

CHAPTER 55

PLUMBING

[L.L. No. 16 (Intro No. 13) 1996]

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[HISTORY: Approved by the Examining Board of Plumbers, the Board of Health of the City of Dunkirk and the NYS Department of State (Office of Fire Prevention and Control.) Adopted by the Common Council of the City of Dunkirk on 10-24-96 as L.L. #16 (Intro No. 13) 1996. Amendments noted where applicable]

GENERAL REFERENCES

Building Construction -	See Ch. 15.
Electrical Installations -	See Ch. 28.
Fire Prevention -	See Ch. 32.
Property Maintenance -	See Ch. 56
Sidewalks and Streets (65.12- thru 14(Permits) & Others -	See Ch. 65.

§ 55-1. Definitions.

As used in this chapter, the following terms shall have the meanings listed herein:

CITY - The City of Dunkirk.

NYCRR – Official Compilation of Codes, Rules and Regulations of the State of New York.

§ 55-2. Administrative Authority.

- A. The administration and enforcement of this chapter shall be the duty of the Director of Public Works, who is hereby authorized to take such

action as may be reasonably necessary to enforce the purpose of this chapter.

- B. Such person(s) may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of this chapter.

§ 55-3. Applicability.

The provisions of this chapter shall apply to, and govern, plumbing as defined in this chapter, including the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system, and the public or private water systems within, or adjacent to, any building or other structure or conveyance, extension, or alteration of the storm water or sewage system of any premises to their connection with any point of public disposal or other terminus.

§ 55-4. Public Facilities.

It is recognized that certain facilities in or adjacent to public streets are referred to in this chapter, only a portion of which is under the ownership or the control of the owner or occupant of the building or premises to which this chapter applies.

§ 55-5. Corporate Rights.

- A. A domestic corporation desiring or intending to conduct the trade, business, or calling of a plumber, or of plumbing in a city of this state, as employing a Master Plumber, may do so provided one or more officers of such corporation separately or aggregately actually hold and own at least fifty-one percentum (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 the City as provided in §55-6.
- B. 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 one or more officers of the corporation is the holder of a certificate of competency and together with the legal representatives of such deceased officer or officers, actually owns and holds at least fifty-one percentum (51%) of the issued and outstanding capital stock of such corporation.

- C. Each and every member of said corporation holding a certificate of competency shall comply with all the rules and regulations applicable to master or employing plumbers in the City. Such corporation shall register as provided in §55-6.

§ 55-6. License Requirement.

- A. No person shall engage in the business of plumbing in the City unless licensed as a Master Plumber in accordance with the requirements of this chapter.
- B. A Master Plumber or certified plumbing contractor is an individual having a regular place of business who, by himself/herself or through a person or persons in his/her employ, performs plumbing work and who has successfully fulfilled the requirements of a Master Plumber license.
- C. No person other than a licensed Master Plumber, or a journeyman plumber employed by a licensed Master Plumber, shall be allowed to install, alter, repair or clean any plumbing or make any connections with any drains, soil, waste or water pipe or any pipe connected thereto, except as provided in Subsections D and E, infra.
- D. An owner of an owner-occupied one or two-family dwelling may install, alter, repair or clean any plumbing within such dwelling without being either a licensed Master Plumber or a journeyman plumber employed by a licensed Master Plumber.
- E. Owners of the following property types are excluded from the requirements of this section for routine maintenance within the Owner's boundaries:

- 612 - School
- 613 - Colleges and Universities
- 614 - Special Schools and Institutions
- 615 - All Other Educational Facilities
- 641 - Hospitals
- 651 - Government Highway Garages
- 652 - Governmental Buildings
- 653 - Parking Lots
- 661 - Army, Navy, Air Force, Marine and Coast Guard Installations, Radar, etc.

662 - Police and Fire Protection Electrical Signal Equipment and Other Facilities for Fire, Police and Civil Defense, etc.

All of Section 700 - Industrial
All of Section 800 - Public Service

(These classification codes are from the Property Type Classification Codes Manual, New York State Board of Equalization and Assessment, July, 1987 Edition)

Renovation work and major construction shall be performed by a City-licensed plumber. The City shall have access to inspect and to determine whether any and all alterations have been performed according to the Code.

§ 55-7. Certificate of Competency Requirement.

It shall be unlawful for any person to engage in the business of plumbing or to install, alter, clean or repair any plumbing system in the City, or to display a sign or give other notice setting forth or intending to imply that he/she is engaged in the business of plumbing, unless he/she has obtained a certificate of competency after examination, and has duly registered such certificate and received a certificate or registry and a metal sign from the City.

§ 55-8. Master Plumber - Certificate of Competency Examination Requirement.

- A. An applicant for a Master Plumber's license certificate shall file a written application to the office of the Department of Public Works, City Hall, City of Dunkirk, to the attention of the Plumbing Inspector, on the form provided by the Department of Public Works of the City, and pay a fee of Fifty Dollars (\$50.00) for such examination.
- B. The Examining Board of Plumbers shall approve the application, and, if necessary, approve the examination if:
 1. The required fee of \$50.00 has been paid.
 2. The applicant shall have submitted evidence that he/she is a citizen of the United States, and physically fit to carry out the duties of the trade.
 3. The applicant shall have had experience of at least five (5) years as a plumber's Apprentice or has submitted evidence of having received a degree in plumbing, sanitary engineering or plumbing engineering from a recognized college or university,

and three years as a Journeyman Plumber with the equivalent of 2,000 hours of experience per year, and is able to furnish satisfactory evidence of such facts.

4. The application must be accompanied by a certificate signed by not less than three (3) references stating that they are personally acquainted with the applicant, and believe him/her to be of good moral character.
 5. No examination shall be required if the applicant presents proof of current Master Plumber license from another City, but the other provisions shall apply.
- C. If the application is approved, the Board shall notify the applicant in writing of such approval stating the place and time of the examination, if an examination is required.
- D. If the application is disapproved, then the Examining Board of Plumbers shall notify the applicant in writing of such disapproval, stating the reasons for disapproval, and refund the examination fee paid by the applicant.
- E. Individuals who demonstrate proof of having a Master Plumber license issued by another City shall not be required to take another examination, but shall be issued a certificate if they meet the other requirements.

§ 55-9. Master Plumber Examination.

1. Examinations shall be administered by the board, in February and August annually.
2. A written examination which shall consist of questions designed to determine the applicant's knowledge and qualifications to engage in the business of Master or Employing Plumber.

§ 55-10. Master Plumber Certification.

- A. Before issuing a certificate to engage in the business of master or employing plumber, the Board shall inquire into the applicant's fitness and qualifications for conducting such business and may require the applicant to submit under oath such evidence.

- B. The Examining Board of Plumbers shall issue, upon payment of the required license certificate fee of Fifty Dollars (\$50.00), a Master Plumber's license certificate to those applicants who meet the qualifications and pass the examination.
- C. Such license certificates shall be issued in the name of the Examining Board of Plumbers, with the seal thereof attached.

§ 55-11. Annual Master Plumber License Fee.

- A. The annual fee for a Master Plumber license in the City is One Hundred Dollars (\$100.00) per year. Those who hold Master Plumber licenses from other cities shall be required to pay the annual fee to the City of Dunkirk. **[Amended 12-06-11 as L.L. #8-2011]**

§ 55-12. Payment of Fees.

- A. All fees associated with this chapter shall be made payable to the City of Dunkirk and shall be paid at the office of the City Clerk.

§ 55-13. Temporary Permits.

- A. Contractors or corporations not licensed within the City of Dunkirk may apply for a temporary permit in accordance with the following:
 - 1. The contractor or corporation shall comply with §55-5 A and such officers as noted shall be the holders of a certificate of competency recognized by the Board.
 - 2. Permits will be issued for the calendar year only, with all permits expiring on December 31 of each year. Permits can be renewed yearly with the payment of the applicable fee noted in subsection (4), infra.
 - 3. Permits shall be issued for one job only. Additional permits must be applied for individually per job.
 - 4. Fee for temporary permits shall be One Hundred Twenty-Five Dollars (\$125.00) per job per year. **[Amended 12-06-11 as L.L. #8-2011]**

§ 55-14. Out-Of-Town Contractors.

All out-of-town contractors must take the Master Plumber examination to become licensed in the City in accordance with §55-6 and §55-8, supra, unless he/she presents proof of a current Master Plumber's license from another City. If

such proof is presented, no additional examination shall be required, but all other requirements of this Chapter must be met.

§ 55-15. Failure of Test(s) - Master Plumber.

An applicant who fails to pass the examination for a plumber's license shall not be permitted to apply for another examination until after the expiration of six (6) months following the date of such examination.

§ 55-16. Master Plumber Renewal Requirements.

- A. All plumber's license certificates shall expire in January following the date of issuance. License certificates may be renewed for a period of one year each succeeding January upon payment during the month of January of the required license certificate fee.
- B. A license certificate which has expired due to failure to pay the annual fee by January 30 will be considered suspended and the licensee will not be permitted to perform plumbing work.
- C. A penalty of Ten Dollars (\$10.00) shall be affixed to the fee to reinstate the license.
- D. After April 30, a penalty of Fifty Dollars (\$50.00) shall be affixed to the fee to reinstate the license.
- E. The license shall be revoked after July 30 and a new test must be taken for reinstatement, unless prior to July 31 a request is received in writing by the Plumbing Board asking for a waiver based on an acceptable reason, such as a medical reason.
- F. The decision to grant a waiver will be determined by the Plumbing Board.
- G. Plumbing work may not be performed while a license is suspended or revoked. Violators will be subject to penalties as outlined in §55-48, infra.
- H. Applicant for renewal must be physically fit to perform the duties of the profession.

§ 55-17. Reinstatement - Master Plumber - Military Service.

- A. The Examining Board of Plumbers shall reinstate a license certificate which expires while a licensee is in the active military service upon

payment of the annual license certificate fee and submission and evidence of such military service.

- B. Such license certificate shall be reinstated without re-examination and without payment of the lapsed renewal fee.

§ 55-18. Grounds For Revocation or Suspension - Master Plumber.

The Examining Board of Plumbers shall revoke or suspend a license certificate after a hearing before the Examining Board of Plumbers when the findings show one or more of the following:

1. That the licensee obtained or conspired with others to obtain a license certificate by inducing the issuance thereof in consideration of the payment of money or delivery of any other thing of value or by and through a willful misrepresentation of facts to the Examining Board of Plumbers.
2. That the licensee willfully violated any plumbing ordinance or resolution of the City or any law of this state regulating plumbing or plumbers.
3. That the licensee has been guilty of negligence or incompetence in the performance of plumbing.
4. That the licensee has been convicted of a felony.
5. That the licensee has willfully loaned or in any manner transferred his/her license certificate to another person, to permit such person to engage illegally in plumbing contrary to this ordinance.
6. That the licensee has willfully engaged in conduct not in accord with generally accepted standards of professional conduct for the trade, business, or calling of plumber.
7. Non-renewal of license.

§ 55-19. Revocation of License - Master Plumber.

- A. No license certificate shall be suspended or revoked until a written complaint is filed with the Examining Board of Plumbers stating facts which, if proved, would constitute grounds for suspension or revocation of a license certificate as provided in this chapter, and until an impartial hearing is held before the Board.

- B. When a written complaint is filed, the Examining Board of Plumbers shall set a date for a hearing which shall be held in the Department of Public Works, City Hall, Dunkirk, New York.
- C. The Board shall send to the licensee charged in the complaint, by personal delivery or registered mail, a correct copy of the complaint, and a notice stating when and where a hearing will be held.
- D. Such notice shall be served at least twenty (20) days before the date set for the hearing.
- E. If a license certificate is suspended, the license certificate shall be surrendered to the Examining Board of Plumbers, but shall be returned to the licensee upon the termination of the suspension period.
- F. Should licensee fail to appear before the hearing, revocation shall be automatic.

§ 55-20. Reinstatement of Revoked License Certificate - Master Plumber.

- A. The Examining Board of Plumbers may, in its discretion, reinstate a plumber's license certificate not less than three (3) months, and not more than three (3) years after such license certificate has been revoked.
- B. Reinstatement by the Examining Board of Plumbers may be ordered only after a hearing before the Examining Board of Plumbers on the petition of the person whose license certificate has been revoked.
- C. Whenever a petition for reinstatement is filed with the Examining Board of Plumbers, the Board shall set a hearing, and either by personal delivery or registered mail to the address of record, serve a copy of the petition and notice on all parties of record when the license certificate in question was revoked, stating when and where the hearing will be held.
- D. Such notice shall be served at least twenty (20) days before the date set for the hearing.
- E. The Examining Board of Plumbers shall hear all material evidence in support of, or against, the petition and shall allow or deny the petition for reinstatement of the license certificate.

- F. The decision of the Examining Board of Plumbers shall be sent to the petitioner and to all parties of record, to the addresses of the parties of record, either by personal delivery or registered mail.
- G. If the petition for reinstatement is denied, then the petitioner may file his petition for rehearing within twenty (20) days after receipt of the Examining board of Plumbers' order, whereupon the Examining Board of Plumbers will then order either a denial or allowance of the petition or rehearing.
- H. If such petition for rehearing is granted, the entire record shall be referred to the Board and a hearing held not less than twenty (20) days after notice of the time and place of the rehearing to all parties of record.
- I. At the conclusion of such rehearing, the Examining Board of Plumbers shall either grant or deny the petition for reinstatement.
- J. No more than one rehearing on the same petition for reinstatement shall be allowed; and not more than one petition for reinstatement of the same license certificate shall be considered or heard within one year.
- K. If the petition for reinstatement is granted by the Examining Board of Plumbers, it shall issue a plumber's license certificate to petitioner upon payment of the required annual license certificate fee.
- L. The Examining Board of Plumbers shall, at its expense, provide a stenographer, to take testimony and to preserve a record of all proceedings at the hearing upon any complaint or petition for reinstatement.
- M. The complaint or petition and other documents in the nature of pleadings and motions filed in the case, the transcript of testimony, findings, and orders of the Examining Board of Plumbers shall constitute the record.
- N. The Examining Board of Plumbers shall furnish a transcript of such record to any person upon payment of an amount to be determined by the Director of Public Works at such time.
- O. An Order of suspension, revocation or reinstatement of a license certificate, or of dismissal of a complaint or petition, or a certified copy of such order, over the seal of the Examining Board of Plumbers and purporting to be signed by two members of the Examining Board of Plumbers shall be prima facie proof that: (a) such signatures are the

genuine signatures of the Examining Board of Plumbers, and (b) that such Examining Board of Plumbers and the members thereof are duly appointed and qualified to act.

§ 55-21. Fees For Reinstatement - Master Plumber.

- A. The fee for the reinstatement of a Master Plumber's license certificate shall be Fifty Dollars (\$50.00).
- B. The annual Master Plumber's license certificate fee shall be Fifty Dollars (\$50.00).

§ 55-22. Highway Bond.

- A. All licensed Master Plumbers or those corporations holding temporary permits shall supply the City with a minimum Two Thousand Dollar (\$2,000.00) highway bond.
- B. Such bond shall be utilized by the City to repair unsatisfactory work or restorations should the plumber or corporation fail to satisfy City requirements.
- C. The Department of Public Works may require a bond in excess of Two Thousand Dollars (\$2,000.00), should the Director deem the proposed work or restoration beyond the normal scope of activities.

§ 55-23. Insurance.

- A. Liability insurance.
 - 1. All Master Plumbers shall procure and maintain at their own expense and without expense to the City, insurance for liability for damages imposed by law, of the kinds and in the amounts hereinafter provided.
 - 2. Such insurance shall be procured through insurance companies authorized to do such business in the State of New York covering all operations under their contracts whether performed by them or by subcontractors.
 - 3. Before receiving a Master Plumber Certificate of Competency, and every year thereafter at the time of renewal of the Master Plumber license, a certificate or certificates of insurance in forms satisfactory to the City showing compliance with this paragraph, shall be furnished to the City, to be kept on file in the Department of Public Works, which certificate or certificates shall provide that the policy shall not be changed or

canceled until thirty (30) days written notice has been given to the City.

4. This requirement shall apply to active Master Plumber license holders; those with inactive status are waived.
5. The kinds and amounts of insurance are as follows:
 - (i) Compensation insurance: A policy covering the obligations of the Master Plumber in accordance with workers' compensation law covering all operations under contract, whether performed by the master plumber, or the Master Plumber's subcontractors.
 - (ii) Public liability and property damage insurance:
 1. The Master Plumber shall take out and maintain such public liability and property damage insurance as shall insure and protect him/her, any subcontractor performing work for him, from claims for damages for personal injury, including accidental death, as well as from claims for property damages which may arise from his/her operations.
 2. Public liability insurance or general comprehensive liability insurance shall be in the amount of not less than \$1,000,000 per occurrence and not less than \$1,000,000 aggregate; property damage insurance in an amount not less than \$1,000,000 aggregate.
6. The City shall be named as an additional insured on the policy for purposes of coverage only, but not for payment of premium.

§ 55-24. Examining Board of Plumbers - Membership.

- A. The existing Board for the Examination of Plumbers in the City is continued and shall be known as the Examining Board of Plumbers.
- B. The Examining Board of Plumbers in the City shall consist of five (5) persons to be appointed by the Mayor, of whom two (2) shall be employing Master Plumbers of not less than ten (10) years experience in the business of plumbing, and one (1) shall be a Journeyman Plumber of like experience, and the other members of the Board shall be the Plumbing Inspector of the City or officer

performing the duties of such inspector, and the Director of Public Works.

§ 55-25. Term of Office.

- A. The term of office of each member of such Board shall be three years, from the first day of January following the appointment.
- B. Vacancies occurring by expiration of a term shall be filled by the Mayor for a full term.
- C. The Mayor shall appoint Board Members for the unexpired term when vacancies occur as a result of death, removal, inability to act, or the resignation or removal from the City of any member.
- D. The Plumbing Inspector and the Director of Public Works or the officers holding equivalent positions or acting in like capacities designated or appointed by the Mayor as herein provided, shall be ex-officio members of such examining board, and when they shall cease to hold their offices by reason or on account of which they were so designated or appointed, their successors shall act on the Board in their stead.

§ 55-26. Compensation of Members of Board.

The Master and Journeyman Plumbers serving as members of the Examining Board of Plumbers shall receive compensation for their services as shall be determined by the City Council.

§ 55-27. Qualifications.

All members of such Board shall be United States citizens and residents of Chautauqua County.

§ 55-28. Powers and duties.

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

- A. To meet at stated intervals; they shall also meet whenever the Director of the Department of Public Works of the City or the Mayor thereof shall in writing request them to do so.
- B. To have jurisdiction over and to examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing plumbers in the City, which Board shall be appointed with the power of examining persons applying for certificates of

competency as such employing or Master Plumbers or as inspectors of plumbing, to determine their fitness and qualifications for conducting the business of Master Plumbers or to act as inspector of plumbing, and to issue certificates of competency to all such persons who shall 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 or competent to act as inspectors of plumbing.

- C. To formulate in conjunction with the Department of Public Works of the City, a code of rules regulating the work of drainage and plumbing in this City, 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 of New York.
- D. To charge and collect from each person applying for the examination the sum dictated by the board and all monies so collected shall be paid over to the treasury of the City.

§ 55-29. Plumbing Inspector.

- A. To provide for the administration and enforcement of this chapter, the position of Plumbing Inspector is hereby created.
- B. The Mayor shall appoint or cause by examination, a Plumbing Inspector to assist in the discharge of the duties of the City's Department of Public Works - Division of Plumbing.

§ 55-30. Plumbing Inspector Qualifications.

The Plumbing Inspector hereafter employed shall:

- A. be a certified Master Plumber;
- B. be a resident of Chautauqua County;
- C. not be engaged directly or indirectly in the business of plumbing during the period of his or her appointment.

§ 55-31. Plumbing Inspector Duties.

The Plumbing Inspector shall maintain public office hours necessary to efficiently administer the provisions of this chapter, and amendments thereto, and shall perform the following duties:

- A. Require submission of, examine and check plans and specifications, drawings, descriptions and/or diagrams necessary to show clearly the character, kind and extent of plumbing work covered by applications for a permit applied for.
- B. Inspect all plumbing and drainage work authorized by any permits, or unauthorized installation, to assure compliance with provisions of this chapter or amendments thereto, approving or condemning such work in whole or in part as conditions require.
- C. Issue a Certificate of Approval for any work approved by the Plumbing Inspector.
- D. Condemn and reject all work done or being done or materials used or being used, which do not in all respects comply with the provisions of this chapter and amendments thereto.
- E. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this chapter.
- F. Investigate any construction or work regulated by this chapter and issue such notices and orders as provided for elsewhere in this chapter.
- G. Keep a complete record of all the transactions of the Plumbing Inspector.
- H. Maintain an official register of all persons, firms or corporations lawfully entitled to carry on or engage in the business of plumbing or to work at the trade of plumbing to whom a Plumber's License certificate has been issued in accordance with the provisions set forth elsewhere in this chapter.

§ 55-32. Dangerous And/or Unsanitary Conditions.

- A. Any portion of a plumbing system found by the Director of Public Works to be unsanitary as defined elsewhere in this chapter herein is hereby declared to be a nuisance.
- B. (i) Whenever brought to the attention of the Director of Public Works that any unsanitary conditions exist or that any construction or work regulated by this chapter is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health or

property or otherwise in violation of this chapter, such Department may require an investigation by the Director of Public Works who, upon determining such information to be fact, shall order any person, firm or corporation using or maintaining any such condition or responsible for the use of maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove or demolish same as the Director of Public Works may consider necessary for the proper protection of life, health or property and in the case of any gas piping or gas appliance may order any person, firm or corporation, supplying gas to such piping or appliance, to discontinue supplying gas thereto until such piping or appliance is made safe to life, health or property.

- (ii) Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists, and shall specify the date or time for compliance with such order.
 - (iii) In the case of potable water piping or potable water using appliance or device, where a cross connection is found to exist between the potable water and contaminated water and/or waste, the Director of Public Works shall order any person, firm or corporation supplying potable water to such system, to discontinue supplying potable water thereto until such cross connection is removed and the system is made safe to life, health and/or property.
- C. Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this chapter.
- D. When any plumbing system is maintained in violation of this chapter and in violation of any notice issued pursuant to the provisions of this section, or where a nuisance exists in any building or on a lot on which a building is situated, the Director of Public Works shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct or abate the violation or nuisance.

§ 55-33. Special Installations.

The Plumbing Inspector may recommend to the Board that special permission should be granted to the owner or his/her agent that the installation of plumbing work be done in a manner differing from the provisions of this chapter, when, in the judgment of either party, it is necessary to do so, due to the

peculiarities of the construction of the building, and a letter from the owner or his agent is received requesting this permission.

§ 55-34. Plumbing Inspector's License Fee.

The Plumbing Inspector shall have the Master Plumber's license fee waived until such time as the Inspector is no longer employed by the City. The first January following departure from the City's service, §55-21, supra, shall apply.

§ 55-35. New York State Plumbing Code.

The City of Dunkirk hereby adopts the relevant provisions of the New York State Uniform Fire Prevention and Building Code as the plumbing code of the City of Dunkirk. All plumbing installations in the City shall be made in conformity with the requirements of 9 N.Y.C.R.R. Articles 8, 9, 10 and 13, which articles are incorporated by reference herein, with the following additions:

- A. In accordance with 9 N.Y.C.R.R. Part 903.12 add the following local requirements:
- (1) A trap must be placed in the house drain at an accessible point near the front of the house, or in the basement or cellar with a full size brass screw-type cleanout ahead of the trap.
 - (2) When placed in a basement, the house trap shall be provided with proper full-sized brass screw clean-out plug, placed on straight run of vertical Y branch on the house side of the main trap directly above the water seal; the side opening of Y shall be used for fresh air inlet.
 - (3) Where the house sewer enters the cellar, a Y branch shall be provided on the street side of the trap. The side opening shall be reserved for cleanout purposes; such cleanout shall be run up flush with the surface of the finished floor and provided with a full-sized brass clean out screw plug.
 - (4) Where the main trap is placed outside of the cellar, a cleanout shall be provided on the street side of the main trap; the cleanout shall be taken from the side opening of the Y branch in house sewer line and carried full size to finish grade at an angle of approximately forty-five degrees, and provided with suitable stopper.
 - (5) The Y shall be placed directly downstream of the main trap.

- (6) There must be an opening for fresh air entering the house drain on the house side of, and adjacent to, the house trap with pipe connections the full size in diameter leading to the outer air and provided with suitable cap or grating; such fresh air inlet shall not open within 4 feet of a window or cold air shaft.
 - (7) The trap shall be service weight, bell type cast iron pipe or vitreous tile pipe with neoprene fittings.
- B. In accordance with 9 N.Y.C.R.R. Part 904.6(a), add the following local requirement:
- (1) Building sewers under public ways shall be service weight cast iron bell type pipe, including fittings, with neoprene gaskets, vitreous clay tile bell type, with neoprene gaskets, or SDR-35 PVC, installed in accordance with the manufacturer's specifications. The public way shall be defined to be that area between the tie-in to the public sewer into, and including, the public right-of-way.
- C. In accordance with 9 N.Y.C.R.R. Part 904.6(b), add the following local requirement:
- (1) Building sewers within property lines shall be service weight cast iron, SDR Schedule 35 PVC with ring-type joints or vitreous clay tile bell type with neoprene joints. These materials should extend to within 3' of the structure's outside wall.

§ 55-36. Defective Fixtures.

All installed fixtures found defective or in an unsanitary condition shall be repaired, renovated, replaced or removed within thirty (30) days upon written notice from the Plumbing Inspector.

§ 55-37. Required Inspections.

All piping, traps and fixtures of a plumbing system shall be inspected by the Plumbing Inspector to insure compliance with all the requirements of this code and the installation and construction of the system in accordance with the approved plans and the permit.

§ 55-38. Plumbing Inspector's Right of Entry.

- A. For the purpose of enforcing the requirements of the laws and regulations relating to plumbing and house drainage, the Plumbing Inspector shall be permitted to enter any house or building, ground or premises in the City at all times during the twenty-four (24) hours, day or night, to thoroughly examine such plumbing, drainage or any nuisance that would affect the public health.
- B. The Plumbing Inspector shall notify or cause to be notified the owner, agent or occupant of the grounds or premises in or on which such violation or nuisance shall be found, to correct, remove or abate the same.
- C. Unless in case of emergency, no Inspector shall enter any dwelling, apartment or residence building between the hours of 7:00 PM and 7:00 AM of any day without the consent of the owner of or person in charge of such building.

§ 55-39. Notification of Time of Tests.

- A. It shall be the duty of the plumber to notify the Plumbing Inspector in accordance with inspection blanks.
- B. It shall be the duty of the plumber to make sure that the work will stand the test prescribed before giving the above notification.
- C. If the Plumbing Inspector finds that the work will not stand the test, the plumber shall be required to re-notify and retest the work as above stated.

§ 55-40. Materials and Labor For Tests.

The equipment, material, power and labor necessary for the inspection and test shall be furnished by the plumber.

§ 55-41. Systems Tests.

All the piping of a plumbing system shall be tested in accordance with the provisions of 9 N.Y.C.R.R. Part 907.

§ 55-42. Covering of Work.

No drainage or plumbing system or part thereof shall be covered until it has been inspected, tested and approved as herein prescribed.

§ 55-43. Uncovering of Work.

If any house drainage or plumbing system or part thereof is covered before being regularly inspected, tested and approved as herein prescribed, then it shall be uncovered upon the direction of the Plumbing Inspector.

§ 55-44. Defective Work.

If inspection or test shows defects, such defective work or material shall be replaced within ten (10) days and inspection and test repeated.

§ 55-45. Certificate of Approval.

Upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the Plumbing Inspector to the plumber, to be delivered to the owner.

§ 55-46. When Inspections and Tests Not Required.

No tests or inspections shall be required where a plumbing system or part thereof is set up for exhibition purposes and is not used for toilet purposes and not directly connected to a sewerage system; nor after the repairing or replacing of an old fixture, faucet or valve by a new one to be used for the same purpose; nor after forcing out stoppages and repairing leaks.

§ 55-47. Property Owner Responsibility.

Property owner is solely responsible for all portions of his or her drainage system up to, and including, the system's connection to the City sewer.

§ 55-48. Interpretation of Rules and Regulations.

- A. In the event that any of these rules and regulations are not fully understood, or in the event of inability to interpret any rule or regulation, before any work is done thereunder the interpretation and opinion of the Plumbing Inspector must be obtained.
- B. In the event of any disputes as to the interpretation or intent of any of the plumbing rules and regulations, final decision thereon will be given by the Examining Board of Plumbers.

§ 55-49. Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a minimum fine of \$150.00, or a maximum fine of \$1,000.00, or by imprisonment in the City jail for a period not to exceed six months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter occurs, or continues, shall be deemed to constitute a

separate offense, and upon conviction thereof, shall be punishable as herein provided.

§ 55-50. Appeals.

- A. An appeal may be taken to the Zoning Board of Appeals requesting a waiver from local standards that are more restrictive than the State Uniform Fire Prevention and Building Code.
- B. The grounds for such appeal shall include the following:
 - 1. Undue economic hardship or burden,
 - 2. Restriction from the achievement of a valid State or federal policy,
 - 3. Physical or legal impossibility,
 - 4. Impediment to the intended objective of the regulation,
 - 5. Application of the more restrictive provisions is unnecessary, in light of viable alternatives which meet the intended objective of the more restrictive local provisions.
- C. The application for appeal must be filed on or before thirty (30) days from the date of the municipality's determination.
- D. The rules of procedure for the Zoning Board of Appeals shall be followed as to the notification of interested parties, the conduct of the hearing and all other procedural matters, except those specified in this Chapter 55.
- E. The Zoning Board of Appeals shall notify the appellant of its decision within sixty (60) days of the final hearing on the matter.
- F. An appeal from the decision of the Zoning Board of Appeals may be pursued before the New York State Supreme Court under Article 78 of the New York State Civil Procedure Law and Rules.