ARTICLE 21

PLUMBING CODE

1. DEFINITION OF PLUMBING: The term plumbing shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be.

2. ADOPTION OF PLUMBING CODE BY REFERENCE: There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the plumbing and gas-fitting sections of the International Building Code of 2006, a publication of the International Code Council and the current edition of the Uniform Plumbing Code (UPC), such codes being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the codes shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Carbondale" and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

3. ADDITIONAL PROVISIONS: The following sections are in addition to the provisions of the standard code incorporated by reference in Section 2.

4. ZONING ADMINISTRATOR; AUTHORITY: The Zoning Administrator or his or her authorized designee shall be responsible for the administration and enforcement of the Plumbing Code, and appointment of a Plumbing Inspector in accordance with these regulations.

5. PLUMBINGR INSPECTOR; APPOINTMENT: The Zoning Administrator may assume the responsibilities of or appoint some qualified designee, officer or employee of the city to be and perform the duties of Plumbing Inspector as may be required, subject to the consent and approval of the governing body.

6. SAME; DUTIES: The Plumbing Inspector shall have the following duties:

(a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;

(b) May permit, with the approval of the Planning Commission, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction and for the purpose of carrying out the intent of this ordinance adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the plumbing permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, certificates of approval or permits issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Zoning Administrator or Plumbing Inspector without his or her written consent.

7. SAME; POWERS: The Plumbing Inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this ordinance;

(b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the City;

(c) May cause any work done in violation to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the plumbing regulations of the City, subject to the right of any plumber, plumbing contractor or owner to appeal to the Planning Commission.

8. SAME; RIGHT OF ENTRY: The Plumbing Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties.

9. CLARIFICATION; MODIFICATION:

(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Plumbing Code, which may be unclear, ambiguous, or requiring interpretation.

(b) The Plumbing Inspector shall have power to modify any of the provisions of the Plumbing Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code. In approving modifications, the Plumbing Inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Plumbing Inspector and a signed copy shall be furnished to the applicant.

10. PLUMBING PERMIT REQUIRED; EXCEPTION:

(a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the Plumbing Code and Section 1, in any building in the city without first making application to and receiving a permit from the City Clerk, after approval by the Zoning Administrator or designee. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.

(b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

11. SAME; APPLICATION INFORMATION REQUIRED:

(a) A plumbing permit shall be issued upon an application in writing to the office of City Clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

(1) The name of the owner of the lot or tract of ground;

(2) The location of the building or structure;

(3) The plumbing work proposed;

(4) The class of occupancy;

(5) The class of construction;

(6) The kind of materials to be used;

(7) The estimated cost of the work;

(8) The date work will commence;

(9) Expected date of completion;

(10) Name and address of plumber, plumbing contractor or contractors doing the work;

(11) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for a plumbing permit shall be signed by the owner or his or her duly authorized agent, or a plumber or plumbing contractor licensed by the City. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed plumber, plumbing contractor or contractors doing the work described.

(c) Upon approval of the completed application and a determination that a permit should be issued, the Zoning Administrator or his or her designee shall issue a permit to the owner or contractor authorizing the plumbing work covered by the application.

(d) Any permit issued shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the plumbing work authorized by such permit. Plumbing work commenced for the purpose of this section shall mean the beginning of plumbing work other than the preparation of plans or the letting of a plumbing contract.

12. SAME; PLANS AND SPECIFICATIONS: Whenever an application for a plumbing permit is made, the Zoning Administrator or designee may, if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Zoning Administrator or designee may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the inspector to determine compliance with this ordinance. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the City to deny or issue a permit, or to inspect any plumbing work for conformity with this ordinance.

13. SAME; FEES: The fee for a plumbing permit shall be $25.00 however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under $250.00. The fee herein shall be paid to the City Clerk upon obtaining a plumbing permit and the same shall be credited to the general operating fund of the City.

14. SAME; POSTING: A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Plumbing Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

15. REQUEST FOR INSPECTION: Upon the completion of any plumbing work covered by this ordinance, it shall be the duty of the person doing such work to notify the Plumbing Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

16. INSPECTION; CONCEALMENT OF PRIOR WORK:

(a) When any plumbing is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the plumbing shall notify the Zoning Administrator or designee and such equipment shall not be concealed until it has been inspected, approved or authorized by the Plumbing Inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of plumbing proceeds continuously, the person, firm or corporation installing the plumbing shall give the Plumbing Inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The Plumbing Inspector shall have the authority to require owners or contractors to open such work, which, in any manner, conceals plumbing that has been closed without his or her knowledge or permission until satisfied that the work is in accordance with the provisions of this ordinance. The Inspector shall also have the right to refuse to issue a certificate of approval on any plumbing that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this ordinance.

17. INSPECTION FEE: An initial inspection fee of $40.00 will be charged. If additional inspections are required due to errors in construction, an additional $20.00 fee will be charged. All fees must be paid before any building or construction work will be approved or a certificate of approval is issued.

18. CERTIFICATE OF APPROVAL:

(a) When the Plumbing Inspector finds plumbing construction to be in conformity with the provisions of this ordinance, he or she shall issue to the person, firm, or corporation performing the plumbing construction a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the Plumbing Inspector.

(c) In no case shall certificates of approval be issued on plumbing or plumbing systems or parts of systems where the work installed does not conform to the requirements of this ordinance.

(d) If, upon inspection, the plumbing or plumbing system is not found to be fully in conformity with the provisions of these regulations, the Plumbing Inspector shall immediately notify the person, firm, or corporation making the installation of the existing defects.

(e) No certificate of approval shall be issued unless the plumbing or plumbing system has been installed in strict conformity with the provisions of these regulation and unless the plumbing or plumbing system is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

(f) The Plumbing Inspector shall be deemed the judge of whether the plumbing or plumbing system has been made in accordance with the requirements of this ordinance.

(g) No certificate of approval shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

19. CONNECTION TO GAS OR WATER SUPPLY: It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the Plumbing Inspector, until a certificate of approval has been issued by the Plumbing Inspector authorizing the connection and use of such plumbing or plumbing system. The Plumbing Inspector may, at his or her discretion, authorize a temporary connection.

20. CONDEMNATION; APPEAL:

(a) If in the judgment of the Plumbing Inspector, after inspection, the plumbing or plumbing system in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the plumbing or plumbing system to be disconnected from the supply of gas or water and may, at his or her discretion, seal the control valves for the same in a closed or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit gas or water to be supplied to the plumbing or plumbing system so sealed until they shall have been made safe and the Inspector shall have issued a certificate of approval to that effect.

(b) When the Plumbing Inspector condemns all or part of any plumbing system, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the Plumbing Inspector by the Governing Body, upon the receipt of which the Governing Body shall at once proceed to determine the facts, and within 10 days from receiving the petition, make a decision in accordance with their findings.

21. PLUMBER OR PLUMBING CONTRACTOR; DEFINED:

(a) A plumber or plumbing contractor shall mean:

(1) Any person engaged in the business of installing, altering, maintaining, or repairing plumbing, which shall include all materials and plumbing fixtures, water pipes, portable water treatment equipment, traps, drainage and vent piping, and building drains, including their respective points, connections, devices, receptacles and appurtenances located within the property lines of any premises or in any building.

(2) Any gasfitter or person engaged in the business of installing, altering, or repairing fuel gas piping, gas systems or fixtures.

(b) A plumber or plumbing contractor as defined in subsection (a) of this section shall not mean or include the owner of a residence who personally installs plumbing, piping or equipment within and upon his or her own residence, intended for his or her own personal use and permanent occupancy. Personal installation by an owner shall be done by himself or herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work, except a plumber or plumbing contractor licensed by the City.

22. PLUMBER'S OR PLUMBING CONTRACTOR'S LICENSE REQUIRED; PLUMBING PERMITS; UNLAWFUL ACTS:

(a) Each plumber or plumbing contractor shall, before entering upon any plumbing work subject to regulation by City laws, apply to the City Clerk for a plumber's or plumbing contractor's license and receive the same as hereinafter provided, and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a plumber or plumbing contractor in the city.

(b) No permit for any plumbing work shall be issued for any such work to be performed by a plumber or plumbing contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of a plumber or plumbing contractor herein, or to perform any work as a plumber or plumbing contractor, or any work under a contract for any work involving plumbing construction, without first having obtained a plumber's or plumbing contractor's license issued by the City.

23. SAME; APPLICATION; GRANTING:

(a) Application for a plumber's or plumbing contractor's license shall be made upon a form to be supplied by the City which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the plumber or plumbing contractor or his or her authorized agent. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the Governing Body.

Section 24. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS:

(a) The following license fees shall be paid for the calendar year or major fraction thereof:

(1) General Plumber or Plumbing Contractor, who shall qualify to engage in more than one kind of plumbing work, the sum of $25.00.

(2) Limited Plumber or Plumbing Contractor, who shall qualify to engage in only one kind of plumbing work, the sum of $25.00.

(b) Each such license shall set forth the kind of plumbing work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in plumbing work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before the first day of January of each year.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this ordinance without having a valid license issued by the City to perform such contracts.

Section 25. INSURANCE: A plumber or plumbing contractor must procure and maintain a liability insurance policy. Such policy shall provide not less than $500,000 (five hundred thousand) single liability for each occurrence, $1,000,000 (one million) single limit liability for each policy year, and $50,000 for property damage in any one accident. Such policy shall not contain any deductible provision for more than $500 and such policy shall not be cancelled or terminated until at least 10 days after a notice of cancellation of the insurance policy is received by the City Clerk form the applicant. Some insurance company authorized to do business in the State of Kansas shall issue such policies of insurance. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this ordinance and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the City, and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

26. EXCAVATIONS. When it appears that the laying or repairing of any sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city, or the cutting or removal of any pavement, curb or gutter or any sidewalk during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the City Clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this ordinance. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as or better than the last condition, subject always to the approval of the Plumbing Inspector or the head of the Maintenance Department.

27. WORK BY PROPERTY OWNERS: Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy. Personal installation by an owner shall be by himself or herself, for himself or herself on his or her own residence, without compensation, and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the City.

28. APPROVED MATERIALS: No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this ordinance and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this ordinance.

29. SEWER REQUIREMENTS: Where applicable Carbondale City Ordinance 405B-2005 is hereby incorporated by reference and is fully setout herein. See page 235 for ordinance 405-2005

30. LIABILITY: This ordinance shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

31. SEVERABILITY: If any section of the Uniform Plumbing Code, International Building Code 2006 or of this ordinance shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the International Building Code 2006, Uniform Plumbing Code or these regulations; the section is to be completely severable from the remaining provisions which shall continue in full force and effect.