

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2021**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE
ENTITLED “ADMINISTRATION AND ENFORCEMENT”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to incorporate the requirement that applicants for a Town of North Hempstead plumber’s license or electrician’s license furnish proof of legal authorization to work in the United States.

Section 2.

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-35 Examining Board of Plumbers

- A. Appointment. Immediately upon the adoption of this ordinance a committee of three plumbers shall be appointed an Examining Board of Plumbers for the term of three years, two years and one year, respectively, and thereafter their successors shall be appointed annually for the full term of three years. Members of the Board shall be master or journeyman plumbers who shall have had not less than 10 years' practical experience in the plumbing trade. Each member of such Examining Board of Plumbers shall receive such compensation as the Town Board may determine for each day actually and necessarily spent in the work of this Board, not to exceed four in one calendar month.
- B. Meetings. The Board shall meet at the call of the Chairman. Notice of a meeting of the Board shall be given by phone, email or by mailing notice of the time and place of the meeting, addressed to each member at his last post office address, at least five days before the time of such meeting.
- C. Regulations. The Board shall make rules and regulations for the conduct of its business as an Examining Board.
- D. Qualifications of plumbers. No person shall engage in the business of plumbing within the Town of North Hempstead until he or she shall obtain a certificate of competency or license from the Examining Board of Plumbers mentioned in Subsection A of this section.
- E. Application for examination. Persons applying for a certificate to engage in the business of master or employing plumber shall file with the Board an application on such forms as may be prescribed by the Board, and shall furnish to the Board such information as it may require concerning the applicant's fitness and qualifications to receive a certificate. All applications must be under oath.

- F. Each applicant shall be required to furnish vouchers from two persons, who shall sign under oath on forms prescribed by the Board, certifying to the time the applicant has been employed by them as journeyman plumber or the period of time they have known such applicant as master or employing plumber.
- G. Any person desiring a master plumber's license shall apply, in writing, to the Examining Board of Plumbers, which Board shall arrange for an examination of such applicant.
- H. The Board shall refuse to receive an application from any person who may be unlawfully engaged in business as a master or employing plumber.
- I. All applications shall expire and be canceled after a period of one year if the applicant does not appear for examination or reexamination within that period.
- J. Examination will be required for each applicant, with the exception of the following:
- (1) Where the applicant, at the time of making the application, maintains a principal place of business within the County of Nassau and has been duly licensed as a master plumber by a municipality within the County of Nassau with whom the Town of North Hempstead has entered into a reciprocity agreement. Such applicant shall, however, file with the Board the required application, together with a certificate of competency and a certified copy of a currently valid master plumber's license. Upon approval of the application such applicant shall be considered a duly licensed master plumber within the Town of North Hempstead.
- (2) Examination shall be waived for applicants who are currently a duly licensed master or employing plumber in any other municipality in the State of New York, and who submit a certified copy of a certificate of competency issued by the Examining Board of Plumbers in such municipality, and who maintain a principal place of business in such municipality, provided that such municipality has signified, in writing, its willingness to reciprocate in like manner with the Examining Board of Plumbers of the Town of North Hempstead. Such applicant shall receive a license only. No certificate of competency shall be issued to any applicants unless they have been examined by the Examining Board of Plumbers of the Town of North Hempstead.
- K. Experience. No person shall be examined unless he or she shall have had at least five years' experience as a journeyman plumber and is able to furnish satisfactory evidence of such fact. **No application will be received from any person who does not furnish proof of the legal authorization to work in the United States.**
- L. Examinations. The examination of the Board shall be in two parts, namely a practical test to determine the applicant's skill as a journeyman and a written examination. The written examination shall consist of questions and be planned to determine the applicant's fitness and qualifications to engage in the business of master or employing plumber.
- M. The time of holding the examination shall be left to the discretion of the Board. Ample notice shall be given to the applicants.

- N. Persons who pass the tests as prescribed by the Board shall be eligible to receive a certificate of competency as master or employing plumber. A person who fails in the practical test shall not be eligible for another test until the expiration of three months; should he or she fail in the second test, he or she will not be eligible for a third test until the expiration of six months; and failing in the third test, he or she will not be eligible for a fourth test until the expiration of one year. An applicant who fails in the written examinations shall not be eligible for reexamination until the expiration of one month; should he or she fail in the second examination, he or she will not be eligible for another examination until the expiration of three months; should he fail in the third examination, he or she will not be eligible for another examination until the expiration of six months; and should he or she fail in the fourth examination, he will not be eligible for another examination until the expiration of one year.
- O. Fitness of applicant. Before issuing a certificate to engage in the business of master or employing plumber, the Board shall inquire into the applicant's fitness and qualifications for conducting such business and may require the applicant to submit under oath such evidence, in addition to the examinations and tests hereinbefore provided, as will satisfy the Board that he or she is a person of good repute, character and responsibility and otherwise qualified to engage in business as a master or employing plumber.
- P. Fees. Each applicant for a master plumber's license, except as may be otherwise provided by reciprocity agreement with other municipalities within the County of Nassau, shall pay a fee in the amount indicated in the Town of North Hempstead Fee Schedule.
- Q. Applications for renewal of licenses shall be filed during the month of December in the year in which the license expires with the Examining Board, together with such verification of the plumbing work performed under the authority of the prior license as the Board may require to determine the continuing competency of the licensee. Renewals shall be for periods of up to three years from January 1. The fee for license renewals shall be paid in accordance with the Town of North Hempstead Fee Schedule.
- R. Any licensed plumber who has not secured a renewal by the first of March of each year following the year in which the license expires shall be required to make a new application and be reexamined and pay the fee shown in the Town of North Hempstead Fee Schedule for each such examination and license.
- S. Duplicate certificates.
- (1) In case a certificate of competency is lost by the holder thereof, the Board may issue a duplicate. In other cases, the Board shall issue a certificate of record stating that the records of the office show that a certificate was issued to a specific person. The charge for a duplicate certificate of competency or a certificate of record shall be the amount stated in the Town of North Hempstead Fee Schedule.
- (2) In case the sticker required to be affixed to a vehicle operated by a licensed plumber in the course of business shall be lost by the holder thereof or in case additional stickers shall be required, the Board may issue duplicate or additional vehicle stickers for the fee shown in the Town of North Hempstead Fee Schedule.

T. Insurance. Every master plumber shall file with the Examining Board of Plumbers, before beginning operations under the license, a certificate of insurance as evidence of public liability insurance which shall contain amounts of \$100,000/\$300,000 bodily injury and not less than \$25,000 property damage. Such certificate of insurance shall be issued to the Town of North Hempstead and shall contain a provision that no policy cancellation or material modification to such policy shall be made except on at least 15 days' prior written notice by certified mail to the Town. The required insurance shall be obtained from an insurance company authorized to do business in the State of New York. In the event that the required insurance shall be canceled, not renewed or materially modified with the result that the required insurance is not in effect, the Town may direct the master plumber to suspend work.

U. Suspension and revocation of licenses.

(1) Subject to compliance with the requirements stated in Subsections U(2) and (3) below, the Commissioner of Buildings may revoke (or suspend for a period of up to one year) a certificate of competency or license granted under the provisions of this article for any of the following reasons:

(a) Failure to file an application for a permit prior to the installation of plumbing work; or

(b) Failure to take the required action called for upon receipt of a violation notice; or

(c) Performance of plumbing work in violation of the requirements of this Chapter; or

(d) Renting or lending a license to a third party; or [Amended 9-6-2018 by L.L. No. 7-2018]

(e) Being convicted of a felony; or

(f) Altering or defacing a certificate of inspection or approval; or

(g) Filing an application to perform plumbing work for a person not licensed by the Town of North Hempstead.

(2) Any suspension or revocation pursuant to Subsection U(1) above may only be effected after a hearing by the Examining Board of Plumbers on the proposed suspension or revocation. The notice of hearing shall state the date, time and location of the hearing and the reasons [as stated in Subsection U(1) above] forming the basis for the proposed revocation or suspension. The notice of hearing shall be served either personally or by certified mail, return receipt requested, to the licensee's last known address at least 10 days prior to the hearing. The licensee shall have an opportunity to appear and be heard in relation to the proposed revocation or suspension, and may be represented by counsel.

Minutes of the hearing shall be transcribed by a court reporter. The Commissioner of Buildings shall attend the hearing. The hearing shall be considered a "quasi-judicial proceeding" for purposes of Article 7 of the New York Public Officers Law.

(3) Within 10 days of the hearing, the Examining Board of Plumbers shall present the Commissioner of Buildings with its recommendations as to whether to suspend or revoke the certificate of competency or license. Upon receipt of the recommendations, the Commissioner of Buildings may either accept or reject the Examining Board of Plumbers' recommendations and revoke or suspend the certificate of competency or license. The revocation or suspension shall be effectuated by notice to the licensee by personal service or by certified mail, return receipt requested.

Section 3.

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-66 Examination for issuance of license.

A. Application for examination. Persons applying for examination for a license to engage in the electrical business shall, before being examined, file with the Board an application on such form as may be prescribed by the Board, and shall furnish to the Board such information as it may require concerning the applicant's fitness and qualifications to receive a license as aforesaid. All applications must be under oath. Each applicant shall be required to furnish two vouchers, who shall sign under oath on forms prescribed by the Board certifying to the time the applicant has been employed by them as journeyman electrician, or the period of time they have known such applicant as master or employing electrician. Such vouchers at the time of signing applications must be lawfully engaged in the electrical business. All applications shall expire and be canceled after a period of one year from the date of the application if the applicant does not appear for examination or re-examination within that period.

B. Exceptions. Examination will be required for each applicant, with the exception of the following:

(1) Reciprocal license within the county.

(a) Where the applicant, at the time of making the application, maintains a principal place of business within the County of Nassau and has been duly licensed as a master electrician by a municipality within the County of Nassau with whom the Town of North Hempstead has entered into a reciprocity agreement, examination will be waived. Such applicant shall, however, file the required application, together with a certificate of competency, a certified copy of a currently valid master electrician's license, a certificate of insurance as required by § 2-68E and a fee in accordance with the Town of North Hempstead Fee Schedule with the Board. Upon approval of the application, such applicant shall be considered a duly licensed master electrician within the Town of North Hempstead.

[Amended 4-11-2006 by L.L. No. 5-2006]

(b) If the applicant has no principal place of business at the time his application is under consideration, his residence shall be used.

(c) Renewal of a reciprocal electrician's license may be granted and obtained by submitting a copy of the renewal license from the party that issued the original license, together with a certificate of insurance as required by § 2-68E, plus a fee in the amount indicated in the Town of North Hempstead Fee Schedule.

[Amended 4-11-2006 by L.L. No. 5-2006]

(2) Where the applicant is at the time of making the application a duly licensed master or employing electrician in any other municipality in the State of New York, and shall submit a certified copy of such license, and if he shall maintain his principal place of business in such municipality, examination will be waived, provided such municipality has signified in writing its willingness to reciprocate in like manner with the Examining Board of Electricians of the Town of North Hempstead. The fee, however, in such case shall be the same as for those requiring examination by the Examining Board of Electricians.

- C. The examination of the Board shall be in two parts; namely, a practical test to determine the applicant's skill, and a written examination. The written examination shall consist of questions designed to determine the applicant's fitness and qualifications to engage in the business of master or employing electrician.
- D. All examinations shall be written by the applicant and must be in English.
- E. The time of holding the examination shall be left to the discretion of the Board. Ample notice shall be given to applicants.
- F. Persons who pass the test as prescribed by the Board shall receive a certificate of competency as evidence of eligibility for the class of license for which such test is prescribed.
- G. An applicant who fails to attain a minimum passing mark in the test shall not be eligible for another test until the expiration of 30 days.
- H. **No application will be received from any person who does not furnish proof of the legal authorization to work in the United States.**

Section 4.

This Local Law shall take effect immediately upon filing with the Secretary of State.