

**THE CORPORATION OF THE CITY OF SAULT STE.
MARIE**

BY-LAW 2003-54

LICENSING: (L.3.2.2.) being a by-law to license plumbers.

WHEREAS Part IV of the *Municipal Act*, 2001 S.O. 2001, c.25, said Part IV being entitled "Licensing and Registration" sets out the conditions precedent to a municipality licensing a business;

AND WHEREAS s. 150(2) of the *Municipal Act* sets out three purposes for which a municipality may license a business, those purposes being health and safety, nuisance or consumer protection or a combination of all three;

AND WHEREAS the types of allowable costs for licence fees are set out in s. 150(10) of the said *Municipal Act*, those costs being the costs associated with preparation of the by-law, inspections related to the by-law, enforcement of the by-law against the person operating without a licence, prosecution and court proceedings, and reciprocal licensing arrangements;

AND WHEREAS a notice of the public meeting for consideration of this by-law was given in accordance with s. 150(4) of the *Municipal Act*;

AND WHEREAS after a review carried out by the Legal Department and the Building Division of the Engineering and Planning Department of the City it was determined that for the purpose of health and safety it was necessary to license plumbers;

AND WHEREAS the health and safety reason for licensing plumbers is to ensure that only qualified plumbers install plumbing fixtures so as to prevent the spread of disease;

~~AND WHEREAS the proposed annual fee for Master Plumbers is proposed to be \$20.00 per licence;~~ **[Amended by By-law 2020-105]**

AND WHEREAS approximately 36 Master Plumber licences were issued by The Corporation of the City of Sault Ste. Marie in the year 2002;

AND WHEREAS the costs of the Legal Department in preparing, reviewing and circulating this by-law for comments, and circulating it after it has been considered by Council are estimated to be \$300.00;

AND WHEREAS the costs of advertising the public meeting to be held to consider the passing of the by-law along with preparing the notice and arranging for it to be placed in the local newspaper are estimated to be \$100.00;

AND WHEREAS the costs of the City Clerk's Department in issuing plumbers licences are estimated to be \$300.00; **[amended by By-law 2019-228]**

AND WHEREAS it is estimated that each building inspector devotes approximately 100 hours per year on plumbing inspections for a total cost of \$9,200.00 (four inspectors x approximately \$2,300.00);

AND WHEREAS the above-noted costs total \$9,900.00;

NOW THEREFORE THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to the *Municipal Act* 2001, S.O. 2001, c.25, **ENACTS** as follows:

1. **DEFINITIONS**

"Apprentice" means a person as set out and described in the Trades Qualification and Apprenticeship Act of the Province of Ontario.

"Board" means the Plumbing Licence Review Board established under this by-law.

"City" means The Corporation of the City of Sault Ste. Marie.

"Examination" means an examination formulated and maintained by the City for the purpose of qualifying "Master Plumbers".

"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 plumbing, and who alone or by employees or agents under his or her supervision under his or her supervision, performs plumbing work.

"Plumber" means a person who has been issued a certificate of qualification in the trade of plumber by the applicable Ministry of the Province of Ontario.

"Plumbing" has the same meaning as in the *Building Code Act*, S.O. 1992, c.B.23, as amended, and the building code or any successor thereof.

"Plumbing Inspector" means a person appointed to carry out requirements within this by-law and who also is a Master Plumber.

2. No person shall perform plumbing within the City unless the person is licensed as a master plumber under this by-law or is working under the direct supervision of a licensed master plumber.

3. Despite section 2, no licence shall be required by:
 - (a) the owner of a single-unit dwelling who resides in the dwelling and performs plumbing in or about the dwelling; or
 - (b) a plumber who is employed by a commercial, institutional, educational or industrial establishment or a municipality or a local board thereof, who performs plumbing in or about any premises owned by the employer.
4. No master plumber shall perform, authorize or allow any plumbing to proceed on a project, unless a permit for such work has been issued by the Building Division of the City.
5. A licensed master plumber shall be responsible for the supervision of any employee or agent performing plumbing.
6.
 - (a) Every applicant for a licence pursuant to this by-law' shall submit an application to the Plumbing Inspector.
 - (b) Every licence issued pursuant to this by-law shall be effective for the calendar year, and is not transferable.
 - (c) Licences shall be issued by the Tax and Licence Division upon receipt of an application for master plumber licence, duly approved by the Board.
 - (d) Annual licence fees and examination fees shall be as set out in the Annual User Fee By-law as updated from time to time. **[amended by By-law 2019-172]**
 - (e) **Licence Fee**

Any licence fee as set out in the Annual User Fee By-law as amended from time to time shall expire twelve (12) months after the date of issuance. A Licence taken out after the date of expiry by any person licenced under this by-law shall be subject to an additional "Late Licence" fee as set out in the Annual User Fee By-law as amended from time to time unless evidence tender by the person shows they stopped operating as a master plumber for more than twelve (12) months since the issuance of the last licence to them. **[amended by By-law 2020-105]**
 - (f) **Lost Licence:**

Upon the City Clerk, or their designate, being satisfied that a Licence has been lost and that the Applicant for a new Licence form has made a diligent search therefor and is making application for a new Licence form in good faith, and if such Applicant undertakes in writing to the City Clerk,

or their designate, to surrender the lost Licence form to them if found, the Clerk, or their designate, may issue a duplicate Licence to such applicant which shall consist of a true copy of the original Licence upon which the word "duplicate" is endorsed over the signature of the Clerk, or their designate. The fee for a lost licence issued under this provision of this by-law shall be as set out in the Annual User Fee By-law as amended from time to time. **[amended by By-law 2020-105]**

7. An applicant for a master plumber licence shall:
 - (a) have held a valid plumber's Certificate of Qualification issued by the applicable Ministry of the Province of Ontario for at least two (2) years prior to the year in which the application is made; and
 - (b) shall pass the examination with a grade of at least 70 percent in each section.
8. Despite section 7, an applicant shall be deemed to be qualified to be licensed as a master plumber who:
 - (a) was licensed as a master plumber by the City within the two (2) years immediately preceding the year for which a licence is sought, which licence was not revoked; or
 - (b) is the holder of a valid master plumber licence issued by at least one of the municipalities participating in the reciprocal licensing program, which master plumber licence will be recognized as if issued by the City.
9. The Examining Board shall consist of:
 - (a) Plumbing Inspector, Plumbing Instructor, Master Plumber of ten years and Journey Plumber of five years.
 - (b) A quorum for the Board shall consist of at least two (2) members.
 - (c) The Plumbing Inspector shall act as secretary of the Board and keep records of meetings, applications, examinations, fees and results of examinations on file.
10. (a) When the Plumbing Inspector is satisfied that a person to whom a licence has been issued pursuant to this by-law is in contravention of any of the requirements of this by-law, or is not maintaining an appropriate standard of work, the Plumbing Inspector may recommend in writing to the Board that the person's licence be revoked.

- (b) Upon receipt of a recommendation from the Plumbing Inspector, the Board shall hold a hearing, giving reasonable notice to the licensee. After hearing the licensee if the Board is of the opinion that the licensee's licence should be revoked, the Board may make a written recommendation to City Council.
- (c) Upon receipt of recommendation from the Board, Council shall give reasonable notice to the licensee and afford the licensee the opportunity to be heard by Council prior to determining whether or not the licensee's licence should be revoked.
- (d) After affording the licensee the opportunity to be heard, Council may, if it sees fit, revoke the licence.
- (e) Where a licence has been revoked, the licensee may not apply for a new licence until the next calendar year.
- (f) Any Licence issued pursuant to the provisions of this by-law may be revoked or cancelled at any time by the Plumbing Inspector or their designate without notice, subject to the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990, c S.22 and the *Municipal Act, 2001*, S.O. 2001, c. 25:
 - i. For any reason that would disentitle the holder of the Licence if he or she were an applicant;
 - ii. If the information in the application is false;
 - iii. If the operation of the Licencee's business is or will not be carried on in compliance with the law;
 - iv. If the conduct of the Licencee is calculated to mislead, deceive, or intimidate the public, or in a manner contrary to the provisions of this by-law. **[amended by By-law 2020-105]**

Upon cancellation or revocation of a Licence, the Licencee shall return to the City Clerk's Office, or their designate, all Licence certificates and licence plates, badges and other indicia issued by the City with reference to such Licence. **[amended by By-law 2020-105]**

- 11. Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to the maximum penalty as set out under the *Provincial Offences Act*, R.S.O. 1990. c.P.33 or any successors thereof.

12. **TERM OF LICENCE**

Each licence issued under this by-law shall be valid for one year from the date of issuance of the licence.

13. **APPLICATION FOR LICENCE**

Every application for a licence to carry on business as a Master Plumber shall be made to the City Clerk's Department of The Corporation of the City of Sault Ste. Marie. **[Amended by By-law 2019-228]**

13A. **General:**

(1) **Interpretation**

In this by-law, unless the context otherwise requires, words importing the singular member shall include the plural and words importing the masculine shall include the feminine. **[amended by By-law 2020-105]**

(2) **Conflict**

In the case of a conflict between the provisions of this by-law and any other municipal by-law, the provisions of this by-law shall prevail. **[amended by By-law 2020-105]**

(3) **Severances**

If any section, subsection, sentence, clause, phrase or provision of this bylaw is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the by-law. The City hereby declares that it would have passed this by-law and each section, subsection, sentence, clause, phrase and provision herein, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions be declared invalid. **[amended by By-law 2020-105]**

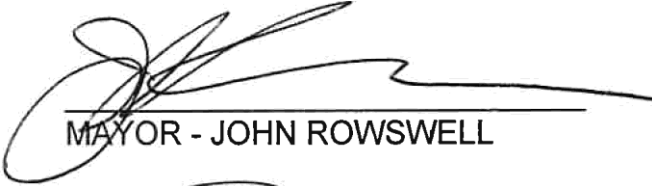
14. **BY-LAW REPEALED**

By-law 72-129 is hereby repealed.

15. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

READ THREE TIMES and **PASSED** in open Council this 17th day of March, 2003.



MAYOR - JOHN ROWSWELL



CLERK - DONNA P. IRVING

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