

ARTICLE 17. TRADE LICENSING

5-1701 PURPOSE.

The purpose of this Article is to ensure that all persons desiring to perform electrical, mechanical, and plumbing work in this City be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects, both public and private, through uniform compliance with the laws of this city, and protection of the public from unsafe construction practices. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a license, to perform minor work on such homeowner's residences. It is not the intent of this Article to require any person performing demolition services for a project or job but providing no other building, construction, alteration, remodeling or repair services on the project or job to obtain a license pursuant to this Article.

5-1702 SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

5-1703 CERTIFICATION AND LICENSING, GENERALLY.

All persons who are engaged in construction or a building specialty trade and who perform work within the scope of any of the provisions of these regulations shall be licensed under this Article, except that contractors shall be licensed under Chapter V, Article 15 of the City Code.

5-1704 DEFINITIONS.

As used in this Article and elsewhere in the ordinances of the City, unless the context otherwise indicates, the terms used herein shall be defined as follows:

Apprentice: A person who engages in electrical, mechanical and plumbing work and does not possess a license as provided by this Article.

Appliance or Utilization Equipment Installer: An unlicensed person who installs or repairs appliances or utilization equipment including but not limited to alarm systems, gasoline dispensing pumps, manufacturing equipment, water irrigation systems, elevators, and garage door openers.

Building Specialty Trade: Is the performance of construction work requiring special skill such as electrical, mechanical, plumbing and fireplace installing.

Certified: Is an acknowledgment of a person's competency by this jurisdiction, issued pursuant to the Statutes of Kansas.

Contractor: Within the meaning of this Article is any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who undertakes, with or for another within the city, to build, construct, alter, remodel, repair, or demolish any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage, or other compensation.

Direct Supervision: Means that a licensed person shall be in the vicinity of the person being supervised for the purpose of giving information, direction, and demonstration while such person is doing work that requires a license. Further, the person under supervision shall have knowledge of the whereabouts of the supervising licensed person and shall provide accurate information concerning his or her direct supervisor's location upon request of the administrative authority. Not more than two (2) apprentices will be supervised by one (1) licensed person at the same time.

Install: To assemble, relocate, or make ready for use any material, equipment, appliance, or apparatus.

Licensed: An acknowledgement by this jurisdiction that a person meets the licensing criteria and has paid the required fees to practice a trade.

Maintenance: The upkeep of property or equipment.

Trade: An occupation or craft requiring dexterity and/or artistic skills in relation to the construction of a building, structure or system and its related equipment specific to electrical, mechanical and plumbing.

Vicinity: For the purposes of this Article shall mean that the supervisor shall be within the same subdivision or construction site for residential projects, and within the same construction site for non-residential projects.

5-1705 **EXAMINATIONS AND CERTIFICATION.** (Ord. 8557, Ord. 8752)

(A) **Examination.**

(1) **General.** Any person seeking to make application for examination and certification pursuant to this Article shall apply at the Planning and Development Services Department. The application fee for examination and certification shall be \$50.00

(2) **Application.** A person who seeks certification in the categories established in this Article shall submit written application on forms provided by the Planning and Development Services Department. The Planning and Development Services Department may reject an applicant's application form if the information is illegible, incomplete, or falsified. The department having jurisdiction shall provide notice to the applicant that his or her license has been accepted or rejected not more than thirty-one (31) days after receipt of the completed application form. Applicants who receive rejection notices may again make written application upon satisfactorily meeting the criteria set forth by the department having jurisdiction. Applicants who receive notices advising them that they have been accepted may register with the examination preparer on forms provided by the department having jurisdiction.

(3) **Registration Forms.** The Planning and Development Services Department shall issue to accepted applicants registration forms for examination, as provided by the exam preparers, in the categories established by this Article. The Planning and Development Services Department shall make every attempt to provide an exam candidate with the necessary information and registration forms in a reasonable time. The department having jurisdiction shall not be responsible for a candidate's failure to meet the necessary deadlines, actions, or contracts involving the examination preparers and the candidate, for examination content, for examination preparer notification and review policies, for the scheduling of exam dates and locations, for the proctoring and grading of exams, for exam fees, and for any other matters or items relating to the examination preparers.

(4) **Passing Score.** The minimum passing score for all certification categories shall be seventy-five percent (75%).

(5) **Re-examination.** Candidates who do not pass a certification examination may make written application for re-examination to the Planning and Development Services Department involving the administration of examinations. Each application for re-examination shall require payment of an application fee of \$50.00.

(B) **Certification of Competency.**

A candidate who passes a certification examination shall be issued a certificate of competency as provided by the Kansas Statutes Annotated, and amendments thereto. (Ord. 8752)

5-1706 **LICENSE ADMINISTRATION.** (Ord. 8752)

(A) **Certification required.**

A certificate of competency is the accepted standard for licensure within this jurisdiction. Unless specifically accepted elsewhere in these regulations, only persons so certified and who present a certificate of competency, as required by the Kansas Statutes Annotated and amendments thereto, to the Planning and Development Services Department shall be permitted to obtain a license in the electrical, mechanical, and plumbing trades in the City.

(B) **Application for Licensure.**

Any person desiring to obtain a license under these regulations shall first be certified pursuant to the Kansas Statutes Annotated, and amendments thereto, in the respective category and shall make application, display personal identification, and pay the required fees as established at subsection (F), to the Planning and Development Services Department. A valid driver's license or State issued identification card may be used as identification. The person seeking licensure shall present an original certificate of competency. The Planning and Development Services Department may verify the contents with the issuing jurisdiction and may require the applicant to provide additional information.

(C) License Categories.

The following license categories are hereby established. Additional allowances or limitations for the scope of work for a category shall be noted herein.

(1) **Class E Contractor, Electrical, Mechanical, and Plumbing.** Applicants for a contractor license shall comply with the provisions of Chapter V, Article 15 of the City Code, as amended.

(2) **Master Electrician.** A master electrician is a person who works for an electrical contractor and designs and/or installs electrical systems, and who may supervise others, and has passed an examination as a master electrician pursuant to the Kansas Statutes Annotated, and amendments thereto. A master electrician may become an electrical contractor by meeting all of the requirements for licensure as an electrical contractor under Chapter V, Article 15 of the City Code, as amended.

(3) **Master Fireplace.** A master fireplace is a person who works for a fireplace contractor and designs and/or installs fireplace systems, and who may supervise others, and has passed an examination as a master mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto or possesses a current wood and gas fireplace certification issued by National Fireplace Institute or other approved organizations on the basis of having passed an approved certification examination. A master fireplace may become a fireplace contractor by meeting all of the requirements for licensure as a fireplace contractor under Chapter V, Article 14 of the City Code, as amended.

(4) **Master Mechanical.** A master mechanical is a person who works for a mechanical contractor and designs and/or installs mechanical systems, and who may supervise others, and has passed an examination as a master mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto. A master mechanical may become a mechanical contractor by meeting all of the requirements for licensure as a mechanical contractor under Chapter V, Article 15 of the City Code, as amended.

(5) **Master Plumber.** A master plumber is a person who works for a plumbing contractor and designs and/or installs plumbing systems, and who may supervise other plumbers, and has passed an examination as a master plumber pursuant to the Kansas Statutes Annotated, and amendments thereto. A master plumber may become a plumbing contractor by meeting all of the requirements for licensure as a plumbing contractor under Chapter V, Article 15 of the City Code, as amended.

(6) **Journeyman Electrician.** A journeyman electrician is a person who labors at the electrical trade as an employee of an electrical contractor, and has passed an examination as a journeyman electrician pursuant to the Kansas Statutes Annotated, and amendments thereto.

(7) **Journeyman Fireplace.** A journeyman fireplace is a person who labors at the fireplace trade as an employee of a fireplace contractor, and has passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto or passed an approved fireplace certification examination. Only those examinations developed by an independent nationally recognized testing, or educational institution, and approved by the Planning and Development Services Department will be accepted by the City. Mechanical Fireplace Journeyman licensee work shall be limited to installation, service, and maintenance of factory-built fireplace systems.

(8) **Journeyman Mechanical.** A journeyman mechanical is a person who labors at the mechanical trade as an employee of a mechanical contractor, and has passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated and amendments thereto.

(9) **Journeyman Plumber.** A journeyman plumber is a person who labors at the trade of plumbing as an employee of a plumbing contractor, and has passed an examination as a journeyman plumber pursuant to the Kansas Statutes Annotated, and amendments thereto.

(10) **Residential Electrician.** A residential electrician is a person who labors at the electrical trade as an employee of an electrical contractor and who has passed a Thomson Prometric examination as a residential electrician or other exam approved by the Planning and Development Services Director. A

residential electrician may install electrical systems in one (1) and two (2) family dwellings without supervision. A residential electrician shall work of an apprentice when not working on systems in one and two family dwellings.

(11) **Residential Mechanical.** A residential mechanical is a person who labors at the mechanical trade in one (1) and two (2) family dwellings as an employee of a licensed mechanical contractor, and who has passed a Thomson Prometric residential mechanical examination or other exam approved by the Planning and Development Services Director. On installations other than one (1) and two (2) family dwellings a residential mechanic shall be known as an apprentice.

(12) **Sheet Metal.** A sheet metal is a person who labors at the mechanical trade, limited to the installation, fabrication, alteration, extension or repair of sheet metal work while employed by a licensed mechanical contractor and who has passed a Thomson Prometric sheet metal examination or other exam approved by the Planning and Development Services Director.

(D) Certification Categories, Eligibility, and Verification.

(Ord. 8752)

(1) **General Requirements.** To receive certification in order to be eligible for licensure under the various license categories, an applicant must establish the following practical field experience:

(a) **Master.** Four (4) years practical field experience or two (2) years as a journeyman within the respective trade.

(b) **Journeyman.** Two (2) years practical field experience within the respective trade.

(c) **Residential Electric.** Two (2) years practical field experience within the respective trade with installation experience in one- and two-family dwellings.

(d) **Residential Mechanical.** Two (2) years practical field experience within the respective trade with installation experience in one- and two-family dwellings.

(e) **Sheet Metal Mechanical.** Two (2) years practical field experience within the mechanical trade.

(2) **Education.** A degree in engineering conferred by an accredited college or university may be substituted for two and one-half (2 1/2) years of practical field experience. Also, graduation from an accredited vocation-technical school or other formal training within the field of endeavor may be substituted for one (1) year of practical field experience.

(3) **Verification.** It shall be the duty of the Planning and Development Services to verify practical field experience before issuing a certificate of competency to any person. Practical field experience shall be verified through the submission of copies of trade licenses, union cards, W-4 tax receipts, or written statements, on company letterhead stationery and attested by a notary public, by present or past employers verifying the applicant's practical field experience.

(E) Continuing Education.

Persons seeking to obtain or renew licenses will be required to provide proof of successful completion of six (6) hours of continuing education within the previous calendar year. Each subsequent year an additional six (6) hours of training will be required to achieve the necessary twelve (12) hours every two (2) years pursuant to the Kansas Statutes Annotated, as amended.

Exception: Persons seeking to obtain licenses within the calendar year of the issue date on their Certificate of Competency shall not be required to provide continuing education for that year. The City will approve continuing education programs recognized by the Kansas Mechanical Trades Review Board and/or the Johnson County Contractor Licensing Program. The City will also approve training provided by International Association of Continuing Education Training (IACET) accredited Continuing Education Unit (CEU) providers, such as trade organizations with appropriate accreditation. Finally, the City will approve classes provided by post-secondary education institutions or technical schools with proof of successful completion of the class. (Ord. 8782)

(F) Fees.

Contractor See Chapter 5, Article 15 of this Code. (Ord. 8782)

Master \$20

Journeyman\$20

Residential \$20

Sheet Metal \$20

(G)Fee Renewals.

Contractor See Chapter 5, Article 15 of this Code

Master \$10

Journeyman \$10

Residential \$10

Sheet Metal \$10

All licenses, except licenses which have been nullified, may be renewed from year to year upon request and payment of the required renewal fee shown herein, if received on or before December 31 of each year. If not received by December 31st, it may be done so by the end of regular office hours on the last working day of January of the New Year at double the renewing fee. All certificates not renewed before the last working day of January shall become null and void and shall be placed on inactive status.

Reapplication by the person placed on inactive status shall be mandatory to regain active status. (Ord. 8782)

(H) Transfer.

A license issued pursuant to the provisions of these regulations shall be not be transferable. (Ord. 8782)

(I) Display.

A person who is licensed under provisions of these regulations shall carry on their person the license card issued by the Planning and Development Services Department when performing work within the scope of these regulations. The person shall display the license card upon the request of the enforcing authority when the person is performing work within the scope of these regulations. (Ord. 8782)

5-1707 LICENSE AND SUPERVISION REQUIREMENTS.

(A) License Required.

(1) Any person engaged in the business of contracting to install, repair, replace, alter, or remodel any electrical, mechanical, or plumbing system or portion thereof must possess a valid City of Lawrence Contractors license pursuant to Chapter V, Article 15 of the City Code.

(2) Any person who installs, replaces, alters, or remodels any electrical, mechanical, or plumbing system or portion thereof must possess a valid City of Lawrence license for such activity issued pursuant to this Article. It shall be deemed allowable for an individual who is not licensed to perform the work under the direct supervision of a licensee.

(B) License Not Required.

(1) A license is not required for work that is performed by the owner occupant of a property whose use is restricted to a single-family residence. The owner occupant shall agree to procure all of the required permits, conform to all applicable codes and ordinances, request all required inspections at the proper intervals and provide all the corrections as deemed necessary.

(2) A license is not required for maintenance work to the electrical, mechanical or plumbing system(s) and/or equipment that is performed by the owner, on behalf of the owner or the occupant of a business, multi-family dwelling complex, industrial, manufacturing, institutional, or governmental facility on such facility.

(3) Appliance and utilization equipment installers may connect an appliance or equipment to an electrical system's final branch circuit switching device. The installation, modification or extension of a system or the installation of a system as a means of connection for an appliance or equipment is subject to the permit and licensing requirements of these regulations.

(4) Utility company personnel performing work exempt from permits within utility easement and other locations.

(5) Persons working within federal and state highway easements and right of ways or railroad right of ways.

(6) Installers of Class 1, Class 2, and Class 3 electrical systems, 50 volts nominal or less, A.C. or D.C. current. This provision shall include installers of fire, burglar and similar alarm systems.

(C) Supervision.

Where a license is required to do work in the City an apprentice as defined by this Article may perform said work with the direct supervision of a licensed person. Not more than two (2) apprentices shall work under the direct supervision of one (1) licensed person.

5-1708 UNLAWFUL ACTS.

It shall be unlawful for any person:

(A) To perform or cause to be performed any work in the City of Lawrence which requires a permit without having first secured the appropriate permit from the City.

(B) To perform or cause to be performed any work in the City of Lawrence which requires a permit without securing the services of a duly authorized and licensed Class E contractor to perform and/or supervise the work.

(C) For any person to conduct, carry on, or engage in the business of Class E contracting without having first obtained a valid, current Class E Contractor's License from the City of Lawrence.

(D) For any person holding a current, valid Class E Contractor's License to employ any person to perform any work in the City of Lawrence which requires a license if that person does not hold a current, valid license from the City of Lawrence for such work as required by this Article.

(E) For any person to perform any work in the City of Lawrence which requires a license without first having obtained a current valid license from the City of Lawrence as required by Chapter V, Article 15 or this Article.

(F) For any person to employ any individual as an apprentice, as defined in this Article, to perform any work in the City of Lawrence without providing direct supervision as defined in this Article. Not more than two (2) apprentices will be supervised by one (1) licensed person at the same time.

(G) For a person through negligence or indifference to knowingly create an unsafe electrical, mechanical or plumbing condition and/or allow an unsafe electrical, mechanical or plumbing condition to exist.

(H) For a person through negligence or indifference to knowingly create an unsafe electrical, mechanical or plumbing condition and/or allow an unsafe electrical, mechanical or plumbing condition to exist that results in property damage or personal injury.

5-1709 PENALTY.

Any person violating any of the provisions of this Article shall be subject to a fine not to exceed five hundred dollars (\$500) or to imprisonment not to exceed three (3) months or both at the discretion of the court. Each day that any such violation continues shall constitute a separate offense.