

City of Philadelphia



(Bill No. 060289)

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by adding a new Chapter entitled “Sheet Metal Technician,” requiring certain licensing of persons performing duct work used in HVAC systems, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to add Chapter 9-3000 to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

* * *

CHAPTER 9-3000. SHEET METAL TECHNICIAN.

§9-3001. Definitions.

(1) Certified Sheet Metal Systems Technician. A person who obtains a valid sheet metal systems technician certificate in accordance with the requirements of this Chapter.

(1) HVAC Systems. Any system or part or component thereof used for providing heating, ventilating, air conditioning and exhaust services to buildings or structures of any type.

(2) Registered Sheet Metal Technician Apprenticeship Program. A program of apprenticeship skills training that is currently approved by and registered with the United States Department of Labor or a State Apprenticeship Council involving at least 8,000 hours of documented practical experience in the installation, maintenance and other servicing of sheet metal systems and at least 800 hours of classroom, shop or related instruction in the installation, maintenance and other servicing of sheet metal systems.

(3) Sheet Metal Systems. All duct work, ferrous and non-ferrous, including applicable materials and parts, used in HVAC Systems.

(4) Work on Sheet Metal Systems. The installation, erection, replacement, rebuilding, modification, alteration, repair, testing or other servicing of sheet metal systems.

City of Philadelphia

BILL NO. 060289 continued

Certified Copy

§9-3002. Prohibited Conduct.

(1) *No person shall engage, or cause or direct any other person to engage, in work on a sheet metal system who does not have a valid sheet metal systems technician certificate or sheet metal systems apprentice permit.*

(2) *No person, corporation, partnership or other business entity shall solicit, by sign, listing or any other form of advertisement, work on sheet metal systems unless it employs duly certified and permitted persons under this Chapter.*

(3) *No person shall knowingly or recklessly make any misrepresentation or omission regarding the status of a person's sheet metal systems technician certificate or sheet metal systems apprentice permit with the intent to influence, persuade or induce an individual to contract for work on sheet metal systems.*

(4) *No person shall knowingly or recklessly make a misrepresentation or omission regarding work on sheet metal systems which has been performed or which is to be performed.*

(5) *This Chapter shall not apply to work on sheet metal systems on residential properties by the person who owns the property, provided it is the person's primary residence.*

§9-3003. Powers and Duties of Department of Licenses and Inspections.

(1) *The Department shall issue sheet metal systems technician certificates and sheet metal systems apprentice permits under the requirements of this Chapter and enforce the provisions of this Chapter.*

(2) *The Department may adopt regulations regarding the issuance of certificates and permits under this Chapter and regarding enforcement of this Chapter that are not inconsistent with this Chapter.*

§9-3004. Sheet Metal Systems Technician Certification.

(1) *To obtain a sheet metal systems technician certificate, an applicant must pay an application fee of \$150 and either:*

(a) take and pass an examination designated by the Department for purposes of this Chapter; or

(b) meet the qualifications for reciprocity pursuant to §9-3006 of this Chapter; or

City of Philadelphia

BILL NO. 060289 continued

Certified Copy

(c) meet the requirements of §9-3007 of this Chapter during the one-year grace period established by that section and apply for such certification within the time frame specified in that section.

(2) To take an examination for a sheet metal systems technician certificate required by this Chapter, an applicant must provide the Department, in addition to any other information required by the Department, evidence demonstrating that he or she has successfully completed a registered sheet metal technician apprenticeship program.

(3) The Department shall issue a picture identification certification card to persons who meet the qualifications for a sheet metal systems technician certificate under this Chapter. A certified sheet metal systems technician shall carry this card at all times when performing work on sheet metal systems.

§9-3005. Sheet Metal Systems Apprentice Permits.

(1) To obtain a sheet metal systems apprentice permit, an applicant must pay an application fee of \$75 and either:

(a) meet the qualifications for reciprocity pursuant to §9-3006 of this Chapter; or

(b) obtain a permit under subsection (2) of this Section.

(2) The Department shall issue a sheet metal systems apprentice permit to any person who:

(a) completes an application for such a permit established by the Department; and

(b) is enrolled in a registered sheet metal technician apprenticeship program.

(3) A sheet metal systems apprentice permit issued by the Department shall be valid only for such time as the holder is enrolled in a registered sheet metal technician apprenticeship program in accordance with this Chapter.

(4) Nothing in this Chapter shall be construed to prohibit a sheet metal systems apprentice who is issued a permit pursuant to this Chapter from engaging in work regulated by this Chapter, provided the apprentice is working under the supervision of a certified sheet metal systems technician in accordance with the requirements of a registered sheet metal technician apprenticeship program.

§9-3006. Reciprocity.

City of Philadelphia

BILL NO. 060289 continued

Certified Copy

The Department shall issue a sheet metal systems technician certificate or apprentice permit without examination, and by reciprocity, to any currently practicing sheet metal systems technician or apprentice who:

(1) completes an application for certification or permit by reciprocity established by the Department; and

(2) holds a similar authorization granted by any other state or local jurisdiction which establishes qualification requirements equal to, or greater than, those established under this Chapter (provided that the state or local jurisdiction grants such authorizations to any currently practicing, competent person holding a certificate or apprentice permit under this Chapter); and

(3) pays a fee of \$150.

§9-3007. Grace Period for Transition to Full Certification/Permitting Requirements.

(1) No person shall be required to possess any certificate or permit mandated by this Chapter in the first 180 days from the effective date of this Chapter. During the period from 181 days after the effective date of this Chapter through one year after the effective date of this Chapter, no person shall be required to possess any certificate or permit mandated by this Chapter provided he or she has submitted the necessary certificate or permit application within 180 days from the effective date of this Chapter.

(2) The Department shall issue a sheet metal systems technician certificate without examination to any person who submits an application for such certificate during the 180 day period after the effective date of this Chapter, provided the applicant pays the required application fee and submits evidence demonstrating he or she has:

(a) performed at least 10,000 hours of documented full-time practical experience working on sheet metal systems; or

(b) has completed a registered sheet metal technician apprenticeship program.

§9-3008. Registry of Sheet Metal Technician Certificate and Permit Holders.

To promote the effective enforcement of this Chapter, the Department shall maintain a central registry of the names of all persons to whom it has issued sheet metal systems certificates and apprentice permits. This list shall be available for inspection to the public, updated each month to reflect new certificates or permits issued and maintained on the Department's publicly available website. This list shall also identify the names of any person whose certificate or permit has been revoked or suspended.

City of Philadelphia

BILL NO. 060289 continued

Certified Copy

§9-3009. Expiration of Certificates and Permits.

Any sheet metal systems technician certificate or apprentice permit issued by the Department under this Chapter shall be valid for a period of three years from the date it is issued and must thereafter be renewed. The Department shall renew for a period of three years any certificate or permit issued under this Chapter upon receiving from the renewal applicant a completed renewal form, as established by the Department and the required renewal fee. Renewal fees for certifications shall be \$150. Renewal fees for apprentice permits shall be \$75.

§9-3010. Penalties.

(1) Any person who violates any provision of this Chapter or regulation adopted by the Department under this Chapter is subject to a fine of not less than \$100 or more than \$300 for each violation.

(2) If the Department finds that a person, corporation, partnership or other business entity is performing work on a sheet metal system without possessing a certificate or apprentice permit or employing properly certified or permitted persons as required by this Chapter, it shall issue a Cease Operations Order to prevent further work from being performed by any such person or entity. The Cease Operations Order shall remain in effect until appropriate action is taken to ensure full compliance with the requirements of this Chapter.

(3) Each day a person performs work on a sheet metal system without possessing a certificate or apprentice permit as required by this Chapter shall constitute a separate violation of this Chapter for which such person shall be liable. Each day a person, corporation, partnership or other business entity employs a person to perform work on a sheet metal system who does not have a certificate or apprentice permit in violation of this Chapter shall be a separate violation for which such person or entity shall be liable.

(4) The Department may, after providing notice and an opportunity to be heard, revoke or suspend a certificate or apprentice permit for any violation of this Chapter or regulation adopted by the Department under this Chapter or upon a finding of technical incompetence.

(5) The Department shall, after providing notice and an opportunity to be heard, suspend or revoke, for a period of not less than six months and not more than one year, applicable contractor licenses, issued by the Department to any person, corporation, partnership or other business entity that knowingly or recklessly performs work on sheet metal systems or employs persons to perform work on sheet metal systems without applicable certificates or permits required by this Chapter. If the person, corporation, partnership or other business entity does not possess a contractor license, the Department shall place a restriction on the business privilege license of such person or

City of Philadelphia

BILL NO. 060289 continued

Certified Copy

entity prohibiting them from performing work on sheet metal systems for a period of not less than six months and not more than one year.

Explanation:

Italics indicate new matter added.

City of Philadelphia

BILL NO. 060289 continued

Certified Copy

City of Philadelphia

BILL NO. 060289 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 25, 2006. The Bill was Signed by the Mayor on June 8, 2006.



Patricia Rafferty
Chief Clerk of the City Council