

Laws
Of
Rockland County

State of New York



Chapter 319

Relating to

Licensing of
Plumbing, Heating, Air Conditioning,
Refrigeration & Sheet Metal Contractors
in the County of Rockland
including Rules & Regulations

County of Rockland
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CHAPTER 319

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LOCAL LAW NO. 10 OF 2007
COUNTY OF ROCKLAND
STATE OF NEW YORK

A local law amending local law number 17 of 1974 as amended by local law number 3 of 1988, local law number 15 of 1990, local law number 2 of 1999, local law number 6 of 2002, and local law number 4 of 2005 (chapter 319 of the laws of Rockland county) relating to the licensing of plumbing, heating, air conditioning, refrigeration, and sheet metal contractors in Rockland county.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1.

Section 319-17 of local law number 17 of 1974 as amended by local law number 3 of 1988, local law number 15 of 1990, local law number 2 of 1999, local law number 6 of 2002, and local law number 4 of 2005 (chapter 319 of the laws of Rockland county) relating to the licensing of plumbing, heating, air conditioning, refrigeration, and sheet metal contractors in Rockland county is amended as follows:

319-1.Legislative intent.

The legislature of the county of Rockland hereby finds that the public health, safety and welfare of the residents of the county of Rockland can be properly protected only if the installation of plumbing, plumbing systems, gas piping, heating and air conditioning equipment and systems, air conditioning, refrigeration, and sheet metal in dwellings and other structures is undertaken by persons with necessary skill, experience and training in the plumbing, heating, air conditioning, refrigeration, and sheet metal field.

319-2. Definitions.

For the purpose of this chapter, unless otherwise indicated by the context, the following terms shall have the meanings indicated and all references to the masculine gender shall be interpreted to mean to include the feminine gender:

AIR CONDITIONING – The process of cooling, cleaning, humidifying, ventilating and circulating air throughout buildings or structures, private and public.

BOARD – The board of plumbing, heating, cooling, air conditioning, refrigeration, and sheet metal examiners created by this chapter.

BUSINESS RECORD – Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence or event made in the regular course of any business.

AIR-CONDITIONING-REFRIGERATION CONTRACTOR – Includes any person who engages in or carries on the business of installing, erecting, altering, extending, repairing or maintaining systems and equipment for the purpose of air-conditioning, refrigerating, cleaning, humidifying, dehumidifying, ventilating or circulating air through buildings or structures, private or public.

DIRECTOR – The Director of the Rockland County Department of Weights & Measures/Office of Consumer Protection.

EXAMINER --A person employed by the county and designated by the board to exercise or to discharge, as directed by the board, the authority or the duties established by this chapter or by the board pursuant to this chapter.

GAS-DISTRIBUTION PIPING – All piping within any buildings, structures or swimming pools, private and public that distributes gas used for illumination or fuel in any building, structure or swimming pool. This includes gas supplied by a public utility from the house side of the gas meter and piping, or beyond the gas regulator supplied by fuel or gas vendor.

HEATING – The installing, erecting, altering, extending, repairing or maintaining of any device, system or equipment for heating buildings or structures, private or public.

This definition shall include all piping carrying gas, liquid propane, oil or water to such heating equipment, except that portion of piping covered in the plumbing and gas-distribution system.

HEATING CONTRACTOR – Includes any person who engages in or carries on the business of heating.

LIQUID PROPANE DISTRIBUTION PIPING – All piping from the house side of the regulator that distributes gas to all fixtures and apparatus used for illumination or fuel in any building, structure or swimming pool.

MASTER PLUMBER – Includes any person who engages in or carries on the business of installing, erecting, altering, extending or repairing or maintaining piping, fixtures, appliances, equipment and appurtenances in connection with any of the following: gas-distribution systems, liquid propane distribution piping, sanitary-drainage or storm-drainage facilities, the venting system and the public or private water-supply systems within or adjacent (i.e., to five (5) feet outside buildings or structures, public or private, for sanitary-drainage or storm-drainage facilities; or, from the curb valve to buildings or structures, public or private, for public water supply systems) to any building or structure.

PERSON – Includes an individual, firm, company, partnership, limited liability company, corporation or other legal entity.

PLUMBING – The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances (including water heaters, water treatment equipment, water filters, water softeners, water conditioners, dishwashers, laundry washers, laundry dryers, water-service pipelines, water-using equipment, fire sprinklers, fire standpipes, fire hydrants, control valves or devices, check valves, any similar appliances, and any combinations of or connections made to them or similar appliances), equipment and the appurtenances in connection with any of the following: gas-distribution system, swimming pool heaters, backflow prevention devices, sanitary-drainage or storm-drainage facilities, the venting system and the public or private water-supply systems within or adjacent (i.e., to five (5) feet outside buildings or structures, public or private, for sanitary-drainage or storm-drainage

facilities; or, from the curb valve to buildings or structures, public or private, for public water supply systems) to any building or structure.

PLUMBING SYSTEMS – The water supply and distribution pipes; plumbing fixtures and traps, soil, waste and vent pipes; building house drains and building house sewers, including their respective connections, devices and appurtenances within the property lines of the premises; and water-treating or water-using equipment.

REFRIGERATION – The process by which any product or substance is cooled to or below, or maintained at or below, fifty five degrees Fahrenheit (55°F).

REFRIGERATION CONTRACTOR – Includes any person who engages in or carries on the business of installing, erecting, altering, extending, repairing, or maintaining any device, system, or equipment for refrigeration in buildings or structures, private or public.

SHEET METAL – Ducts, devices, systems, or equipment made of sheet metal or similar material and intended or used for the distribution of air or any other substance to heat, cool, air condition, clean, humidify, dehumidify, ventilate, or circulate air through a space.

SHEET METAL CONTRACTOR – Includes any person who engages in or carries on the business of installing, erecting, altering, extending, repairing, or maintaining sheet metal in buildings or structures, private or public

SHELVE – The voluntary placement in inactive status by an individual of a license or any combination of licenses issued pursuant to this chapter. No individual whose license is shelved shall maintain, conduct, operate, advertise, engage in or transact a business or activity for which a license is required by this chapter.

SWIMMING POOLS – Any structure, basin, chamber or tank containing water for swimming, diving or bathing and all receptacles used for decorative purposes, if directly connected to a potable water supply system or sanitary drain.

319-3. License required.

(a) No person, except an individual, may apply for or be examined in connection with any application for any license required by this chapter.

(b) No license required by this chapter shall be issued to any person, except to an individual.

(c) No license required by this chapter shall be assignable or transferable. Nor shall such license be utilized, except as provided in this chapter.

(d) No person shall maintain, conduct, operate, advertise, engage in or transact business or activity as a master plumber or heating contractor or air-conditioning-refrigeration contractor or refrigeration contractor or sheet metal contractor or any combination thereof after the effective date of this chapter or any amendment thereto or solicit such business or contracts involving such business or hold himself or herself or itself out as being able to maintain, conduct, operate, advertise, or engage in or transact such business or activity after such date unless he or she or it is licensed therefore pursuant to this chapter.

(e) Nothing in this chapter shall prohibit a person licensed in accordance with the provisions of this chapter from employing individuals, not so licensed, to assist, as bona fide employees of and under the direct supervision and control of the person so licensed, in any business or activity for which a license is required by this chapter.

(f) A license issued to an individual may, upon written application made jointly by that individual and by a proposed partnership, limited liability company, or corporation in the manner prescribed by or pursuant to subsection (g) or subsection (h) below, be utilized by the licensed individual and by such partnership, limited liability company or corporation to engage in any business or activity for which the license was issued to the individual; provided that such business or activity be maintained, conducted, operated, advertised, engaged in or transacted under the personal and immediate direction and control of at least one member of the partnership, or one member or manager of the limited liability company, or a manager or managing officer of a corporation, who shall be required to meet the licensing requirements of this chapter on behalf of the partnership or limited liability company or corporation and who, in the case of a corporation, shall not be required to be an officer of the corporation; and

provided, further, that the partnership or limited liability company or corporation shall be liable with respect to all actions taken by its member, manager or managing officer acting on behalf of such partnership or limited liability company or corporation. If such member, manager or managing officer, who shall have met the requirements of this chapter, ceases to act in the capacity of member, manager or managing corporate officer for any reason whatsoever, (i) the partnership, limited liability company or corporation shall, within fourteen days after such cessation, itself cease engaging in the business or activity for which the license was issued to the individual, and (ii) both the individual to whom the license was issued and the partnership, limited liability company or corporation by which the license was utilized shall each in writing, within such fourteen (14) days, notify the board of the cessation of both the relationship and the business or activity.

(g) No individual to whom a license has been issued under this chapter may, regardless of the number or kinds of licenses issued to such individual, make in any six month period more than one application for another entity to utilize any license issued under this chapter. Each such application shall be accompanied by the payment to the board of a utilization application fee in a such amount, not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), as the board may by rule from time to time determine. Each such application shall be accompanied by proof that insurance, as described in section 319-18 below, has been secured for both the individual to whom a license has been issued and the entity applying to utilize the license, each in the full amount of five hundred thousand dollars (\$500,000).

(h) The board may promulgate rules and regulations implementing and enforcing the provisions of this section.

319-4. Board of Plumbing, Heating and Cooling Examiners.

A. There is hereby created a board of plumbing, heating, air conditioning, refrigeration, and sheet metal examiners, consisting of nine (9) members, hereinafter referred to as the "board." The members of such board shall be residents of Rockland county and/or have their principal place of business in Rockland county, shall be

appointed by the county executive, subject to confirmation by the county legislature, and shall serve at the pleasure of the county executive as follows:

(1) One (1) member shall be a journeyman mechanic having no less than five (5) years of experience as a journeyman mechanic.

(2) One (1) member shall be a journeyman plumber-fitter having no less than five (5) years of experience as a journeyman plumber-fitter.

(3) Two (2) members shall be master plumbers, heating and air conditioning contractors, having no less than ten (10) years of experience as master plumbers, heating and air conditioning contractors.

(4) One (1) member shall be a member of the legislature of Rockland county.

(5) One (1) member shall be a master plumber or heating contractor or air conditioning contractor or any combination thereof having no less than ten (10) years of experience as a master plumber or heating contractor or air conditioning contractor or any combination thereof.

(6) Three (3) members shall be selected from the public at large.

B. The legislature of the county of Rockland shall designate a member of the legislature to act as chairman of the board or, on failure to do so, the board shall elect a chairman from its own members.

C. A majority of the board shall constitute a quorum for the transaction of business.

D. Compensation to be paid to the members of the board, if any, shall be determined by the county legislature.

319-5. Powers and Duties of Board.

The board shall have the following powers and duties in addition to those elsewhere prescribed in this chapter:

A. To hold meetings at the call of the chairman and at such other times as the board may determine when necessary or desirable for the efficient discharge of the business of the board. All meetings of such board shall be open to the public. Such board shall

keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official actions. Every rule, regulation, every amendment or appeal thereof, in every decision or determination of the board shall immediately be filed in the office of the clerk to the legislature of the county of Rockland and shall be public record.

B. To set all fees relating to examinations and licenses provided for or required by this chapter.

C. To examine into the qualifications and fitness of applicants for or users of licenses under this chapter.

D. To grant and issue licenses or any combination thereof, or utilization thereof, required or permitted by this chapter, to applicants possessing the requisite qualifications.

E. To suspend or revoke licenses for cause as prescribed in this chapter or state law. The board may issue and cause to be served subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing held by it pursuant to this chapter.

F. To keep records of all licenses issued, suspended or revoked by it and to make such records available for public inspections, the same to be filed in the office of the clerk to the legislature of Rockland county.

G. To prepare a manual of its rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring the same upon payment of a fee as prescribed by the board.

H. To adopt rules and regulations in respect to procedure before it and in respect to any subject matter where it has jurisdiction under this chapter or any other law after a public hearing by the board and subject to the approval of the legislature of Rockland county. Upon adoption and approval of such rules and regulations they shall be duly filed with the clerk to the legislature of Rockland county.

I. To make recommendations to the county legislature regarding any business, activity, license, or other matter which is the subject of this chapter or of regulations adopted pursuant to this chapter.

J. The board shall employ examiners, inspectors, experts, clerks and a secretary, subject to the appropriations that may be made therefore by the legislature of Rockland county. Said employees shall be appointed by the county executive and shall report to the director of weights and measures on a day-to-day operational basis. The Rockland county legislature is hereby authorized and empowered to make such appropriation as it may see fit for such expenses, less fees, if any, collected pursuant to the licensing required by this chapter.

K. The board may from time to time adopt and revise rules and regulations prescribing and enforcing present and future continuing education for licensees, applicants for licenses, and users of licenses, or combinations thereof, required or permitted by this chapter.

319-6. Issuance, renewal, and renewal of shelved licenses; term; fees.

A. The board may issue any license, renew any license, and renew any shelved license or any combination of licenses required or permitted by this chapter. Any person who is validly licensed or whose license or combination of licenses was shelved and subsequently renewed may, unless such license shall have been suspended, further shelved, or revoked, engage during the period ending the 31st day of December of the year in which such license was issued, in any business or activity for which such license is required by this chapter. Application for renewal of the license is to be made thirty (30) calendar days prior to the expiration date of the license, and shall be accompanied by the required fee set forth in the rules and regulations. All applications for renewal of a license shall be accompanied by the required renewal fee. The board may, upon application by the individual to whom any license or combination of licenses is issued, shelve any license or any combination of licenses. Application for shelving or the renewal of a shelved license is to be made thirty (30) calendar days prior to the expiration date of the license and shall be accompanied by the required fee set forth in

the rules and regulations. Reactivation of a shelved license shall require thirty (30) days' written notice to the board. Renewal of license or renewal of shelved license shall be annually.

319-7 Application for license.

All applications for licenses and for utilization of licenses shall be submitted on forms furnished by and in a manner prescribed by the board and shall be accompanied by payment of a fee, not refundable under any circumstances (including failure to pass an examination), in an amount established by the board. Each application for a license and each application for utilization of a license shall set forth the name, residence address and business address of each applicant (including, in the case of a joint application for utilization of a license, the name, residence address and business address of the individual signing and authorized to sign such application on behalf of a partnership, limited liability company, or corporation) and such information pertaining to qualifications for the license or utilization of the of license as the board may require.

319-8 Examinations; exceptions.

A. The examination shall consist of a written and in the case of master plumber licenses a practical test. No applicant shall take the practical test until he has passed the written test. Examination results shall be kept on file until three (3) years after the date of the examination. Examinations shall be held at such time and place and at such fee as the board may fix.

B. An applicant who has failed his written or practical examination shall not be eligible for reexamination until six (6) months from the date of failure.

C. No license shall be granted to a person unless he shall prove to the satisfaction of the board that he is competent and qualified to perform the work for which the license is issued. The board may, as a condition to the granting of a license,

establish a rule or regulation requiring that the applicant must have a certain number of years' experience performing said work before the date of application.

319-9. Unlawful use of licenses; display.

A. Except as provided in section 319-3 above, no individual to whom a license has been issued under this chapter shall authorize, consent to or permit the use of his license by or on behalf of any other person; and no person shall hold himself out to the public as the licensee or as the user of a license issued under this chapter, either directly, by means of signs, sign cards, metal plates, stationary or in any other manner whatsoever.

B. Each individual to whom any license has been issued under this chapter and each person utilizing such a license under this chapter shall promptly affix and at all times keep affixed to every vehicle used by such individual and by such user in any activity for which a license is required under this chapter a symbol indicating licensure in such form and manner as may be prescribed by the board.

319-10. Reciprocity with other political subdivisions.

The board at their discretion may issue licenses without examination to individuals licensed by other political subdivisions of the state of New York outside Rockland county, provided that, in the judgment of the board, the qualifications required for such licenses by such other political subdivisions are substantially similar to those required by or permitted pursuant to this chapter, and provided further that such political subdivision would similarly issue a license without examination to an individual with such qualifications licensed in Rockland county.

319-11. Refusal, suspension or revocation of licenses.

A. A license required, issued, shelved, or utilized under this chapter may be refused, suspended or revoked by the board for any one (1) or more of the following causes:

1. Fraud, misrepresentation or bribery in securing a license, or in connection with the making of or performance under any contract, or the performance of any other activity, for which a license is required under this chapter

2. The making of any false statement as to material matter in any application for a license or in response to any demand or request by the director or the board for records or information pertaining to any examination or license or proceeding under this chapter or rules and regulations promulgated pursuant to this chapter.

3. License holder having been convicted of a felony involving another person or property.

4. The business transactions of the individual to whom a license has been issued, or of the user of such license, under this chapter have been marked by a practice of failure to perform its contracts or the fraudulent manipulation of assets of accounts.

5. Failure to display or affix any symbol indicating licensure in the form and in the manner prescribed under this chapter.

6. Violation of any provision of this chapter or of any rule or regulation adopted hereunder or any other law or ordinance pertaining to any activity for which a license is required under this chapter.

7. Engaging, with only a shelved license, in any activity for which a license is required under this chapter.

8. Aiding, abetting, encouraging, engaging, employing, contracting with, or subcontracting with any person, other than a bona fide employee as provided in section 319-3(e) above or a user of a license as provided in section 319-3(f) above, to perform or engage in any activity for which a license is required under this chapter.

9. Performing or engaging in any activity for which a license is required under this chapter, in the county of Rockland with other than employees employed by and on the payroll records of the individual to whom a license has been issued, or employed by and on the payroll records of an entity utilizing such license under this chapter unless the activity is being performed by or engaged in with individuals to whom licenses have been issued for such activity under this chapter.

B. Prior to the revocation or suspension of a license, the licensee shall receive, in writing, all the particulars of the alleged violation and shall have an opportunity to present his defense at a public hearing either in person or by his attorney.

319-12. Prohibited acts.

A. The following acts are prohibited:

(1) Abandonment or willful failure to perform, without justification, any plumbing or heating or cooling contract or project engaged in or undertaken by a contractor, or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner.

(2) Making any substantial misrepresentation of opinion or fact, or any false promise, or other statement intended or reasonably likely to influence, persuade or induce the procurement of any contract the performance of which involves any activity for which a license is required under this chapter.

(3) Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to any activity for which a license is required under this chapter.

(4) Directly or indirectly publishing any advertisement relating to any activity for which a license is required under this chapter which contains an assertion, representation or statement of fact or opinion which is false, deceptive or misleading, or using any means of public advertising purporting to offer to contract to perform or engage in any activity for which a license is required under this chapter, with the intent not to accept such contracts for the particular activity or at the particular price offered in such advertisement.

(5) Willful or deliberate disregard and violation of the building, sanitary and health laws of this state or any political subdivision thereof.

(6) Willful, negligent, or other failure to comply with the cessation, notification, and other requirements of section 319-3(f), (g) or (h).

(7) Willful failure to produce on demand any business records or other information requested by the board pursuant to provisions of this chapter.

(8) Willful failure to comply with any order, demand or requirement made by the board pursuant to provisions of this chapter.

B. No person shall advertise to perform or engage in any activity for which a license is required under this chapter, without clearly and conspicuously setting forth the license number in the advertisement.

319-13. Review of action of Board.

A. Any person aggrieved by the action of the board in refusing to issue a license or to permit the renewal or use thereof or to permit the shelving of a license or renewal thereof or reactivation of a shelved license or suspending or revoking a license or making any decision or determination may take an appeal therefrom to the legislature within thirty (30) days after the same has been filed with the clerk of the legislature as

required herein. Such appeal shall be taken by filing with the board and the legislature a notice of appeal, specifying the ground therefore.

B. The board shall forthwith transmit to the legislature all the papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the board issues a certificate to the legislature after the notice of appeal shall have been filed, stating that a stay of all proceedings would, in its opinion, cause imminent peril to life or property, in which case the stay shall be vacated unless the legislature grants a stay of all proceedings in furtherance of the action appealed from.

D. The county executive, subject to confirmation by the county legislature may designate three (3) members of the legislature to hear appeals.

E. A time shall be fixed for the hearing of the appeal, and notices of the hearing shall be mailed to the appellant and the board at least ten (10) days before the hearing. Upon the hearing, any party may appear in person or by his attorney. The three (3) members of the county legislature designated to hear the appeal may reverse or affirm, wholly or partly, or may modify the decision or determination or actions appealed from and may make such decision or determination as in its opinion ought to be made in the premise and that it shall have the powers of the board from which the appeal is taken.

F. Any person aggrieved by any determination made upon an appeal may apply to the supreme court of the state of New York for review by a proceeding under article 78 of the civil practice law and rules, provided that the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the clerk of the legislature.

G. Appeals shall be limited to evidence relevant to the issues decided by the board.

H. All exhibits proposed to be submitted as evidence at the hearing of the appeal shall be filed with the clerk to the legislature at least three days prior to said hearing.

319-14. Construal of provisions.

Nothing contained herein shall be construed to obviate the necessity of procuring a permit or license to engage in or transact business or activity for which a license is required by this chapter, whenever such permit or license is required by statute, local law, resolution, building code or ordinance of any political subdivision of the state of New York to engage in or transact such business or activity in such political subdivision.

319-15. Installation standards.

All business and activity for which a license is required by this chapter, engaged in or transacted within the county of Rockland, shall be engaged in or transacted in conformity with the provisions of this chapter and of any other applicable statutes, local law, resolution, ordinance or building code pertaining thereto.

319-16. Disposition of fees.

All fees, fines, and other funds received by the board pursuant to this chapter or regulations adopted pursuant to this chapter shall be delivered to the commissioner of finance by the board within ten (10) days after they are received. They shall be deposited by such commissioner and shall, along with all disbursements, be recorded in such manner as to be identified as “board of plumbing, heating, air conditioning,

refrigeration, and sheet metal examiners funds". All disbursements herein provided for or which may hereafter be directed to be made for the purpose of carrying out this chapter shall be made from and charged to such fund.

319-17. Penalties for offenses.

A. Any willful or negligent failure by any person to comply with the provisions of section 319-3 hereof shall constitute a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for a period not exceeding one (1) year or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct misdemeanor hereunder for each day the offense is continued.

B. Any person who, with intent to defraud or deceive, knowingly makes a false statement in any application pertaining to any license under this chapter, or in any proof or instrument, or in connection therewith, shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding one thousand dollars (\$1,000.) or by imprisonment for a period not to exceed one (1) year, or both.

C. Any willful or negligent failure by any person to comply with other sections of this chapter shall constitute a violation and shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued.

D. The director, as designated herein, and his designees shall have the power to issue appearance tickets as the same are defined in article 150 of the criminal procedure law.

E. An administrative notice of violation assessing a civil penalty not to exceed three thousand dollars (\$3000.) for any willful or negligent failure by any person to comply with any provision of this chapter may be issued by the director, as designated

herein, or his designees and sent by certified, registered, or ordinary mail to the person who has failed to comply. Each failure to comply with one or more separate and distinct provisions of this chapter shall constitute a separate and distinct failure to comply, for each of which the director or his designees may issue a separate and distinct administrative notice of violation assessing a civil penalty not to exceed three thousand dollars (\$3000.). The continuation of any failure to comply shall constitute a separate and distinct failure to comply for each day the failure is continued. The director may, with the approval of the county executive, commence a civil action in any court of competent jurisdiction to collect any civil penalty assessed pursuant to this subsection that remains unpaid for more than thirty (30) days after the mailing of the notice of violation.

F. Nothing herein contained shall prevent the director, as designated herein, his designees, the examiner, the board, or other employee of the county designated by the board, from proceeding to enforce the requirements of this chapter by any one or any combination, successively or simultaneously, of the following: criminal proceedings as provided in subsections A, B, C, and D of this section; civil penalty as provided in subsection E of this section; or civil action for injunctive, declaratory, monetary, or other relief.

G. The board may suspend, revoke, or refuse to issue, refuse to renew or reactivate, or refuse to permit the utilization of or shelving of a license by any person who has failed to pay any fine or civil penalty imposed pursuant to this chapter.

319-18 Insurance required.

All persons licensed by this chapter shall be required to secure insurance to protect their employees and to protect all persons from personal injury and property damage that could occur, directly or indirectly, as a result of any activity for which a license is required by this chapter. Such insurance must include worker's

compensation, disability, liability, proof of completed operations insurance and property damage coverage in the amount of five hundred thousand dollars (\$500,000.).

319-19 Liability for damage.

This chapter shall not be construed to relieve from nor lessen the responsibility of any master plumbing or heating or air conditioning or refrigeration or sheet metal contractor or any combination thereof, for any loss of life or damage to personal property, nor shall the county of Rockland be deemed to have assumed any such liability by reason of any license issued pursuant to this chapter.

319-20 Non-applicability.

The provisions of this chapter shall not apply to activity for which a license is otherwise required pursuant to this chapter if such activity is performed pursuant to a contract with any federal agency or performed by employees of New York state or of New York municipal corporations with civil service status directly for the state or municipal corporation.

319-21 Separability.

If any part of this local law, or the application thereof to any person or circumstances shall be it judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to any other persons or circumstances.

319-22 Rules and Regulations to Remain in Effect.

All rules and regulations in effect at the time this local law takes effect are hereby ratified and re-approved, and shall remain in full force and effect unless and until they are amended pursuant to this local law.

Section 2. Effective Date.

This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home rule law.

JLW

08/2007

Relating to the Licensing of

Plumbing, Heating, Air Conditioning, Refrigeration, and Sheet Metal Contractors
In Rockland County

1). Fees:

A.	Application for any or all licenses -	\$ 375.00
B.	Written examination –(each license)	\$ 175.00
C.	Practical examination –(each license)	\$ 225.00
D.	Renewal for one plumbing or heating or or air conditioning or refrigeration or sheet metal license -	\$ 175.00
E.	Renewal for each additional plumbing or heating or air conditioning, or refrigeration or sheet metal license -	\$ 100.00
F.	Shelving of license(s) -	\$ 60.00
G.	Renewal of shelved license(s) –	\$ 60.00
H.	Late charge through December 31 -	\$ 200.00
I.	Additional late charge after December 31-	\$ 200.00
J.	Utilization application fee (each user entity)	\$2,000.00
K.	Utilization Renewal fee (each user entity)	\$2,000.00
L.	License Sticker Decal-	\$ 10.00
M.	Incomplete application or incomplete renewal of licenses-(each additional contact or communication with or submission to Board, Board’s designee or Office of Consumer Protection)-\$	50.00
N.	Bad checks or “bounced” (dishonored) checks	\$ 75.00

Note: Application fee, written examination fee and practical examination fee is non-refundable.

Note: Failure by applicant of written examination or practical examination shall result in applicant submitting a new application, and the required fee.

Note: Application for renewal of a license or shelving of a license or renewal of a shelved license received between December 2 and December 31, inclusive, of the year the license expires, shall be accompanied by an additional late charge of TWO HUNDRED (\$200.00) DOLLARS.

Note: Application for renewal of a license or shelving of a license or renewal of a shelved license received between January 1 and March 1, inclusive, of the year after the license expires, shall be accompanied by an additional late charge of TWO HUNDRED (\$200.00) DOLLARS, for a total of FOUR HUNDRED (\$400.00) DOLLARS in late fees. If application for renewal of a license or shelving of a license or renewal of a shelved license is not received on or before March 1, of the year after the license expires, it shall be necessary for the license-holder to re-apply which includes re-taking the written and/or practical examination, along with submitting the required fee's.

Note: Each utilization application must be accompanied by the required utilization application fee.

Note: Payment of all fees will be by check or Money Order.

Note: Tests will be administrated at least quarterly on a schedule to be determined by the Examiner. An applicant must take the next scheduled written examination or practical examination after the Board approves the applicant's qualifications for that examination.

2). Minimum qualifications for licensing as:

A. Master Plumber

- 1) (a) Five years at an apprentice level or;
(b) graduation from a one year technical school and four years experience as an apprentice or;
(c) Graduation from a two year technical school and three years experience as an apprentice, and
- 2) Two years as a journeyman working for a master plumber (for the public at large) who was licensed, unless the jurisdiction in which the plumber was doing business did not require such a license.

B. Heating Contractor

- 1) (a) Five years at an apprentice level or;
(b) Graduation from a one year technical school and four years experience as an apprentice or;

- (c) Graduation from a two year technical school and three years experience as an apprentice, and
- 2) Two years experience as a journeyman working for a heating contractor (for the public at large) who was licensed, unless the jurisdiction in which the plumber was doing business did not require such a license.

C. Air Conditioning Contractor

- 1) (a) Five years at an apprentice level or;
(b) Graduation from a one year technical school and four years experience as an apprentice or;
(c) Graduation from a two year technical school and three years experience as an apprentice, and
- 2) Two years experience as a journeyman working for an air conditioning contractor (for the public at large) who was licensed, unless the jurisdiction in which the plumber was doing business did not require such a license.

D. Refrigeration Contractor

- 1) (a) Five years at an apprentice level or;
(b) Graduation from a one year technical school and four years experience as an apprentice or;
(c) Graduation from a two year technical school and three years experience as an apprentice, and
- 2) Two years experience as a journeyman working for a refrigeration contractor (for the public at large) who was licensed, unless the jurisdiction in which the plumber was doing business did not require such a license.

E. Sheet Metal Contractor

- 1) (a) Five years at an apprentice level or;
(b) Graduation from a one year technical school and four years experience as an apprentice or;

- (c) Graduation from a two year technical school and three years experience as an apprentice, and
- 2) Two years experience as a journeyman working for a sheet metal contractor (for the public at large) who was licensed, unless the jurisdiction in which the plumber was doing business did not require such a license.

Note: The seven year time requirement for any combination of licenses shall be within ten years of the date of application for license.

Note: When computing years of experience for apprentice and journeyman one year shall equal 1,500 hours.

Note: The computation of years of technical school shall be at the Board's discretion and the technical school shall be related to the trade for which the applicant is applying.

Note: In order to be considered qualifying experience, any experience as a journeyman in a jurisdiction where licensing is required must be experience working for a licensed contractor.

Note: Proofs of such experience and/or education will be in the form of official transcripts, w-2's, 1040's, 1099's, certified social security records or such other documentation as may be acceptable to the Board.

Note: Two reference letters, on business letterhead, are required to accompany all applications. They shall be from former employers, architects, engineers, inspectors or certified contractor in the trade. These letters must contain the following information: length of time applicant known, relationship to applicant, exact dates employed, employment capacity, duties and business or profession of reference. Each letter shall also indicate the municipal or state licenses that the applicant holds; the applicant's name, address, telephone; and any other additional pertinent information.

3). License issuance and Proof of Ownership:

A. Licenses will be issued to individuals only.

B. A DOMESTIC (NEW YORK) CORPORATION or LIMITED LIABILITY

COMPANY submitting a utilization application must accompany the application with a copy of the filing receipt showing the filing of the corporation's certificate of incorporation (or, in the case of a limited liability company, its articles or organization) with the State of New York, Secretary of State, and a certified copy of a certificate of existence (sometimes called a certificate of good standing) pertaining to the corporation or limited liability company, as the case may be, issued within thirty days prior to the date of submission of the utilization application.

C. A FOREIGN CORPORATION or LIMITED LIABILITY COMPANY submitting a utilization application must accompany the application with

- (1) a certified copy of the filing receipt showing the filing of the corporation's or limited liability company's application for authority to do business in New York with the State of New York, Secretary of State, and
- (2) a certified copy of the certificate of existence (sometimes called a certificate of good standing), issued by the jurisdiction of incorporation of the corporation or the jurisdiction of organization of the limited liability company within thirty days prior to the date of submission of the utilization application, and
- (3) a certified copy of the certificate of existence (sometimes called a certificate of good standing), issued by the State of New York, Secretary of State, pertaining to the corporation or limited liability company, within thirty days prior to the date of submission of the utilization application.

D. A PARTNERSHIP submitting a utilization application must accompany the application with a copy of a fully executed partnership agreement and a certified copy of the partnership's assumed name certificate on file in the County Clerk's Office.

E. AN INDIVIDUAL operating under an assumed name must submit with any application for a license a certified copy of the assumed name certificate on file in the County Clerk's Office.

F. No application bearing only a "P.O. Box" address for any applicant shall be accepted or granted.

4). Insurance:

A. Insurance required by Chapter 319 of the Laws of Rockland County or by these rules and regulations shall be evidenced by a certificate naming the County of Rockland Board of Plumbing, Heating, Air Conditioning, Refrigeration, and Sheet Metal Examiners as an additional insured.

B. No application pursuant to Chapter 319 of the Laws of Rockland County or these rules and regulations shall be accepted or granted without provision by the applicant of the proof related to workers' compensation insurance and disability benefits insurance required by New York State Workers' Compensation Law §§ 57 (1) and 220 (8)(a).

5). Passing Grade:

Passing grade for written test shall be 70% correct answers. Passing grade for practical test shall be 70% correct answers for each part. On re-examination, an applicant who did not receive a passing grade with respect to any part or parts of the practical exam shall only have to pay the practical examination fee and shall only have to pass the part or parts of the practical examination with respect to which the applicant did not receive a passing grade.

6). Attendance by Board Members:

Members of the Board shall be required to attend sixty percent (60%) of all regular meetings scheduled by the Board during each calendar year, and upon the failure of any member to do so the Board shall promptly submit a letter to the County Executive recommending that such member be removed for failure to attend regularly scheduled Board meetings.

7). License Sticker Decals and Motor Vehicle Numbering and Lettering:

A. Every application for a license sticker decal issued by the County of Rockland shall be accompanied by a copy of the motor vehicle

registration certificate pertaining to the motor vehicle to which such license sticker decal shall be affixed.

- B. Every license sticker decal issued by the County of Rockland shall be permanently and conspicuously affixed to the rear of the motor vehicle for which it was issued.
- C. Every motor vehicle used in connection with any activity for which a license is required under Chapter 319 of the Laws of Rockland County or these rules and regulations shall be properly numbered with the number of the license issued for such activity and lettered with the name either of the individual to whom such license was issued or of an entity permitted to utilize that individual's license.
- D. Proper numbering and lettering shall be applied on both sides and on the rear of each such motor vehicle.
- E. All numbering and lettering shall be at least three inches in height.

8). Change of Name or Address:

Every individual to whom a license has been issued, and every entity using such license, shall notify the Board within thirty (30) days after any change of name (including assumed name) or address of such individual or entity.

9). Continuing Education:

Every individual to whom one or more licenses have been issued, before the effective date of this rule or shall have been issued after the effective date of this rule, regardless whether such license or licenses have been or shall have been shelved, shall within the three year period following the issuance of such license or licenses and within each subsequent three year period complete, at his or her own expense, 12 hours of continuing education per three year period in a program approved in advance by the Board and provide proof satisfactory to the Board of the completion of such continuing education. The hours of continuing education may cover any one or more of the business, technical, or code aspects of any one or more of the disciplines in which the individual holds a license. Failure to comply with this rule shall constitute grounds to suspend, revoke, or

refuse to renew, shelve, or reactivate any one or more licenses issued pursuant to Chapter 319 of the Laws of Rockland County.