

NOTICE

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TITLE THREE – ADMINISTRATION

CHAPTER 1311 Registration of Plumbers

1311.01	Definitions	1311.07	Registration License Revocation
1311.02	Board of Plumbers Registry	1311.08	Where Provisions Not Applicable
1311.03	Applications	1311.09	Installers of Soft Water Units
1311.04	Registration Required; Fees; Non-transferability	1311.10	Disposition of Funds
1311.05	Application Conditions	1311.11	Violations
1311.06	Registration Required; Fee	1311.99	Penalty

SECTION 1311.01 DEFINITIONS

As used in this chapter:

- (a) “Partnership” or “corporation” means a business organization engaged in the work of plumbing, the members of which may or may not be plumbing contractors or journeyman plumbers.
- (b) “Principal place of employment” means the company, partnership or corporation where the plumbing contractor spends the majority of his paid hours engaged in the work of plumbing.
- (c) “BOPR” means the Board of Plumbers Registry.
- (d) “Approved Plumbing Registration” means an approved City of Kettering Plumbing Registration Form, signed by the Kettering Chief Building Official and issued in response to a valid application for same.

SECTION 1311.02 BOARD OF PLUMBERS REGISTRY

There is hereby created a Board of Plumbers Registry consisting of the Chief Building Official, the City Engineer, one plumbing contractor, one journeyman plumber and one resident not engaged in the plumbing business. The plumbing contractor and journeyman plumber referred to above shall be appointed by the City Manager for a term of two years,

taking office January 1 of each year. The resident non-plumber shall be appointed by the Mayor with the approval of Council for a term of two years taking office January 1 of each year. However, the first such appointees shall take office immediately upon appointment. Should any vacancy occur on the Board of Plumbers Registry (the “BOPR” or the “Board”), the City Manager shall have the power and duty to fill the vacancy with an appointment to last throughout the unexpired term, provided that if the member appointed by the Mayor vacates office then that vacancy shall be filled by the Mayor. Before assuming office, each member of the BOPR shall take an oath, before the Municipal Clerk, properly to perform the duties of his office as a member of the BOPR. The Chief Building Official shall be the President of the BOPR, and the BOPR shall annually select a Secretary either from its own membership, in which case the Secretary shall exercise full power of membership, or from without its membership. The Secretary shall perform the usual duties of his/her office, acting as a General Secretary and a Recording Secretary, keeping all records of the BOPR, as provided hereinafter.

SECTION 1311.03 APPLICATIONS

The BOPR shall make such rules and prescribe such procedures as may be necessary for its operation in conformity with this chapter. Its decision shall be concurred in by three members of the Board. It shall have complete control over the setting of procedures for applications for registration under this chapter and shall decide upon the qualification of all applicants. The Board may make such rules and regulations governing registration for plumbers as it may see fit, provided that all rules and regulations shall be uniformly applied and shall conform to the provisions of this Chapter. It shall keep an accurate record of all applications for registration. It shall keep accurate minutes of all its meetings and keep such other records as may be required hereinafter. It shall make a complete annual written report to the City Manager, upon request.

SECTION 1311.04 REGISTRATION REQUIRED; FEES; NON-TRANSFERABILITY.

All individuals, partnerships, corporations or any other business organizations engaged in the occupation of plumbing in the City of Kettering, regardless of residence, shall be required to secure an approved City of Kettering Plumbing Registration Form, signed by the Kettering Chief Building Official (“Approved Plumbing Registration”) before engaging in such work, and no permit for such work shall be issued by the Department of Planning and Development to any individual, partnership, corporation or any other business organization unless the provisions of this chapter have been fully complied with by such registrant. There shall be two classes of registrations as follows: a journeyman plumber’s registration and a plumbing contractor’s registration. All plumbing registrations issued by the City shall be renewed annually on January 1 for the current year. No part of any fee shall be refunded for any cause. No registration shall be transferable.

No permit for plumbing shall be issued to any company, partnership or corporation unless the plans and specifications for such work are submitted and signed by a registered plumbing contractor whose principal place of employment is the same company, partnership or corporation listed on the permit application.

SECTION 1311.05 APPLICATION CONDITIONS

An applicant for an Approved Plumbing Registration must show proof, in a form satisfactory to the BOPR, of insurance, compliance with Worker's Compensation requirements of the State of Ohio, compliance with local taxes, and current plumbing licensure as required by Section 1311.06 of this Chapter. The amount and type of insurance shall be as set by the BOPR. Compliance of these conditions, as provided by this section, shall be continuous and maintained current at all times while the registrant holds an Approved Plumbing Registration.

SECTION 1311.06 REGISTRATION REQUIRED; FEE

Before any individual is issued an approved City of Kettering Plumbing Registration Form under the provisions of this chapter, that same individual shall be required to show proof of current approved plumbing licensure by the Ohio Construction Industry Examining Board ("State License") as a plumbing contractor or as a journeyman plumber. In lieu of a State License, a journeyman plumber applicant may show proof of current journeyman plumber licensure by the City of Dayton, Ohio. The application fee for plumbing contractor's registration and the application fee for journeyman plumber's registration shall be the fee amounts then currently established by the City Manager. No part of either fee shall be refunded on account of the failure of the applicant to qualify for an approved City of Kettering Plumbing Registration Form.

SECTION 1311.07 REGISTRATION REVOCATION

The Board of Plumbers Registry shall have the power to revoke all plumbers registration issued under this chapter. A registration shall be revoked immediately by the Board upon conviction of the holder thereof, duly had in a court of competent jurisdiction, of a violation of the laws of the State, or of the ordinances of the City, relative to plumbing and sanitation. A registration herein provided may be revoked by the Board, in its discretion, when it finds that the registration is guilty of fraudulent use of his registration, violation of the laws of the State, or the ordinances of the City, relative to plumbing and gas fitting, or of incompetency in the exercise of the privileges of such registration, or fraud or misrepresentation in connection with securing the registration or permits granted by virtue thereof, or refusal to conform his work to the requirements of law, or of such other breaches of duty, as registrant hereunder, as the Board may regard contrary to the intent and purpose of this chapter. In all cases involving revocation of registration, at least fifteen days notice of the contemplated

revocation shall be served upon the registrant whose registration is in question, and such notice shall be in the form of a summons as provided by the laws of Ohio for civil actions and shall be served in the manner provided by such laws for such summons. It shall indicate the time and place of the hearing, the general grounds of the contemplated revocation, and shall advise the registrant of his right at the hearing in person, and by counsel, for the purpose of presenting his defense therein. Such registrant shall have the right to interrogate witnesses at the hearings and be heard orally upon the merits of his defense. The Board shall have the power to subpoena witnesses and compel attendance of the same, to administer oaths, punish for contempt, compel the production of records and other documentary evidence, and do all lawful things essential to a full hearing of the case before it. It shall make a complete record of such cases and may, at its discretion, keep a stenographic record of the testimony produced in such hearings. It may request legal advice from the Law Department, and adopt such procedure for its decorum and the dispatch of business at such hearings as it may regard advisable. The decision of the Board shall be final, and no registrant whose registration has been revoked shall be granted a new registration until the expiration of six months after the revocation aforesaid, and after successful application and payment of all fees as in the original instance; a revocation of registration shall not entitle the registrant to a refund of any part of the registration fee which he may have paid.

SECTION 1311.08 WHERE PROVISIONS NOT APPLICABLE

The provisions of this chapter shall not apply to public utilities, public institutions, public buildings, mercantile, commercial or industrial plants, which maintain departments for the installation and maintenance of plumbing in or on the premises, under expert supervision, in conformity with the laws of the State and the ordinances of the City, relative to sanitation and plumbing. If the Chief Building Official finds such plumbing to be contrary to the laws of the State or the ordinances of the City relative to sanitation and plumbing, and the person responsible for such violation of the law refuses to rectify the conditions complained of, he is authorized to refuse a permit for further work until the owner, director or supervisor of the utility, institution, building or plant, requires the persons engaged in such work to secure an Approved Plumbing Registration as provided by this chapter.

This chapter shall not apply to departments, branches, service units or buildings of the Federal, State and Municipal governments, nor to an individual performing plumbing in accordance with the requirements of the laws of the State and the ordinances of the City for his own use on premises owned and occupied by him or being built by him for his personal occupancy; such person shall be granted a permit for such work by the Chief Building Official upon making an affidavit that such work is not for hire and is in or on premises so used and occupied or to be so used and occupied as aforesaid, and the permit shall be conditioned upon the approval of the work, at its completion, by the Department of Planning and Development, provided that nothing herein shall be construed as a waiver of the provisions of the applicable building code or other ordinances applicable to the installation, repair or maintenance of plumbing or any other part of any building or structure.

SECTION 1311.09 INSTALLERS OF SOFT WATER UNITS

Installers of replaceable soft water units shall not be subject to the provisions of this chapter providing a permit for the initial installation of such units has been obtained under the applicable building code and providing that such installation is made under the supervision of a duly registered plumbing contractor.

SECTION 1311.10 DISPOSITION OF FUNDS OF PLUMBERS REGISTRY

The Secretary of the Board shall be under bond in such amount as the Board may require. All registrations required by this chapter shall be issued by the Department of Planning and Development, and all money derived from registration fees herein provided for shall be paid into the City Treasury and be credited to the General Fund.

SECTION 1311.11 VIOLATIONS

No architect, builder, contractor, corporation, partnership or individual shall knowingly aid or abet any plumber to do plumbing or gas fitting in violation of the provisions of this chapter, to connive at its violation or knowingly employ unregistered plumbers, or knowingly permit their employment for the use of such architect, builder, contractor, corporation, partnership or individual.

SECTION 1311.99 PENALTY

Whoever violates any of the provisions of this chapter shall be fined not more than Five Hundred Dollars (\$500.00).

Legislative History: Ord. 506-507; passed 6/11/57. Ord. 2831-79; passed 1/9/79. Ord. 3589-93; passed 2/2/93. Ord. 3676-95; passed 4/25/95. Ord. 3899-01; passed 12/18/01.