

LOCAL LAW INTRO. NO. -2007

A LOCAL LAW amending Articles XV and XVII of the Laws of Westchester County regarding licensing and the penalties related thereto.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. Article XV of Chapter 277 of the Laws of Westchester County is hereby amended to add a new section 277.505-A to read as follows:

Sec. 277.505-A. Limitation of the powers and duties of the board.

The Board of Plumbing Examiners shall not engage in any activities or adopt any rules and regulations which extend beyond its function of (i) determining plumbing candidates' qualifications for licensure and certification; (ii) testing for such licensure and certification; (iii) the issuance of licenses, certifications and renewals; and (iv) the enforcement of the licensing requirements as explicitly set forth in the Plumbing Licensing Law.

Section 2. Section 277.506 of Article VX of Chapter 277 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.506. Issuance and renewal of licenses and certifications; classes of licenses; terms; fees; licenses and certifications for individuals licensed outside of Westchester County.

A. Issuances and renewals. The County Board of Plumbing Examiners may issue and renew a master plumber's license or certification. These instruments shall authorize the individual to engage in the business of master plumber or journey level plumber within the County of Westchester for the period ending the 31st of December of the year in which it is issued or renewed. Application for renewal is to be made 60 days prior to the expiration date of the license or certification. All applications for renewal shall be accompanied by the required renewal fee. If application for renewal is not made as provided herein, the board may, nevertheless, renew the license or certification in accordance with the board's rules and regulations, provided, further, that the applicant has satisfied the board as to his or her qualifications in accordance with said rules and regulations.

B. Classes, terms and fees. There shall be the following classifications of licenses and certifications with the following terms and fees:

1. Master plumber's license. After a candidate receives a certificate of competency as a master plumber, a license will be issued by the County Board of Plumbing Examiners to permit the performance of plumbing work with no restrictions in any city, town or village in the county. Such license is hereby required for all plumbing inspectors in cities within the county; however, such inspectors shall be exempt from annual renewal fees. All applicants shall have successfully completed a four-year

apprentice program with licensed master plumbers and have five years' experience at the journey level or have five years' apprenticeship in the employ of a licensed master plumber and have five years' additional experience as a journey level plumber in the employ of licensed master plumbers as the requirement for application. The annual fee for a master plumber's license is \$500.00.

2. Journey level certification. This certification permits the journey level plumber to perform plumbing work under the supervision and in the employ of licensed master plumbers in any city, town or village in the county. The successful completion of five years' experience in the employ of licensed master plumbers as an apprentice plumber is the requirement for application. The annual fee for a certification is \$50.00. The effective date for the certification program is January 1, 1997.

C. Master plumber's license and journeyman level certification for individuals licensed outside of Westchester County.

1. Notwithstanding the aforementioned, the board may waive the examination requirement under this Article for individuals licensed in a jurisdiction outside Westchester County (hereinafter referred to as the "original licensing jurisdiction") where: (1) an applicant otherwise meets the minimum qualifications for a master plumber's license or a journeyman level certificate pursuant to this Article; (2) has passed an examination in the original licensing jurisdiction determined by the board

to be comparable to the examination required in Westchester County; and
(3) the original licensing jurisdiction will similarly issue a license or certificate or the equivalent thereof to master plumbers and journeyman level plumbers licensed or certified pursuant to this Article and will similarly waive the examination requirement for such license or certificate.

2. A master plumber's license and/or journeyman level certificate issued pursuant to this section shall only be valid for a period of one year and may be renewed annually under this section if the master plumber and/or the journeyman still has a valid license and/or certificate from the original licensing jurisdiction. In addition, a license and/or certificate issued pursuant to this section shall terminate prior to the expiration date if the underlying license and/or certificate in the original licensing jurisdiction is terminated for cause and if the individual is provided with notice and an opportunity to be heard.

3. The fees for a master plumber's license and journeyman level certificate issued pursuant to this section shall be the same as those for a master plumber's license and journeyman level certificate. The issuance of such license or certificate under this section shall be deemed an effective waiver of the requirement for an examination under this Article.

Section 3. Section 277.513 of Article VX of Chapter 277 the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.513. Penalties for offenses.

A. Any person who violates any provision of this article shall be subject to the imposition of a civil penalty of not less than \$500 and not more than \$5,000 as determined by the board following notice and opportunity to be heard. Each day on which such violation occurs shall constitute a separate offense.

B. Any person who, with intent to defraud or deceive, knowingly makes a false statement in the application for a license or the renewal of a license or an application for a plumbing permit or for a certificate of occupancy or in any application provided for in this article or in any proof or instrument in writing in connection therewith or unlawfully performs plumbing work shall be assessed a civil penalty not to exceed \$5,000.00 as determined by the board following notice and opportunity to be heard. Each day on which such violation occurs shall constitute a separate offense.

C. The board in its discretion may refer any matters that rise to the level of a criminal offense to the office of the District Attorney for further review and appropriate action.

Section 4. Article XVII of Chapter 277 of the Laws of Westchester County is hereby amended to add a new section 277.704-A to read as follows:

Sec. 277.704-A. Limitation of the powers and duties of the board.

The Electrical Licensing Board shall not engage in any activities or adopt any rules and regulations which extend beyond its function of (i) determining electrician candidates' qualifications for licensure; (ii) testing for such licensure; (iii) the issuance of licenses and renewals; and (iv) the enforcement of the licensing requirements as explicitly set forth in the Electrical Licensing Law.

Section 5. Section 277.710 of Article XVII of Chapter 277 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 277.710. Violations and penalties.

1. Any person who violates any provision of this chapter shall be subject to the imposition of a civil penalty of not less than \$500.00 and not more than \$5,000.00 as determined by the board following notice and opportunity to be heard. Each day on which such violation occurs shall constitute a separate offense.
2. Any person who with intent to defraud or deceive, knowingly makes a false statement in the application for a license or the renewal of a license or an application for an electrical permit or for a certificate of occupancy or in any application provided for in this article or in any proof or instrument in writing in connection therewith or unlawfully performs electrical work shall be assessed a civil penalty not to exceed \$5000.00 as determined by the board following notice and opportunity to be heard.

Each day on which such violation occurs shall constitute a separate offense.

3. The board in its discretion may refer any matters that rise to the level of a criminal offense to the office of the District Attorney for further review and appropriate action.

Section 6. This Local Law shall take effect immediately.