

ORDINANCE NO. 8752

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER V, ARTICLE 17, SECTIONS 5-1705 AND 5-1706 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2011 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE LICENSING OF CERTAIN TRADES WITHIN THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. Section 5-1705 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, is hereby amended and to read as follows:

5-1705 **EXAMINATIONS AND CERTIFICATION.**

(A) **Examination.**

- (1) **General.** Any person seeking to make application for examination and certification pursuant to this Article shall apply at the Planning and Development Services Department. The application fee for examination and certification shall be \$50.00.
- (2) **Eligibility.** ~~To be eligible to make application for examination and certification, an applicant shall have the practical experience prescribed in this Section.~~
 - (a) **Master.** ~~Four (4) years field experience, or two (2) years as a journeyman, within the respective trade.~~
 - (b) **Journeyman.** ~~Two (2) years field experience within the respective trade.~~
 - (c) **Residential Electrical.** ~~Two (2) years field experience within the respective trade with installation experience in one and two family dwellings.~~
 - (d) **Residential Mechanical.** ~~Two (2) years field experience within the respective trade with installation experience in one and two family dwellings.~~
 - (e) **Sheet Metal Mechanical.** ~~Two (2) years field experience within the mechanical trade.~~
 - (f) **Education.** ~~A degree in engineering conferred by an accredited college or university may be substituted for two and one-half (2.5) years of practical experience. Also, graduation from an accredited vocation technical school or other formal training within the field of endeavor may be substituted for one (1) year of practical experience.~~

~~(2)~~⁽³⁾ **Application.** A person who seeks certification in the categories established in this Article shall submit written application on forms provided by the Planning and Development Services Department. ~~Practical experience shall be verified through the submission of copies of trade licenses; union cards; W-4 tax receipts; or statements from present and past employers verifying the practical experience that are written on company letterhead stationery and attested by a public notary. The evidence of practical experience shall accompany the application form.~~ The Planning and Development Services Department may reject an applicant's application form if the information is illegible, incomplete, or falsified. The department having jurisdiction shall provide notice to the applicant that his or her license has been accepted or rejected not more than thirty-one (31) days after receipt of the completed application form. Applicants who receive rejection notices may again make written application upon satisfactorily meeting the criteria set forth by the department having jurisdiction. Applicants who receive notices advising them that they have been accepted may register with the examination preparer on forms provided by the department having jurisdiction.

~~(3)~~⁽⁴⁾ **Registration Forms.** The Planning and Development Services Department shall issue to accepted applicants registration forms for examination, as provided by the exam preparers, in the categories established by this Article. The Planning and Development Services Department shall make every attempt to provide an exam candidate with the necessary information and registration forms in a reasonable time. The department having jurisdiction shall not be held responsible for a candidate's failure to meet ~~make~~ the necessary deadlines, actions, or contracts involving the examination preparers and the candidate, for examination content, for examination preparer notification and review policies, for the scheduling of exam dates and locations, for the proctoring and grading of exams, for exam fees, and for any other matters or items relating to the examination preparers.

~~(4)~~⁽⁵⁾ **Passing Score Grade.** The minimum passing score grade for all certification categories shall be seventy-five percent (75%) ~~or better~~.

~~(5)~~⁽⁶⁾ **Re-examination.** Candidates who do not pass a certification examination may make written application for re-examination to the Planning and Development Services Department involving the administration of examinations. Each application for re-examination shall require payment of an application fee of \$50.00.

(B) **Certification of Competency.**

A candidate who passes a certification examination shall be issued a certificate of competency as provided by the Kansas Statutes Annotated, and amendments thereto.

SECTION 2. Section 5-1706 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, is hereby amended and to read as follows:

5-1706 **LICENSE ADMINISTRATION.**

(A) **Certification Required.**

A ~~C~~ertificate of ~~C~~ompetency is the accepted standard for licensure within this jurisdiction. Unless specifically accepted elsewhere in these regulations, only persons so certified and who present a certificate of competency, as required by the Kansas Statutes Annotated, and amendments thereto, to the Planning and Development Services Department shall be permitted to obtain a license in the electrical, mechanical, and plumbing trades in the City.

(B) **Application for Licensure.**

Any person desiring to obtain a license under these regulations shall first be certified pursuant to the ~~Statutes of Kansas~~ Statutes Annotated, and amendments thereto, in the respective category and shall make application, display personal identification, and pay the required fees, as established at subsection (F), to the Planning and Development Services Department. A valid driver's license or State issued identification card may be used as identification. The person seeking licensure shall present an original certificate of competency. The Planning and Development Services Department may verify the contents with the issuing jurisdiction and may require the applicant to provide additional information.

(C) **License Categories.**

The following license categories are hereby established. Additional allowances or limitations for the scope of work for a category shall be noted herein.

(1) **Class E Contractor, Electrical, Mechanical, and Plumbing.**

Applicants for a contractor license shall comply with the provisions of Chapter V, Article 15 of the City Code, as amended.

(2) **Master Electrician.**

A master electrician is a person who works for an electrical contractor and designs and/or installs electrical systems, and who may supervise others, and has passed an examination as a master electrician pursuant to the Kansas Statues Annotated, and amendments thereto. A master electrician may become an electrical contractor by meeting all of the requirements for licensure as an electrical contractor under Chapter V, Article 15 of the City Code, as amended.

(3) **Master Fireplace.**

A master fireplace is a person who works for a fireplace contractor and designs and/or installs fireplace systems, and who may supervise others, and has passed an examination as a master mechanical pursuant to the Kansas Statues Annotated, and amendments thereto or possesses a current wood and gas fireplace certification issued by National Fireplace Institute or other approved organizations on the basis of having passed an approved certification examination. A master fireplace may become a fireplace contractor by meeting all of the requirements for licensure as a fireplace contractor under Chapter V, Article 14 of the City Code, as amended.

- (4) **Master Mechanical.** A master mechanical is a person who works for a mechanical contractor and designs and/or installs mechanical systems, and who may supervise others, and has passed an examination as a master mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto. A master mechanical may become a mechanical contractor by meeting all of the requirements for licensure as a mechanical contractor under Chapter V, Article 15 of the City Code, as amended.
- (5) **Master Plumber.** A master plumber is a person who works for a plumbing contractor and designs and/or installs plumbing systems, and who may supervise other plumbers, and has passed an examination as a master plumber pursuant to the Kansas Statutes Annotated, and amendments thereto. A master plumber may become a plumbing contractor by meeting all of the requirements for licensure as a plumbing contractor under Chapter V, Article 15 of the City Code, as amended.
- (6) **Journeyman Electrician.** A journeyman electrician is a person who labors at the electrical trade as an employee of an electrical contractor, and has passed an examination as a journeyman electrician pursuant to the Kansas Statutes Annotated, and amendments thereto.
- (7) **Journeyman Fireplace.** A journeyman fireplace is a person who labors at the fireplace trade as an employee of a fireplace contractor, and has passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto or passed an approved fireplace certification examination. Only those examinations developed by an independent nationally recognized testing, or educational institution, and approved by the Planning and Development Services Department will be accepted by the City. Mechanical Fireplace Journeyman licensee work shall be limited to installation, service, and maintenance of factory-built fireplace systems.
- (8) **Journeyman Mechanical.** A journeyman mechanical is a person who labors at the mechanical trade as an employee of a mechanical contractor, and has passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto.
- (9) **Journeyman Plumber.** A journeyman plumber is a person who labors at the trade of plumbing as an employee of a plumbing contractor, and has passed an examination as a journeyman plumber pursuant to the Kansas Statutes Annotated, and amendments thereto.
- (10) **Residential Electrician.** A residential electrician is a person who labors at the electrical trade as an employee of an electrical contractor and who has passed a Thomson Prometric examination as a residential electrician or other exam approved by the Planning and Development Services Director. A residential electrician may install electrical systems

in one (1) and two (2) family dwellings without supervision. A residential electrician shall work ~~within the scope of~~ as an apprentice when not working on systems in one and two family dwellings.

- (11) **Residential Mechanical.** A residential mechanical is a person who labors at the mechanical trade in one (1) and two (2) family dwellings as an employee of a licensed mechanical contractor and who has passed a Thomson Prometric residential mechanical examination or other exam approved by the Planning and Development Services Director. On installations other than one (1) and two (2) family dwellings a residential mechanic shall be known as an apprentice.
- (12) **Sheet Metal.** A sheet metal is a person who labors at the mechanical trade, limited to the installation, fabrication, alteration, extension or repair of sheet metal work while employed by a licensed mechanical contractor and who has passed a Thomson Prometric sheet metal examination or other exam approved by the Planning and Development Services Director.

(D) Certification Categories, Eligibility, and Verification.

- (1) **General Requirements.** To receive certification in order to be eligible for licensure under the various license categories, an applicant must establish the following practical field experience:
 - (a) **Master.** Four (4) years practical field experience or two (2) years as a journeyman within the respective trade.
 - (b) **Journeyman.** Two (2) years practical field experience within the respective trade.
 - (c) **Residential Electric.** Two (2) years practical field experience within the respective trade with installation experience in one- and two-family dwellings.
 - (d) **Residential Mechanical.** Two (2) years practical field experience within the respective trade with installation experience in one- and two-family dwellings.
 - (e) **Sheet Metal Mechanical.** Two (2) years practical field experience within the mechanical trade.
- (2) **Education.** A degree in engineering conferred by an accredited college or university may be substituted for two and one-half (2 1/2) years of practical field experience. Also, graduation from an accredited vocation-technical school or other formal training within the field of endeavor may be substituted for one (1) year of practical field experience.
- (3) **Verification.** It shall be the duty of the Planning and Development Services to verify practical field experience before issuing a certificate of competency to any person. Practical field experience shall be verified

through the submission of copies of trade licenses, union cards, W-4 tax receipts, or written statements, on company letterhead stationery and attested by a notary public, by present or past employers verifying the applicant's practical field experience.

(E)(D) Continuing Education.

Persons seeking to obtain or renew licenses will be required to provide proof of successful completion of six (6) hours of continuing education within the previous calendar year. Each subsequent year an additional six (6) hours of training will be required to achieve the necessary twelve (12) hours every two (2) years pursuant to the ~~State Statutes of Kansas~~ Kansas Statutes Annotated, as amended.

Exception: Persons seeking to obtain licenses within the calendar year of the issue date on their Certificate of Competency shall not be required to provide continuing education for that year.

The City will approve continuing education programs recognized by the Kansas Mechanical Trades Review Board and/or the Johnson County Contractor Licensing Program. The City will also approve training provided by International Association of Continuing Education Training (IACET) accredited Continuing Education Unit (CEU) providers, such as trade organizations with appropriate accreditation. Finally, the City will approve classes provided by post-secondary education institutions or technical schools with proof of successful completion of the class.

(F)(E) Fees.

Contractor	See Chapter 5, Article 15 of this Code
Master	\$20
Journeyman	\$20
Residential	\$20
Sheet Metal	\$20

(G)(F) Fee Renewals.

Contractor	See Chapter 5, Article 15 of this Code
Master	\$10
Journeyman	\$10
Residential	\$10
Sheet Metal	\$10

All licenses, except licenses which have been nullified, may be renewed from year to year upon request and payment of the required renewal fee shown herein, if received on or before December 31st of each year. If not received by December 31st, it may be done so by the end of regular office hours on the last working day of January of the New Year at double the renewing fee. All certificates not renewed before the last working day of January shall become null and void and shall be ~~of~~ placed on inactive status. Reapplication by the person placed on inactive status shall be mandatory to regain active status.

~~(H)(G)~~ **Transfer.**

A license issued pursuant to the provisions of these regulations shall ~~be~~ not be transferable.

~~(I)(H)~~ **Display.**

A person who is licensed under provisions of these regulations shall carry on their person the license card issued by the Planning and Development Services Department when performing work within the scope of these regulations. The person shall display the license card upon the request of the enforcing authority when the person is performing work within the scope of these regulations.

SECTION 3. Existing Sections 5-1705 and 5-1706 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, is hereby repealed in, it being the intent of the Governing Body that the Sections 1 and 2 of this ordinance supersede them.

SECTION 4. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5. This ordinance shall take effect and be in full force and effect immediately following its adoption and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2012.

APPROVED:

Robert J. Schumm
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.