

ORDINANCE NO. 2020-28

AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE TO INCLUDE MECHANICAL CERTIFICATION

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Article IV of Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

* * *

ARTICLE IV: BUSINESS LICENSES AND REGULATIONS

* * *

DIVISION F: ~~[HEATING]~~ MECHANICAL CONTRACTORS

§ 14.193 PURPOSE.

The purpose of this Division F of the city code is to license and regulate ~~[heating]~~ mechanical contractors operating within the city in order to protect the health, safety and welfare of the general public.

§ 14.194 DEFINITIONS.

The following words and terms, when used in this Division F, shall have the following meanings unless the context clearly indicates otherwise.

~~**[HVAC] (HEATING, VENTILATING AND AIR CONDITIONING) CONTRACTOR.** Any person who is in the business of providing or contracting for the service of erection, construction, alteration, change or repair of any heating, ventilating or air conditioning system.]~~

ISSUING AUTHORITY. The City of Bloomington Building and Inspection Division.

MECHANICAL CONTRACTOR. Any person who is in the business of providing or contracting for the service of construction, alteration, change or repair of any mechanical system, including heating, ventilating or air conditioning or natural gas device.

§ 14.195 LICENSE REQUIRED.

No ~~[HVAC]~~ mechanical contractor shall operate or perform services within the city without first procuring a license and a bond pursuant to this Division F.

§ 14.196 LICENSE APPLICATION.

Application for a license under this Division F shall be made in writing to the issuing authority and shall be on a form provided by the issuing authority.

§ 14.197 DURATION OF LICENSE.

A [~~HVAC~~] mechanical contractor license issued under this Division F shall terminate on December 31 of each year.

§ 14.198 RENEWAL.

An application for the renewal of an existing [~~HVAC~~] mechanical contractor license shall be made prior to the expiration date on the license and shall be made in such form as the issuing authority may require.

§ 14.199 ELIGIBILITY FOR LICENSE.

(a) *License examination requirement and fee.* Each applicant for a license under this Division F shall be required to take an examination to determine his or her skill and knowledge. The examination shall be given by the issuing authority [~~on the third Friday of March, June, September and December of each year~~]. The first failure of the examination requires a 90-day waiting period to retest and a second failure requires a one-year waiting period. The fee for the examination shall be \$35.

(b) *Qualifications to take license examination.* A person shall not be allowed to take the license examination to determine skill and knowledge unless such person meets the following qualifications:

(1) The person has submitted a resume showing work history, schooling and current licenses, if any, and meets one of the following:

(A) The person has a minimum of five years experience working for a licensed [~~HVAC~~] mechanical contractor from Minneapolis, St. Paul or Bloomington, and in addition to the five years of experience has completed at least an 18-month course of study from an accredited school relating to heating, ventilating and air conditioning systems;

(B) The person holds an appropriate journeyman certificate of competency from the City of Minneapolis or the City of St. Paul;

(C) The person is a mechanical engineer [~~in a related HVAC discipline~~];

(D) The person has a minimum of five years of continuous work experience erecting, constructing, altering, changing or repairing heating, ventilating and/or air conditioning systems in addition to acceptable proof of at least 18 months of course instruction from an accredited school relating to heating, ventilating and air conditioning systems; or

(E) The person has a minimum of ten years of continuous work experience erecting, constructing, altering, changing or repairing heating, ventilating and/or air conditioning systems.

§ 14.200 EXCEPTION TO EXAMINATION REQUIREMENT.

If an applicant holds a current master license from the City of Minneapolis or the City of St. Paul and has had no previous license suspensions or revocations, the issuing authority may waive the license examination requirement for the applicant.

§ 14.201 LICENSE FEE.

The fee for a [~~heating~~] mechanical contractor license under this Division F shall be as detailed in § 15.182 of this code.

§ 14.202 BOND REQUIREMENT.

Prior to the issuance of any [~~heating~~] mechanical contractor license, the issuing authority shall require that the applicant deposit a bond approved as to form in the amount of \$10,000 in favor

of the city, conditioned upon the satisfactory observation of all the requirements of this code pertaining to ~~[heating]~~ mechanical contractors. The bond may be of continuous form with accumulative liability, and shall be cancelable only after ten days' written notice to the city. The license shall remain in force only during the term of a valid bond.

§ 14.203 RESTRICTION REGARDING LICENSE TRANSFER.

The license granted under this Division F is for the person named on the approved license application. No transfer of a license shall be permitted from place-to-place or from person-to-person without complying with the requirements of an original application.

§ 14.204 SANCTIONS FOR LICENSE VIOLATIONS.

(a) *Suspension or revocation.* The City Council may suspend or revoke a license issued pursuant to this Division F for a violation of:

- (1) Fraud, misrepresentation or false statement contained in a license application or a renewal application;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the licensed occupation or business;
- (3) Any violation of this Division F or state law;
- (4) A licensee's criminal conviction that is directly related to the occupation or business licensed as defined by M.S. § 364.03, subd. 2, as it may be amended from time to time, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by M.S. § 364.03, subd. 3, as it may be amended from time to time; or
- (5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the community.

(b) *Notice and hearing.* A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.

§ 14.205 PENALTY.

A violation of this Division F shall be a misdemeanor under state law.

§ 14.206 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Division F is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division F. The City Council hereby declares that it would have adopted the ordinance in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

DIVISION G: RESERVED [INSTALLERS OF GAS]

~~§ 14.207 PURPOSE.~~

~~—The purpose of this Division G of the city code is to license and regulate gas installers operating within the city in order to protect the health, safety and welfare of the general public.~~

~~§ 14.208 DEFINITIONS.~~

~~—The following words and terms, when used in this Division G, shall have the following meaning unless the context clearly indicates otherwise.~~

~~—**GAS INSTALLER.** Any person who is in the business of erecting, constructing, altering, extending, repairing or changing any natural gas piping or natural gas burning device.~~

~~—**ISSUING AUTHORITY.** The City Building and Inspection Division.~~

~~§ 14.209 LICENSE REQUIRED.~~

~~—No gas installer shall operate or perform services within the city without first procuring a license and a bond pursuant to this Division G. The licenses shall be of two different classes: a Class A license shall allow the holder to install all gas piping and heating equipment appliances where duct work is required. Required combustion tests shall be performed only by persons holding a Class A license. A Class B license shall allow the holder to install all gas piping except where space heating is involved.~~

~~§ 14.210 LICENSE APPLICATION.~~

~~—Application for a license under this Division G shall be made in writing to the issuing authority and shall be on a form provided by the issuing authority.~~

~~§ 14.211 DURATION OF LICENSE.~~

~~—A gas installer license issued under this Division G shall terminate on December 31 of each year.~~

~~§ 14.212 RENEWAL.~~

~~—An application for the renewal of an existing gas installer license shall be made prior to the expiration date on the license and shall be made in such form as the issuing authority may require.~~

~~§ 14.213 ELIGIBILITY FOR LICENSE.~~

~~—(a) *License examination requirement and fee.* Each applicant for a license under this Division G shall be required to take an examination to determine his or her skill and knowledge. The examination shall be given by the issuing authority on the third Friday of March, June, September and December of each year. The first failure of the examination requires a 90-day waiting period to retest and the second failure requires a one-year waiting period. The fee for the examination shall be \$35.~~

~~—(b) *Qualifications to take license examination.* A person shall not be allowed to take the license examination to determine skill and knowledge unless such person meets the following qualifications:~~

~~—(1) The person has submitted a resume showing work history, schooling and current licenses, if any, and meets one of the following:~~

~~—(A) The person has a minimum of five years experience working for a licensed contractor from Minneapolis, St. Paul or Bloomington, and in addition to the five years of experience, has completed at least an 18-month course of study from an accredited school relating to erection, construction, alteration, extension, repair and/or change of natural gas piping or natural gas burning devices;~~

~~—(B) The person holds an appropriate journeyman certificate of competency from the City of Minneapolis or the City of St. Paul;~~

~~—(C) The person is a mechanical engineer in a related HVAC discipline; or~~

~~—(D) The person has a minimum of five years of continuous work experience erecting, constructing, altering, changing or repairing natural gas piping or natural gas burning devices, in addition to acceptable proof of at least 18 months of course instruction from an accredited school relating to natural gas piping and natural gas burning devices.~~

~~§ 14.214 EXCEPTION TO EXAMINATION REQUIREMENT.~~

~~—If an applicant holds a current master license from the City of Minneapolis or the City of St. Paul and has had no previous license suspensions or revocations, the issuing authority may waive the license examination requirement for the applicant.~~

~~§ 14.215 LICENSE FEE.~~

~~—The fee for a gas installer license under this Division G shall be as detailed in § 15.182 of this code.~~

~~§ 14.216 BOND REQUIREMENT.~~

~~—Prior to the issuance of any gas installer license, the issuing authority shall require that the applicant deposit a bond approved as to form in the amount of \$10,000 in favor of the city, conditioned upon the satisfactory observation of all of the requirements of this code pertaining to gas installers. The bond may be of continuous form with accumulative liability and shall be cancelable only after ten days' written notice to the city. The license shall remain in force only during the term of a valid bond.~~

~~§ 14.217 RESTRICTION REGARDING LICENSE TRANSFER.~~

~~—The license granted under this Division G is for the person named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.~~

~~§ 14.218 PERMIT REQUIRED.~~

~~—A permit shall be required to erect, construct, alter, extend, repair or change any gas piping or gas burning device. Such permit shall be issued by the issuing authority.~~

~~§ 14.219 SANCTIONS FOR LICENSE VIOLATIONS.~~

~~—(a) *Suspension or revocation.* The City Council may suspend or revoke a license issued pursuant to this Division G for a violation of:~~

~~—(1) Fraud, misrepresentation or false statement contained in a license application or a renewal application;~~

~~—(2) Fraud, misrepresentation or false statement made in the course of carrying on the licensed occupation or business;~~
~~—(3) Any violation of this Division G or state law;~~
~~—(4) A licensee's criminal conviction that is directly related to the occupation or business licensed as defined by M.S. § 364.03, subd. 2, as it may be amended from time to time, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by M.S. § 364.03, subd. 3, as it may be amended from time to time; or~~
~~—(5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the community.~~
~~—(b) Notice and hearing. A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.~~

~~§ 14.220 PENALTY.~~

~~—A violation of this Division G shall be a misdemeanor under state law.~~

~~§ 14.221 SEVERABILITY.~~

~~—If any section, subsection, sentence, clause or phrase of this Division G is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division G. The City Council hereby declares that it would have adopted the ordinance in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.]~~

Passed and adopted this 14th day of September, 2020.

/s/ Tim Busse

Mayor

ATTEST:

/s/ Denise M. Christenson

Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied

City Attorney