

RESOLUTION No. 2021-

**RELATIVE TO AMENDING CHAPTER 1111 OF THE CODIFIED ORDINANCES ENTITLED
"PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK"**

BY:

Council Chairman Kenny Tompkins
Council Member John Spanbauer

BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances, entitled "Plumbing Code of The City of Niagara Falls, New York", is hereby amended such that said Chapter shall read as follows:

CHAPTER 1111

{PLUMBING CODE OF THE CITY OF NIAGARA FALLS, NEW YORK

1111.01 DEFINITIONS

For purposes of this Chapter, the following terms shall have the following meanings:

- (a) "Board" shall mean the examining board of plumbers for the City of Niagara Falls as established by Article 4 of the General City Law.**
- (b) "Boiler" shall mean a closed heating appliance intended to supply hot water or steam for space heating, processing or power purposes.**
- (c) "Chimney" shall mean a primarily vertical enclosure containing one or more passageways.**
- (d) "Code" or "Plumbing Code" shall mean the provisions of this chapter of the Codified Ordinances, the rules and regulations governing plumbing adopted by the Examining Board of Plumbers, as amended, as well as the applicable provisions of the Uniform Fire Prevention and Building Code and the National Standard Plumbing Code.**
- (e) "Cooling System" shall mean a combination of interconnected refrigerant, containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat.**
- (f) "Department" shall mean the Department of Inspections.**
- (g) "Director" shall mean the Director of the Department of Inspections or his designated representative.**

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- (h) **"Drain and Sewer Cleaning"** shall mean the conducting or engaging in cleaning sanitary drainage and/or storm drainage systems, the attendant vent systems within or adjacent to any building or structure, to the point of their connections with public systems or other approved terminals.
- (i) **"Engage in the Business of Plumbing"** A person conducts or engages in the business of plumbing when he performs plumbing work for hire, either himself or through employees, irrespective of whether he receives compensation therefor.
- (j) **"Fire Protection Equipment and System"** shall mean apparatus, assemblies or systems, either portable or fixed, used to prevent, detect, control or extinguish fire.
- (k) **"Master Plumber"** shall mean a person engaging in the business of plumbing and who, by himself or through journeymen plumbers in his employ, performs plumbing work and who holds a master plumber's license under the provisions of this Ordinance.
- (l) **"Mechanical Contracting"** shall mean conducting or engaging in the installation, alteration, extension, replacement, repair or maintenance of any mechanical system.
- (m) **"Mechanical Systems"** shall mean an appliance, device or apparatus, including any attachments or apparatus designed for heating, ventilating, cooling, steam and hot water heating, water heaters, process typing, boilers and pressure vessels, appliances using gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration, fireplaces, barbecues, incinerators, crematories, air pollution and fire protection systems.
- (n) **"Person"** shall mean any individual, partnership, unincorporated association or corporation.
- (o) **"Plumbing"** shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals.
- (p) **"Plumbing Work"** shall mean the installation, alteration, extension, replacement, repair or maintenance of any plumbing, piping, fixtures, devices, appliances and appurtenances in connection with sanitary drainage or storm drainage system, the attendant vent systems and water supply systems, within or adjacent to any building

or structure, to their connections with public systems or other approved terminals. Plumbing work also includes the installation, repair and testing of all back flow preventers.

- (q) "Plumbing System" shall mean the water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices and appurtenances within the property lines of the premises.
- (r) "Vent" shall mean a conduit or passageway for conveying products of combustion from fuel-fired appliances, or their vent connectors, to the outside atmosphere.
- (s) "Ventilating System" shall mean any system of ducts, pleums and air handling equipment which circulates air within a space or spaces and includes a system made up of one or more air handling units.

1111.02 BASIC PRINCIPLES

The purpose of this ordinance is to provide a mechanism for the proper enforcement of the plumbing code and mechanical code as well as to provide for the inspection of plumbing and mechanical work within the City of Niagara Falls, and to that end to provide permits and appropriate penalties and other administrative action for the failure to comply with such plumbing and mechanical codes.

1111.03 PERMITS

(a) **Permits Required:**

- (1). It shall be unlawful to install, maintain, extend, alter, or replace any plumbing or mechanical systems, or any piping, fixtures, appliances and appurtenances in connection with sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals without first applying for and obtaining a plumbing permit from the Department of Inspections. A permit shall be required for cross-connection corrections, and for any installation, service, maintenance, testing, repair or modification of a back flow prevention device as provided for in Chapter 1 of the State Sanitary Code §5 -1.31(d) and Section 225 of the Public Health Law subdivision 10.

(b) **Permits Not Required.** A permit shall not be required for the repair of leaks, unstopping of sewers and waste lines, or the repair or maintenance of faucets or valves.

(c) **To Whom Permits May be issued.**

(1)(A) Permits covering plumbing work in the City of Niagara Falls shall only be issued to a master plumber registered with the Clerk of the Plumbing Board, except as provided in paragraph (2) hereof.

(B) Permits covering mechanical work in the City of Niagara Falls shall only be issued to a master plumber or mechanical contractor registered with the Clerk of the Plumbing Board, except as provided in paragraph (2) hereof.

(Adopted 02/08/11)

(2) Nothing herein contained shall prohibit any bona fide owner of a single family dwelling from personally performing plumbing work within such owner's residence, provided that such owner shall:

(A) Sign an affidavit showing the applicant to be the owner and occupant; that he or she will personally perform the plumbing for which the application is made and is reasonably familiar with the requirements of the Code and capable of performing the installation in accordance with the Code.

(B) Apply for and secure a permit.

(C) Pay all fees.

(D) Apply for inspections; and

(E) Receive the approval of the Plumbing Inspector.

(3) The failure to obtain a permit may be waived by the Director of Inspections for emergency situations outside of normal business hours. In the event of such waiver, the master plumber shall obtain a permit on the next business day.

(d) Application for a Permit Prior to Starting Work. A application for a permit, accompanied by the required fees, shall be presented to the Department of Inspections and must be approved before any plumbing work is commenced. Except in the case of single or two-family dwellings, plans and specifications shall be submitted with the application for a permit.

If a permit is issued, and additional plumbing not covered by this permit is installed, an additional permit fee shall be required.

(e) Validity of the Permit. A permit shall not be valid until the application has been approved by the Chief Plumbing Inspector or a City Code Enforcement Officer and countersigned by the Director of Inspections or a licensed Professional Engineer. (Amended 07/28/09)

(f) Failure to Obtain Permits before Starting Work.

- (1) It shall be unlawful for any person to commence any plumbing work without first having obtained an approved and valid permit.**
- (2) Any plumbing work undertaken without a permit shall be deemed a nuisance and shall be reconstructed or altered as directed by the Chief Plumbing Inspector.**
- (3) In addition to the penalties as provided for in Section 1111.99, any person who shall commence any plumbing work without a valid permit shall pay double the permit fee.**

(g) Permit Application. The application used by the Department of Inspections shall include the name and address of the owner, the address where work is to be performed, the name and address of the Master Plumber to whom the permit is issued, and any other information deemed necessary.

(h) Fraudulent Application for a Permit. It shall be unlawful for any person to give or furnish false, misleading or otherwise fraudulent information in order to obtain a permit from the Department of Inspections.

(I) Permits Revoked or Expired.

- (1) Any permit issued in violation of the laws of the State of New York, this Chapter or any other Chapter of the Codified Ordinances, or as a result of false, misleading or fraudulent information, shall be subject to revocation by the Director of Inspections, in addition to any other penalties or sanctions provided by law. The master plumber shall be notified to appear and show cause why the permit should not be revoked. Failure to appear shall be sufficient cause to revoke the permit.**
- (2) If work for which a permit has been issued is not commenced within six (6) months from the issuance thereof, or if the work has been abandoned for a period of six (6) months, the permit shall lapse and cease to be in effect.**

(j) Incomplete Installations.

- (1) Notification Required.** A master plumber, to whom a permit under this Chapter has been issued and who quits work on the plumbing system for any reason, shall notify the Department of Inspections of any part of the plumbing work which has been completed, and shall also request an inspection. It shall be unlawful for a master plumber who quits work on a plumbing system to fail

to notify the department and to request an inspection.

- (2) **Transfer of Permit.** A master plumber may transfer the permit to another master plumber, upon payment by the latter of a transfer fee of \$10.00.
- (3) **Violation Corrections on Transferred Permits.** If the Department of Inspections issues a notice of violation to a master plumber, correction of the said violation shall not be made by any other master plumber unless the prior permission of the Department has been obtained.

1111.04 INSPECTIONS

(a) **Records.** Records shall be made and maintained of plans examined, permits issued, inspection services rendered, tests conducted, complaints investigated, violations and cases referred for legal action.

(b) **Examination of Plans.** All plans and specifications required to be submitted shall be examined for acceptability under the provisions of the Plumbing Code.

(c) **Inspection Required.** All installations, alterations, or replacements of sewers, storm drains, and other plumbing work, or plumbing appurtenances and appliances, must be inspected for compliance with the Plumbing Code.

(d) **Notice of Violation.** Notices of violation of the Code shall be in writing and delivered or mailed to the master plumber or other person responsible for the violation or for correction of such violation.

(e) **Complaints.** Upon receipt of a complaint, the Plumbing Inspector shall investigate for unsanitary or hazardous conditions caused by an improperly installed or maintained plumbing system. If such unsanitary or hazardous conditions are found to exist, the owner or his authorized agent or the master plumber shall be notified to immediately correct such conditions to comply with the Code or other applicable law.

(f) **Right of Entry.** Any plumbing inspector or other duly authorized employee of the Department of Inspections, upon showing proper identification, shall be granted immediate entrance to any building or premises at any reasonable hour, and shall be permitted to inspect any part of the plumbing system of the building or premises for compliance with the provisions of this Code.

(g) **Request for an Inspection.** If a plumbing system is ready for inspection or test, it shall be the duty of the master plumber to request such inspection at least 24 hours in advance. Where injury or property damage may occur because of a hazardous condition, such advance notice may be waived by the Department.

(h) **Presence of Permit Holder.** It shall be the duty of the master plumber, or his employee representative to ensure that the work will pass any and all tests before making a request for an inspection. The master plumber or his employee shall be present at the time of the inspection.

(i) **Failure to Make Inspection.** If the plumbing inspector is unable to appear within one working day after the day upon which an inspection or test is requested, the inspection or test shall be deemed to have been made. The master plumber shall be required, within three (3) working days thereafter, to file an affidavit with the Department of Inspections stating that the plumbing work was installed in accordance with the Code and the approved plans and permits, that it was free from defects, that the required test were made and that the system was free from leaks. This provision shall not apply when an appointment cannot be made with a plumbing inspector.

(j) **Covering of Work.** No plumbing work shall be covered, back filled or concealed until it has been inspected and approved.

(k) **Uncovering of Work.** If any plumbing work is covered before being approved, it shall be uncovered after a notice to the responsible person, firm or corporation by the Department of Inspections, at the sole cost and expense of such responsible person.

(l) **Inspection of Existing Plumbing System.** Inspections of existing plumbing systems shall be made upon a complaint of the public, or when it is deemed by the Department of Inspections that a health or safety hazard exists by reason of an existing plumbing system or lack thereof. The owner of a building or premises, or his agent shall immediately cause the installation of additional plumbing or make such corrections as may be necessary to abate such nuisance and bring the plumbing installation in compliance with the provisions of the code within the time directed by the Plumbing Inspector.

(m) **Inspections Not Required.**

No tests or inspection shall be required where a plumbing system is set up for exhibition purposes and is not directly connected to a sewage system, for minor repairs, the unstopping of sewers or drains, or if less than five (5) feet of pipe is replaced.

(n) **Violations.**

(1) **Notice of Violation of the Rules.** If the plumbing inspection, reinspection or tests reveal failure of any plumbing work to comply with the provisions of the Plumbing Code, or the laws of the State of New York, the plumbing work shall be declared unlawful by the Plumbing Inspector and a written notice of violation shall be delivered or mailed to the master plumber or, if none, the owner.

(2) **Time for Compliance.** All notices of violation shall indicate the requirement of immediate compliance. On new construction, alterations, additions, or replacements, violations which are not corrected within ten (10) days shall be referred to the Corporation Counsel's Office

for legal action. The time allowed for compliance in existing buildings or premises shall be at the discretion of the Director of Inspections.

(o) Tests.

(1) Tests Required.

- (A) In all new construction all soil, waste, vent, water service pipe, and water distribution piping in the plumbing and drainage system shall be subjected to a water or air test.
- (B) Underground building sewers may be subjected to a test at the discretion of the Department of Inspections.
- (C) In replacements, repairs, or alterations of the plumbing system which cannot reasonably be subjected to a water pressure test, the piping shall be thoroughly flushed with water in the presence of the plumbing inspector until he is satisfied that the work is acceptable.

(2) Methods of Testing. All tests methods shall be made upon the plumbing system as prescribed in the National Standard Plumbing Code.

1111.05 STOP WORK ORDERS.

Whenever, in the opinion of the Director of Inspections, by reason of defective or illegal work in violation of any the provisions or requirements of the Plumbing Code, a legal notice may be issued ordering all persons to immediately cease and desist from any work and to immediately vacate the premises at which said work is being conducted until the condition of violation has been remedied. It shall be unlawful for any person to continue any work, or to remain or return to the applicable premises, after a stop work order has been issued pursuant to this section, unless and until the prior written permission of the Director of Inspections has been obtained by such person.

1111.06 MAINTENANCE OF PLUMBING SYSTEMS.

(a) The plumbing system of any premises in this City shall be maintained in a legal, adequate, sanitary and safe condition by the owner or his agent.

(b) If a plumbing system on any premises is found to be illegal, inadequate, unsanitary, or in hazardous condition, it shall be repaired, replaced, renovated or removed immediately by the owner or his agent upon notice from the Department of Inspections.

(c) Every occupant of a dwelling or dwelling unit shall keep all plumbing fixtures and other related facilities in a clean and sanitary condition and shall be responsible for the exercise of

reasonable care in the proper use and operation thereof.

(d) Whenever the owner, lessee or agent of the owner, or any person having charge or care of such dwelling unit, fails or refuses to comply with any notice or order, such dwelling or dwelling unit may be condemned by the Director of Inspections as being unfit for human habitation, and shall be vacated. The Director shall cause to be posted on the premises a placard to this effect. It shall be unlawful for any person to deface or remove such placard without the consent of the Director. It shall be unlawful for any person to reside in, use or occupy such premises for any reason until the placard is removed by the Director upon compliance with this Code.

1111.07 INSPECTORS OF PLUMBING.

(a) The chief plumbing inspector of the City of Niagara Falls shall hold a certificate of Competency and discharge the duties prescribed under the General City Law and this Code, in addition to other duties as imposed upon him by the Director of Inspections.

(b) The plumbing inspectors shall receive and carry with them a suitable means of identification for the purpose of inspection and examination of all premises where plumbing work is being performed. In the discharge of their duties, said inspectors shall have the authority at any reasonable hour to immediately enter any building or premises to inspect the plumbing work.

(c) The chief plumbing inspector shall keep a record of plans, drawings, descriptions, applications to install plumbing, permits issued, certificates of approval of completed work and reports of notices and orders issued. A monthly report shall be submitted to the Director of all plumbing inspections.

(d) The chief plumbing inspector shall cause the arrest and prosecution of all persons unlicensed to do plumbing work in violation of the provisions of this Code.

(e) The chief plumbing inspector shall in November of each year, certify to the Board all master plumbers, journeymen and apprentice plumbers entitled to renewal of their licenses or registrations. He shall also report those plumbers not entitled to renewal of their licenses or registrations.

(f) The Plumbing Inspector, acting in good faith and without malice, shall not be liable for damages by reason of anything done in any action or proceeding instituted under the provisions of this code or by reason of any act or omission in the performance of his official duties.

(g) In the event the Chief Plumbing Inspector is unable to conduct an inspection as required herein due to illness, incapacity or unavailability such inspection may be conducted by a Certificate of Competency holder or any member of the Examining Board of Plumbers for the City of Niagara Falls, New York, designated by the Chief Plumbing Inspector or the Building Commissioner. In such an event, the designated inspector shall be entitled to receive payment of

\$45.00 from the City for each inspection conducted. However, such inspector shall be prohibited from conducting an inspection of work performed by a company that he may be currently employed by. (Amended 05/02/07)

1111.08 INSURANCE AND BONDS.

(a) Plumbing permits shall not be issued to a master plumber until certificates of insurance acceptable to the City of Niagara Falls have been filed. The minimum general liability shall be \$100,000, single limit each occurrence, and \$300,000 aggregate bodily injury and property damage. Such policy shall name the City of Niagara Falls as an additional insured and shall not be cancelled unless thirty (30) days prior written notice has been given to the City of such cancellation. In addition to general liability insurance, proof of workers' compensation and New York State Disability coverage shall be required if said master plumber has employees under his supervision.

(b) Each master plumber shall file a bond in the sum of \$5,000 with the City of Niagara Falls, New York, containing the specific conditions and requirements that all work performed by said master plumber or employees under his supervision shall be performed in accordance with the provisions of this Code and that he will pay all fines and penalties properly imposed upon him for violations of the provisions of this Code. A master plumber's license shall not be valid unless a bond is executed and deposited as herein provided.

(c) A master plumber desiring to do work in the public right-of-way must meet the requirements under Chapter 903 of the Codified Ordinances and furnish any additional insurance required by the City.

(d) It shall be the duty of the master plumber to maintain current insurance certificates and plumber's bond and to have same on file with the City. In the event that the foregoing insurance or bond lapse or are cancelled, or the current certificates are not on file with the City, the master plumber's license shall be suspended until proof of the same are submitted to the Clerk of the Board, in addition to the reinstatement fee provided under this Code.

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS.

(a) Definition: The term journeyman plumber as used in this section shall mean a mechanic who has served their apprenticeship or learned his trade or handicraft.

(b) License Required: No person shall perform any plumbing work as a journeyman plumber in the City of Niagara Falls, New York, without being duly registered and licensed as provided hereinafter.

(c) Qualifications Required: Applicants for a journeyman's license shall have one year experience in the business.

(d) **Application for a License:** Any person meeting the qualifications of 1111.09(c) and desiring a journeyman's license shall make application with the Clerk of the Board upon the forms provided.

(e) **Examination:**

(1) An applicant who has been accepted by the Board shall be given an examination. If the applicant obtains a passing grade, he shall be entitled to a journeyman's license. The Board shall determine a passing grade but in no case shall it be lower than 50 percent.

(2) An individual currently licensed as a journeyman plumber in a municipality in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth in subparagraph (1) above. (Adopted 03/04/14)

(f) **Registration:** Each applicant upon receiving the approval of the Board shall be entitled to register his name with the Clerk of the Board as a journeyman plumber, pay the required fee and receive a license.

(g) **Journeyman's Card:** A journeyman shall at all times while in the performance of plumbing work in this City carry the identification card provided. Said card shall be exhibited upon demand to any plumbing inspector or other duly authorized agent of the Department of Inspections.

(h) **Renewal of License:** Each license shall expire one year from the date it is issued and may be renewed within thirty (30) days preceding such expiration. If the license is allowed to lapse, a reinstatement fee must be paid.

(i) **Suspension or Revocation of Licenses:** The Board may suspend or revoke a journeyman's license after a hearing for any of the following causes:

- (1) Submitting fraudulent information on an application for a license or renewal of said license.
- (2) Repeated violations of good workmanship or other provisions of New York State, Water Board or City rules and regulations.
- (3) Allowing an unlicensed person in any manner to utilize said license to perform plumbing work in the City.

(Section amended 03/21/07)

1111.10 REGISTRATION AND LICENSING OF MASTER PLUMBERS.

(a) **License Required.** It shall be unlawful for any person to engage in the business of plumbing in this City or to imply to the public that he is engaged in the business of plumbing in this

City unless he has registered with and obtained a license as a master plumber from the Board.

(b) **Qualifications.** The applicant for a master plumber's license shall have at least ten years' experience in the plumbing trade; five years of which shall be as a journeyman plumber. In addition, the applicant shall obtain a certificate of competency from the Board.

(c) **Applications.**

- (1) Applications shall be advertised at least once each year at the discretion of the Board.
- (2) Applications from qualified candidates for examinations shall be filed with the Clerk of the Board at least 60 days prior to the examination.
- (3) The Clerk shall present said application at the next regular meeting of the Board. At this time the Board shall review the application and shall determine the qualifications of the applicant to sit for the examination. Notice of the Board's action shall be sent to the applicant within 30 days of said meeting. An applicant who qualifies must then pay nonrefundable application and examination fees.

(d) **Examinations.**

- (1) Examinations to qualified applicants shall be given at the time and place set by the Board. During the examination of applicants, only the Board, the clerk and the applicants shall be present.
- (2) All tests formulated by the Board shall be of such character as to fully test the fitness and qualifications of the applicant in the trade of plumbing. Each test shall be given in three parts: (1) questions on the plumbing code and Practical Plumbing; (2) drawings of plumbing installations; and (3) plumbing layout and aptitude. The applicant must attain a grade of at least 75 points in order to receive a certificate of competency.
- (3) An applicant who has failed the test may notify the Board of his intent to be re-examined by registered mail to the chairman of the Board without having to file another application.

(e) **Licenses.**

- (1) Upon receipt of a certificate of competency, the applicant shall register his name and business address in this City with the clerk of the Board on forms provided by the Board and pay the required registration fee, whereupon he

shall receive a master plumber's license. Said license shall be the same as the certificate of registration under article 4 of the General City Law.

- (2) All licenses shall expire on the 31st day of December of the year in which they have been issued and may be renewed within thirty (30) days preceding such expiration date on the renewal applications provided by the Board, and shall be accompanied by the appropriate fee.
- (3) A master plumber who permits his license to lapse may apply for reinstatement upon payment of a reinstatement fee.
- (4) Any master plumber who abandons or ceases to engage in the business of plumbing work shall surrender his metal plate to the Board. A lapse of six months shall be considered an abandonment of the business.
- (5) Every master plumber shall give immediate notice of any change of location of his place of business to the Board.
- (6) All vehicles utilized by a master plumber in the business of plumbing shall be identified. All vehicles shall conspicuously display the name of the company, the identification number provided by the Examining Board of Plumbers, and identify the company as a plumber licensed by the City of Niagara Falls, New York.

(f) Use of License by Others. No person who has obtained a master plumber's license in this City shall allow his name or license to be used by another person either for the purpose of obtaining permits or for engaging in plumbing work under said license. Furthermore, no person who has obtained a master plumber's license may subcontract any plumbing work unless such a subcontractor is licensed as a master plumber pursuant to this ordinance. The permitted and subcontractor shall be required to provide the Director with a copy of any and all contract documents pertaining to the plumbing work prior to the commencement of said plumbing work.

In the sole discretion of the Director and upon his request, the permitted and/or subcontractor shall be required to provide to the Director any and all information and documentation to verify the status of any persons engaging in plumbing work, including but not limited to employment and payroll records. In the event a permitted and/or subcontractor should fail to comply with any such request from the Director, any and all permits issued by the Director shall be immediately revoked, and said person or persons shall immediately cease and desist in the performance of any work and immediately vacate the affected premises.

(g) Installation Compliance. Master plumbers shall perform all associated work in compliance with the terms and conditions of the Uniform Fire Prevention and Building Code, the National Plumbing Code and the Plumbing Code for the City of Niagara Falls.

(h) Suspension or Revocation. The Board may, after written notice and a hearing, suspend or revoke the license of any master plumber for the violation of this plumbing code or any law which pertains to said license. Said license shall be suspended: for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. For any subsequent violation, irrespective of when committed, said license shall be permanently revoked.

1111.11 REGISTRATION OF APPRENTICES.

To establish a record of his apprenticeship, each apprentice or learner, who contemplates filing an application for a Journeyman's License, shall within sixty (60) days after beginning such apprenticeship, register his name with the Clerk of the Board on the forms provided by the Board, setting forth the date on which apprenticeship was begun, name of employer, any trade school attended and such other information as the Board may require and which registration shall constitute a record of apprenticeship. Upon paying the required fee, an identification card shall be issued to said apprentice.

1111.12 REGISTRATION AND LICENSING OF DRAIN AND SEWER CLEANERS.

(a) **Registration and License Required.** It shall be unlawful for any person to engage in the business of drain and sewer cleaning in this City unless such person has registered with the Board and paid the required fee. Upon registration and payment of the fee, a license shall be issued to such person.

(b) Such person shall not be issued a license until certificates of insurance acceptable to the City of Niagara Falls have been filed. The minimum general liability shall be \$100,000, single limit each occurrence, and \$300,000 aggregate bodily injury and property damage. Such policy shall name the City of Niagara Falls as an additional insured and shall not be cancelled unless thirty (30) days prior written notice has been given to the City of such cancellation. In addition to general liability insurance, proof of workers' compensation and New York State Disability coverage shall be required if said business has employees under its supervision.

(c) **Renewal of License.** Each license shall expire on the last day of the month of the year in which it is issued. In the event a drain and sewer cleaner is validly and properly registered and licensed for the year 1997, he shall be entitled to renew such registration and license for the year 1998 within thirty (30) days preceding December 31, 1997.

(d) **Requirement of Master Plumber License.** Commencing January 1, 1998, it shall be unlawful for any person to engage in drain and sewer cleaning in this City unless such person shall possess a valid license as a Master Plumber, unless such person shall possess a license issued pursuant to subparagraph (c) hereinabove. In the event a person shall possess a license issued pursuant to

subparagraph (c) as of January 1, 1998, and such person shall thereafter fail to renew said license, said license shall thereafter be null and void, and such person shall be prohibited from engaging in drain and sewer cleaning in this City, unless such person shall first obtain a license as a Master Plumber.

(e) **Suspension or Revocation.** The Board may, after written notice and a hearing, suspend or revoke the license of any drain and sewer cleaner for any violation of this plumbing code or any law which pertains to conducting the business of a drain and sewer cleaner. Said license shall be suspended for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. For any subsequent violation, irrespective of when committed, said license shall be permanently revoked.

1111.13 REGISTRATION AND LICENSING OF MECHANICAL CONTRACTORS.

(a) **Registration and License Required.** It shall be unlawful for any person to engage in the business of mechanical contracting unless such person has registered with the Board and paid the required fee. Upon registration and payment of the fee, a license shall be issued to such person.

(b) **Renewal of License.** Each license shall expire on the last day of the month of the year in which it is issued.

(c) **Suspension or Revocation.** The Board may, after written notice and a hearing, suspend or revoke the license of any mechanical contractor for any violation of this plumbing code or any law which pertains to conducting the business of a mechanical contractor. Said license shall be suspended for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. For any subsequent violation, irrespective of when committed, said license shall be permanently revoked.

(d) **Insurances.** A license shall not be issued pursuant to this section until certificates of insurance acceptable to the City of Niagara Falls have been filed. The minimum general liability shall be \$100,000, single limit each occurrence, and \$300,000 aggregate bodily injury and property damage. Such policy shall name the City of Niagara Falls as an additional insured and shall not be cancelled unless thirty (30) days prior written notice has been given to the City of such cancellation. In addition to general liability insurance, proof of Workers' Compensation and New York State Disability coverage shall be required if said person has employees under its supervision.

1111.20 FEES FOR LICENSES AND PERMITS

The fees for licensing and plumbing work permits set forth in Section 1107.10 [B] [10] of the Chapter 1107 of the Codified Ordinances shall be paid prior to the issuance of any license or permit. (Amended 11/30/11)

1111.21 CONDEMNATION OF A PLUMBING SYSTEM: DISCONTINUANCE OF WATER SERVICE.

The Chief Plumbing Inspector shall have the power to inspect and condemn existing plumbing systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Standard Plumbing Code or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the plumbing violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.22 CONDEMNATION OF FUEL GAS PIPING, EQUIPMENT, AND SYSTEMS: DISCONTINUANCE OF SERVICE.

The Chief Plumbing Inspector shall have the power to inspect and condemn existing fuel gas systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Fuel Gas Code, or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the fuel gas violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.23 INCORPORATION OF APPLICABLE LAW, RULES AND REGULATIONS.

The provisions of the Uniform Fire Prevention and Building Code (9 NYCRR Title 9), the National Standard Plumbing Code, the National Fuel Gas Code, the National Fire Protection Association Standards, and the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standards, together with any amendments thereto, are hereby incorporated into this Chapter as if fully set forth herein.

1111.24 IDENTIFICATION OF VEHICLES.

All vehicles used in the performance of the businesses of plumbing, drain and sewer cleaning and mechanical contracting in Niagara Falls, New York, shall be identified with signs on each side.

Such plates or signs shall be at least a minimum of twelve (12) inches high and not less than a minimum of eighteen (18) inches in length containing the business or corporation's name with letters no less than two (2) inches in height.

(Section added 05/26/04)

1111.99 CRIMINAL PENALTIES AND CITATIONS.

(a) It shall be unlawful for any person to violate any of the provisions of this Chapter. Each day such violation exists shall be a separate and distinct offense. Each violation of this Chapter shall be punishable by a fine of not less than \$250.00 and not more than \$500.00, or imprisonment of not more than 15 days, or both.

(b) Any person violating the provisions of this Chapter may receive a citation pursuant to the provisions of Chapter 740 of the Ordinances of the City of Niagara Falls for each offense. Upon receiving the citation, the alleged violator shall be subject to a forfeiture of one hundred dollars (\$100.00) if paid within five (5) days commencing on the day following the day the citation is issued, and two hundred dollars (\$200.00) if paid after five days and before fifteen (15) days. If the person to whom the citation is issued does not answer the citation within fifteen (15) days of issuance, a warrant for the arrest of the person shall be issued for the violation. In addition, the City shall be entitled to a civil judgment against such person for Two Hundred Dollars (\$200.00), together with the costs and expenses incurred in obtaining such civil judgment.

(c) In addition to the foregoing penalties, any master plumber who violates the provisions of this chapter shall be subject to suspension or revocation of his license as provided in Section 1111.10.}

PLUMBING AND MECHANICAL CODE **OF THE CITY OF NIAGARA FALLS, NEW YORK**

1111.01 DEFINITIONS

For purposes of this Chapter, the following terms, whether capitalized or not, shall have the following meanings:

(a) **"Board" shall mean the examining board of plumbers for the City of Niagara Falls ("City"), as established by Article 4 of the General City Law.**

(b) **"Boiler" shall mean a closed heating appliance intended to supply hot water or steam for space heating, processing or power purposes.**

(c) **"Chimney" shall mean a primarily vertical enclosure containing one or more passageways.**

(d) "Code" shall mean the provisions of this Chapter of the Codified Ordinances as well as all applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code) - e.g., the Plumbing Code of New York State (PCNYS), the Mechanical Code of New York State (MCNYS), and the Fuel Gas Code of New York State (FGCNYS) - all of which are adopted and incorporated by Section 1111.23 below as if fully set forth therein.

(e) "Cooling System" shall mean a combination of interconnected refrigerant, containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat.

(f) "Department" shall mean the Department of Code Enforcement (formerly known as the Department of Inspections).

(g) "Director" shall mean the Director of Code Enforcement (formerly known as the Director of Inspections) or his designated representative.

(h) "Drain and Sewer Cleaning" shall mean the cleaning of sanitary drainage and/or storm drainage systems, the attendant vent systems within or adjacent to any building or structure, to the point of their connections with public systems or other approved terminals.

(i) "Engage in the Business of Plumbing" A person conducts or engages in the business of plumbing when they perform plumbing work for hire, either individually or through employees, irrespective of whether the person receives compensation therefor.

(j) "Fire Protection Equipment and System" shall mean apparatus, assemblies or systems, either portable or fixed, used to prevent, detect, control or extinguish fire.

(k) "Master Plumber" shall mean a natural person, or a domestic corporation meeting all the conditions set forth General City Law § 45-a, engaging in the business of plumbing who, by himself or through journeymen plumbers and/or apprentices in his employ, performs plumbing work in the City and who is registered with and licensed as a master plumber by the Board under the provisions of this Chapter.

(l) "Mechanical Contracting" shall mean conducting or engaging in the installation, alteration, extension, replacement, repair or maintenance of any mechanical system, and include Drain and Sewer Cleaning, as defined above.

(m) "Mechanical Contractor" shall mean a person engaging in the business of mechanical contracting who, by himself or through his employees, performs mechanical contracting work in the City and who is registered with and licensed as a mechanical contractor by the Board under the provisions of this Chapter.

(n) "Mechanical System" shall mean an appliance, device or apparatus, including any

attachments or apparatus designed for heating, ventilating, cooling, steam and hot water heating, water heaters, process typing, boilers and pressure vessels, appliances using gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration, fireplaces, barbecues, incinerators, crematories, air pollution and fire protection systems.

(o) "Person" shall mean any individual, partnership, unincorporated association or corporation.

(p) "Plumbing" shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals.

(q) "Plumbing Work" shall mean the installation, alteration, extension, replacement, repair or maintenance of any plumbing, piping, fixtures, devices, appliances and appurtenances in connection with sanitary drainage or storm drainage system, the attendant vent systems and water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals. Therefore, plumbing work includes all types and kinds of drain and sewer cleaning. Plumbing work also includes the installation, repair and testing of all back flow preventers.

(r) "Plumbing System" shall mean the water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices and appurtenances within the property lines of the premises.

(s) "Vent" shall mean a conduit or passageway for conveying products of combustion from fuel-fired appliances, or their vent connectors, to the outside atmosphere.

(t) "Ventilating System" shall mean any system of ducts, pleuums and air handling equipment which circulates air within a space or spaces and includes a system made up of one or more air handling units.

1111.02 BASIC PRINCIPLES

The purpose of this ordinance is to provide a mechanism for the proper enforcement of this Code, which adopts and incorporates, as if fully set forth in Section 1111.23 of this Chapter, all applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code) – e.g., the Plumbing Code of New York State (PCNYS), the Mechanical Code of New York State (MCNYS), the Fuel Gas Code of New York State (FGCNYS) - as well as to provide for the inspection of plumbing and mechanical contracting work within the City, and to that end to provide

permits and appropriate penalties and other administrative action for the failure to comply with this Code. Thus, any violation of a provision, standard or requirement of the Uniform Code, such as the PCNYS, MCNYS, or FGCNYS shall constitute a violation of this Code and Chapter.

1111.03 PERMITS

(a) Permits Not Required In Limited Situations: No permit shall be required under this Chapter for:

- (1) the unstopping or snaking of a waste line located in the interior of a structure;
- (2) the unstopping or snaking of a sewer lateral connecting a structure's plumbing system to a sewer main, provided that no excavation is involved;
- (3) the repair or maintenance of a structure's interior faucets or valves, and those attached directly to the exterior walls of such structure;
- (4) the removal and reinstallation of the same toilet;
- (5) the simple repair of plumbing leaks and/or the replacement of up to five feet of a water line and up to five feet of a waste line, provided that all such work is confined to the walls or interior of a building or structure.

(b) Permits Required For All Other Types of Plumbing and Mechanical Work:

- (1) For all plumbing or mechanical contracting work not exempted by subsection (a) of this section, it shall be unlawful to install, maintain, extend, alter, or replace any plumbing system or mechanical system, or any piping, fixtures, appliances and appurtenances in connection with sanitary drainage or storm drainage systems, the attendant vent systems and the water supply systems, within or adjacent to any building or structure, to their connections with public systems or other approved terminals without first applying for and obtaining a permit from the Department. A permit shall be required for cross-connection corrections, and for any installation, service, maintenance, testing, repair or modification of a back flow prevention device as provided for in Chapter 1 of the State Sanitary Code §5 -1.31(d) and Public Health Law § 225 (10).
- (2) The failure of any registered and licensed master plumber or mechanical contractor to obtain a permit may be temporarily waived by the Director, at his or her sole discretion, only for emergency situations outside of normal business hours. In the event of such waiver, the master plumber or licensed mechanical contractor shall apply for and obtain the necessary permit on the next business day immediately following the Director's grant of the temporary waiver.

(c) To Whom Permits May Be Issued:

(1)(A) Permits covering plumbing work in the City of Niagara Falls shall only be issued to a master plumber registered with the Clerk of the Board, except as provided below in paragraph (2) of this subsection.

(B) Permits covering mechanical contracting work in the City of Niagara Falls shall only be issued to a mechanical contractor registered with the Clerk of the Board, except as provided below in paragraph (2) of this subsection.

(2) Limited exception for an owner-occupied, single-family residence: Nothing herein contained shall prohibit any bona fide owner of a single-family dwelling, who actually resides therein, from personally performing plumbing or mechanical contracting work limited to the interior of such owner's residence, provided that such owner shall:

(A) Sign and file an affidavit with the Department showing that he or she is the current owner and occupant; that he or she will personally perform the plumbing or mechanical for which the application is made and is reasonably familiar with the requirements of the Code and capable of performing the installation in accordance with the Code;

(B) Apply for and secure a plumbing or mechanical permit, as required;

(C) Pay all required fees to the City;

(D) Apply for inspections of all his plumbing or mechanical contracting work;

and

(E) Receive the written approval of the Chief Plumbing Inspector and Director.

(d) Application for a Permit Prior To Starting Work: Except as otherwise allowed by subsections (a) and (b)(2) of this section, an application for a permit, accompanied by the required fees, shall be presented to the Department and the required permit shall be signed by the Director to record his or her approval thereof before any plumbing or mechanical contracting work is commenced.

(e) Application Content: The Department's application form shall require the applicant to accurately identify the address where plumbing or mechanical contracting work is proposed to be performed, the name and address of the property owner and, if applicable, the name and address of the master plumber or mechanical contractor to whom the permit is to be issued, and the name and address of the applicant's customer, if different from the property owner. The applicant shall also complete the form to fully and truthfully describe the scope and details of the proposed plumbing or mechanical contracting work and provide any other information deemed

necessary by the Department. Applicants are cautioned that Article 175 of New York Penal Law makes it a crime to file any written instrument, including computer data, with a public office or public servant that contains a false statement or false information.

(f) Plans and Specifications: Before a permit is issued and approved by the Director, he or she may require the submission and approval of plans and specifications in triplicate showing the details and extent of the proposed plumbing or mechanical contracting work. If, in the course of the work, it is found necessary to make any change from the approved plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted; and, if approved, a supplementary permit shall be issued to cover the change once the same conditions required to secure the original permit have been satisfied. All plans and specifications submitted either before or after a permit is issued must be acceptable to the Director and shall be revised or corrected upon the Director's request.

(g) Permit Issuance and Conditions, Including Bonds and Insurance:

(1) No permit shall be considered valid and issued by the Department until the application for same has been approved by the Chief Plumbing Inspector and also countersigned by the Director.

(2) Neither the Department nor the Engineering Department may issue any permit to a master plumber or mechanical contractor before such person has:

(A) demonstrated they are currently registered with and licensed by the Board as a master plumber or mechanical contractor authorized to conduct business in the City, and that such registration and license is not lapsed, suspended or revoked;

(B) executed an agreement with the City that remains in effect at the time of the permit application, whereby such person promises:

(i) to defend, indemnify and hold harmless the City, including its officers, agents, employees and volunteers, from and against any and all liability, loss, damage, claim or action, to the fullest extent permitted by law, arising out of the work, operations performed or services provided by such person in the City of Niagara Falls;

(ii) to procure and maintain certain surety bonds and policies of insurance covering such person's work, operations performed or services provided in the City of Niagara Falls, including liability insurance that shall provide coverages and limits as specified by the City and also name the City as an additional insured so as to provide primary and non-contributory coverage to the City, its officers, agents, employees and volunteers; and

(C) filed all bonds, required certificates of insurance and other required

insurance documents with the Clerk of the Board that are acceptable to the City Risk Manager, which must indicate, at the time of the permit application, that the associated bonds and insurance policies are current and otherwise comply with such person's procurement duties under the agreement referenced above in paragraph (2)(B) of this subsection.

(3) Any person receiving a permit as provided in this Chapter shall cause the same to be kept at all times on site and in the possession of the person in charge of the work, who shall exhibit same upon demand by the Director or his designee, or any police officer of the City. In the event that a permit is not exhibited after demand has been made, the Director, his designee or any police officer shall order all further work to stop in accordance with Section 1111.05.

(h) Failure to Obtain Permits before Starting Work: Except as otherwise allowed by subsections (a) and (b)(2) of this section:

(1) It shall be unlawful for any person to commence any plumbing or mechanical contracting work without first having obtained an approved and valid permit.

(2) Any plumbing or mechanical contracting work undertaken without a permit in violation of this Chapter shall be deemed a nuisance and shall be reconstructed or altered as directed by the Chief Plumbing Inspector.

(3) In addition to the penalties as provided for in Section 1111.99, any person who shall commence any plumbing or mechanical contracting work without a valid permit shall pay double the permit fee.

(i) Additional Work Beyond the Scope of a Permit: All work performed under a permit issued by the Department or the Engineering Department shall conform to the application, the plans and specifications, where applicable, and any amendments thereof that have been approved by the applicable Department. If any additional plumbing or mechanical contracting work is performed that exceeds the scope of the foregoing, then an additional permit approved by the applicable Department shall be required, together with payment of the associated fee.

(j) Permits Suspended, Revoked or Expired:

(1) Any permit that has been issued to a master plumber or mechanical contractor by the mistake of the Department or the Engineering Department, or in violation of the laws of the State of New York, this Chapter or any other Chapter of the Codified Ordinances, or as a result of false, misleading or fraudulent information provided by the permit applicant or that applicant's agent(s), shall be subject to revocation by the applicable department Director,

in addition to any other penalties or sanctions provided by law.

- (2) Whenever the City discovers that a surety bond, insurance policy, certificate or other insurance document required pursuant to subsection (g) of this section has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements during the course of any permitted work, each affected permit shall immediately be suspended or revoked by the applicable department Director. In addition thereto, the applicable Director may exercise his or her separate power to issue one or more stop work orders.
- (3) If work for which a permit has been issued is not commenced within six (6) months from the issuance thereof, or if the work has been abandoned for a period of six (6) months, the permit shall lapse and cease to be in effect.

(k) Incomplete Installations:

- (1) Notification Required: A master plumber, to whom a permit under this Chapter has been issued and who quits work on the plumbing system for any reason, shall immediately notify the Department of any part of the plumbing work which has been completed, and shall also request an inspection. It shall be unlawful for a master plumber who quits work on a plumbing system to fail to notify the department and to request an inspection.
- (2) Surrender or Transfer of Permit: Within two business days of giving the Department notice of quitting work under subsection (k)(1) above, the permit holder must either surrender the permit to the Department, or transfer the permit to a substitute master plumber or mechanical contractor, as required by the permitted work, upon payment by the appropriate licensed substitute of a transfer fee of \$10.00.
- (3) Violation Corrections on Transferred Permits: If the Department issues a notice of violation to a permit holder, correction of the said violation shall not be made by any other master plumber or mechanical contractor, as required by the permitted work, unless the prior written permission of the Director has been obtained.

1111.04 INSPECTIONS

(a) Records: Records shall be made and maintained by the Department of plans examined, permits issued, inspection services rendered, tests conducted, complaints investigated, violations and cases referred for legal action.

(b) Examination of Plans: All plans and specifications required to be submitted to the Department pursuant to this Chapter shall be examined for compliance with the provisions of this Code.

(c) Inspection Required: All plumbing or mechanical contracting work performed under any permit issued under this Chapter, including all associated installations, alterations, replacements, appurtenances and appliances, shall be inspected for compliance with the provisions of this Code.

(d) Notice of Violation: Notices of violation of the Code shall be in writing and delivered or mailed to the master plumber, mechanical contractor, or other person responsible for the violation or for correction of such violation.

(e) Complaints: Upon receipt of a complaint, the Plumbing Inspector shall investigate for unsanitary or hazardous conditions caused by an improperly installed or maintained plumbing system or mechanical system. If such unsanitary or hazardous conditions are found to exist, the owner or his authorized agent, or the master plumber or mechanical contractor, as the case may be, shall be notified to immediately correct such conditions to comply with the Code or other applicable law.

(f) Right of Entry: Any Plumbing Inspector or other duly authorized employee of the Department, upon showing proper identification, shall be granted immediate entrance to any building or premises at any reasonable hour, and shall be permitted to inspect any part of the plumbing system or mechanical system of the building or premises for compliance with the provisions of this Code.

(g) Request for an Inspection: If a plumbing system or mechanical system is ready for inspection or test, it shall be the duty of the corresponding permit holder (either the master plumber or the mechanical contractor) to request such inspection at least 24 hours in advance. Where injury or property damage may occur because of a hazardous condition, such advance notice may be waived by the Department.

(h) Presence of Permit Holder: It shall be the duty of the permit holder (either the master plumber or the mechanical contractor) to ensure that its work will pass any and all tests before making a request for an inspection. The permit holder or his designated employee representative shall be present at the time of the inspection.

(i) Failure to Make Inspection: If the Plumbing Inspector is unable to appear within one working day after the day upon which an inspection or test is requested, the inspection or test shall be deemed to have been made, provided that the permit holder shall be required, within three (3) working days thereafter, to file an affidavit with the Department stating that its work was installed

in accordance with the Code and the approved plans and permit, that the required test were made, and that the system is free from both leaks and defects.

(j) Covering of Work: No plumbing or mechanical contracting work shall be covered, back filled or otherwise concealed until it has been inspected and approved.

(k) Uncovering of Work: If any plumbing or mechanical contracting work is covered before being approved, it shall be uncovered after a notice to the responsible person by the Department, at the sole cost and expense of such responsible person.

(l) Inspection of Existing Plumbing System: Inspections of an existing plumbing system or mechanical system shall be made upon a complaint of the public, or when it is deemed by the Department that a health or safety hazard exists by reason of such an existing system or lack thereof. The owner of a building or premises, or his agent, shall immediately cause the installation of additional plumbing or mechanical systems or make such corrections to the existing system as may be necessary to abate such nuisance and bring the affected property into compliance with the provisions of the Code within the time directed by the Plumbing Inspector.

(m) Inspections Not Required: No tests or inspection shall be required for minor repairs, the unstopping of sewers or drains, or if less than five (5) feet of pipe is replaced, or where a plumbing system is set up for exhibition purposes and is not directly connected to a sewage system.

(n) Violations:

(1) Notice of Violation of the Rules: If the Department's inspection, reinspection or tests reveal failure of any plumbing or mechanical system to comply with the provisions of the Code, or the laws of the State of New York, such system or work shall be declared unlawful by the Plumbing Inspector and a written notice of violation shall be delivered or mailed to the permit holder or, if none, the owner.

(2) Time for Compliance: All notices of violation shall indicate the requirement of immediate compliance. On new construction, alterations, additions, or replacements, violations which are not corrected within ten (10) days shall be referred to the Corporation Counsel's Office for legal action. The time allowed for compliance in existing buildings or premises shall be at the discretion of the Director.

(o) Tests:

(1) Tests Required:

(A) In all new construction all soil, waste, vent, water service pipe, and water distribution piping in the plumbing and drainage system shall be subjected to a water or air test.

(B) Underground building sewers may be subjected to a test at the discretion of the Department.

(C) In replacements, repairs, or alterations of the plumbing system which cannot reasonably be subjected to a water pressure test, the piping shall be thoroughly flushed with water in the presence of the Plumbing Inspector until he is satisfied that the work is acceptable.

(2) Methods of Testing: All tests methods shall be made upon the plumbing system as prescribed in the Plumbing Code of New York State.

1111.05 STOP WORK ORDERS

Whenever the Department becomes aware of defective or illegal work in violation of any the provisions or requirements of this Code, the Director, his designee or any police officer shall be authorized to order all further work to stop. Said order may be made orally or in writing, and may include a directive to the person in charge of the job or work to take designated measures to ensure the safety of the public. Except for completing any designated safety measures, no person shall otherwise remain or continue to work on site until said order is rescinded. Said order may only be rescinded in a writing signed by the Director. In the event that any person violates such a stop work order, the Director shall be further authorized to contact the City Police Department to request an arrest or the issuance of an arrest warrant for such violation.

1111.06 MAINTENANCE OF PLUMBING SYSTEMS

(a) The plumbing system of any premises in this City shall be maintained in a legal, adequate, sanitary and safe condition by the owner or his agent.

(b) If a plumbing system on any premises is found to be illegal, inadequate, unsanitary, or in hazardous condition, it shall be repaired, replaced, renovated or removed immediately by the owner or his agent upon notice from the Department.

(c) Every occupant of a dwelling or dwelling unit shall keep all plumbing fixtures and other related facilities in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(d) Whenever the owner, lessee or agent of the owner, or any person having charge or

care of such dwelling unit, fails or refuses to comply with any notice or order, such dwelling or dwelling unit may be condemned by the Director and/or the Chief Plumbing Inspector as being unfit for human habitation, and shall be vacated. The Director and/or the Chief Plumbing Inspector shall cause to be posted on the premises a placard to this effect. It shall be unlawful for any person to deface or remove such placard without the consent of the Director and/or the Chief Plumbing Inspector. It shall be unlawful for any person to reside in, use or occupy such premises for any reason until the placard is removed by the Director and/or the Chief Plumbing Inspector upon compliance with this Code.

1111.07 INSPECTORS OF PLUMBING

(a) Each Inspector of Plumbing (“Plumbing Inspector”) of the City, including any Chief Plumbing Inspector, shall:

- (1) hold a Certificate of Competency issued by the Board, and shall discharge the duties prescribed under the General City Law and this Code, in addition to other duties as assigned to him by the Director;
- (2) receive and carry with them a suitable means of identification for the purpose of inspection and examination of all premises where plumbing and/or mechanical contracting work is being performed;
- (3) have the authority in the discharge of his duties and at any reasonable hour to immediately enter any building or premises to inspect the plumbing and/or mechanical contracting work or systems located therein; and
- (4) not be liable for damages by reason of anything done in any action or proceeding instituted under the provisions of this Code or by reason of any act or omission in the performance of his official duties if he has acted in good faith and without malice.

(b) The Chief Plumbing Inspector shall:

- (1) keep a record of all plans, drawings, descriptions, specifications and applications to install plumbing and/or mechanical systems, permits issued, certificates of approval of completed work and reports of notices and orders issued;
- (2) submit a monthly report to the Director of all plumbing inspections;
- (3) immediately notify the Director upon becoming aware of any person conducting the business or work of a master plumber and/or mechanical contractor in the

City who is not registered with Board to conduct such business or perform such work. Thereafter, the Director, his designee or any police officer may order all further work to stop in accordance with Section 1111.05. The Director or his designee shall be further authorized to contact the City Police Department to request an arrest or the issuance of an arrest warrant relative to such unregistered person; and

(4) in November of each year, certify to the Board all master plumbers, journeymen plumbers, apprentice plumbers, and mechanical contractors entitled to renewal of their respective registrations and licenses. He shall also report all persons not entitled to renewal of their registration and license under this Chapter.

(c) In the event the Chief Plumbing Inspector is unable to conduct an inspection of a plumbing and/or mechanical system, or plumbing and/or mechanical contracting work as required herein due to illness, incapacity or unavailability, then such inspection may be conducted by a Certificate of Competency holder or any member of the Board designated by the Chief Plumbing Inspector or, in his absence, the Director. In such event, the designated inspector shall serve as an independent contractor to the City who, after registering as an independent contractor with the Controller's Office, shall be entitled to receive payment of \$45.00 from the City for each inspection conducted. However, such inspector shall be prohibited from conducting an inspection of work performed by a company that he may own, in whole or in part, or be currently employed by.

1111.08 ANNUAL INSURANCE AND BOND

(a) In addition to all other prerequisites set forth by this Chapter, no master plumber or mechanical contractor shall be permitted to register, re-register, or annually renew his registration with the Board until he has filed with the Clerk of the Board current proof of his compliance with the City's surety bond requirements, indemnification requirements, and insurance procurement requirements imposed pursuant to Section 1111.03 (g)(2)(B) of this Chapter. Furthermore, if the City or Board discover that such a required surety bond, insurance policy, certificate or other insurance document has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements, then the Board may either suspend or revoke his registration and license in accordance with law.

(b) A master plumber or mechanical contractor registered with the Board is only eligible to receive and hold a permit issued by the Department or the Engineering Department if, during each year of his registration, he remains in full compliance with the City's surety bond requirements, indemnification requirements, and insurance procurement requirements governed by Section 1111.03 (g)(2)(B) of this Chapter.

(c) It is unlawful for any plumber, including a master plumber registered with the Board, to dig, excavate or otherwise open any street, lane, alley, or other public right-of-way in the City, unless he shall have first applied for and been issued a street opening permit from the Engineering Department pursuant Chapter 903 of the Codified Ordinances. Any registered master plumber desiring to dig, excavate or otherwise open any street, lane, alley, or other public right-of-way in the City is cautioned that he must first apply to the Engineering Department for eligibility to receive a street opening permit from such Department, and if accepted, he must further meet all the additional requirements imposed by Chapter 903 of the Codified Ordinances before a street opening permit will be issued, including the more stringent procurement duties in relation to the City's surety bond and insurance requirements governed by Section 1111.03 (g)(2)(B) of this Chapter.

(d) No mechanical contactor, regardless of registration status with the Board, is eligible to apply for or receive a street opening permit from the Engineering Department. Therefore, it is unlawful for any mechanical contractor to dig, excavate or otherwise open any street, lane, alley, or other public right-of-way in the City.

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS

(a) Definition: The term journeyman plumber as used in this Chapter shall mean a mechanic who has served their apprenticeship or learned his trade or handicraft, but who must still perform their plumbing work under the supervision of a master plumber.

(b) Registration and License Required: No person shall perform any plumbing work as a journeyman plumber in the City without being duly registered and licensed as provided hereinafter.

(c) Qualifications to Apply: Anyone wishing to apply for a journeyman's license must first have at least one year experience in the business.

(d) Application for a License: Any person meeting the qualifications of 1111.09(c) and desiring a journeyman's license shall make application with the Clerk of the Board upon the forms provided.

(e) Examination:

(1) An applicant, who has been determined by the Board to have met the minimum one year experience requirement in Section 1111.09 (c), must have either already taken and passed an in-person, proctored 'Journeyman Plumber' examination through the International Code Council's Contractor/Trades examination program ("ICC") within one year prior to their application date, or they must take and pass such examination within six months of their application. In either case, the applicant must submit sufficient evidence to the Board to establish that they received a passing grade from ICC within the

applicable timeframe above. If the Board is satisfied with such evidence, then the applicant shall be entitled to a journeyman's license. The Board reserves the right to replace the aforementioned ICC examination with another product or vendor, in which case this subsection shall be amended accordingly.

(2) An individual currently licensed as a journeyman plumber in a municipality in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth above in paragraph (1) of this subsection.

(f) Registering with Board: Each applicant upon receiving the approval of the Board shall be entitled to register his name with the Clerk of the Board as a journeyman plumber, pay the required fee and receive a license.

(g) Journeyman's Card: A journeyman shall at all times while in the performance of plumbing work in this City carry the identification card provided. Said card shall be exhibited upon demand to any Plumbing Inspector or other duly authorized agent of the Department.

(h) Renewal of Registration and License: Each registration and license shall expire one year from the date it is issued and may be renewed within thirty (30) days preceding such expiration. If the registration and license is allowed to lapse, a reinstatement fee must be paid.

(i) Suspension or Revocation of Registration and License: The Board may suspend or revoke a journeyman's registration and license after a hearing for any of the following causes:

- (1) Submitting fraudulent information on an application for a license or renewal of said license.
- (2) Repeated violations of good workmanship or other provisions of applicable: (i) New York State Codes adopted by this Chapter; (ii) City Ordinances, including this Chapter; and/or (iii) Niagara Falls Water Board or City rules and regulations.
- (3) Allowing an unlicensed person in any manner to utilize said license to perform plumbing work in the City.

1111.10 REGISTRATION AND LICENSING OF MASTER PLUMBERS

(a) Registration and License Required: It shall be unlawful for any person to engage in the business of plumbing in this City, or to imply to the public that they are engaged in the business of plumbing in this City, unless they are currently registered with and licensed by the Board as a

master plumber authorized to conduct business in the City, and such registration and license is not lapsed, suspended or revoked;

(b) Qualifications to Apply: Anyone wishing to apply for a master plumber's license must have at least ten (10) years' experience in the plumbing trade.

(c) Application for a License: Any person believing that they meet the qualifications of Section 1111.10(b) and desiring a master plumber's license shall first make application with the Clerk of the Board upon the forms provided. The Clerk shall present said application at the next meeting of the Board, which shall either be a regular meeting (scheduled at a stated interval), or a special meeting if a regular meeting will not be conducted before the expiration of said thirty days. The Board will then promptly review the submission to determine whether the applicant is either qualified or unqualified, and then notify the applicant in writing of its determination, including an explanation of any determination that the applicant is unqualified.

(d) Examination:

- (1) An applicant who has been determined by the Board to have met the minimum experience requirements in Section 1111.10 (b) must have either already taken and passed an in-person, proctored 'Master Plumber with Gas' examination through the International Code Council's Contractor/Trades examination program ("ICC") within one year prior to their application date, or they must take and pass such examination within six months of their application. In either case, the applicant must submit sufficient evidence to the Board to establish that they received a passing grade from ICC within the applicable timeframe above. If the Board is satisfied with such evidence, then it shall proceed to further examine and determine such applicant's fitness and qualifications for the possible issuance of a certificate of competency that will entitle him to register as a master plumber in the City. The Board reserves the right to replace the aforementioned ICC examination with another product or vendor, in which case this subsection shall be amended accordingly.**
- (2) An individual currently registered as a master plumber by another board of examining plumbers governed by Article 4 of the General City Law in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth above in paragraph (1) of this subsection.**
- (3) Before the Board may proceed to further examine and determine an applicant's fitness and qualifications for the possible issuance of a certificate of competency that will entitle him to register as a master plumber, the applicant shall pay the sum of ten dollars to the Clerk of the Board. No matter the Board's decision,**

each applicant will be promptly notified in writing of the decision to either grant or deny a certificate of competency, and in the event of denial, such letter will explain the Board's reasons. In the event of a decision to grant the certificate, the Board's letter shall also include the certificate of competency.

(e) Registering with Board and Annual Renewals:

- (1) Only upon receipt of a certificate of competency from the Board shall the applicant register his name and business address as a master plumber in this City with the Clerk of the Board on forms provided by the Board and pay the required registration and license fee, whereupon the Board shall issue him a master plumber's license and an appropriate metal plate lettered and marked "licensed plumber." Said metal plate and license shall further qualify as a certificate of registration, as that phrase is used in Article 4 of the General City Law.
- (2) All registrations and licenses issued to master plumbers under this Chapter shall expire on the 31st day of December of the year in which they have been issued and may be renewed within thirty (30) days preceding such expiration date on the renewal applications provided by the Board, and shall be accompanied by the appropriate fee.
- (3) A master plumber who permits his registration and license to lapse may apply for reinstatement upon payment of a reinstatement fee.
- (4) Any registered master plumber who abandons or ceases to engage in the business of plumbing work shall surrender his metal plate to the Board. A lapse of six months shall be considered an abandonment of the business.
- (5) Every master plumber shall give immediate notice of any change of location of his place of business to the Board.
- (6) All vehicles utilized by a master plumber in the business of plumbing shall be identified. All vehicles shall conspicuously display the name of the registered plumber, identifying him as plumber licensed by the City, together with the identification number provided by the Board.

(f) Use of Registration or License by Others: No person who registered with the Board as a master plumber or been issued a plumbing license under this Chapter shall allow his name or license to be used by another person either for the purpose of obtaining permits or for engaging in plumbing work under said license.

(g) Restrictions on Subcontracting: No master plumber registered with the Board may

subcontract any portion of its plumbing work to a subcontractor unless that subcontractor is also currently registered by the Board and licensed as a master plumber pursuant to this Chapter, and in full compliance with Section 1111.03 (g)(2)(B) and Section 1111.08 of this Chapter relating to surety bond requirements, indemnification requirements, and insurance procurement requirements. If a master plumber's subcontractor performs or intends to perform any plumbing work under a permit issued to the master plumber rather than the subcontractor, and the City discovers that a surety bond, insurance policy, certificate or other insurance document required of the subcontractor pursuant to Section 1111.03 (g)(2)(B) or Section 1111.08 has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements during the course of any permitted work, then each affected permit shall immediately be suspended or revoked by the applicable department Director. In addition thereto, the applicable Director may exercise his or her separate power to issue one or more stop work orders. Moreover, the permitted and subcontractor, if any, shall be required to provide the Director with a copy of any and all contract documents pertaining to the plumbing work prior to the commencement of said plumbing work.

(h) Director's Access to Documents and Information: In the sole discretion of the Director and upon his request, a plumber registered with the Board and/or such plumber's subcontractor shall be required to provide to the Director any and all information and documentation to verify the status of any persons engaging in plumbing work, including but not limited to employment and payroll records. In the event that one or both shall fail to comply with any such request from the Director, any and all permits issued by the Director may be immediately suspended or revoked, and said person or persons affected thereby shall immediately cease and desist in the performance of any work and immediately vacate the affected premises.

(i) Installation Compliance: All work performed personally by the permittee and/or performed by others, whether in the employ of such master plumber or as a valid subcontractor, shall comply with the provisions of this Code and all other applicable City Ordinances. The permittee shall therefore be solely responsible for supervising all work performed in connection with its permit, and for ensuring that such work fully complies with this Code and all other applicable Ordinances.

(j) Revocation of Registration and License: Consistent with General City Law § 47 governing the cancellation or revocation of a plumber's registration with an Examining Board of Plumbers, the Board may, after written notice and a hearing, revoke a master plumber's registration for a violation of the rules and regulations for plumbing and drainage duly adopted and enforced in the City. Furthermore, registered plumbers are cautioned that General City Law § 55 provides that any person violating any of the provisions of Article 4 of the General City Law or any rules or regulations of the examining board of plumbers in any city regulating the plumbing and drainage of buildings in such city, shall be guilty of a misdemeanor, and on conviction, if a master plumber, shall in addition, forfeit any certificate of competency which he may hold under the provisions thereof. In the absence of a certificate of competency, such person shall not be permitted to re-register as a master plumber with the Board.

1111.11 REGISTRATION OF APPRENTICES

To establish a record of his apprenticeship, each apprentice or learner who contemplates filing an application for a Journeyman's License may, within sixty (60) days after beginning such apprenticeship, register his name with the Clerk of the Board on the forms provided by the Board, setting forth the date on which apprenticeship was begun, name of employer, any trade school attended and such other information as the Board may require and which registration shall constitute a record of apprenticeship. Upon paying the required fee, an identification card shall be issued to said apprentice.

1111.12 Repealed.

1111.13 REGISTRATION AND LICENSING OF MECHANICAL CONTRACTORS

(a) Registration and License Required: It shall be unlawful for any person to engage in the business of mechanical contracting in this City, or to imply to the public that they are engaged in the business of mechanical contracting in this City, unless they have previously registered with the Board and hold a valid license as a mechanical contractor from the Board that has neither lapsed nor been suspended or revoked.

(b) Applications: The applicant for a mechanical contractor's license must meet the qualifications set forth in the application form established by the Department, and must complete all sections of the application before signing and submitting same to the Clerk of the Board.

(c) Registering with Board and Annual Renewals:

(1) If the application is approved, the Clerk will notify the applicant, who shall then register their full legal name and business address with the Clerk on forms provided by the Board and pay the required registration fee, whereupon they shall receive a mechanical contractor's license.

(2) All registrations and licenses issued to mechanical contractors under this Chapter shall expire on the 31st day of December of the year in which they have been issued and may be renewed within thirty (30) days preceding such expiration date on the renewal applications provided by the Board, and shall be accompanied by the appropriate fee.

(3) A mechanical contractor who permits his registration and license to lapse may

apply for reinstatement upon payment of a reinstatement fee.

- (4) Any mechanical contractor who abandons or ceases to engage in the business of mechanical contracting work shall surrender its license to the Board. A lapse of six months shall be considered an abandonment of the business.
- (5) Every mechanical contractor shall give immediate notice of any change of location of its place of business to the Board.
- (6) All vehicles utilized by a mechanical contractor in the business of mechanical contracting shall be identified. All vehicles shall conspicuously display the name of the licensed individual or person, identify them as a mechanical contractor licensed by the City and include their identification number provided by the Clerk of the Board.

(d) Use of Registration or License by Others: No person who registered with the Board as a mechanical contractor or has been issued a license under this Chapter shall allow his name or license to be used by another person either for the purpose of obtaining permits or for engaging in mechanical contracting work under said license.

(e) Subcontracting: A mechanical contractor registered with the Board may, acting as a general contractor, subcontract out any portion of its mechanical contracting work to a subcontractor provided that, prior to the subcontractor commencing any work, the general contractor first supplies the Clerk of the Board with a certified copy of its written agreement with the subcontractor, fully signed by both the general contractor and the subcontractor, wherein the subcontractor promises:

- (1) to defend, indemnify and hold harmless the City, including its officers, agents, employees and volunteers, from and against any and all liability, loss, damage, claim or action, to the fullest extent permitted by law, arising out of, in connection with, or as a consequence of the performance of the work or services required of the subcontractor under its agreement with the general contractor; and
- (2) to procure and maintain policies of insurance covering such subcontractor's work, operations performed or services provided in the City of Niagara Falls, with coverages and limits at least equal to those that the general contractor is required to procure pursuant Section 1111.03 (g)(2)(B) and Section 1111.08 of this Chapter, including liability insurance that shall name the City as an additional insured so as to provide primary and non-contributory coverage to the City, its officers, agents, employees and volunteers; and

Further, it shall be the duty of such general contractor to ensure the subcontractor's compliance with paragraphs (1) and (2) of this subsection throughout the course of the

subcontractor's work. If the City discovers that an insurance policy, certificate or other insurance document required of the subcontractor pursuant to subsection has been omitted, cancelled, expired, lapsed, or otherwise does not meet the City's requirements during the course of any permitted work, then each affected permit shall immediately be suspended or revoked by the applicable department Director. In addition thereto, the applicable Director may exercise his or her separate power to issue one or more stop work orders. Moreover, the permitted and subcontractor, if any, shall be required to provide the Director with a copy of any and all contract documents pertaining to the mechanical contracting work prior to the commencement of said work.

(f) Director's Access to Documents and Information: In the sole discretion of the Director and upon his request, a mechanical contractor registered with the Board and/or its subcontractor shall be required to provide to the Director any and all information and documentation to verify the status of any persons engaging in mechanical contracting, including but not limited to employment and payroll records. In the event that one or both shall fail to comply with any such request from the Director, any and all permits issued by the Director may be immediately suspended or revoked, and said person or persons affected thereby shall immediately cease and desist in the performance of any work and immediately vacate the affected premises.

(g) Installation Compliance: All mechanical contracting work performed personally by the permittee and/or performed by others, whether in the employ of such mechanical contractor or as a valid subcontractor, shall comply with the provisions of this Code and all other applicable Ordinances of the City. The permittee shall therefore be solely responsible for supervising all work performed in connection with its permit, and for ensuring that such work fully complies with this Code and all other applicable Ordinances.

(h) Revocation of Registration and License: The Board may, after written notice and a hearing, revoke the registration and license of any mechanical contractor for the violation of this Code or any other Ordinance or law that pertains to said license or its mechanical contracting work in the City. Said license shall be revoked for thirty (30) days for a first violation committed within a five (5) year period; for ninety (90) days for a second violation committed within a five (5) year period; and for six (6) months for a third violation committed within a five (5) year period. Re-registration following any of the foregoing periods of revocation shall require the mechanical contractor to pay a new fee. However, for any subsequent violation, irrespective of when committed, said registration and license shall be permanently revoked.

1111.20 FEES FOR LICENSES AND PERMITS

The fees for registration and licensing by the Board and all permits issued by the Department under this Chapter are set forth in Section 1107.10 of Chapter 1107 of the Codified Ordinances, which must be paid in full prior to the issuance of any such registration, license or permit.

1111.21 CONDEMNATION OF A PLUMBING SYSTEM: DISCONTINUANCE OF WATER SERVICE

The Chief Plumbing Inspector shall have the power to inspect and condemn existing plumbing systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Standard Plumbing Code or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the plumbing violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.22 CONDEMNATION OF FUEL GAS PIPING, EQUIPMENT, AND SYSTEMS: DISCONTINUANCE OF SERVICE

The Chief Plumbing Inspector shall have the power to inspect and condemn existing fuel gas systems in buildings when, in his judgment, the same is in such condition to be a possible health or safety hazard, or where work on said system has been done in violation of this ordinance, the National Fuel Gas Code, or any other applicable law, rule or regulation. The owner and tenant of such a building shall be notified that the fuel gas violation must be corrected immediately to comply with the requirements of the city ordinances. If compliance is not achieved within the required time, the Chief Plumbing Inspector may order the service discontinued or disconnected from the premises and the same shall not be resumed until approval is given by the Chief Plumbing Inspector.

1111.23 INCORPORATION OF APPLICABLE LAW, RULES AND REGULATIONS

Consistent with Chapter 1101 of the Codified Ordinances, and the Board's exercise of its discretion under General City Law § 44 to adopt a State recommended standard plumbing code, this Code adopts and incorporates, as if fully set forth herein, all applicable provisions of the New York State Uniform Fire Prevention and Building Code (Uniform Code), including, for example, the Plumbing Code of New York State (PCNYS), the Mechanical Code of New York State (MCNYS), and the Fuel Gas Code of New York State (FGCNYS), together with any amendments thereto.

1111.24 IDENTIFICATION OF VEHICLES

All vehicles used in the performance of the businesses of plumbing and mechanical contracting in Niagara Falls, New York, shall be identified with signs on each side.

Such plates or signs shall be at least a minimum of twelve (12) inches high and not less than a minimum of eighteen (18) inches in length containing the business or corporation's name with letters no less than two (2) inches in height.

1111.99 CRIMINAL PENALTIES AND CITATIONS

(a) It shall be unlawful for any person to violate any of the provisions of this Chapter. Each day such violation exists shall be a separate and distinct offense. Each violation of this Chapter shall be punishable by a fine of not less than \$250.00 and not more than \$500.00, or imprisonment of not more than 15 days, or both.

(b) Any person violating the provisions of this Chapter may receive a citation pursuant to the provisions of Chapter 740 of the Ordinances of the City of Niagara Falls for each offense. Upon receiving the citation, the alleged violator shall be subject to a forfeiture of one hundred dollars (\$100.00) if paid within five (5) days commencing on the day following the day the citation is issued, and two hundred dollars (\$200.00) if paid after five days and before fifteen (15) days. If the person to whom the citation is issued does not answer the citation within fifteen (15) days of issuance, a warrant for the arrest of the person shall be issued for the violation. In addition, the City shall be entitled to a civil judgment against such person for Two Hundred Dollars (\$200.00), together with the costs and expenses incurred in obtaining such civil judgment.

(c) In addition to the foregoing penalties, any master plumber or mechanical contractor who violates the provisions of this Chapter shall be subject to suspension or revocation of permits and/or the suspension or revocation of their registration with the Board and associated license as set forth herein above.

**Bold and Underline Indicate Additions
Bold and Brackets Indicate {Deletions}**