

**ORDINANCE NO. 2021-15**

**AN ORDINANCE AMENDING CHAPTERS 10, 14, 15, AND APPENDIX A OF THE CITY CODE RELATED TO LICENSING OF MECHANICAL CONTRACTORS, TIME OF SALE EVALUATORS, AND SOLID WASTE HAULERS**

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 10 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 10: ENVIRONMENTAL CONTROL**

**ARTICLE II: SOLID WASTE AND REFUSE**

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**§ 10.12 BOND AND INSURANCE.**

(a) ~~[For RDUs, n]~~No license to haul or collect refuse from an RDU shall be issued or continued in operation unless a performance and payment bond has been furnished pursuant to M.S. § 574.26 through 574.32, as may be amended from time to time. Licensees must show proof of the continuation of the performance and payment bond annually prior to renewal of a license.

(b) ~~[For RDUs and Non RDUs, n]~~No license to haul or collect refuse shall be issued or continued in operation unless there is in full force and effect a business automotive liability insurance policy for each vehicle licensed with a minimum limit of \$1,000,000 for bodily injury to any one person, or in any amount required by contract; with a minimum limit of \$1,000,000 for injuries to more than one person which are sustained in the same accident, or in an amount required by contract; and with a minimum limit of \$1,000,000 for property damage resulting from any one accident, or in an amount required by contract. Said insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his or her servant, or agents. A certificate of insurance conveying the aforementioned insurance shall be issued in favor of the city and shall be filed in the License Section. This certificate shall contain a thirty-day notice of cancellation.

(c) ~~[For RDUs and Non RDUs, n]~~No license to haul or collect refuse shall be issued or continued in operation unless there is in full force and effect a commercial general liability insurance policy with a minimum limit of \$1,000,000 per occurrence, and \$1,000,000 annual aggregate, or in amounts required by contract. Said insurance shall inure to the benefit of any person who shall be inured or who shall sustain damage to property proximately caused by the negligence of a holder, his or her servant, or agents. A certificate of insurance conveying the aforementioned insurance shall be issued in favor of the city and shall be filed in the License Section. This certificate shall contain a thirty-day notice of cancellation.

Section 2. That 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: MECHANICAL CONTRACTORS**

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**§ 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.

*ISSUING AUTHORITY.* The City of Bloomington [~~Building and Inspection~~] Licensing 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~~]

*MECHANICAL SYSTEM* includes any heating, ventilation, air conditioning, natural gas, oil burning, refrigeration or hot water/steaming device.

**§ 14.195 LICENSE REQUIRED.**

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

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**§ 14.198 RENEWAL.**

An application for the renewal of an existing mechanical contractor license shall be made prior to [~~the expiration date on the license~~] pulling any permit in connection with mechanical system work 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~~] that person's skill and knowledge. The examination shall be given by the [~~issuing authority~~] Building and Inspections Division. 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 as set forth in City Code Appendix A.

(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 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~~] mechanical 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;

(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~~] mechanical systems; or

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

#### **§ 14.200 EXCEPTION TO EXAMINATION REQUIREMENT.**

If an applicant holds a current master license in mechanical systems 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 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 mechanical contractor license, the issuing authority shall require that the applicant show proof of a bond provided by Department of Labor and Industry (DOLI), conditioned upon the satisfactory observation of all the requirements of this code pertaining to mechanical contractors. 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 or company 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.

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**DIVISION H: INSTALLERS OF TANKS CONTAINING FLAMMABLE OR  
COMBUSTIBLE LIQUID OR GAS**

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**§ 14.223 DEFINITIONS.**

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

*INSTALLERS OF TANKS CONTAINING FLAMMABLE OR COMBUSTIBLE LIQUID OR GAS.* A person, firm, corporation or business which installs, modifies, removes or abandons, any under- or above-ground tank which did or will contain a flammable or combustible gas or liquid.

*ISSUING AUTHORITY.* The City of Bloomington ~~Building and Inspection]~~ Licensing Division.

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**§ 14.227 RENEWAL.**

An application for the renewal of an existing registration under this Division H shall be made prior to pulling any permit in connection with flammable or combustible liquid or gas ~~[the expiration date on the registration document]~~ and shall be made in such form as the issuing authority may require.

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**§ 14.231 BOND REQUIREMENT.**

Prior to the issuance of any registration under this Division H, 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 installers of tanks containing flammable or combustible liquid or gas, and a valid certificate of liability insurance. The minimum limits of coverage for such insurance shall be: at least \$2,000,000.00 each claim; and, at least \$1,000,000.00 each incident. Such insurance shall be kept in force during the term of the license and the licensee must provide for prior notification to the city should the policy be terminated or canceled. The bond may be of continuous form with accumulative liability, and shall be cancelable only after ten days' written notice to the city. The registration shall remain in force only during the term of a valid bond. ~~[LP~~

gas installers may provide a valid certificate of insurance in the form and amount set forth in § 14.442.25 of this city code in lieu of a bond.]

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**§ 14.232 RESTRICTIONS REGARDING REGISTRATION TRANSFER.**

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

**§ 14.233 PERMIT REQUIRED.**

A permit is required for the installation, modification, removal or abandonment of any tank containing flammable or combustible liquid or gas. Permits will be issued by the Building and Inspections Division [issuing authority].

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**ARTICLE VI: TIME-OF-SALE HOUSING EVALUATIONS AND MANUFACTURED HOME PARK REGULATIONS**

**DIVISION A: RESERVED**

**DIVISION B: RESERVED**

**DIVISION C: TIME-OF-SALE HOUSING EVALUATIONS**

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**§ 14.525 EVALUATOR LICENSE REQUIRED**

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(f) FEES. License and evaluation fees shall be in accordance with § 14.03 of this code. Qualified city employees performing evaluations under this Division are not charged a license fee.

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~~§ 14.527 [FEES. License and evaluation fees shall be in accordance with § 14.03 of this code. Qualified city employees performing evaluations under this Division are not charged a license fee.]~~ **STANDARDS FOR DENYING OR REVOKING AN EVALUATOR LICENSE.** Evaluator licenses shall be granted or denied by the issuing authority in accordance with guidelines adopted by the City Council.

(a) Denial of license. The issuing authority shall deny an evaluator license if the applicant:

(1) Is not of good moral character and repute;

(2) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, subd. 3, as it may be amended from time to time;

(3) Has falsified any information or omitted material information in the license application form required by the issuing authority;

(4) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city; or

(5) Fails to pay the required fees.

(b) Revocation, suspension and refusal to renew. The City Council may revoke, suspend or refuse to renew an evaluator license if the license holder:

(1) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, subd. 3, as it may be amended from time to time;

(2) Has falsified any information or omitted material information in the license application form required by the issuing authority;

(3) Has been the subject of substantiated complaints from residents using the applicant's inspection services;

(4) Has demonstrated incompetency or inefficiency in conducting inspections;

(5) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city;

(6) Allows required insurance to lapse;

(7) Has allowed the evaluator's certification to be used by another person;

(8) Violates any of the provisions of this Division C or any conditions provided for in the license issued pursuant to this Division C; or

(9) Fails to pay the required fees or fails to promptly file any disclosure report.

(c) Notice and hearing. A revocation, suspension or denial of a renewal application 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. [RESERVED]

Section 3. That Chapter 15 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 15: BUILDINGS AND STRUCTURES**

**ARTICLE IX: LICENSES AND PERMITS**

**DIVISION A: GENERAL**

**§ 15.130 REGISTRATION.**

(a) No person, firm, corporation or business shall install, alter, extend, replace or change any plumbing, gas or drainage piping work unless such person shall first obtain a registration from the issuing authority unless such person is the bona fide owner and occupant of a residential property.

(b) Application.

(1) Each year any person who intends to perform any of the functions set forth in subsection (a) above regarding gas piping in the city shall make application for registration to the city on a form prepared by the issuing authority.

(2) Each form shall be accompanied by the payment of a fee in accordance with § 15.182 of this code.

(3) Each applicant shall furnish a copy of his or her state plumbing contract from the department of Labor and Industry and a copy of their insurance certificate ~~[master plumbing license, a copy of insurance certificate and state bond]~~.

~~[(4) Bond: if the applicant does not hold a state bond, the applicant shall file with the city a surety bond in an amount not less than \$2,000 to insure proper performance of work in connection with plumbing. Such bond must state that it is for plumbing installations.]~~

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**DIVISION B: LICENSES AND PERMITS; GENERAL**

**§ 15.182 ELECTRICAL, PLUMBING, AND HEATING LICENSE FEES.**

The license fees as provided for in the chapters pertaining to electrical, plumbing and heating requirements shall be as set forth in Appendix A. Note, however, the City does not charge a fee for a plumbing license. ~~[ follows:]~~

Heating, air conditioning and refrigeration	\$75
Gas installer	\$75
Installers of tanks containing flammable or combustible liquid or gas	\$75]

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Section 4. That Appendix A 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:

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<b>Chapter 15: Buildings and Structures</b>			
<b>CODE SECTION</b>	<b>CROSS-REF</b>	<b>DESCRIPTION</b>	<b>FEE</b>
§ 15.160		<b>Wells</b>	
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<u>\$15.182</u>		<u>Mechanical Issuance: HVAC, Gas, Refrigeration, Oil Burner, Hot Water/Steam</u>	<u>\$75</u>
		<u>Flammable Tank</u>	<u>\$75</u>

Passed and adopted this 25<sup>th</sup> day of April, 2022.

/s/ Tim Busse  
Mayor

ATTEST:

/s/ Matt Brillhart  
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied  
City Attorney