

BY-LAW NUMBER 137 OF 2005
OF THE CITY OF SARNIA

“A By-Law to provide for the examining and licensing of Drain Layers and the licensing of Master Plumbers and Plumbing Contractors”

WHEREAS Part IV of the *Municipal Act*, S.O. 2001, c. 25, as amended, and its regulations provides that municipal council may licence, regulate and govern any business, wholly or partly carried on within the municipality;

AND WHEREAS the Act also provides that a municipality may enter into a reciprocal licensing agreement with other municipalities;

AND WHEREAS the Council of The Corporation of the City of Sarnia deems it desirable for the protection of consumers in the municipality to enact a by-law for the licensing and other requirements for Master Plumbers and Drain Layers operating in the City of Sarnia.

NOW THEREFORE the Council of The Corporation of the City of Sarnia enacts as follows:

1. In this By-Law:
 - (a) “City” means The Corporation of the City of Sarnia;
 - (b) “County” means The Corporation of the County of Lambton;
 - (c) “Drain Layer” means a person who lays drains and sewers (but not including building drains as provided by the regulations under the *Ontario Water Resources Act*) or who repairs or reconstructs drains and sewers, removes tree roots or other obstructions from drains and private drain connections by mechanical or other means, and is familiar with the rules and regulations governing the same;
 - (d) “Examining Board” means the examining board established by this By-Law for the purposes of examining drain layers and administering this By-Law on behalf of the City;
 - (e) “Journeyman Plumber” means a person who has been issued a Certificate of Qualifications in the trade of plumber under the *Apprenticeship and Tradesmen’s Qualification Act*;
 - (f) “Maintenance” means the keeping in repair of plumbing, including repair of faucets and valves, replacement of defective or worn fixtures and/or any components thereof, but shall not mean or include the construction or relocation of plumbing or additions thereto;

- (g) “Master Plumber” means a person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in Ontario and who, himself, or by journeyman plumbers under his supervision, performs plumbing work;
- (h) “Regular place of business” if located in the City, means an office accessible to the public, which may be entered from the street, and which, subject to the applicable Sign By-Law, as amended from time to time, has displayed on the outside thereof a sign bearing the name or names of the person, firm or corporation carrying on the plumbing business therein in letters not less than three inches (3”) high and clearly designating that it is a Master Plumber’s shop, store or place of business; and
- (i) “He” or the use of other masculine pronouns, such as “his” are intended to refer to a person, male or female, and are not to be construed as indicative of the gender of the person in reference.

- 2. The purpose of this By-Law is to provide for the licensing of master plumbers, drain layers and plumbing contractors in order to protect the consumer from having work done by persons who have not demonstrated their qualifications in order to obtain a Province of Ontario Certificate of Qualification and to ensure such persons/business carry adequate insurance.
- 3. Save as herein otherwise provided, the provisions of this By-Law shall apply to all persons engaged within the City of Sarnia in placing, installing, maintaining, repairing or replacing any pipe, fixture or other device, equipment or facility of a plumbing system. For the purpose of this section “Plumbing System” shall mean the pipes, fittings, fixtures, traps, drains and appliances for conveying water or sewage or other liquid wastes, as the case may be, to, in or from, a building (including any premises contiguous thereto under the control of the same occupier).
- 4. The provisions of this By-Law shall not apply to:
 - (a) The installing or changing of washers in faucets or in other fixtures;
 - (b) Work done by any person for his own benefit upon a dwelling in which he resides and which is owned by him, provided that all such work is in accordance with all the requirements of laws applicable thereto, other than this By-Law; provided however, that this exception shall not apply to new installation of any plumbing or drainage facilities by general contractors, builders or drain layers, except as permitted in Clause 4(a) hereof;
 - (c) Maintenance as herein defined;

- (d) Any work performed by anyone who is employed as or acting as a maintenance person while working on the maintenance of plumbing belonging to the person or company by whom he is employed;
 - (e) Work done on any underground transmission line for warm air, steam, gas, oil, oxygen, or other fluid by the owner thereof, or his regular employees under competent direction and supervision and in accordance with all the requirements of laws applicable thereto, other than this By-Law; or
 - (f) Work done on or under any City property or building, street, square, footway or right-of-way by or under the supervision of the City Engineer.
5. (a) Save as herein otherwise provided there shall be taken out by:
- (i) Every person who carries on the business or trade of a master plumber or plumbing contractor; and
 - (ii) Every drain layer,
a license authorizing them respectively to carry on their several trades, callings, businesses, or occupations in the City, for which license the person obtaining the same shall pay to the City at the time of taking out such license fee as fixed by the Fees By-Law annually; and no person shall within the limits of the City carry on and engage in any of the said trades, callings, businesses and occupations until he has procured such license to do so;
- (b) Subject to Section 8 of this By-Law, no person shall within the City engage as a plumbing contractor in the performance of any plumbing work mentioned in Section 2 unless he is the holder of a license as a master plumber issued pursuant to this By-Law;
- (c) No journeyman plumber shall perform any plumbing work mentioned in Section 3 within the City whether with or without remuneration, save as an employee of a master plumber or plumbing contractor or save as otherwise permitted under the provisions of this By-Law.
- (d) Notwithstanding the foregoing, nothing in this Section shall be deemed to prohibit an apprentice from performing his proper work under the constant supervision of a journeyman plumber or master plumber.
6. (a) Subject to Section 6(b), no person shall apply for a licence as a drain layer until he has been examined by the Examining Board and has passed the examination and paid the examination fees as established annually for Drain Layers in the Fees By-Law;

- (b) Upon payment of a license fee established by the Fees By-Law annually, no applicant for a drain layer's license shall be required to be examined as provided in Section 6(a) hereof if he is the holder of a subsisting master plumber's license issued by a municipality listed in Appendix "A", provided that he submits a letter with the license application certifying that he has successfully passed the drain layers examination for that municipality.
7. Every application for a master plumber's license hereunder shall be in writing on such forms as may be prescribed from time to time by the City, shall be signed by the applicant and verified by Statutory Declaration if so required, and shall be accompanied by payment of the prescribed fee and be accompanied by the following:
- (a) Proof of current certification as a plumber as issued by the Ministry of Trade and Development under the *Apprenticeship and Tradesperson Qualification Act* (master plumber applications only);
 - (b) A mailing and municipal address of the permanent or regular place of business in the Province of Ontario;
 - (c) Proof of current registration under the *Consumer Protection Act* of Ontario where applicable;
 - (d) Proof of insurance as follows:
 - (i) public liability in the amount of not less than One Million Dollars (\$1,000,000.00);
 - (ii) property damage in the amount of not less than One Million Dollars (\$1,000,000.00);
 - (e) Proof that the applicant for the license or renewal has a current Certificate of Clearance as provided by the Workplace Safety and Insurance Board at the time of application;
 - (f) A Canada-wide criminal record check.
8. (a) Where the applicant for a license is not himself qualified as a master plumber, or is a partnership or corporation, license may be issued entitling the applicant to carry on business as a plumbing contractor provided he has in his regular employ, a master plumber who is licensed under this By-Law and whose name shall be shown on the face of the plumbing contractor's license when one is issued; and the fee payable to the City for such license as a plumbing contractor shall be established by the Fees By-Law annually;

- (b) When the master plumber whose name appears on a plumbing contractor's license is no longer regularly employed by such plumbing contractor, such license shall automatically expire upon the expiration of thirty days following the date upon which such regular employment ceased, unless in the meantime the City has approved the insertion upon the license of the name of another master plumber licensed under this By-Law who is regularly employed by such contractor.

- 9.
 - (a) Every person licensed under this By-Law shall, upon changing his address, give written notice thereof, specifying his new address, to the City;
 - (b) A master plumber shall notify the City forthwith upon ceasing to act as a master plumber for one plumbing contractor and upon commencing to act as a master plumber for another plumbing contractor;
 - (c) No person licensed as a master plumber shall be in the employ of more than one plumbing contractor at any one time.

- 10. Any change in the persons composing a firm or in the person representing a corporation or in the location of a business shall be promptly reported in writing to the City and any new license required by such change shall be forthwith applied for. No new license shall be required unless the plumbing work of such firm or corporation is to be performed under the supervision of a person not previously licensed under this By-Law.


- 11. Every person licensed under this By-Law shall carry on his person the said license or an official identification card or badge certifying thereto issued by the City at all times when performing or engaging in the trade, calling, business or occupation so licensed, and shall produce the same for inspection at the request of any Police Officer or other person authorized to enforce the provisions of the By-Law including the building inspectors.

- 12. No person licensed to carry on business under this By-Law shall advertise or promote or carry on such business under any name other than the name endorsed upon his license.

13. Every license issued under this By-Law shall expire on December 31st of the year for which such license was issued, and may be renewed on payment of that year's annual license fee as set out in the Fees By-Law, and provided the previous license had not been revoked. The license fees will be established annually in the Fees By-Law for the categories of Master Plumber, Drain Layer and Plumbing Contractor. The fee will reflect the actual cost of licensing using a formula approved by Council from time to time.
14. Any license issued under this By-Law may be revoked by the Council of the City upon the recommendation of the Examining Board.
15. Every master plumber and drain layer licensed under this By-Law shall be responsible for all work done by workmen under his supervision.
16. The secretary of the Examining Board shall issue all licenses in accordance with provisions of this By-Law; and no such license shall be valid unless countersigned by the Chief Building Official of the City.
17. (a) The Examining Board is responsible for ensuring that licenses are issued under this By-Law only to properly qualified persons, and such Board shall consist of four (4) persons, namely:
 - (i) An individual holding the office of Plumbing Inspector for the County, from time to time, who shall be Secretary of the Examining Board;
 - (ii) The holder of the office of Chief Medical Health Inspector of the Community Health Services Department of the County, from time to time;
 - (iii) The City Engineer of the City or his designate; and
 - (iv) One appointee of the Local Mechanical Contractors' Association.
- (b) The members of the Examining Board shall hold office for the balance of the calendar year in which they have been appointed and from year to year thereafter or until their successors have been appointed;
- (c) The Examining Board shall meet at least once every year, shall review all applications for examination. All approvals for licenses under Section 6 of this By-Law shall be signed by at least two members of the Examining Board, and the Board shall determine and review all administrative requirements for the enforcement of this By-Law;
- (d) It shall be the duty of the Secretary of the Examining Board to send by ordinary mail, the results of every examination to the applicant within two weeks following the examination of the applicant.

18. Any person who contravenes any provision of this By-Law is guilty of an offence and shall be subject to the provisions of the *Provincial Offences Act*.
19. By-Law Number 23 of 1991 of the City of Sarnia, as amended, is hereby repealed.
20. This By-Law supercedes any corresponding By-Law in the City of Sarnia which, through inadvertence, may not have been repealed.
21. This By-Law shall come into force and effect on January 1, 2006.

FINALLY PASSED this 12TH day of DECEMBER, 2005.



Mayor



City Solicitor/Clerk

APPENDIX "A"

Thunder Bay
Sault Ste. Marie
Windsor
London
Kitchener
Guelph
Stratford
Cambridge
St. Catherines
Niagara Falls
Hamilton
Barrie
Toronto
Kingston
Ottawa

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READINGS:

FIRST: December 12, 2005

SECOND: December 12, 2005

THIRD: December 12, 2005

THE CORPORATION OF THE CITY
OF SARNIA (:dr)
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Sarnia, Ontario
N7T 7N2