material 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 plumbing or 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 license or 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 licensed mechanical tradesperson.**
- G. Demanding or receiving any payments prior to the signing of a contract for plumbing or mechanical trades work.**
- H. 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.**
- I. Violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.**
- J. Failure to notify the Board, in writing, of any change or control in ownership, management or business name or location.**
- K. Failure to adhere to any of the requirements as set forth in § 190-8 of this chapter.**
- L. Conducting a plumbing or mechanical trades business in any name other than the one in which the contractor is registered.**
- M. Failure to respond to the Board's request for information regarding the registered journeymen employed or formerly employed by the licensed master tradesperson.**
- N. Failure to comply with any order, demand or requirement made by the Director or Board pursuant to the various provisions of this chapter.**
- O. Failure to list license number in any and all advertisements for the licensed plumbing or mechanical trades business.**
- P. Failure to maintain the proper insurance, surety license and permit bond, as required by § 190-25 hereof.**
- Q. Any fraud in recommending the installation, repair or replacement of any item the tradesman knew or should have known was not required.**
- R. Work which is not consistent with New York State Building Codes, local codes, reference standards or any other applicable codes.**
- S. Installing, maintaining, fabricating, altering or repairing a hot water, low pressure steam or hot air furnace system without a license.**
- T. A licensee's failure to register an employee with the Board.**

§ 190-12 Reserved.

§ 190-13 Reserved.

§ 190-14 Reserved.

§ 190-15 Transferability.

No holder of a license or registration 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 registration by or on behalf of any other person or business entity. A violation of this section may result in a revocation hearing to determine whether or not the license/registration will be suspended or terminated and shall subject such licensee and/or registrant to civil penalties as provided for in this chapter.

§ 190-16 Reciprocity.

- A. The Board, with the approval of the County Executive, may waive the examination requirements and issue a master tradesperson license to any person holding an equivalent current and valid license 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 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 without examination to an individual with such qualifications licensed in Putnam County, as evidenced by local law and/or resolution by such political subdivision. Both Putnam County and the political subdivision shall file these reciprocity agreements with their respective County or Town Clerk. All other requirements for licensure provided for by this chapter remain applicable to such persons. Such persons are subject to all provisions of this chapter.
- B. Licenses issued pursuant to Subsection A may be renewed in accordance with the provisions of this chapter.
- C. Persons licensed in accordance with this subsection must at all times retain their licensure from the conferring jurisdiction. Failure to do so will result in a revocation hearing to determine whether or not the Putnam County license will be terminated. D. 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.

§ 190-17 Unlicensed or unregistered tradespersons.

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

- A. No person who has not qualified for and obtained a license 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 tradesperson or a journeyman 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.

§ 190-18 Display and advertising.

- A. Each person issued a license or registration under this chapter will be issued a written certificate of license or registration, a personal identification card and a vehicle decal. The certificate and identification card will contain the holder's name, Putnam County license or registration 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 registration 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 all vehicles owned, leased or used by the license or registration 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 registration.**
- 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/registration holder to the sanctions provided for herein.**
- H. All County decals/registrations or I.D. must be removed upon sale of any vehicle bearing same.**

§ 190-19 Shelving of license or registration.

Upon written request by the licensee and/or registrant, a license or registration may be shelved, subject to the following:

- A. The granting of a request for shelved status shall not be deemed or otherwise considered a suspension of license or registration.**
- B. The period of shelved status may be granted for a period of one (1) year at a time and must be renewed annually.**
- C. The period of shelved status shall commence upon expiration of the current year.**
- D. On or before December 31st of each year of shelved status, the licensee and/or registrant must either:**
 - (1) Submit a Shelving Affidavit; or**

- (2) Submit a Renewal Application.**
- E. A fee shall be assessed against the licensee or registrant during any period of approved shelving status.**
- F. Upon reactivation, the licensee or registrant shall be required to pay the appropriate annual licensing fee regardless of the time remaining in the calendar year.**
- G. Any licensee or registrant of a shelved license who is found working in Putnam County shall be deemed unlicensed/unregistered. He/she may 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 or registration in the future.**
- H.. A licensee or registrant who is granted shelved status must complete, prior to renewal any applicable continuing education credit hours that may be required during the period of time the license or registration is shelved.**

§ 190-19-a Shelving of license or registration for master or journeymen tradespersons exclusively employed by a municipality.

- A. For purposes of this section, a licensed master or journeyman tradesperson, as defined in this chapter, shall be eligible to shelve his/her license/registration 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 license/registration is shelved, the licensee/registrant shall surrender his/her plate, license/registration and remove decals from his/her vehicles, prior to activation of such shelving status. No holder of a shelved license/registration shall receive a copy or any other reproduction of such shelved license/registration. In no way shall approval of shelved status hereunder be deemed a suspension under § 190-10-b above.**
- C. A fee shall be assessed against the licensee and/or registrant during any period of approved shelving. If a licensee/registrant activates his/her license/registration 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 holder of a shelved license or registration who is 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/unregistered. He/she shall be subject to fines and penalties as provided for in this chapter and may permanently lose his/her eligibility to apply for a shelved license in the future.**

- E. A licensee or registrant who is granted shelved status must complete, prior to renewal, any applicable continuing education credit hours that may be required during the period of time the license or registration is shelved.

§ 190-19-b Reserved.

§ 190-20 Regulation of business.

- A. Neither licenses nor registrations may 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 registered in accordance with the provisions of this chapter.
- B. Such licensed master plumber or licensed or registered 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 registered 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 registered 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. Whenever a licensee/registrant who represents or is employed by a business entity severs his/her relationship or employment with such business entity, it shall be the responsibility of such person and the business entity to provide the Board with written notice of such action within thirty (30) days after such separation. In such event, such business entity shall provide the Board with proof that another duly licensed/registered person is performing the actual work of the business. The failure of the licensee/registrant or the business entity to provide such notice and/or proof may be deemed sufficient cause to deny issuance of a new license/registration.

§ 190-21 Compliance Enforcement Officer.

- A. There shall be a Compliance Enforcement Officer(s) who shall report directly to the Director.
- B. Powers and duties. The Compliance 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 Compliance Enforcement Officer may conduct any independent investigation necessary to carry out the provision of this chapter. Pursuant to this power, the Compliance Enforcement Officer may:
 - (a) Subpoenas: The Compliance Enforcement Officer may make recommendations to the Board to subpoena the appearance of witnesses to a duly-held hearing and/or to

compel the production of any books, records or documents that he or she may deem material and relevant for the proper prosecution of a violation.

- (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 § 190-22 below.
- (2) **Prosecutions.** The Compliance 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 § 190-22 of this chapter. The Compliance Enforcement Officer shall designate an alternate to make the presentation to the Board in his/her absence. Such designated alternate shall not be a currently serving member of the Board.

§ 190-22 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 registration issued under the provisions of this chapter, and/or assess and impose civil fines as provided for herein, provided that a majority of the Board is satisfied by substantial evidence that a person or the holder of such license or registration 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 registration and/or the assessment of any civil penalties as provided for herein, the holder thereof shall receive in writing, a notice of charges that includes an appearance ticket and all of the particulars of the alleged violation. Such notice shall be forwarded to the alleged violator by the Compliance Enforcement Officer via registered or certified mail with return receipt requested in addition to regular first-class mail to the address provided 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 or evidence of mail delivery recovered from the U.S. Postal Service website.
 - (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;

[3] To request an adjournment for good cause. See “Adjournments” below;

[4] To waive his or her right to a hearing and plead guilty to the charges, by mail or in person at the Office of Consumer Affairs.

(2) Hearing.

(a) Timing. The hearing on any alleged violation of this chapter shall be held before the Board within one hundred (100) 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. Any granted adjournment shall nullify the one hundred (100) day period of § 190-22(B)(2)(a).

(c) Record. A stenographic or audio recording 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 presiding officer.

(e) Presiding officer. The hearing shall be conducted by the Board and shall be presided over by the Chairperson of the Board or, in his or her absence, the Vice Chairperson or another Board member designated by the Chairperson or Vice Chairperson.

(f) Presentation of evidence in support of the charges. Evidence of the alleged violation shall be presented to the Board by the issuing Compliance 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 thirty (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. The Board, following a determination that the charges have been proven by substantial evidence, may impose the following 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, registration and/or renewal.**
 - (2) Imposition of 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) Revocation/suspension. The Board, in its judgment as to the seriousness of the charge(s), may suspend or revoke the license or registration of any licensee or registrant who, at a duly called hearing, has been found guilty by substantial evidence. Additionally, the Board may suspend or revoke the license or registration of any licensee or registrant who has been convicted of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific license/registration sought; or, if the issuance and/or holding of the license/registration would involve an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.**
- 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 attorney's fees and interest on any unpaid fine or penalty calculated at the statutory rate.**

§ 190-23 Criminal penalties.

The Board may refer any matter that it suspects may constitute a criminal offense to the County Sheriff's Office or to other appropriate law enforcement authority for further review.

- A. In addition to any civil penalties that may be imposed pursuant to 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.

§ 190-24 Immunity.

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

§ 190-25 Insurance and bonding.

[Amended 12-2-2014 by L.L. No. 13-2014]

- A. Prior to the issuance of any license, registration, permit or renewal thereof, the applicant must provide the Board with the following proofs of insurance and bonding information, as follows:
- (1) A license/permit bond in the amount of \$25,000 (twenty-five thousand dollars);
 - (2) Workers' compensation insurance for all employees; and
 - (3) General liability insurance of at least \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) 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 registered 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.

§ 190-26 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.

§ 190-27 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.

§ 190-28 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.

Section 2.

This Local Law shall take effect immediately upon filing with the New York Secretary of State.