

**RESOLUTION
(R-23-66)**

**RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 6 “BUILDING
AND UTILITY CODES,” ARTICLE III “PLUMBING CODE”**

INTRODUCED BY CHAIRWOMAN BROWN_____ :

BE IT RESOLVED that an introductory Local Law entitled, “LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,” ARTICLE III “PLUMBING CODE” be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Monday, October 2, 2023 at 6:00 pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER_____ .

**A LOCAL LAW AMENDING CHAPTER 6 “BUILDING AND UTILITY CODES,”
ARTICLE III “PLUMBING CODE”**

SPONSOR:

BE IT ENACTED, by the Common Council of the City of Poughkeepsie as follows:

**STRIKETHROUGH INDICATES DELETION
BOLD and UNDERLINE INDICATES ADDED LANGUAGE**

SECTION 1: City Code Chapter 6 “Building and Utility Codes,” Article III, “Plumbing Code,” Division 3 “Administration of Plumbing Standards of New York State Uniform Fire Prevention and Building Code” shall be amended to read as follows:

Section 6-138. Scope of Division

This division applies to the administration and enforcement of the plumbing and heating equipment standards of the New York State Uniform Fire Prevention and Building Code.

Section 6-139. Plumbing and heating work affected.

(a) All plumbing work, both public and private, in the City shall be performed pursuant to the Uniform Fire Prevention and Building Code and shall come under the provisions of this article. The ~~Plumbing Board and the Plumbing~~ **Building** Inspector shall have jurisdiction over all the plumbing work performed within the building line of any building in the City of Poughkeepsie pursuant to the Uniform Fire Prevention and Building Code applicable to plumbing. The City Engineer shall have jurisdiction over all laterals and water and sewer services from the building line to and including the connection with the City sewer and water system.

(b) All gas and oil heat-producing equipment installed in the City of Poughkeepsie, both new and replacement, shall come under the provisions of this article. The ~~Plumbing~~ **Building** Inspector shall have jurisdiction over all oil or gas heat-producing equipment and all fuel piping of such equipment.

Section 6-140. Previous rules.

Work in progress on the effective date of this article and work for which the plans have heretofore been approved are excepted from the provisions of this article and shall be performed in accordance with the Plumbing Code, local laws, rules and regulations and ordinances in force and effect prior to the effective date of this article.

~~Section 6-141. Qualifications of Plumbing Inspector.~~

~~The Plumbing Inspector shall meet the qualification of the Building Inspector as defined in Section 6-19 of this chapter. **RESERVED**~~

Section 6-142. Duties and powers of ~~Plumbing~~ Building Inspector.

(a) *Administration and enforcement.* Except as otherwise specifically provided by law, ordinance or regulation or except as herein otherwise provided, the ~~Plumbing~~ Building Inspector shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to all plumbing and drainage work and heating equipment installations in the City, but shall not issue a permit until a building permit is first obtained from the Building Inspector on any new construction or alteration exceeding \$2,000 for plumbing or drainage work, unless for modifications of floors, walls, or ceilings or creating a new space.

(1) No building permit is required to be submitted for replacement of existing boilers or furnaces, or near boiler piping.

(2) A building permit is required when new heating systems are installed, or there are modifications of floors, walls, ceilings, or creating a new space, or if a new chimney is installed.

(b) *Permits; certificates; fees.* ~~(S)he~~ The Building Inspector shall issue all permits for plumbing, drainage or heating work and certificates of approval and charge the fees as established by the ~~Plumbing Board or Building Inspector~~ Common Council.

(c) *Revocation of permit or certificate.* ~~(S)he~~ The Building Inspector may revoke a permit or certificate of approval if there is a violation of any provision of this article or any false statement or misrepresentation in the application, plans or specifications.

(d) *Inspection, approval of work.* ~~(S)he~~ The Building Inspector shall inspect the construction and alteration of all plumbing and heating work performed in the City pursuant to the Uniform Fire Prevention and Building Code applicable to plumbing and heating. (S)he shall inspect the installation or replacement of all gas and oil heating equipment, including gas piping. No connections shall be made to water within his or her jurisdiction. (S)he shall inspect all water meters and reading devices to determine compliance with the applicable sections of this Code of Ordinances. No certificate of occupancy shall be granted by the Building Inspector until final inspection and approval of the plumbing and/or heating work and water meters and reading devices by the ~~Plumbing~~ Building Inspector. Application for final inspection must be made by the plumber or permit holder within 10 days after the plumbing or heating work has been completed. (S)he will inspect, at the request of the Commissioner of Public Works or City Engineer, waste water and storm drainage laterals to determine compliance with applicable sections of Chapter 14 1/2 of this Code and construction standards established by the City Engineer. The ~~Plumbing~~ Building

Inspector shall make a monthly report, in writing, to the City Administrator and the Plumbing Board, for plumbing work, of his or her inspections and the results thereof.

(e) *Issuance of notices or orders.* ~~(S)he~~ **The Building Inspector** shall issue appropriate notices or orders to correct unsanitary or defective conditions, to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations.

Section 6-143. Department records and reports.

The ~~Plumbing~~**Building** Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records ~~open for public inspection during business hours~~ **pursuant to the Freedom of Information Law.**

Section 6-144. Duties of other departments.

(a) Wherever the Building Inspector is required to issue a permit for any building construction or for the alteration, repair or replacement of any building or parts thereof, the Building Inspector or his or her duly appointed subordinate shall see that the plumbing, drainage and heating details are set forth on all plans and specifications to be submitted to the Building Inspector prior to the issuance of the building permit. For all work which requires a building permit, the fees, as set forth in Section 6-26, shall be paid by the building contractor or owner before the plumbing or heating permit is issued by the ~~Plumbing~~**Building** Inspector.

(b) The City Engineer shall not issue a permit to anyone to connect with the sewers or with the water mains unless such person has obtained and shall produce a certificate of competency ~~from the Plumbing Board or a special permit from the Plumbing~~ **Building Inspector or is a qualified infrastructure contractor, as defined in Section 6-158(d) of the City Code.**

Section 6-145. Permits.

(a) *Plumbing work.* Before any plumbing work requiring authorization according to the provisions of this article shall be started, a permit shall be obtained from the ~~Plumbing~~**Building** Inspector, except that no such permit shall be required for repairs involving only the working parts of a faucet or valve, the clearance of stoppages or stopping of leaks or the replacement of a defective faucet or valve. This permit shall be obtained by the master plumber who or whose firm has been employed to do the plumbing work or by a homeowner as provided in Subsection (b) below.

(b) *Homeowner's plumbing permit.* The owner of a one- or two-family owner-occupied dwelling used exclusively for residential purposes may obtain a permit to perform plumbing work as provided in this subsection. To obtain a permit a homeowner must satisfactorily pass a plumbing

examination created by the ~~Plumbing Board~~ **Building Inspector** pursuant to the guidelines as set forth in Section 6-136(b) of this chapter. This examination shall be required only for the first permit applied for by a homeowner and not thereafter. A homeowner will be limited, under this permit, to plumbing performed within building lines only. No work under the homeowner's plumbing permit shall be performed on sanitary sewers, water service lines, water meters or gas piping or on any public right-of-way or within any City street. As a condition to a permit being issued for plumbing work performed by a homeowner, the homeowner must certify to the ~~Plumbing~~ **Building** Inspector that he/she will comply with New York State law.

(c) *Septic tanks or cesspools.* Special permission must be obtained from Dutchess County Board of Health and the Superintendent of Public Works for the installation of septic tanks or cesspools before a permit can be issued by the ~~Plumbing~~ **Building** Inspector. Septic tanks and cesspools not otherwise provided for by this article shall be in accordance with Bulletin No. 1, New York State Department of Health.

(d) *Heating equipment.* Before any heating work requiring authorization according to the provisions of this article shall be started, a heating permit shall be obtained from the ~~Plumbing~~ **Building** Inspector, except that no such heating permits shall be required for heating repairs involving the working parts of a control or parts in the heating system, the installation of baseboard heat radiators, convectors and interconnecting piping, except for connection of water and heat piping to the heating equipment, and the repair and servicing of oil and gas heat-producing equipment. No heating permit shall be required for the installation of water heaters, except for installation of gas or oil piping and flue piping. However, a plumbing permit shall be required for the connection of the water heater to the potable water system. Any gas or oil heat-producing equipment installation or replacement shall require a heating permit. This permit shall be obtained by a heating contractor, licensed to do work pursuant to Section 6-179 of this chapter, who or whose firm has been employed to do the heating work. Oil and gas installation shall be conducted in accordance with the standards of the National Fire Prevention Association and the standards of the New York State Fire Prevention and Building Code.

(e) *Water connections.* Before any water connection on heat producing equipment is performed, a water connection permit shall be obtained from the ~~Plumbing~~ **Building** Inspector. This permit shall be obtained by a person or firm who is licensed to install heat-producing equipment pursuant to Section 6-179 of this chapter and who has been issued a special permit limited to water connections to heat producing equipment pursuant to Section 6-176 of this chapter.

(f) *Penalty.* Any person, business, partnership or corporation who violates any provisions of this section shall be liable for a penalty of ~~\$250~~ **500** per day of violation or imprisonment not exceeding

six months. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

Section 6-146. Issuance of permits.

(a) Permits for plumbing work shall be issued by a ~~Plumbing~~ **Building** Inspector to licensed and registered master plumbers and to any person now authorized under Section 6-145 to perform plumbing work in one- and two-family dwellings as set forth in that section.

(b) Permits for installing new or replacement oil or gas heat-producing equipment shall be issued by the ~~Plumbing~~ **Building** Inspector. Said permit shall be issued to individuals or firms licensed to make such installation by the ~~Plumbing~~ **Building** Inspector, pursuant to Section 6-179 of this chapter and to any person now authorized under Section 6-145 to perform said work. ~~All licenses that have been issued by the Chief of the Fire Department shall be valid until the expiration thereof.~~

(c) Special permits for plumbing work may be issued by the ~~Plumbing~~ **Building** Inspector to any person holding a master plumber's license issued by a municipality of the State of New York, which has adopted the standards of the New York State Uniform Fire Prevention and Building Code applicable to plumbing to perform a specific job of plumbing work in the City of Poughkeepsie. Such permit may be granted without examination, upon application to the ~~Plumbing~~ **Building** Inspector and upon the payment of a fee of \$350 for each job. Such permit, and the work performed thereunder, shall be subject to the other provisions of this Code and shall expire when the specified job is completed. Limit of three permits per calendar year.

(d) Special permits shall be issued by the ~~Plumbing~~ **Building** Inspector, limited to water connections to heat-producing equipment, to persons or firms who have a license to install heat-producing equipment in the city as provided for in Sections 6-176 and 6-179 of this chapter.

Section 6-147. Plans covering work.

(a) No permit shall be issued until specifications and plans showing necessary details of all water pipe, sewer pipe, plumbing fixtures, heating equipment and necessary heating piping have been submitted to the ~~Plumbing~~ **Building** Inspector by the plumbing contractor, heating contractor, architect, engineer or owner, and these plans have been approved and signed by the ~~Plumbing~~ **Building** Inspector.

(b) If the plans indicate that any provisions of this article are not being complied with, they shall be rejected and no permit issued until they have been revised to comply with this article.

(c) If in the course of the work it is found necessary to make any change from the approved plans, specifications or work, revised plans and specifications shall be submitted and a supplementary permit shall be issued to cover the change before any part of the change is commenced.

Section 6-148. Fees.

A fee schedule shall be established by resolution of the Common Council of this City. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the issuance of all permits and/or certificates issued by the Department of Development pursuant to the administration of the Plumbing Code and the administration of plumbing standards of New York State Uniform Fire Prevention and Building Code.

Section 6-149. Correction of faulty conditions.

Upon receipt of written notice from the ~~Plumbing~~**Building** Inspector, the owner or lessee of real property shall be required to correct, within three days, any and all unsanitary or defective conditions which are likely to have an immediate detrimental effect upon the public health. He shall also correct, upon proper notice and within the time specified by the ~~Plumbing~~**Building** Inspector, other unsanitary or defective conditions which may over a period of time have an immediate detrimental effect upon public health. Any person, business, partnership or corporation who violates this section shall be liable for a penalty of \$100 and, for a continuation of such violation, to an additional penalty of \$10 per day or imprisonment of not more than six months.

Section 6-150. Right to inspect.

The ~~Plumbing~~**Building** Inspector or his/her subordinate or representative shall have the right to inspect any plumbing or heating system at such time as may be deemed necessary to protect the public health from an immediate danger. All other inspections shall be made at a reasonable time, in accordance with Section 6-29.

Section 6-151. Certificate of approval.

Upon the satisfactory completion and final inspection of the plumbing or heating system, a certificate of approval shall be issued by the ~~Plumbing~~**Building** Inspector to the owner.

Section 6-152. Appeal to Plumbing Board.

Any master plumber or owner of real property upon which plumbing work pursuant to this Code is being undertaken who shall feel aggrieved by any action or ruling of the ~~Plumbing~~**Building** Inspector in connection with plumbing work may appeal said action or ruling to the Plumbing Board. Said appeal shall be in writing and shall be made in accordance with the procedures to be prescribed by the Plumbing Board. The decision of the Plumbing Board on such appeal shall be final.

Section 6-153. Water meters, master pits and bypasses; penalties for offenses.

(a) *Water meters.* All water meters must be procured from the City of Poughkeepsie and shall be the property of the City of Poughkeepsie. All meters shall be installed at the expense of the property owner in such location, position and manner as to be readily accessible for reading and repair and

kept free from obstruction and shall be fully protected from freezing and damage at the property owner's expense. Remote reading devices may be installed by the city at locations on the outside surfaces of buildings, suitable to the city's building system, and may not be removed or damaged. Cables and/or wires connecting such devices with the meter shall be protected from damage by the property owner. A penalty of \$100 will be imposed when a meter up to two inches or \$200 for a meter larger than two inches is damaged by freezing or other negligence on the part of the property owner of the premises and/or when a remote reading cable and/or head is damaged by the property owner's negligence. Such penalty shall be in addition to the actual cost incurred by the city for the repair or replacement of the damaged meter. Said penalty and cost shall be charged against the land on which the building exists, as a municipal lien, or shall be added to the tax roll assessment or shall be levied as a special tax against the land upon which the building stands or shall be recovered in a suit at law against the owner. All meters, cables, remote reading heads and all other equipment accessory to the meters shall be under the exclusive control and be subject to inspection at all times by the ~~Plumbing~~ **Building** Inspector, City Water Department and/or other agents authorized by the City of Poughkeepsie. The ~~Plumbing~~ **Building** Inspector shall have the power and authority to cite any violations of this or any other chapter of the Code of Ordinances relative to water meters as authorized in Section 6-142 of this chapter.

(b) *Master pits.* All underground meter pits and backflow preventor pits must be constructed to City of Poughkeepsie specifications. Copies can be obtained from the Engineering Department. Pits must be kept free of debris and garbage and accumulation of water. When any water meter two inches or less in size that is located in a pit must be replaced, the water meter must be raised at least 18 inches from ground level upon replacement. A violation of this section will result in a civil penalty or fine of \$100 for each week the violation remains unabated.

(c) *Bypasses.* Meters that are installed inside buildings cannot have a bypass. A violation of this section shall result in a civil penalty or fine of ~~\$100~~ **\$250**.

(d) *Duty to disconnect the water supply and water meter ready devices.* It shall be the duty of any owner, agent or operator of a building to disconnect or shut off the connection to the city water supply and remove the water meter and reading device and return said meter and device to the city within 10 days after such building has been vacated, if so directed by the Building Department. Where an order to vacate has been served on the owner, agent, operator or occupant of such building, as provided in Section 6-35, the notice may state that the owner, agent or operator shall make such disconnection and furnish such certificate within 10 days after vacation of the premises. If the provisions of this section are not complied with, the ~~Plumbing~~ **Building** Inspector may serve written notice upon the owner, agent or operator of such building to comply with the provisions of said section. Such written notice shall be sent by certified mail to such owner, agent or operator, or if such owner, agent or operator is unknown, such notice may be affixed to or posted upon said

building. Such notice shall require compliance with the provisions of this section within 48 hours after the date of mailing or posting of such notice as aforesaid. If the person upon whom such notice is served fails, neglects or refuses to disconnect or shut off the water supply and water meter from such premises within 48 hours after the date of mailing or posting of such notice, the ~~Plumbing~~ **Building** Inspector shall notify the Water Department to disconnect the water supply and water meter. The actual cost to the city of disconnecting the water supply and water meter, plus a sum equal to 5% of such cost for inspection and other additional costs in connection therewith, shall be certified by the ~~Plumbing~~ **Building** Inspector and the Water Department to the Commissioner of Finance. The amount thereof shall become a lien upon the property, and the total amount thereof shall be added to and become a part of the next annual assessment roll at the time and in the manner prescribed by the Charter and/or Code of Ordinances of the city and subject to all the provisions thereof.

Section 6-154. Malfunction, testing and calibration of water meters.

(a) All water passing through a meter will be charged for, whether used or wasted. Meters will be tested at the property owner's request if the city believes there are reasonable grounds to establish that the meter is functioning improperly. If the meter is found to be accurate, the owner shall bear the expense of the test. A meter may be tested for accuracy at the discretion of the City of Poughkeepsie. Should a meter of a size two inches or less be found to be inaccurate, the city shall replace the meter or bear the cost of repair. Should a meter of a size greater than two inches be found to be inaccurate, the property owner shall, upon written notification by the ~~Plumbing~~ **Building** Inspector, have said meter repaired or replaced within 15 days of such notice at the property owner's expense. Upon the failure of the owner to repair or replace the meter as ordered by the ~~Plumbing~~ **Building** Inspector, the city shall be authorized to repair or replace the meter. The actual cost for repair or replacement of the meter and a service charge of 25% of the actual cost of repair or replacement shall be certified by the ~~Plumbing~~ **Building** Inspector to the Commissioner of Finance and the amount thereof shall thereupon become a lien upon the property on which such meter is located and the total amount thereof shall be added to and become part of the next annual assessment roll at the time and in the manner prescribed by the Charter and/or Code of the city. In addition, failure to repair or replace the meter on a nonresidential property within 15 days shall result in the shutoff of the water to the property until the meter is repaired or replaced. In all cases the property owner must arrange for and bear the cost of installation of the meter. If a meter gets out of order and fails to register correctly, the owner will be charged the average daily consumption as shown by the meter when in accurate working condition under circumstances comparable to the time period being estimated.

(b) Property owners with meter(s) of a size greater than two inches shall be required to provide the city access to have the meter(s) tested and calibrated from time to time, at the city's discretion. The

~~Plumbing~~ **Building** Inspector shall make the necessary arrangements to have the meters tested and calibrated by an American Water Works Association (AWWA) certified company, which must provide written certification to the ~~Plumbing~~ **Building** Inspector within 30 days of the testing and calibration that the meter has been tested and calibrated and meets AWWA accuracy standards. Upon the failure of a property owner to provide the city access for said testing and calibration, the ~~Plumbing~~ **Building** Inspector shall refer the matter to the Corporation Counsel to obtain a court order allowing access for this purpose.

Section 6-155. Interference with water meter; penalties for offenses.

(a) No person shall interfere or tamper in any way with the meter or meter accessories or the valves and fittings connected thereto. Any person violating the provisions of this section shall be subject to a civil penalty or fine of \$100 for a water meter of two-inch size or less and \$200 for a water meter larger than two inches.

(b) Appropriate language, giving notice of the conduct prohibited by this section, shall be imprinted on all water bills in letters of the same size as the billing information.

Section 6-156. Injury to water meter seals prohibited; penalties for offenses.

(a) It shall be unlawful for any unauthorized person to willfully deface, mar, injure, disturb, break or destroy the seal of any water meter in the City of Poughkeepsie. Violation of this section shall be punishable by a civil penalty or fine of ~~\$100~~**250** in the case of a meter of two inches or less and ~~\$200~~**500** in the case of a meter of more than two inches.

(b) Appropriate language, giving notice of the conduct prohibited by this section, shall be imprinted on all water bills in letters of the same size as the billing information.

Section 6-157. Use of fire hydrants to bypass water meter prohibited; penalties for offenses.

No person or persons are permitted to open any fire plug or hydrant to draw water so as to bypass the water meter of any premises receiving the benefit of the water except under the direction of or with authorization of the city. Any violation of this section shall result in a civil penalty or fine of \$100 for each incident of such prohibited use.

Section 6-157.1. Replacement of water meters; access to City; penalties for offenses.

Effective from the date of passage of this section, the City, or agents of the City, shall replace all nonconforming water meters at its own expense. The City, or any agent of the City, shall be granted access to any building, dwelling or structure to replace all nonconforming water meters. Any property owner, or any employee or agent of any property owner, who fails to provide access to their property or otherwise interferes with the installation of new meters shall pay a surcharge of 100% on all water billings until such time as the nonconforming water meter has been replaced, plus the cost of installation of the new meter.

Section 6-157.2 Backflow prevention

(a) Purpose and intent:

- (1) Protect the public water supply served by the City of Poughkeepsie from the possibility of contamination or pollution which could backflow or back-siphon into the public water system.
- (2) Promote elimination or control of existing cross-connections, actual or potential, between its customer's potable water system and non-potable systems.
- (3) Provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

(b) Backflow preventers must be installed on all service lines from the city's water supply system in all commercial buildings, multiple family buildings and those one- and two-family residential buildings that may require such devices, whether they are occupied or vacant, as long as city water is being supplied to these properties. All fire lines must be protected by at least a double check valve. The make, model and type of device, which will depend on the degree of hazard, must be on the current listing of acceptable devices issued by New York State Department of Health and meet City of Poughkeepsie Building and Engineering Department specifications.

(c) Unless otherwise specified, a backflow-prevention device(s) shall be installed at the official water meter on the user side of flow.

(d) All backflow-prevention devices shall be furnished, installed, tested, protected and maintained by the property owner at his/her own expense. Installation and replacement of all backflow-prevention devices shall be done by an approved City of Poughkeepsie licensed plumber and a permit issued by the Building Inspector for said work.

(e) If a required backflow device is not installed within 60 days of certified-mail notice to a property owner requiring it to install a required device, the delivery of water to the property may be discontinued by the City of Poughkeepsie Water System Operator.

(f) After installation, all backflow-prevention devices shall be tested in place by a certified backflow-prevention-device tester and inspected by the Building Inspector or authorized representative. The tester's certification report shall be furnished to the City's approved backflow device management company within 10 days after the test has been performed. A new service line will not be put into service before certification is received and approved by the Building Inspector, City Engineer and City of Poughkeepsie Water System Operator.

(g) Yearly tests shall be performed on each RPZ and DCV backflow-prevention device by a certified backflow-prevention-device tester to ensure continued reliability. The tester's report shall be forwarded to the City's approved Backflow device management company within 10 days after the test has been performed.

(h) Any backflow-prevention device which fails to function properly shall be repaired or replaced within 30 days or as directed by the Building Inspector, City Engineer and City of Poughkeepsie Water System Operator and tested after the repair or replacement by a certified backflow-prevention-device tester. The tester's written report shall be forwarded to the City's approved Backflow device management company within 10 days after the test has been performed.

(i) If a required recertification is not done within 30 days of certified-mail notice to do so, the water supply to the property may be discontinued by the City of Poughkeepsie Water System Operator.

(j) If it is determined by the Building Inspector, City Engineer, City of Poughkeepsie Water System Operator, the Dutchess County Department of Health or the New York State Department of Health that the failure to install or maintain required backflow prevention presents an imminent public health hazard, water supply to the property may be immediately discontinued by the City of Poughkeepsie Water System Operator, which shall give notice thereof to the property owner as promptly as is practicable under the circumstances.

(k) Penalties. Any person, firm, corporation, or association violating the provisions of this section shall be subject to penalties as per sections 6-11 and 6-12 of this chapter.

(l) Procedure for serving notices. Notices required pursuant to this section shall be served in the following manner:

(1) Personally on any owner as defined in this section;

(2) Posting upon a conspicuous portion of the building in violation and sending a copy of the same by certified mail, return receipt requested to the property owner.

SECTION 2: City Code Chapter 6 “Building and Utility Codes,” Article III, “Plumbing Code,” Division 4 “Certification and Registration of Plumbers” shall be amended to read as follows:

Section 6-158. Certificate of competency and registration required; penalties for offenses.

(a) No person may execute any plumbing work in the city without first obtaining from the ~~Plumbing Board~~ **Building Inspector** of the city a certificate of competency and registration as a licensed master plumber or a special permit from the ~~Plumbing Board~~ **Building Inspector**, pursuant to Section 6-146 of this Chapter; provided, however, that those persons now authorized to perform plumbing work in one- and two-family dwellings as set forth in Section 6-145 of this chapter shall not be subject to the requirements of this section and Sections 6-159 through 6-178 of this chapter.

(b) No person, corporation, firm or partnership shall engage in or conduct the trade or business of plumbing as an employing or master plumber and in such capacity execute any plumbing work in the City without first obtaining from the ~~Plumbing Board~~ **Building Inspector** a certificate of

competency and registration as a master plumber. A corporation shall also be subject to the requirements in Section 6-177 of this chapter in order to so conduct business in the City.

(c) There shall be two classifications of plumbing work that is performed within the City determined as follows:

- 1. Master plumbing work. This work is for all interior piping found in buildings. Lines smaller than four inches in diameter will also qualify as plumbing in this class regardless of whether they are found inside or outside the building. Except for any exemptions noted in this chapter, this work must be performed by a master plumber as defined in this section.**
- 2. Infrastructure plumbing work. This work is for underground piping found on the exterior of the building of four-inch or larger water, or storm drain piping. This shall include underground main service piping structure and extension piping. This work shall not require a licensed plumber, but shall require a qualified infrastructure contractor as defined in this section.**

(d) To be a qualified infrastructure contractor, the following documents must be provided to the administrative authority: a statement detailing a minimum of five years' experience in either water pipe installation, sewer pipe installation or storm drain installation as applicable to the work to be performed under the infrastructure certification. Proof of laser certification for sewer installation, if applicable; and three letters of recommendation from previous customers, preferably for state or municipal work. Once the documents detailing qualification are on file with the administrative authority and accepted, an infrastructure certification of competency can be issued by the Building Inspector that is valid for the duration of the calendar year after payment of \$500 and proof of workers' compensation insurance as required by New York State law and liability insurance in an amount not less than \$1,000,000. Should a contractor be unable to provide the documents required for qualification, he or she may appeal the decision to deny an infrastructure certification on this basis to the Commissioner of Public Works of the City of Poughkeepsie. The infrastructure contractor need not be a licensed plumber.

(e) Duration, renewal. All infrastructure certifications of competency shall expire on the 31st day of December of the year in which they are issued and shall be renewed within 30 days preceding such expiration by application to the Building Inspector upon payment of a renewal fee of \$250. Any lapse in renewal shall require payment of an administrative fee in an amount equal to the reapplication fee. The administrative fee shall be in addition to any reapplication fee.

(e) ~~(f)~~ Any person, business, partnership or corporation, firm or partnership who violates any provision of this section shall be liable to a penalty of \$500 per day of violation or imprisonment not exceeding six months. **For the purposes of section 80.10 of the penal law, this shall constitute a special corporate fine.**

Section 6-159. Application for examination.

Any person who desires to procure a certificate of competency shall make written application for an examination therefor upon a form to be prescribed by the ~~Plumbing Board~~ **Building Inspector** and shall pay a nonrefundable examination fee of \$250 at the time of filing such application. The applicant shall furnish to the ~~Board~~ **Building Inspector** such information as it may require concerning the applicant's reputation, character, fitness and qualifications to receive a certificate of competency.

Section 6-160. Prerequisites to examination.

No person shall be examined unless he shall have had either experience of at least five years as a journeyman plumber or graduation from a four-year college or university with major course work in plumbing engineering and, in addition, one year's experience as a journeyman plumber, or he shall be a licensed professional engineer.

Section 6-161. ~~Issuance of certificate; duration, renewal and fee.~~

~~If the applicant satisfactorily passes the examination, he shall receive a certificate of competency from the Plumbing Board. He shall pay a fee of \$100 therefor, and all such certificates shall expire on the 31st day of December of the year in which they have been issued and shall be renewed within 30 days preceding such expiration by application therefor to the Plumbing Board upon payment of an annual renewal fee of \$100. Any person who permits his certificate of competency to lapse may apply for and receive a certificate of renewal upon payment of a fee of \$200, and such renewal certificate shall expire on the 31st day of December of the year in which it was issued.~~
.RESERVED

Section 6-162. Reexamination of unsuccessful applicants.

In the event that the applicant fails to pass the examination, (s)he may apply for reexamination after a lapse of three months upon payment of a fee of \$250, and, in the event that such applicant again fails, (s)he may apply for a second reexamination after the lapse of a further period of one year upon the payment of an additional fee of \$250. The ~~Plumbing Board~~ **Building Inspector**, however, may in ~~its~~ **his/her** discretion permit the applicant to file a new application to examine him/her at any time before the lapse of said period of one year.

Section 6-163. Lost certificate of competency.

In case a certificate is lost by the holder thereof, the ~~Board~~ **Building Inspector** may issue a duplicate certificate of competency upon payment of a fee of \$75.

Section 6-164. Registration of master plumbers.

(a) *Issuance.* Any applicant who has successfully passed the examination provided for by this article and received a certificate of competency who desires to engage in the business of plumbing in the City and who wishes at any time to execute any plumbing work within the City shall register with the Building Inspector for such purpose; and upon payment of a fee as provided for in Section 6-26 above, the Building Inspector shall issue to him/her a certificate of registration appropriately lettered or marked "licensed plumber" and with such further marking or lettering as may from time to time be prescribed by this Code.

(b) *Duration, renewal.* All certificates of registration shall expire on the 31st day of December of the year in which they are issued and shall be renewed within 30 days preceding such expiration by application to the Building Inspector upon payment of a renewal fee as provided in Section 6-26 above. **In addition, proof of completion of four (4) hours of continuing education within the preceding year in a curriculum pertaining to master plumbing work must be submitted.**

Any lapse in renewal shall require payment of an administrative fee in an amount equal to the reapplication fee. The administrative fee shall be in addition to any reapplication fee. Prior to expiration, a licensed master plumber may petition the Building Inspector to suspend his/her license. A master plumber whose license has been suspended at the master plumbers request may reinstate such license at any time within five years from the date the license was scheduled to expire. There shall be a fee plus the license fee to reinstate a license that has been suspended at the request of the master plumber.

Section 6-165 through Section 6-166. (Reserved)

Section 6-167. Surrender of registration upon discontinuing business.

Any registered master plumber who retires from or discontinues doing business in plumbing work in the City shall surrender to the ~~Plumbing Board~~ **Building Inspector** his/her certificate of registration and (s)he shall not thereafter engage in such trade or business unless (s)he shall again register in accordance therewith.

Section 6-168. Change of place of business, retirement from business.

Every master plumber shall give immediate notice of any change in his place of business and, upon his retirement from business, shall surrender his certificate of registration to the ~~Plumbing Board~~ **Building Inspector**.

Section 6-169. (Reserved)

Section 6-170. Existing registration, certificates continued.

All certificates and registration of master plumbers at present in force are hereby continued and shall be renewable under the provisions of this Code.

Section 6-171. ~~Annual certification of master plumbers entitled to renewal certificate.~~

~~The Plumbing Inspector, in November of each year, shall certify to the Plumbing Board the master plumbers entitled to renewal of their licenses and shall report those not entitled to renewal.~~
RESERVED.

Section 6-172. Misuse of certificate of competency and registration.

No master plumber shall allow his name to be used by any person, directly or indirectly either to obtain a permit or to do any work under his certificate of competency and registration.

Section 6-173. Investigation, prosecution for misuse of license.

The ~~Plumbing~~ **Building** Inspector shall investigate the registration and license of every master plumber and shall ~~promptly report to the Plumbing Board~~ **review** any violation of the provisions of this article relating to the loaning, renting, selling or transferring of the certificate of registration, and the ~~Plumbing~~ **Building** Inspector shall immediately ~~apply to the Plumbing Board for the forfeiture of~~ **suspend** the certificate of registration of any master plumber who shall have loaned, rented, sold or transferred such certificate in violation of this article.

Section 6-174. Violation of rules.

(a) *Notice required.* Whenever any inspector or other person reports a violation of any rules and regulations for plumbing or a deviation from any officially approved plan or specification for plumbing filed with the ~~Plumbing Board~~ **Building Inspector**, the ~~Plumbing~~ **Building** Inspector shall first serve a notice of the violation thereof upon the master plumber doing the work and shall advise the Plumbing Board of such action.

(b) *Service of notice.* Such notice shall be served personally or by registered mail, and if by registered mail, it shall be addressed to such master plumber at the address registered by him with the ~~Plumbing Board~~ **Building Inspector**.

(c) *Compliance required.* Unless the violation is removed within three days after the service or mailing of such notice, exclusive of the day of service or mailing, or within such other time as prescribed by the ~~Plumbing~~ **Building** Inspector, the Plumbing Board may proceed according to law.

Section 6-175. Denial, cancellation of registration.

(a) *Denial.* There shall be no registration as master plumber or renewal of such registration or granting of a second permit to any person found guilty of violating any of the provisions of this Code or not having paid in full any amounts due and owing the City for permits issued or services

rendered by the City with respect to plumbing work performed by the master plumber who, or whose firm, has been employed to do the plumbing work or not having disposed of all complaints entered against him in the manner satisfactory to the ~~Plumbing Board~~ **Building Inspector**.

(b) *Cancellation.* Any registration as master plumber or renewal thereof or special permit may be canceled by the ~~Plumbing Board~~ **Building Inspector** upon proof of any violation of any provision of this Code after a hearing is held before said ~~Board~~ **the Building Inspector**. The alleged violator shall be given at least 10 days' notice, in writing, of such hearing, which notice shall also state the time, place and grounds of the complaint in sufficient detail to inform the alleged violator of the charge or charges he may be called upon to meet at such hearing.

Section 6-176. Special permits for water connections for heat-producing equipment.

(a) Special permits shall be granted for water connections for the installation of heat-producing equipment, to a person or firm who is licensed to install heat-producing equipment pursuant to Section 6-179 of this chapter and has satisfactorily passed a test, given by the ~~Plumbing Board~~ **Building Inspector** of the City of Poughkeepsie. Water connections shall be any water connection on the heat-producing equipment-side supply valve and any other water connections within five feet horizontally. All other connections on portable water systems shall be subject to the requirements in Section 6-158(a) and Section 6-145(a) of this chapter.

(b) There shall be a fee of ~~\$50~~**150** for each application filed for a special permit for water connections to a licensed person or firm for the installation of heat-producing equipment. This fee shall be nonrefundable. All special permits for water connections shall expire on June 1 ~~30~~ of each calendar year and must be renewed on an annual basis, within 30 days preceding the expiration date on the application, to the ~~Plumbing~~ **Building** Inspector. The fee of ~~\$50~~**150** for the renewal is made payable to the City of Poughkeepsie. All special permits shall be deemed null and void if the heating license obtained pursuant to Section 6-179 of this chapter is not renewed.

Section 6-177. Corporations may conduct business.

A domestic corporation desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in the City, as an employing or master plumber, may do so, provided that one or more officers of such corporation separately or aggregately actually hold and own at least 51% of the issued and outstanding capital stock of said corporation, and provided that each of such officers holding such percentage of the stock is the holder of a certificate of competency of such board of the City in which it conducts or proposes to conduct such business. In case one or more officers of a corporation engaged in such business shall die, being the holder of a certificate of competency, the corporation may continue the business during the time necessarily required for the administration of the estate of such deceased officer, not exceeding two years from the granting of letters, provided that one or more officers of the corporation is the holder of a certificate of competency and, together with the legal representatives of such deceased officer or officers,

actually owns and holds at least 51% of the issued and outstanding capital stock of said corporation. Each and every member of said corporation holding a certificate of competency shall comply with all the rules and regulations applicable to master or employing plumbers.

Section 6-178. Penalties.

Any person to whom a sign has been issued a sign pursuant to this division who shall loan, rent, sell or transfer the same to another person, whether such person is entitled to receive a similar sign or not, or otherwise willfully violates the provisions of this division, shall be subject to the penalties as prescribed in Section 6-11 for violation of the Building Code and, in addition thereto, shall forfeit his license and certificate of competency.

SECTION 3. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ :