ORDINANCE NO. 6552

AN ORDINANCE TO AMEND TITLE 13, BUILDINGS AND CONSTRUCTION OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING AND REPEALING SEVERAL SECTIONS IN CHAPTER 13.13 "LICENSING/REGISTRATION OF THE PLUMBING TRADE".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 13, Buildings and Construction of the 2020 Municipal Code of Council Bluffs, Iowa is amended by amending and repealing several sections in Chapter 13.13 "Licensing/Registration of the Plumbing Trade" to read as follows:

Chapter 13.13 - LICENSING/REGISTRATION OF THE PLUMBING TRADE

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13.13.020 Purpose And Scope
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Editor's note— Although Ord. 6004 repealed Ords. 5990 and 5991, the intent was to rescind Ords. 5990 and 5991. Therefore, no action from Ords. 5990 and 5991 have been incorporated into this chapter.

13.13.010 Title

This chapter shall be known as the licensing/registration of the plumbing, utility and lawn irrigation trade, and may be so cited.

(Ord. 5410 § 1 (part), 1998)

13.13.020 Purpose And Scope

The purpose of this chapter is to provide for the licensing of the utility trade doing utility work in Council Bluffs, Iowa, in order to protect public safety, health, and welfare of the citizens.

(Ord. 5410 § 1 (part), 1998)

13.13.180 Examination

Any person desiring a journeyman or master license in Utility Contracting must pass a proctored examination administered by the City of Council Bluffs before being able to obtain a license.

(Ord. 5410 § 1 (part), 1998)

13.13.190 Examination - Application

Any person desiring a, utility master, or utility journeyman shall make application to the plumbing inspector for an examination. The plumbing inspector shall provide forms for this purpose. Applicants will apply for testing to be a utility master, or a utility journeyman. The applicants shall be reviewed and approved to see if their qualifications for examination have been satisfied. The applicants shall clearly verify in writing their experience for the classification of license desired as described in CBMC 13.13.195.

(Ord. 5410 § 1 (part), 1998)

13.13.195 Examination - Qualifications

A. Utility Master. A person desiring to be examined as a utility master must be able to show a minimum experience of four years in the area of plumbing/utility work which the applicant seeks to be licensed and at least two of those years as a licensed journeyman; and shall be required to pass an examination according to this chapter master's test and pay the required fee before being issued a license.
B. Utility Journeyman. A person desiring to be examined as a utility journeyman:
    1. Must be able to verify:
        a. The licensing as utility journeyman from another jurisdiction with the same apprentice requirements (verified by the administrative authority); or
        b. A minimum of two years or four thousand hours of on-the-job experience in their trade; by:
            (1) A notarized letter from a utility master currently licensed with the city stating the apprentice has demonstrated his or her abilities to perform the duties of a utility journeyman; and/or
            (2) Business or tax records;
    2. Shall be required to pass an examination according to this chapter journeyman's exam and pay the required fee before being issued a license.

(Ord. 5425 § 1, 1998: Ord. 5410 § 1 (part), 1998)

13.13.200 Examination - Fee

Every person making application for each date of examination or reexamination for a particular type of license shall pay an examination fee for each test as set forth in the prevailing schedule of fees, CBMC 2.08. The fees shall be paid and attached to each application for the license classification(s) desired. Fees for examinations are not refundable.

(Ord. 5410 § 1 (part), 1998)

13.13.210 Examination - Methods

Every person examined shall show satisfactory knowledge of the methods and standards for performing work under the codes of the city of Council Bluffs, Iowa. The examination shall be an exam based on the code adopted by the city, practical, and shall be of such a nature as to uniformly test the capabilities of all applicants for the same type of license. The exams shall be proctored. The passing percentage grade for the examinations shall be seventy-five (75) percent correct.

(Ord. 5410 § 1 (part), 1998)

13.13.240 Utilities

A. Utility Work. Utility work is the installation, alteration, replacement, repair, and maintenance of sewer laterals, and water services from the public main to the building.
B. Utility Master. A utility master is a person who is licensed pursuant to this chapter and is qualified and equipped to layout, plan, install, repair, and maintain sewer laterals and water services and to supervise apprentices and journeymen in utility work. It is unlawful for any person to do utility work in the capacity of a utility master without a valid Council Bluffs utility master's license.
C. Utility Journeyman. A utility journeyman is a person who is licensed pursuant to this chapter and does utility work as an employee of a utility master. It shall be unlawful for any person to do utility work in the capacity of a utility journeyman without a valid Council Bluffs utility journeyman's license.

(Ord. 5410 § 1 (part), 1998)

13.13.250 Lawn Irrigation

A. Lawn Irrigation Work. Lawn irrigation work is the installation, alteration, repair, replacement, and maintenance of lawn irrigation piping systems for non-potable water starting at the downstream end of a backflow prevention device. The backflow valve shall be installed by a licensed plumbing backflow technician. Lawn irrigation work includes all piping, heads, valves, and piping of controls in the lawn irrigation system.
B. Lawn Irrigation Registration. A lawn irrigation contractor is a person, firm, partnership, or corporation who may conduct, carry on, or engage in the business of lawn irrigation work. It shall be unlawful for any lawn irrigation contractor to engage in the business of lawn irrigation work as a lawn irrigation contractor unless they have a valid Council Bluffs lawn irrigation registration.

(Ord. 5410 § 1 (part), 1998)

13.13.290 Licensing And Registrations

A. Classifications for this chapter are as follows:

Utility	Master (licensed) (active or inactive)
Utility	Journeyman (licensed)

Lawn Irrigation	Contractor (registered)

~~B.~~ All licenses and registrations shall expire on July 1st of each odd numbered year and may be renewed thereafter biennially upon application of the licensee or registrant with payment of the annual fee to the city clerk.

C. New licenses/registrations may be prorated on a half-year basis.

D. An identification card shall be furnished a licensee by the city of Council Bluffs at the time of the issuance of such license/registration, and the identification card shall be carried on the person of such licensee/registrant at all times during the working period of the licensee/registrant, and failure to do so shall be deemed a violation of the provisions of this chapter.

E. On or before June 1st of each renewal year, the city will send notices to the licensee's/registrant's last known address informing them that their registration or license is nearing expiration. The provision of this subjection is as a courtesy to the licensee/registrants, and the failure of the city to send such a notice or the failure of the licensee/registrant to receive such notice does not affect the expiration date of the license/registration, so long as the license/registration issued by the city showed an expiration date thereon.

F. All of the above listed masters, journeymen, registered irrigation contractors and plumbing contractors, shall be subject to the laws of the state of Iowa and the ordinances of the Municipal Code for the city of Council Bluffs, Iowa.

(Ord. 5780 § 1 (part), 2004)

13.13.300 License/Registration – Late Fees

Before a license/registration shall be issued under this chapter, the applicant shall pay the biennial license fees as set forth in the current schedule of fees found as adopted by the city council. If a license is not renewed by July 1, there will be a penalty fee as set forth in the current schedule of fees.

(Ord. 5780 § 1 (part), 2004)

13.13.320 License/Registration - Suspension Or Revocation

In addition to the penalties provided in this chapter, the Chief Building Official ~~board~~ may suspend for 30 days or less the license/registration of any licensed/registered master, journeyman, or contractor issued under the provisions of this chapter if the licensee/registree has violated this chapter or the plumbing code of the city of Council Bluffs, Iowa. Suspensions issued by the Chief Building Official may be appealed to the Community Development Director. Any suspension or revocation exceeding 30 days is to be sent to the Board of Appeals for consideration. The licensee/registree shall surrender such license/registration either in person or by sending it by certified mail to the plumbing inspector within five days after the board sends notice of suspension or revocation to the licensee's/registree's last known address. Any master, journeyman, registree whose license has been suspended or revoked by the Board of Appeals shall not be permitted to apply for another license or registration for a period as determined by the board, not to exceed one year for the date of such suspension or revocation.

(Ord. 5410 § 1 (part), 1998)

13.13.330 License/Registration - Transfer Prohibited

If any licensee or registree should or should attempt to transfer his/her license or to allow or permit the same to be used, directly or indirectly, by any other person for any purpose whatsoever, the licensee/registree shall be subject to the penalties as outlined in this chapter.

(Ord. 5410 § 1 (part), 1998)

13.13.340 Masters

A master shall be employed full-time. Masters licensed under the provisions of this chapter shall be responsible for the classifications and area(s) of work for which their license was issued. All masters shall meet the qualifications detailed in this chapter. All masters shall be categorized as either being active or inactive. An inactive master is a person who has met the licensing/registration requirements pursuant to this chapter; who labors in their trade; is not required to comply with the bonding and insurance requirements; and is not permitted to apply for permits in their name. An active master is a person who has met the licensing/registration requirements pursuant to this chapter; who labors in their trade; is required to comply with the bonding and insurance requirements; and is permitted to apply for permits in their name.

(Ord. 5410 § 1 (part), 1998)

13.13.350 Master's License/Registration Required

No person, company, partnership, firm, corporation, and/or association shall engage in business as a master and do work on a Utility system within the city of Council Bluffs, unless such person, company, firm, partnership, corporation, and/or association shall have obtained from the City of Council Bluffs a master's license/registration.

(Ord. 5410 § 1 (part), 1998)

13.13.360 Master - Insurance Required

A Utility master contractor shall furnish to the city clerk a certificate of insurance, subject to approval by the city attorney, evidencing commercial general liability insurance coverage or its equivalent in the minimum amount of one million dollars ($1,000,000.00) per occurrence for bodily injury, including death or damage to property of others, arising out of work performed or responsibilities assumed under the license. The aggregate limit shall be no less than one million dollars ($1,000,000.00). In addition, the Utility master contractor shall furnish a certificate of insurance, subject to approval by the city attorney, evidencing worker's compensation insurance sufficient to satisfy the laws of the state of Iowa; employer's liability insurance in the minimum amount of one hundred thousand dollars ($100,000.00); and auto liability insurance in the minimum amount of one million dollars ($1,000,000.00).

These limits may be provided by any combination of primary and excess policies. The insurance company shall endeavor to provide thirty (30) days' notice of cancellation or nonrenewal to the city clerk.

(Ord. 5850 § 2, 2005)

13.13.370 Master - Bond Required

Before an active master's license can be issued under the provisions of this chapter, the applicant therefor shall furnish a corporate surety bond, said bond to be approved by the city attorney, in the sum of not less than ten thousand dollars ($10,000.00), to secure the city of Council Bluffs and the public against damages that may arise by virtue of carelessness or neglect of the licensee to properly execute and protect the work, or for any penalty that may be imposed under the provisions of this chapter. The bond shall be executed by a qualified surety company, licensed to do business in the state of Iowa. The bond shall further be conditioned that the applicant shall furnish and install all work by his or her firm or corporation furnished and installed in strict compliance with the term of this chapter.

(Ord. 5410 § 1 (part), 1998)

13.13.380 Master - Advertising

Any master licensed under the provisions of this chapter who advertises in a print medium distributed to Council Bluffs' residences shall also include in the advertisement the master's license number.

(Ord. 5410 § 1 (part), 1998)

13.13.390 Journeyman

A contractor may employ a licensed journeyman to be responsible for the classifications and area(s) of work for which his or her journeyman's license was issued. All journeymen shall meet the qualifications detailed in this chapter.

(Ord. 5410 § 1 (part), 1998)

13.13.420 Violation - Penalty

Any person found guilty of a violation of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions set forth in CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. 5577 § 4, 2001)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND March 13, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 2-27-23
Second Consideration: 3-13-23
Public Hearing: N/A
Third Consideration: _____