

Legislation Text

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Adding Sections 9-1005, entitled “Fire Suppression System Contractors,” and 9-1006, entitled “Electrical Contractors,” to Chapter 9-1000 of The Philadelphia Code, entitled “Trades,” to provide for licensing of fire suppression system contractors and electrical contractors; and making conforming amendments to Subcode “E” (The Philadelphia Electrical Code) of Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code;” all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Subcode “E” (The Philadelphia Electrical Code) of Title 4 of The Philadelphia Code is hereby amended as follows:

SUBCODE “E” (THE PHILADELPHIA ELECTRICAL CODE)

CHAPTER 1 SCOPE

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SECTION E-102. [ELECTRICAL CONTRACTORS] *Reserved.*

[E-102.1 License required. No person shall engage in the business of installing systems, or parts of systems, used to transmit, generate or distribute electricity, nor engage in the business of electrical contracting, unless that person has obtained a license from the code official.

E-102.2 Requirements for license. No Electrical Contractor's License shall be issued unless the provisions of Sections E-102.2.1 through E-102.2.3 have been satisfied.

E-102.2.1 Experience. The applicant shall have a minimum of four years of practical experience gained while employed in electrical work. Satisfactory completion of two years of education in the electrical field shall be equivalent to one year of practical experience, but not more than four years of education shall count towards the required four years practical experience.

E-102.2.2 Examination. The applicant shall have passed a written examination as prescribed by the Department of Licenses and Inspections on the theory and practice of electricity to test knowledge of the National Electrical Code (NFPA 70) as adopted by this code.

E-102.2.3 Continuing education. Before any Electrical Contractor's License is issued or renewed, the applicant or licensee shall have completed at least eight hours per year in course work or seminars on the then-current edition of NFPA 70 at an approved or accredited school or organization approved by the code official. The applicant or licensee shall furnish the code official with a completion certificate indicating the course activity and the length in hours of each course.]

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SECTION 2. Title 9 of The Philadelphia Code is hereby amended as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-1000. TRADES

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§ 9-1005. *Fire Suppression System Contractors.*

(1) *Definitions.*

(a) *Fire Suppression System Contractor.* A person who performs or offers to perform the installation, alteration, repair, testing, servicing, maintenance, inspection and/or certification of fire suppression systems, or any part of such systems.

(b) *Fire Suppression System.* An automatic or manual system designed to protect buildings and their occupants from fire. Such systems include, but are not limited to, water sprinkler, water spray, foam-water, foam-water spray, carbon dioxide, foam extinguishing, dry chemical, wet chemical, halogenated and other chemical systems used for fire protection; the supply mains, yard hydrants, standpipes and hose connections to sprinkler systems; and tank heaters, air lines and thermal systems used in connection with sprinklers, tanks and pumps dedicated for fire suppression use.

(c) *Fire Suppression System Worker Certificate Holder.* A person who has satisfied the requirements of Chapter 9-2500 and has been issued a Fire Suppression System Worker certificate by the Department.

(d) *NICET Certificate Holder.* A person holding a certification in the applicable field issued by the National Institute for Certification in Engineering Technologies (NICET).

(2) *License Required.*

(a) No person shall act as a Fire Suppression System Contractor unless that person possesses a current and valid license issued under this Section.

(b) A license issued under this Section shall be valid for one year and shall be renewed annually by the license holder on a form provided by the Department, together with payment of a fee as established in the Administrative Code (Subcode "A" of Title 4 - Philadelphia Building Construction and Occupancy Code, Section A-904.4).

(3) *Requirements for License.*

(a) Each applicant for a Fire Suppression System Contractor License shall provide, on a form to be supplied by the Department, the following information:

(.1) *City of Philadelphia Business Privilege License and tax identification numbers.*

(.2) *Name and certificate number of at least one full-time employee who is the holder of a NICET certificate at Level II or higher in the applicable field(s) (or such Level as the Department may specify by regulation), and of at least one full-time employee who is the holder of a Fire Suppression System Worker Certificate issued by the Department. The holder of the different certificates may be the same person.*

(.a) *In the alternative to the requirement for an on-staff NICET certificate holder, a licensee may employ a professional engineer registered in the Commonwealth of Pennsylvania who provides the Department with a signed and sealed statement of qualifications in the field of fire suppression systems in the one or more classifications of work for which the application is made, provided that all other requirements of § 9-2500 are met.*

(.3) *Length of time in the business as a contractor in the area of fire suppression.*

(.4) *Such other information as the Department may require.*

(b) *Each applicant shall submit insurance certificates to verify the insurance required by subsection 9-1005(4).*

(c) *Each applicant shall pay a non-refundable application fee in the amount established in the Administrative Code (Subcode "A" of Title 4 - Philadelphia Building Construction and Occupancy Code).*

(4) *Insurance Requirements. All Contractors licensed under this Section shall at all times maintain, at a minimum, the following types and amounts of insurance:*

(a) *workers' compensation where applicable: statutory limits;*

(b) *comprehensive general liability insurance: in an amount determined by the Risk Manager;*

(c) *products and completed operations, and/or errors and omissions: in an amount determined by the Risk Manager; and*

(d) *motor vehicle liability insurance: in an amount determined by the Risk Manager.*

(5) *Required Conduct.*

(a) *The licensee shall notify the Department in writing within ten days of any change of address.*

(b) *Each licensed Fire Suppression System Contractor shall maintain on staff in a full time position at least one Fire Suppression System Worker Certificate holder and a NICET certificate holder at Level II or higher in the applicable field(s) (or such Level as the Department may specify by regulation). The holder of the different required certificates may be the same person.*

(.1) *The Fire Suppression System Worker Certificate holder(s) responsible for the work may perform installation, testing and repair work, and shall sign all certificates and deficiency notices for installation, alteration, repair, testing, servicing or inspection of fire suppression systems.*

(.2) *The NICET certificate holder shall be responsible for the design of fire*

suppression systems; the oversight of installation, testing, repair and inspection of such systems by Fire Suppression System Workers; and may prepare and sign documents related to work performed on fire suppression systems. The Department is authorized to establish by regulation the specific NICET certificate levels required for particular tasks.

(.3) *In the alternative to an on-staff NICET certificate holder, a Fire Suppression System Contractor may employ a full-time professional engineer registered in the Commonwealth of Pennsylvania who provides the Department with a signed and sealed statement of qualifications in the field of fire suppression systems in one or more classifications of work.*

(.4) *If the Fire Suppression System Contractor's certified Fire Suppression System Worker terminates employment with the Contractor, the Contractor must cease all installing, repairing, testing, servicing, inspecting, or certifying of fire suppression equipment until a certified Fire Suppression System Worker has been employed. Upon the hiring of a new full-time certified Fire Suppression System Worker, the Contractor shall provide the Department with the employee's name and certificate number, and may resume work upon approval from the Department.*

(.5) *If the Fire Suppression System Contractor's certified full-time NICET employee (or approved alternative) terminates employment with the Contractor, but an appropriately certified full-time Fire Suppression System Worker is on staff, the Contractor shall be permitted to complete existing work in progress which has been approved by the Department for a period of 6 months after the certified NICET employee has left such full-time employment, but shall not receive new approvals from the Department until an appropriately certified NICET employee is on staff full-time and the Department has been provided the employee's name and certificate number.*

(.6) *The Fire Suppression System Worker certificate holder and the Fire Suppression System Contractor shall each notify the Department in writing within five business days of the termination of the position of the certificate holder with the contractor.*

(6) *Prohibited Conduct.*

(a) *No person shall engage, or cause or direct any other person to engage, in work on a fire suppression system who does not have a valid fire suppression system worker certificate, or who does not have an apprentice permit, issued pursuant to § 9-2505 of this Code, to perform such work under the supervision of the certificate holder.*

(b) *No Fire Suppression System Contractor shall:*

(.1) *solicit, by sign, listing or any other form of advertisement, work on a fire suppression system without obtaining a contractor license pursuant to this Chapter;*

(.2) *perform any construction work without first securing all required permits;*

(.3) *permit another person to use the license assigned to the Fire Suppression System Contractor to secure permits or perform activity regulated under this Chapter;*

(.4) *provide false information on any license or permit application filed with the Department;*

(.5) employ an unlicensed subcontractor to perform any activity regulated under this Chapter; or

(.6) knowingly or recklessly make a misrepresentation or omission regarding fire suppression system work which has been performed or which is to be performed.

(7) License Suspension and Revocation; Other Remedies.

(a) The Department may suspend or revoke any license granted under this Section for any of the following reasons, after an administrative hearing conducted after notice of the proposed suspension or revocation has been sent to the licensee:

(.1) repeated failure to comply with the provisions of The Philadelphia Code;

(.2) failure to obtain or maintain the insurance required by this Section;

(.3) failure to pay any fine imposed for a violation of any provision of this Section or of Title 4 of this Code within ten days of imposition by a final order from which all appeals have been exhausted;

(.4) failure to pay a tax or charge imposed in connection with the activity licensed under this Section;

(.5) failure to secure required permits;

(.6) failure to comply with violation notices issued by the Department;

(.7) repeated failure to provide the Department with accurate cost estimates of construction activity on permit applications;

(.8) performing the installation, alteration, repair, testing, servicing, inspection or certification of a fire protection system in a reckless or grossly negligent manner, or engaging in intentional or knowing misconduct in the providing of such services; or

(.9) conviction of a crime of fraud or dishonesty in connection with the licensed activity.

(b) The Department may refuse to issue a permit to any Fire Suppression System Contractor who has failed to properly have its work inspected and approved or failed to correct any outstanding Code violations resulting from work performed under previously issued permits.

CHAPTER 9-1006. ELECTRICAL CONTRACTORS.

(1) License required.

(a) No person shall engage in the business of installing systems, or parts of systems, used to transmit, generate or distribute electricity, nor engage in the business of electrical contracting, unless that person has obtained a license from the Department.

(b) Licenses issued under this Section shall be valid for one year and renewed annually by the license holder on a form provided by the Department, with payment of a fee as established in the Administrative Code (Subcode "A" of Title 4 - Philadelphia Building Construction and Occupancy Code).

(2) Requirements for license. No Electrical Contractor's License shall be issued unless the following provisions have been satisfied:

(a) Experience. The applicant shall have a minimum of four years of practical experience gained while employed in electrical work. Satisfactory completion of two years of education in the electrical field shall be equivalent to one year of practical experience, but not more than four years of education shall count towards the required four years practical experience.

(b) Examination. The applicant shall have passed a written examination, as prescribed by the Department, on the theory and practice of electricity to test knowledge of the National Electrical Code (NFPA 70) as adopted by the Pennsylvania Uniform Construction Code.

(c) Continuing education. Before any Electrical Contractor's License is issued or renewed, the applicant or licensee shall have completed at least eight hours per year in course work or seminars on the then-current edition of NFPA 70 at an approved or accredited school or organization approved by the Department. The applicant or licensee shall furnish the Department with a completion certificate indicating the course activity and the length in hours of each course.

(3) Insurance Requirements.

(a) All Contractors licensed under this Section shall maintain, at a minimum, the following types and amounts of insurance:

(.1) workers' compensation where applicable: statutory limits;

(.2) comprehensive general liability insurance: in an amount determined by the Risk Manager;

(.3) products and completed operations, and/or errors and omissions: in an amount determined by the Risk Manager; and

(.4) motor vehicle liability insurance: in an amount determined by the Risk Manager.

(b) Copies of insurance certificates shall be submitted to the Department to show proof of insurance coverage before a license will be issued.

(c) Failure to maintain proper insurance, and to provide proof of continued coverage by submitting renewal certificates to the Department, will result in the revocation or non-renewal of the license.

(4) Application Requirements. Applications for an Electrical Contractor's license shall be made on forms to be supplied by the Department. No license shall be issued until the applicant:

(a) provides the Department with a copy of the applicant's business privilege license and tax

identification number;

(b) provides the Department with proof that the applicant has obtained the insurance required by this Section;

(c) provides proof of meeting the requirements of an Electrical Contractor license established in Section 9-1006(2);

(d) pays a non-refundable application fee as established in the Administrative Code (Subcode "A" of Title 4 - Philadelphia Building Construction and Occupancy Code); and

(e) complies with any additional requirements imposed by the Department by regulation.

(5) *Required Conduct. Every licensed Electrical Contractor shall:*

(a) notify the Department in writing within ten days of any change in any of the information required to be submitted to the Department under § 9-1006(4);

(b) secure all required permits prior to commencement of construction;

(c) include the Electrical Contractor's license number on all advertisements and stationery;

(d) comply with all provisions of The Philadelphia Code;

(e) correct any Code violation cited by the Department or licensed agent as a result of such Electrical Contractor's work activity within the period for compliance specified in the notice from the Department;

(f) maintain complete financial and construction records (including plans) for each job performed, for two years after the completion of the job. All such records shall be subject to audit by the Department during such two-year period.

(g) arrange for all required inspections of electrical work. A minimum of 24 hours advance notice shall be given to the Department for inspections. Arrangements for final inspections shall be made within five days of completion of the work.

(6) *Prohibited Conduct. No Electrical Contractor shall:*

(a) perform any construction work without first securing all required permits;

(b) deviate from or disregard in any material respect the plans and specifications approved by the Department, unless such change has been approved by the Department;

(c) permit another person to use the license assigned to the Electrical Contractor to secure permits or perform activity regulated under this Section.

(d) provide false information on any license or permit application filed with the Department;

(e) *employ an unlicensed subcontractor to perform any activity regulated under this Section.*

(7) *License Suspension and Revocation; Other Remedies.*

(a) *The Department may suspend or revoke any license granted under this Section for any of the following reasons, after an administrative hearing conducted after notice of the proposed suspension or revocation has been sent to the licensee:*

(.1) *repeated failure to comply with the provisions of The Philadelphia Code;*

(.2) *failure to obtain or maintain the insurance required by this Section;*

(.3) *failure to pay any fine imposed for a violation of any provision of this Section or of Title 4 of The Philadelphia Code within ten days of imposition by a final order from which all appeals have been exhausted;*

(.4) *failure to pay a tax or charge imposed in connection with the activity licensed under this Section;*

(.5) *failure to secure required permits;*

(.6) *failure to provide the Department with accurate cost estimates of construction activity on permit applications;*

(.7) *failure to comply with violation notices issued by the Department; or*

(.8) *conviction of a crime of fraud or dishonesty in connection with the licensed activity.*

(b) *The Department may refuse to issue a permit to any Electrical Contractor who has failed to properly have its work inspected and approved or failed to correct any outstanding Code violations resulting from work performed under previously issued permits.*

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.