



Westchester County Law
ARTICLE XV
WESTCHESTER COUNTY BOARD OF
PLUMBING EXAMINERS AND COUNTY-WIDE
PLUMBING LICENSE LAW*

*Cross references: Rules and regulations of various boards, Pt. XIV.

Sec. 277.501. Legislative intent.

The Legislature of the County of Westchester, in order to properly protect the public health, safety and welfare of the residents of the County of Westchester, herein provides that on and after January 1, 1996, unless otherwise provided, no business, partnership or other entity shall engage in the work or trade of installing, removing, altering, replacing, testing or repairing of plumbing systems within the county, when a plumbing permit is required for the work of installation, removal, altering, replacing, testing or repairing, unless the individual, business, partnership or other entity hired, solicited bids from or whose services are contracted for possesses a valid, unexpired, plumbing license and certificate(s) of competency issued pursuant to the provisions of this article. In addition, the Legislature of the County of Westchester has determined that in order to properly protect the public health, safety and welfare of the residents of the County of Westchester, where a permit is required a person or other entity hiring, soliciting bids or contracting for plumbing services shall hire only a person, business, partnership or other entity that possesses a valid, unexpired, plumbing license and certificate of competency issued pursuant to the provisions of this article. Administration and enforcement of this article shall in all respects be consistent with state and federal laws prohibiting discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status.

The sole intent of this article is to establish a Westchester County Board of Plumbing Examiners and to empower such board to assume all licensing duties within the County of Westchester with respect to the licensure of plumbers and the issuance of a county-wide plumbing license. Nothing contained herein is designed to nor shall be construed as to interfere with or to supersede any other existing state or local law or industry practice relating to plumbing work. (Added by L.L. No. 15-1995)

Sec. 277.502. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated, unless as otherwise indicated by context. Nothing contained in any definition in this article shall be construed as defining, limiting or establishing the activities, operations or jurisdiction of any union, group or association of employees, nor establishing what work is to be done by any such union, association or group of employees.

Apprentice plumber. A person who is learning the plumbing trade under the direct supervision and control of a licensed master plumber or under the direct supervision and control of a licensed journey level plumber who is employed by a licensed master plumber.

Board. The County Board of Plumbing Examiners created by this article.

Certificate of competency. A certificate issued by the Board of Plumbing Examiners to those persons who have successfully completed the examination for master plumber.

Journey level plumber. A person who is employed by and under the direction of a licensed master plumber, who has completed an apprenticeship as is required herein and who has successfully completed an examination for certification as a journey level plumber.

Master plumber. Any person who engages in or carries on the business of plumbing, as defined herein.

Plumbers task force. Two (2) representatives of the Boards of Directors of each of the professional and labor associations representing the men and women of the plumbing and/or plumbing inspection trades in Westchester County who sit as a task force at the call of the County Executive when needed to recommend appointments to the County Plumbing Board of Examiners as provided for in this article.

Plumbing. The business of plumbing is such plumbing work as specifically defined for each municipality within the county in any local ordinances or codes governing plumbing work in effect in such municipality. In the absence of such local plumbing work ordinances and codes, the definitions set forth in the New York State Uniform Fire Prevention and Building Code shall govern. However, unless specifically provided for in local plumbing work ordinances or codes or in the New York State Uniform Fire Prevention and Building Code, underground utility construction shall not be construed as plumbing.

Underground utility construction. The practice of installing, maintaining and repairing underground piping for gas and fuel distribution, sanitary and storm drainage, public and private water supply and footing drains outside of any building, unless a local ordinance or code expressly provides for any such practice or practices to be plumbing work.

(Added by L.L. No. 15-1995)

Sec. 277.503. License required.

A. No person, partnership, corporation, business organization or other entity shall engage in, carry on or conduct the business of plumbing as a master plumber within the County of Westchester and no person shall represent himself or herself to be or advertise as a master plumber within the County of Westchester unless licensed as a master plumber pursuant to this article.

B. No person shall engage in the business of plumbing, as defined herein, or hire himself or herself out to perform in the business of plumbing unless he or she shall have been duly authorized to do so by the issuance of a master plumber's license or journey level plumber certification or is working as an apprentice plumber as defined herein.

C. No person, partnership, corporation, business organization or other entity shall engage in, carry on or conduct the business of plumbing in the County of Westchester unless such work is performed by or under the direct supervision of a person licensed as a master plumber under the provisions of this article.

D. No person, partnership, corporation, business organization or other entity shall engage in, carry on or conduct the business of plumbing in the County of Westchester unless such person, partnership, corporation, business organization or other entity shall secure all insurance required by this article.

E. A licensed master plumber shall be personally responsible for the proper supervision and layout work for any plumbing work for which an application for a permit has been made. All workers engaged by said licensed plumber for any plumbing work, as defined herein, must be on such licensed plumber's own payroll and covered by such licensed plumber's own workers' compensation and disability insurance. (Added by L.L. No. 15-1995)

Sec. 277.504. Board of Plumbing Examiners.

A. There shall be a County Board of Plumbing Examiners consisting of ten members,

who shall be residents of the county and who shall be appointed as follows:

1. Three master plumbers who possess Westchester master plumber licenses and ten years' experience as a plumbing contractor in the plumbing business in the County of Westchester and who are recommended to the County Executive by the Plumbers Task Force. Such candidates shall be appointed by the County Executive subject to confirmation by the County Board of Legislators.

2. Two certified journey level plumbers with at least ten years of experience at the journey level in the County of Westchester and who are recommended to the County Executive by the Plumbers Task Force. Such candidates shall be appointed by the County Executive subject to confirmation by the County Board of Legislators.

3. Two plumbing code enforcement officials with at least ten years' experience as an active plumbing code enforcement official employed in Westchester County and each possessing a Westchester County master plumber's license or certificate of competency who shall be recommended to the County Executive by the Plumbers Task Force. Such candidates shall be appointed by the County Executive subject to confirmation by the County Board of Legislators.

4. One member from county government licensed by the State of New York as a professional engineer who shall be appointed by the County Executive subject to confirmation by the County Board of Legislators.

5. One member at large representing the general public who shall be recommended to the County Executive by the Chairman of the Board of Legislators. Such member shall be appointed by the county executive subject to confirmation by the County Board of Legislators.

6. One member who is employed by a local municipal government department of public works or its equivalent office. Such member shall be recommended to the County Executive by the Chairman of the County Board of Legislators. Such candidate shall be appointed by the County Executive subject to confirmation by the County Board of Legislators.

7. Of the members first appointed, two shall be appointed for terms of two years, and three shall be appointed for a term of three years, and five shall be appointed for a term of five years. Their successors shall be appointed for terms of five years from and after the expiration of the terms of their predecessors in office.

B. The board shall elect its own chairperson by a majority vote of the board. The chairperson will serve for a term of two years.

C. A majority of the board shall constitute a quorum for the transaction of business.

D. Any vacancy on said Board of Plumbing Examiners shall be filled in the same manner as provided in section 277.504 A. of the Laws of Westchester County for the unexpired portion of the term.

E. A member of the board may be removed by the majority of the County Board of Legislators for misconduct or malfeasance in office, incompetency, incapacity, neglect of duty or other good and sufficient cause as set forth in the board's rules and regulations, and absenteeism.

F. Compensation to be paid to the members of the board, if any, shall be determined by the County Board of Legislators upon recommendation by the County Executive in the proposed operating budget.

(Added by L.L. No. 15-1995)

Sec. 277.505. Powers and duties of the board.

The board shall have the following powers and duties in addition to those elsewhere prescribed in this article.

A. The board shall hold meetings at least four times a year at the call of the chairman and at such other times as the board may determine when necessary or desirable for

the efficient discharge of the business of the board. Such board shall keep minutes of its proceedings, showing the vote of each member upon question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The board shall immediately file with the County Clerk of the County of Westchester every rule, regulation and amendment and every decision or determination, or appeal thereof, and the same shall be a public record.

B. The board shall examine the qualifications, fitness and employment history of applicants for a license under this article.

C. The board shall grant and issue licenses and certificates to individuals possessing the requisite qualifications.

D. The board may suspend and revoke licenses for cause as prescribed in this article. The board may issue and cause to be served subpoenas requiring the attendance of witnesses and the production of books, insurance records and policies, payroll records and papers relative to any hearing held by it upon complaint relative to this article.

E. The board shall prepare and submit a report annually to the County Board of Legislators on or before the first day of July and keep all records of all Licenses issued, suspended or revoked by it and make such records available for public inspections, the same to be filed in the office of the Clerk of the Westchester County Board of Legislators.

F. The board shall adopt rules and regulations with respect to proceedings before it and with respect to any subject matter over which it has jurisdiction under this article and shall duly file the same with the Clerk of the Westchester County Board of Legislators.

G. The board may make recommendations to the Westchester County Board of Legislators regarding plumbing regulations and codes pertaining thereto.

H. The board may employ experts, clerks and a secretary and pay for their services and such other expenses as may be necessary and proper, not exceeding the appropriation that may be made therefor by the Westchester County Board of Legislators for such board.

(Added by L.L. No. 15-1995; amended by L.L. No. 30-2001; L.L. No. 6-2004, § 1)

Sec. 277.505-A. Limitation of the powers and duties of the board.

The Board of Plumbing Examiners shall not engage in any activities or adopt any rules and regulations which extend beyond its function of (i) determining plumbing candidates' qualifications for licensure and certification; (ii) testing for such licensure and certification; (iii) the issuance of licenses, certifications and renewals; and (iv) the enforcement of the licensing requirements as explicitly set forth in the Plumbing Licensing Law.

(Added by L.L. No. 9-2007, § 1)

Sec. 277.506. Issuance and renewal of licenses and certifications; classes of licenses; terms; fees; licenses and certifications for individuals licensed outside of Westchester County.

A. Issuances and renewals. The County Board of Plumbing Examiners may issue and renew a master plumber's license or certification. These instruments shall authorize the individual to engage in the business of master plumber or journey level plumber within the County of Westchester for the period ending the 31st of December of the year in which it is issued or renewed. Application for renewal is to be made 60 days prior to the expiration date of the license or certification. All applications for renewal shall be accompanied by the required renewal fee. If application for renewal is not made as provided herein, the board may, nevertheless, renew the license or certification in accordance with the board's rules and regulations, provided, further, that the applicant has satisfied the board as to his or her qualifications in accordance with said rules and

regulations.

B. Classes, terms and fees. There shall be the following classifications of licenses and certifications with the following terms and fees:

1. Master plumber's license. After a candidate receives a certificate of competency as a master plumber, a license will be issued by the County Board of Plumbing Examiners to permit the performance of plumbing work with no restrictions in any city, town or village in the county. Such license is hereby required for all plumbing inspectors in cities within the county; however, such inspectors shall be exempt from annual renewal fees. All applicants shall have successfully completed a four-year apprentice program with licensed master plumbers and have five years' experience at the journey level or have five years' apprenticeship in the employ of a licensed master plumber and have five years' additional experience as a journey level plumber in the employ of licensed master plumbers as the requirement for application. The annual fee for a master plumber's license is \$500.00.

2. Journey level certification. This certification permits the journey level plumber to perform plumbing work under the supervision and in the employ of licensed master plumbers in any city, town or village in the county. The successful completion of five years' experience in the employ of licensed master plumbers as an apprentice plumber is the requirement for application. The annual fee for a certification is \$50.00. The effective date for the certification program is January 1, 1997.

C. Master plumber's license and journeyman level certification for individuals licensed outside of Westchester County.

1. Notwithstanding the aforementioned, the board may waive the examination requirement under this Article for individuals licensed in a jurisdiction outside Westchester County (hereinafter referred to as the "original licensing jurisdiction") where: (1) an applicant otherwise meets the minimum qualifications for a master plumber's license or a journeyman level certificate pursuant to this Article; (2) has passed an examination in the original licensing jurisdiction determined by the board to be comparable to the examination required in Westchester County; and (3) the original licensing jurisdiction will similarly issue a license or certificate or the equivalent thereof to master plumbers and journeyman level plumbers licensed or certified pursuant to this Article and will similarly waive the examination requirement for such license or certificate.

2. A master plumber's license and/or journeyman level certificate issued pursuant to this section shall only be valid for a period of one year and may be renewed annually under this section if the master plumber and/or the journeyman still has a valid license and/or certificate from the original licensing jurisdiction. In addition, a license and/or certificate issued pursuant to this section shall terminate prior to the expiration date if the underlying license and/or certificate in the original licensing jurisdiction is terminated for cause and if the individual is provided with notice and an opportunity to be heard.

3. The fees for a master plumber's license and journeyman level certificate issued pursuant to this section shall be the same as those for a master plumber's license and journeyman level certificate. The issuance of such license or certificate under this section shall be deemed an effective waiver of the requirement for an examination under this Article.

(Added by L.L. No. 15-1995; amended by L.L. No. 9-2007, § 3)

Sec. 277.507. Application for license or certificate.

1. All applications for a county-wide master plumber's license or journey level certification shall be submitted on forms furnished by the board and shall be accompanied by the required fee, as herein provided. Each application shall set forth the name, residence address, business address, telephone numbers and trade name(s)

of the applicant plus such additional information concerning his or her qualifications as the board may require. Proof of employment may consist of, but is not limited to, income tax information, notarized statements of hours worked from employers or benefit funds, certified copies of licenses held as a master plumber, notarized statements demonstrating employment as a plumber, plumbing apprentice training diplomas and any other proof that can justify working at the plumbing trade.

2. The fee for each application under this article shall be fifty dollars (\$50.00) for a master plumber's license and twenty-five dollars (\$25.00) for a journey level certification. The application fee is in addition to any other fee required to be paid under this article. Fees imposed under this article for such application shall not be refundable in the event of failure to pass the examination.

(Added by L.L. No. 15-1995; amended by L.L. No. 30-2001; L.L. No. 6-2004, § 2)

Sec. 277.508. Examination; exceptions.

A. The examination for a county-wide master plumber's license or journey level certification shall consist of a written and a practical test. A complete record of every examination shall be kept on file until three years after the day of the examination. Examinations shall be held at such times and places as the board may fix or otherwise arrange. The board may designate or contract with an outside organization to create and administer the examination.

B. (1) An applicant who fails an examination shall be eligible for re-examination at the next scheduled examination date.

(2) An applicant who fails three examinations shall be required to submit a new application with a new license fee.

(Added by L.L. No. 15-1995; amended by L.L. No. 30-2001; L.L. No. 6-2004, § 3)

Sec. 277.509. Unlawful use of license or certification; display.

A. No holder of a license or certification issued under this article shall authorize, consent to or permit the use of his or her license or certification by or on behalf of any other person. No person who has not qualified or obtained a license or certification under this article shall represent himself or herself to the public as holder of a license or certification issued under this article, either directly, by means of signs, sign cards, metal plates or stationery, or indirectly in any other manner whatsoever. However, nothing herein shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that 51 percent or more of the control of the voting capital stock of such partnership, corporation or other business association is owned by one or more holders of a Westchester County master plumbing license and that all work performed by such partnership, corporation or other business association is performed by or under the direct supervision of such license holder or holders.

B. Whenever a licensed master plumber representing a plumbing business which operates under a trade, partnership or corporate name severs his or her relationship with such business, it shall be the duty of both the licensee and the business to notify the board of such action within 30 days from the date thereof. Failure to do so shall be deemed sufficient cause for denying a new license to the licensee and prohibiting the firm to continue in the plumbing business.

C. All licenses and certificates shall be numbered in the order in which they are issued and shall be in such form and of such color and shall contain such information as may be prescribed by the board.

D. Each license shall at all times be kept conspicuously displayed in the place of business of the licensee, and each identification card for master plumber or certified journey level plumber shall be available for inspection at all times.

E. Each licensee shall affix to the passenger-side front ventilator window of all vehicles owned, leased or used for the performance of the trade or, if the vehicle is not equipped with a ventilator, the right front corner of the right window of each vehicle used in his or her business a decal furnished by the board indicating the Westchester County license number. All such vans or trucks shall also prominently display the name of the licensee and the business organization.

F. Each licensee shall display his or her Westchester County license number on all advertisements, stationery, invoices and proposals.

G. No individual holding a master plumber's license or journey level certification issued under this article shall lend such license or certificate to any person or allow any other person to carry on, engage in or labor at the business, as defined herein, of installing, removing, altering, testing, replacing or repairing plumbing systems on the basis of a certificate of competency issued in another's name. A violation of this subsection by any person holding a license or certification shall be sufficient cause for revocation of such license or certification by the board.

H. No person shall work at the business of plumbing as an apprentice without being under the direct supervision of a certified journey level plumber or licensed master plumber.

(Added by L.L. No. 15-1995)

Sec. 277.510. Suspension or revocation of license or certificate.

Any license or certification issued hereunder may be suspended or revoked at the discretion of the board, in accordance with the rules and regulations of the board, if the board is satisfied by substantial evidence that the holder of such license or certificate has violated any provision of this article, the rules and regulations of the board or any other law or ordinance pertaining to plumbing. Prior to the revocation or suspension of a license or certificate, the holder shall receive, in writing, all the particulars of the alleged violation and shall have an opportunity to present his or her defense at an administrative hearing held by the board.

(Added by L.L. No. 15-1995)

Sec. 277.511. Construction of provisions.

Nothing contained herein shall be construed to obviate the need for a permit for plumbing work from local authorities whenever the same is required by statute, local law, resolution, building code or ordinance of the municipality where such plumbing work is performed.

(Added by L.L. No. 15-1995)

Sec. 277.512. Installation standards of workmanship.

All plumbing work as defined herein within the County of Westchester shall conform to the provisions of this article unless otherwise provided for by any other applicable statutes, local laws, resolutions, ordinances or building codes pertaining thereto. Local officials who determine that a violation of this article or of an applicable statute, local law or resolution has occurred shall report the same to the board.

(Added by L.L. No. 15-1995)

Sec. 277.513. Penalties for offenses.

A. Any person who violates any provision of this article shall be subject to the imposition of a civil penalty of not less than \$500 and not more than \$5,000 as determined by the board following notice and opportunity to be heard. Each day on which such violation occurs shall constitute a separate offense.

B. Any person who, with intent to defraud or deceive, knowingly makes a false

statement in the application for a license or the renewal of a license or an application for a plumbing permit or for a certificate of occupancy or in any application provided for in this article or in any proof or instrument in writing in connection therewith or unlawfully performs plumbing work shall be assessed a civil penalty not to exceed \$5,000.00 as determined by the board following notice and opportunity to be heard. Each day on which such violation occurs shall constitute a separate offense.

C. The board in its discretion may refer any matters that rise to the level of a criminal offense to the office of the District Attorney for further review and appropriate action.

(Added by L.L. No. 15-1995; amended by L.L. No. 9-2007, § 3)

Sec. 277.514. Insurance and bond required.

All persons licensed by this article shall be required to secure insurance to protect their employees and to protect all persons from personal injury or property damage that could occur, directly or indirectly, during work performed under a license issued pursuant to this article. The board shall require that such insurance must include New York State workers' compensation, disability, liability and property damage coverage as well as a bond. The minimum amount of the bond or insurance policies shall be set by the board conditioned upon observance of all applicable laws, rules and regulations. Each bond and policy shall contain a provision of continuing liability. In addition, prior to issuance of any license or renewal, the applicant shall file satisfactory evidence of compliance with insurance and bond requirements.

(Added by L.L. No. 15-1995)

Sec. 277.515. Severability.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The sole intent of this article is to establish a Westchester County Board of Plumbing Examiners and to empower such board to issue a county-wide plumbing license. Nothing contained in this article is intended to supersede any other existing statutory or local laws or ordinances relating to plumbing work.

(Added by L.L. No. 15-1995)