

Chapter 310, PLUMBING

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Board of Plumbers [Adopted 10-5-1970 (Sub-Part VIII of the 1970 Code)]

§ 310-1. Definitions.

When used in this article the words "employing or master plumber" shall mean a person having a regular place of business and who, by himself or journeymen plumbers in his or her employ, performs plumbing work.

§ 310-2. Creation of Examining Board of Plumbers; composition; qualifications of members.

There is hereby created an Examining Board of Plumbers which shall consist of five members to be appointed by the Mayor, of whom one and only one shall be an employing or master plumber, and one and only one of whom shall be a journeyman plumber. Each member of said Board shall be a citizen of the United States and an actual resident of the City of Binghamton.

§ 310-3. Terms of office of members; filling of vacancies. [Amended 12-4-2006 by L.L. No. 2-2006]

The term of office of the members of such Board first appointed shall be one, two, three, four and five years from the first day of January following their appointment or until their successors are appointed. Upon the expiration of each of said terms, the term of office of each member thereafter appointed shall be three years from the first day of January of the year in which he or she shall be appointed, or until his or her successor is appointed. Vacancies shall be filled for the unexpired term.

§ 310-4. Removal of members.

The Mayor may, at any time, remove any member of such Board for cause upon stated charges after an opportunity to be heard.

§ 310-5. Compensation of members.

The members of such Board shall receive such compensation for their services as shall be determined by the body authorized by law to fix and determine the compensation of City officers and employees.

§ 310-6. Powers and duties. [Amended 6-4-07 by Ord. No. 20-2007]

The Examining Board of Plumbers shall have the power, and it shall be its duty:

- A. Meetings. To meet at regular stated intervals and at such other times as may be necessary, and upon the request of the Mayor so to do.
- B. Conduct of examinations. To have jurisdiction over and to examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing or master plumbers within the City of Binghamton with the power of examining persons applying for certificates of competency as such employing or master plumbers, to determine their fitness and qualifications for conducting the business of employing or master plumbers, and to issue certificates of competency to all such persons who have passed a satisfactory examination before such Board and shall be by it determined to be qualified for conducting the business as employing or master plumbers.
- C. Formulation of rules. To formulate in conjunction with the public health officer of the City of Binghamton a code of rules regulating the work of plumbing and drainage in the City of Binghamton, including the materials, workmanship and manner of executing such work and from time to time to add to, amend or alter the same, or in their discretion to adopt the standard Plumbing Code recommended by the State Department of Health.

§ 310-7. Examination required; conducting business without certificate prohibited.

A person desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in the City of Binghamton as employing or master plumber, except a person who has heretofore been issued a certificate of competency in the City of Binghamton, shall be required to submit to an examination before such Examining Board of Plumbers as to his or her experience and qualifications for such trade, business or calling, and it shall not be lawful for a person, except a person who has heretofore been issued a certificate of competency in the City of Binghamton, to conduct such trade, business or calling in the City of Binghamton unless he or she shall have first obtained a certificate of competency from such Examining Board of Plumbers.

§ 310-8. Conduct of business by corporations.

A domestic corporation desiring or intending to conduct the trade, business or calling of a plumber, or of plumbing in the City of Binghamton, as employing or master plumber, may do so, provided that one or more officers of such corporation separately or aggregately actually hold and own at least 51% of the issued and outstanding capital stock of said corporation, and provided that each of such officers holding such percentage of the stock is the holder of a certificate of competency of an Examining Board of Plumbers of the City of Binghamton. In case one or more officers of a corporation engaged in such business shall die, being the holder of a certificate of competency, the corporation may continue the business during the time necessarily required for the administration of the estate of such deceased officer, not exceeding two years from the granting of letters, provided that one or more officers of the corporation is the holder of a certificate of competency and, together with the legal representative of such deceased officer or officers, actually owns and holds at least 51% of the issued and outstanding capital stock of the corporation. Each and every member of said corporation holding a certificate of competency shall comply with all the rules and regulations applicable to employing or master plumbers in the City of Binghamton. Such corporation shall register as provided in § 310-10 of this article.

§ 310-9. Additional requirements relating to business of plumbing.

A. Sign or plate required; posting thereof; surrender. No person otherwise qualified shall engage in the trade, business or calling of a plumber or of plumbing in the City of Binghamton, as employing or master plumber, until he or she has first procured from the Examining Board of Plumbers a metal plate or sign appropriately lettered or marked "Licensed Plumber"; such plate or sign to be conspicuously posted in the window of the place where such business is conducted. Any person retiring, abandoning or not actually engaged in such trade, business or calling hereinbefore mentioned shall surrender to the Examining Board of Plumbers such metal plate or sign and shall not again engage in such trade, business or calling until he or she has again procured a metal sign as herein provided.

B. Identification number; fee; transfer, etc., of sign, plate. Within 30 days after this article takes effect, the Examining Board of Plumbers shall prepare metal plates or signs appropriately lettered or marked "Licensed Plumber." Such plate or sign shall, on some part thereof, contain an identification number, which number, together with the name and location of the place of business of the person to whom issued, shall be recorded in the office of the Examining Board of Plumbers. Every person now actually engaged or about to engage in the trade, business or calling of a plumber or of plumbing as employing or master plumber, who has otherwise complied with the provisions of law relating to the conduct of such business upon payment of an amount as set from time to time to the Examining Board of Plumbers, shall have issued to him or her a sign or plate hereinbefore mentioned. No person to whom such plate or sign has been issued shall loan, rent, sell or transfer the same to another person, whether such person be entitled to receive a similar plate or sign or not.

C. Applicability. This section shall not be construed to require an employing or master plumber who has heretofore procured a metal plate or sign appropriately lettered or marked "Licensed Plumber" from an Examining Board of Plumbers of the City of Binghamton to procure another metal plate or sign under this section.

§ 310-10. License required; fee. [Amended by L.L. No. 4-1991]

A. Annual registration; issuance of license fee; expiration of license. Every employing or master plumber carrying on his or her trade, business or calling in the City of Binghamton shall annually register his or her name and address at the office of the City Clerk, under such rules as the City Clerk shall prescribe, and upon the payment of a sum as set from time to time shall thereupon be entitled to receive a license, which license shall expire on the first day of October after the date of the license; provided, however, that such employing or master plumbing shall, at the time of applying for such license, hold a certificate of competency from an Examining Board of Plumbers of the City of Binghamton. Further, every licensee who fails to renew his or her license prior to the expiration thereof shall pay an additional fee of as set from time to time, together with the license fee, upon renewal of the license.

B. Proration of fees. If registration for a license is made on or after April 1 and before October 1 in any year the license fee for that year shall be 1/2 of the fee herein provided for.

C. License required. It shall not be lawful for any person to engage in or carry on the trade, business or calling of an employing or master plumber in the City of Binghamton unless he or she has registered and secured a license to do so.

§ 310-11. Cancellation of license; notice; hearing.

Such license (provided for in § 310-10) may be cancelled by such Examining Board of Plumbers for a violation of the rules and regulations for plumbing and drainage in the City of Binghamton, after a hearing had before such Examining Board of Plumbers and upon a prior notice of not less than 10 days, stating the ground of such complaint and served on the person charged with the violation.

§ 310-12. Plumbing Inspector; qualifications; appointment; compensation.

The Mayor of the City of Binghamton shall appoint an Inspector of Plumbing of the City of Binghamton who shall be a practical plumber and shall not be engaged directly or indirectly in the business of plumbing during the period of his or her appointment. He or she shall be a citizen of the United States and an actual resident of the City of Binghamton. He or she shall be entitled to receive such compensation as shall be determined by the body authorized by law to fix and determine the compensation of City officers and employees.

§ 310-13. Duties of Plumbing Inspector; reports.

The Inspector of Plumbing appointed under the provisions of the preceding section, in addition to the duties prescribed by law or ordinance and those which may be enjoined or required by the Mayor, shall inspect the construction and alteration of all plumbing work performed in the City of Binghamton and report in writing the results of such inspection to the Mayor. He or she shall also report in like manner any person engaged in or carrying on the business or occupation of employing or master plumber without having the license hereinbefore provided for.

§ 310-14. Compliance with Plumbing Code.

The plumbing and drainage of all buildings, both public and private, shall be performed by persons authorized under this article, and all plumbing and drainage work shall be executed in compliance with the Plumbing Code. All repairs and alterations in the plumbing or drainage of all buildings heretofore constructed shall also be performed and executed in accordance with such code; but this section shall not be construed to repeal any existing provisions of law requiring plans for the plumbing and drainage of new buildings to be filed with the health officer, the Examining Board of Plumbers or the Building Superintendent and to be previously approved in writing in accordance therewith, except that in case of any conflict with such plans, rules and regulations of the Examining Board of Plumbers, the latter shall govern.

§ 310-15. Penalties for offenses. [Amended by L.L. No. 5-1989]

A. Any person violating any provisions of this article or any rules and regulations of the Department of Health or of the Examining Board of Plumbers or any provision of the Plumbing Code, regulating plumbing and drainage of buildings within the City of Binghamton, shall be guilty of a misdemeanor, and on conviction, if a master or employing plumber, shall, in addition, forfeit his or her certificate of competency or license.

B. All violations of the Plumbing Code shall be prosecuted as an offense against the law. Upon conviction, the penalty shall be a fine of not less than \$100 nor more than \$500 for a first offense; a fine of not less than \$300 nor more than \$500 for a second offense; a fine of not less than \$500 nor more than \$1,000 for the third or subsequent offense; and, further, the offender shall be compelled to make corrections necessary to comply with the Plumbing Code, within a period of not more than 10 days.

§ 310-16. Issuance of permit to connect with sewers and water mains restricted.

The Commissioner of Public Works shall not issue a permit to anyone to connect with the sewers or with water mains unless such person has obtained a certificate as master or employing plumber.

§ 310-17. Eligibility for examination as master or employing plumber.

Any person shall, upon proof of one year's experience as journeyman plumber, be eligible to take the examination for a certificate of competency as a master or employing plumber.

§ 310-18. Repeal of portion of City Plumbing Code.

Article I of the Plumbing Code of the City of Binghamton adopted by the Examining Board of Plumbers and the health officer of the City of Binghamton on February 9, 1942, is hereby superseded and repealed. All other provisions thereof shall remain in full force and effect until changed in the manner herein provided.

§ 310-19. Permit and inspection fees.

A. Permit required; fees. No plumbing or drainage work shall be commenced without a permit therefor issued in the manner prescribed by the Plumbing Code of the City of Binghamton, and before such permit is issued the Plumbing Inspector shall collect fees in an amount as set from time to time for the following:

- (1) Issuance of a permit to connect with the sewers, including inspection.
- (2) Issuance of all other plumbing or drainage permits, including inspection and approval.

B. "Fixture" defined. The word "fixture" as used in this section, shall be construed to include water closets, wash basins, bath tubs, shower bath (when not placed over bathtub), kitchen and pantry sinks, urinals, sand traps, grease traps, cellar drains, laundry trays, drinking fountains, openings provided in the plumbing system for future connections, soda fountains, bar waste, dental units, conductors, sewers and all other plumbing fixtures.

C. Records. The Plumbing Inspector shall keep a record of all fees collected and received under this section with the name of the person upon whose account the fee was paid and the date and amount thereof, together with the location of the building or premises to which they relate, and the amounts so collected shall be paid over by the Plumbing Inspector monthly to the City Treasurer.

§ 310-20. Discontinuance of existing examining Board of Plumbers.

The existing Examining Board of Plumbers is hereby discontinued.

§ 310-21. Effective date.

This article shall take effect on October 1, 1950.

ARTICLE II, Applicability of Plumbing Code [Adopted 10-5-1970 (Ch. 16 of the 1970 Code)]

§ 310-22. Effect of provisions on Plumbing Code.

Nothing contained in this Code shall be construed as repealing the Plumbing Code of the City of Binghamton as duly formulated and adopted by the Examining Board of Plumbers of the City in conjunction with the Broome County health officer on December 12, 1967, pursuant to the provisions of Article 4 of the General City Law.