

Authority: Item 7, Public Works Committee
Report 10-007 (PW09087(b))
CM: May 12, 2010

Bill No. 106

CITY OF HAMILTON

BY-LAW NO. 10-106

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for amending Schedule 29 entitled "Trades" of City of Hamilton By-law No. 07-170 to provide for the licensing of Sprinkler and Fire Protection Installers;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsections 1(e) and (f) of Schedule 29 of By-law No. 07-170 are deleted and replaced with the following new subsections 1(e) and 1(f):
 - 1(e) **"Trades Examining Board"** means the Board established pursuant to this Schedule and which shall be responsible for examining the level of competence of any tradesperson regulated by Parts V and VI applying for the issuance or renewal of a licence under this Schedule; and
 - (f) **"tradesperson"** means a person licensed or required to be licensed under this Schedule and engaged in, occupied in or retained to carry out work in the trades of building repair, drain repair, plumbing, heating, air-conditioning and ventilation or sprinkler and fire protection installer in the City.
2. Section 2 of Schedule 29 of By-law No. 07-170 is deleted and replaced with the following new section 2:

2. Subject to section 4, every person engaged, occupied or retained in the City to carry out work in each of the trades of building repair, drain repair, plumbing, heating, air-conditioning and ventilation, sprinkler and fire protection installer shall, before being engaged, occupied or retained in the aforesaid trades apply for and obtain annually a licence pursuant to this Schedule, as a:
 - (a) Building Repair Contractor or Master Builder Repairer;
 - (b) Drain Repair Contractor or Master Drain Installer;
 - (c) Heating, Air-conditioning and Ventilation Contractor or Master Warm Air Heating, Air Conditioning and Ventilation installer in one or more specialized areas of steam fitter, refrigeration and air-conditioning mechanic, oil burner mechanic, or sheet metal worker;
 - (d) Plumbing Contractor or Master Plumber; or one or more of the above designated trades persons;
 - (e) Sprinkler and Fire Protection Installer Contractor or Master Sprinkler and Fire Protection Installer.
3. Subsection 4(a) of Schedule 29 of By-law No. 07-170 is deleted and replaced with following new subsection :
 - 4(a) holding a valid registration under the Tarion Warranty Corporation for work carried out on a construction project pursuant to such warranty save and except where such person is also a plumber, or heating, air conditioning and ventilation installer, drain layer or sprinkler and fire protection installer;
4. Subsection 4(c) of Schedule 29 of By-law No. 07-170 is deleted and replaced with the following new subsection 4(c):
 - 4(c) carrying out work in the trades of building repair, drain repair, plumbing or heating, air conditioning and ventilation, sprinkler and fire protection installer in relation to the construction of a commercial, industrial, institutional, or residential building which has been designed by and is under the supervision of a Professional Engineer or an Architect licensed to practice in Ontario; or

5. Section 4 of Schedule 29 of By-law No. 07-170 is amended by adding the following new subsection after subsection 4(d):

(e) engaged in or occupied in any one of the trades governed by this By-law as a journeyman or apprentice carrying out in-house work for a single institution, business or other organization.

6. Section 5 of Schedule 29 of By-law No. 07-170 is deleted and replaced with the following new section 5:

5. The Issuer of Licences shall, upon receipt of an application under Part V or Part VI, make or cause to be made any necessary investigations concerning the application, and shall refer the application to the Trades Examining Board to determine the eligibility of the applicant to be licensed, and, upon receipt of an application under Part III, Part IV, Part V, Part VI of Part VII may obtain any expert advice which he or she deems necessary to determine whether it is appropriate to issue a licence.

7. Section 9 of Schedule 29 of By-law No. 07-170 is deleted and replaced with the following new sections 9 and 9.1:

TRANSFER OF LICENCE AND EXAMINATION OF LICENCE HOLDERS

9. A contractor's or master's licence issued under this By-law shall not be transferred to another person, and such licence shall be valid only from the place of business indicated thereon.

9.1 The Issuer of Licences may at any time require an examination of a Part V or Part VI licence holder by the Trades and Examining Board.

8. Section 12 of Schedule 29 of By-law No. 07-170 is deleted and replaced by the following new section 12:

12. The Issuer of Licences may renew a licence under Part V or Part VI without requiring an examination of the licence holder by the Trades Examining Board where a valid licence under this Schedule was held by the licence holder in the immediate proceeding year.

9. Section 15 of Schedule 29 of By-law No. 07-170 is deleted and replaced by the following new section 15:

15. A person holding a valid Certificate of Qualification issued by the Province of Ontario, or holding an equivalent inter-provincial Certificate, each for a minimum of two years, shall be eligible to make application for a master's licence for the plumbing trade, the heating, air conditioning and ventilation trade and the sprinkler and fire protection installer trade.

10. Part VII of Schedule 29 of By-law No. 07-170 is deleted and replaced by the following new Part VII:

**PART VII: SPRINKLER AND FIRE PROTECTION INSTALLER CONTRACTORS AND
SPRINKLER AND FIRE PROTECTION INSTALLER MASTERS**

INTERPRETATION

47. In this Schedule,

- (a) **"Sprinkler and Fire Protection Installer Contractor"** means a person engaged in the business of contracting with a member of the public or another contractor for the planning, laying out, installing or maintaining of piping systems to protect against fires, and includes any person who solicits for sprinkler and fire protection installer work, and who in any way advertises, or holds himself out to the public, as doing or contracting to do sprinkler and fire protection installer work by himself or through another qualified person, or as being a sprinkler and fire protection installer contractor, and who has a regular place of business in Ontario; and
- (b) **"Sprinkler and Fire Protection Installer Master"** means a person who has been issued a Certificate of Qualification in the sprinkler and fire protection installer trade under Trades Qualification And Apprenticeship Act and is aware of and knowledgeable in the general regulations under the Trades Qualification And Apprenticeship Act, and operates in a manner pursuant to the requirements required by the said Act and Regulations there under and is skilled in the planning, laying out, installing or maintaining of piping systems to protect against fires and who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in Ontario and who, himself or herself, or by

journeyman tradesmen under his or her supervision performs the trade of sprinkler and fire protection installer.

APPLICATION OF SCHEDULE

48. The provisions of this Schedule shall apply to all persons engaging in any sprinkler and fire protection installer occupations, as a:
- (a) Sprinkler and Fire Protection Installer Contractor;
 - (b) Sprinkler and Fire Protection Installer Master.

LICENCE REQUIREMENTS

- 49.(1) No person shall carry on the business of a sprinkler and fire protection installer contractor without a sprinkler and fire protection installer contractor's licence issued pursuant to this Schedule, entitling him or her so to do, and, is or has a licensed sprinkler and fire protection installer master in his or her employ.
- (2) No person shall engage in the occupation of a sprinkler and fire protection installer master unless he or she is the holder of a current valid licence issued pursuant to this By-law entitling him or her so to do.
- (3) Before commencing any work, or upon completion of the work, a form of written agreement (including an invoice or written firm estimate of work to be done), shall be entered into by a sprinkler and fire protection installer contractor with the person for whom the work is to be done, containing the name and address of the contractor and customer and an itemized price or firm estimate of the goods and services to be provided.

APPLICATION FOR LICENCE

50. Where the application is for a sprinkler and fire protection installer contractor's licence, the application shall include:
- (a) The name and address of a licensed sprinkler and fire protection installer master who is employed by the sprinkler and fire protection installer contractor and the name of the person who has applied for a sprinkler and fire protection installer

master's licence, or the applicant contractor who is also a master sprinkler and fire protection installer;

- (b) The business address of the sprinkler and fire protection installer contractor;
- (c) The name and address of the owner, partners or company officers responsible for the operation of the sprinkler and fire protection installer contractor's business;
- (d) The name of the Insurance Company providing the public liability and property damage coverage for the sprinkler and fire protection installer contractor and all tradespersons employed or retained by him or her, during the currency of the licence.

51. Where the application is for a sprinkler and fire protection installer master's licence, an application shall be made to the Issuer of Licences and shall include:

- (a) The applicant's qualifications as outlined in the application form, evidence that he or she is the holder of a Certificate of Qualification as a sprinkler and fire protection installer for the minimum of two years, and the address of his or her regular place of business in Ontario;
- (b) The address of the sprinkler and fire protection installer master's employer or his or her own address if self-employed may be accepted to meet the requirements of having a regular place of business in Ontario if the employer is the holder of a sprinkler and fire protection installer contractor's licence under this By-law;

DISQUALIFICATION OF CONTRACTOR

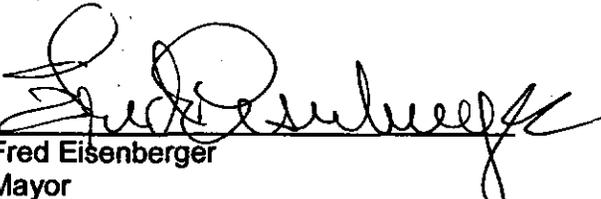
52.(1) When the sprinkler and fire protection installer master whose name appears on a sprinkler and fire protection installer contractor's certificate is no longer regularly employed by the sprinkler and fire protection installer contractor, the contractor shall within three days notify the Issuer of Licences, in writing, of the name and address of the master who will thenceforward be responsible, or with particulars of his or her arrangements pending the engaging of a master to be in charge.

- (2) It shall be an offence for any sprinkler and fire protection installer contractor to have any sprinkler and fire protection installer work performed by him or her when there is not in his or her employ a licensed sprinkler and fire protection installer master whose name and address have been furnished to the Issuer of Licences in writing.
- (3) It shall be an offence for a sprinkler and fire protection installer master to carry on the work of a sprinkler and fire protection installer master for more than one sprinkler and fire protection installer contractor for the same period of time unless authorized in writing by the Issuer of Licences for a maximum of 60 days or by the Licensing Tribunal for a longer period;
- (4) It shall be an offence for a sprinkler and fire protection installer contractor to perform or have performed any sprinkler and fire protection installer work without employing a tradesperson holding a valid master's licence or Certificate of Qualification issued by the Province of Ontario, to perform such work.

53. The licence number issued to a sprinkler and fire protection installer contractor by the Issuer of Licences or the business name of the sprinkler and fire protection installer contractor shall be displayed in any advertising by such person for that trade.

11. This By-law comes into force on the day it is passed.

PASSED this 12th day of May, 2010.



Fred Eisenberger
Mayor



Rose Caterina
City Clerk