

ORDINANCE NO. 13, 1954

AN ORDINANCE Establishing a Code for the Practice of Plumbing, and Regulating Connections with the Water Works System and the Sanitary Sewer System of the City of Bloomington, Indiana; Providing for the issuance of Plumbing Permits and for the Inspection of Plumbing; Providing for the Examination and Registration of Plumbers; Fixing Permit and Registration Fees; Requiring Certain Insurance Coverage and Maintenance Bond; Providing Penalties for the Violation of this Ordinance; and Repealing all Ordinances and Regulations in Conflict therewith.

BE IT ORDAINED AND ENACTED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

ARTICLE I. Short Title

Section 1. This Ordinance shall be known and may be cited as "Plumbing Code, City of Bloomington, Indiana".

ARTICLE II. DEFINITION OF TERMS

Section 2. a. In this ordinance words used in the present tense include the future, the singular includes the plural and the plural the singular; the word "shall" is mandatory and the word "may" is permissive; the word "City" refers to the City of Bloomington, Monroe County, Indiana.

b. Unless the context specifically indicates otherwise, the meaning of certain terms used in this ordinance shall be as follows:

(1) Building Sewer--That part of a building drainage system beginning three (3) feet from the outer face of the outside building wall, receiving the discharge from building drains, and conveying it to the main sewer or other disposal terminal.

(2) Plumbing--The art and science of installing in buildings and their adjacent ground area the plumbing fixtures, piping, fittings, and all other appliances and appurtenances for the supply of water to plumbing fixtures and removing liquid and water-carried soil and waste, so as to assure a safe water supply and provide means to maintain sanitary conditions.

(3) Plumbing System--The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the building drain and building sewer; a private sewage disposal system receiving sewage solely from the said building; and the building storm water drain; including all their devices, appurtenances and connections, within or adjacent to the building and within lot lines.

(4) Plumber--Any person engaged in the practice of plumbing, who is qualified to install plumbing in accordance with the standards and regulations set forth in this ordinance.

(5) Plumber, Journeyman--A person engaged in the practice of plumbing for hire, who is qualified to install plumbing in accordance with the standards and regulations set forth in this ordinance.

(6) Plumbing Contractor--A person, firm or corporation engaged in the plumbing business for the general public, or who maintains a plumbing shop, and is qualified to install plumbing in accordance with the standards and regulations set forth in this ordinance.

(7) Sewage Disposal System--Any arrangement of devices and structures used for receiving and for treating sewage.

(8) Private Sewage Disposal System--Any Sewage disposal system not constructed, installed, maintained, operated and owned by the City.

(9) State Plumbing Code--The latest edition of "Plumbing Rules and Regulations (Minimum Requirements)", as approved and promulgated by the Administrative Committee of the Administrative Building Council of the State of Indiana.

ARTICLE III. PLUMBING STANDARDS AND REGULATIONS

Section 3. In order that the public health and safety of the residents of the City of Bloomington may be protected, the water and sewage systems of said City be protected from damage and contamination, and the soil of residential areas of said City be protected from contamination to the detriment of the health of persons residing in any such area, the following essential minimum standards and regulations of plumbing and sanitation are ordained and promulgated for the observance and compliance of all persons engaged in the practice of plumbing within the corporate limits of said City, and shall be set forth by the Board of Public Works and Safety as requirements for City water and sewer service to any persons requesting such service to be connected outside the corporate limits of the said City:

a. Subject to the exceptions hereinafter set out and defined, all plumbing installed within the limits of the City of Bloomington shall be installed, tested and inspected in accordance with "Plumbing Rules and Regulations (Minimum Requirements)", as approved and promulgated by the Administrative Committee of the Administrative Building Council of Indiana and embraced in Volume III of the regulations of the Council for the year 1951, a copy of which is hereby incorporated into this section by this reference thereto and made as fully a part thereof as though recopied herein. Two copies of the said State Plumbing Code, referred to above, have been filed with copies of this ordinance in the office of the City Clerk-Treasurer and are to be kept there for public inspection; and also two copies of any future revisions or amendments of said State Code shall be similarly filed and shall thereupon become part of this section by reference.

b. The following exceptions to the State Plumbing Code are hereby authorized:

(1) Soil pipe and appropriate fittings in standard weight are authorized to be installed as a part of the plumbing of one-family or two-family residences having no bathroom or toilet fixture above the first of principal story of the building.

(2) The Common Council, with the concurrence of the Board of Public Works and Safety, may by resolution further authorize in exception to the State Plumbing Code certain other specifications of plumbing pipes, fittings, supplies and fixtures to be used in small one-family, one-story residences of no more than five rooms and one bathroom; provided, however, such materials or fixtures shall be of such material, construction and design as are appropriate for this type of building, and are modern and durable under the conditions of the use thereof.

c. All remodeling of existing soil, waste, vent pipes and drains, change in location of fixtures, and the extension of piping for fixtures from existing plumbing shall conform in all respects to the requirements of this Code, including subsections a and b, above.

d. Joints of the building sewer shall be made watertight and necessary precautions must be taken to protect against penetration by roots of shrubbery and trees. When a building sewer is installed under a driveway it shall have a minimum of 3 feet 6 inches of protective covering, and building sewers in all other locations shall be laid at least two (2) feet under the finished grade. That portion of the sanitary building sewer which lies under a paved street of the City of Bloomington shall be of extra heavy cast iron, clay or concrete pipe, or other pipe of equal strength and durability.

e. If water closets or other plumbing fixtures exist in

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buildings where there is no connection with the City sanitary sewer system, suitable provision shall be made for sewage treatment in a septic tank with tank overflow or effluent sewer and underground tile absorption field or seepage lines. All such septic tank sewage disposal systems shall be constructed at no expense to the City, and shall conform to Bulletin SE-8 of the Indiana State Board of Health, a copy of which is hereby incorporated by this reference thereto as a part of this sub-section and two copies of which are to be kept on file with copies of this ordinance in the office of the City Clerk-Treasurer for public inspection.

f. Plumbing systems within the said City shall be maintained in a sanitary condition, and all installed fixtures found defective or in an unsanitary condition shall be repaired, renovated, replaced or removed within thirty (30) days upon written notice from the Secretary of the City Board of Health.

Section 4. The Plumbing Code, regulations and conditions prescribed in this ordinance shall not apply to State or Federally-owned buildings within or without the corporate limits of the City of Bloomington.

ARTICLE IV. PLUMBING PERMITS AND INSPECTION

Section 5. a. Permits. It shall be unlawful for any person, firm or corporation to make any connection in any manner with the water or sewage system of the City of Bloomington, install any plumbing in any building within the City limits (with exceptions listed in sub-section b., below), construct a septic tank or leaching tank or an absorption field in connection with any such septic tank, or connect the plumbing of any building with a septic tank or any other private sewage disposal system, or install a hot water heater or any other fixture or appliance which connects with the City water or sewage system until a permit has been granted by the City of Bloomington, and such plumbing shall be subject to inspection and approval by the City Plumbing Inspector provided for by this ordinance. Said plumbing permits shall be issued through the office of the City Engineer, and shall be signed by the City Plumbing Inspector and countersigned by the City Engineer. The applicant for such permit shall submit with his application, if required, a set of plans for the work proposed and such other information as may be required by the said Engineer and Plumbing Inspector. If on examination of the application for such permit the City Plumbing Inspector, after consultation with the City Engineer, is of the opinion that such proposed work is not in compliance with the standards and regulations set forth in this ordinance, or that the proposed work will be unsafe, he may reject the application, noting his findings on the application and notifying the applicant. A copy of the permit when issued shall be on display at the site of said plumbing work while such work is in progress.

b. Appeal by applicant. Any applicant for a plumbing permit whose application is rejected shall have the right of appeal from the ruling of the plumbing inspector to the City Board of Public Works and Safety. Such appeal shall be filed in the office of the City Engineer and shall be accompanied by a set of plans setting forth in detail the proposed plumbing work, a tentative list of materials, supplies and fixtures to be used, and a statement of the plumbing experience of the person or persons who are to install the plumbing.

c. Permits not required. Plumbing permits shall not be required for repairing or replacing a fixture, fitting, faucet or valve by one to be used for the same purpose; for forcing out stoppage, repairing leaks or relieving frozen pipes and fittings. However, when such repairs or alterations include new vertical or horizontal lines of soil, waste or vent pipes, or where their location is changed, a permit is required and the work is subject to inspection by the City Plumbing Inspector. In case of condemned plumbing, because of insanitary condition of the building drainage or plumbing, no such drainage or plumbing shall be considered as coming under the head of repairs, and all such work shall be covered by permit and be inspected.

Section 6. Permit Fees. Permit fees for plumbing shall be as follows:

a. A base fee of one dollar and fifty cents (\$1.50). This minimum fee shall cover two (2) trap or vented fixtures; in excess of two (2) fixtures there shall be a charge of fifty cents (50¢) for each additional fixture. In determining the amount to be paid the following shall be counted as one fixture: water closet, bath tub, wash basin, sink, urinal, set of laundry trays, slop sink, water softener, soda fountain, drinking fountain, shower bath, bar fixture, dental cuspidor, floor drain, and any trap except area drain; also any opening into a soil or waste pipe roughed in for the installation of any of the foregoing shall be counted as a fixture.

b. For the installation of a water heater, one dollar (\$1.00).

c. For the installation of a septic tank or a complete private sewage disposal system, three dollars (\$3.00).

d. Fees shall provide for customary inspections only; where additional inspections are made necessary by incomplete or faulty work there shall be a reinspection fee of two dollars (\$2.00).

Section 7. Plumbing Inspector. There shall be a City Plumbing Inspector who shall be appointed by the City Board of Health upon advice of the Board of Public Works and Safety. He shall be a practical plumber, and shall be required to pass an examination as to his qualifications by three (3) practical plumbers doing business in and residing in the City of Bloomington; such examiners to be selected by the said City Board of Health. The said Plumbing Inspector shall be under the supervision of the Secretary of the City Board of Health, but for administrative convenience shall work out of the office of the City Engineer. He shall receive a salary determined by the Mayor and approved by the Common Council of the said City, and shall receive no fees of any kind or character.

Section 8. Inspection and Tests. a. All piping, traps and fixtures of a plumbing system and all septic tanks and absorption fields in connection therewith, shall be inspected by the City Plumbing Inspector to insure compliance with all of the requirements of the standards and regulations set forth in this ordinance, and that the installation and/or construction is in accordance with the permit and the approved plans.

b. The equipment, material, power and labor necessary for the inspection and tests shall be furnished by the plumber.

c. All the piping of a plumbing system shall be tested with water or air. After the plumbing fixtures have been set and their traps filled with water, if required by the plumbing inspector, the entire drainage system shall be submitted to a final air pressure test. The plumbing inspector may require the removal of any cleanouts to ascertain if the pressure has reached all parts of the system.

d. No drainage or plumbing system shall be covered until it has been inspected, tested and approved as herein prescribed.

e. If inspection or test shows defects, such defective work or material shall be replaced within seven (7) days and inspection and tests shall be repeated.

Section 9. Notification of Inspection.

a. It shall be the duty of the plumber to notify the office of the City Engineer, for the attention of the Plumbing Inspector, and the owner or his authorized agent, verbally, by telephone, or in writing, not less than sixteen (16) working hours, between the hours of 8 A.M. and 4 P.M., before the work is to be inspected or tested.

b. It shall be the duty of the plumber to make sure that the work will stand the test prescribed before giving the above notifications.

c. If the plumbing inspector finds that the work will not stand the test, the plumber will be required to renotify as above.

d. If the plumbing inspector fails to appear within forty-eight (48) hours of the time set for each inspection or test, unless the inspector shall in the meantime have rescheduled the inspection, the inspection or test shall be deemed to have been made. The plumber will then in such case be required to file at the office of the City Engineer an affidavit that the work was installed in accordance with these regulations, the approved plans and permit, and that the required tests have been made and that the plumbing was found free from defects and the system free from leaks; also, whether or not the owner, or his authorized agent was present when such inspection or test was made, or was properly notified.

e. At the time the permit is taken out a written waiver of notification may be filed by the owner or his agent at the office of the City Engineer.

Section 10. Certificate of Approval. Upon the satisfactory completion and final test of the plumbing system a certificate of approval shall be issued by the City Plumbing Inspector, countersigned by the Secretary of the City Board of Health, to the plumber to be delivered to the owner.

ARTICLE V. INDEMNITY BONDS AND INSURANCE

Section 11. Any person, firm or corporation before performing any plumbing work within the City of Bloomington which involves the opening of any street within the corporate limits of the said City shall file with the City Engineer an insurance policy, or satisfactory proof that such insurance policy is then in force, indemnifying the City of Bloomington and said person, firm or corporation against any damage to the person or property of any other person on account of the negligence of any person, firm or corporation performing such plumbing work, which said insurance policy shall be in the sum of ten thousand dollars (\$10,000). Before any such person, firm or corporation shall perform any plumbing work involving the opening of any streets within the said City, the said person, firm or corporation shall also post with the City Engineer an indemnity bond, or satisfactory proof that such bond is then in force, for the protection of the City in the penal sum of five hundred dollars (\$500), which said indemnity bond shall guarantee that the said person, firm or corporation will restore the said street, or streets, to its or their condition immediately prior to the performance of such plumbing work, and said bond will be in full force and effect in reference to each plumbing job affecting such street, or streets, for a period of two (2) years after the completion of such work. Streets as used in this ordinance shall include streets, alleys, sidewalks, curbs and any other passways over which the general public has the right to travel at will. The insurance and the indemnity bond required to be carried under the terms of this section of this ordinance may be either general in their scope or may be carried for a specific job.

ARTICLE VI. REGISTRATION OF PLUMBERS

Section 12. a. Subject to the exceptions hereinafter set out and defined, it shall be unlawful for any person, firm or corporation to engage in the plumbing business or practice of plumbing, either as a plumbing contractor or journeyman plumber, unless such person, firm or corporation has been duly registered as a plumbing contractor or journeyman plumber under the terms and provisions of this ordinance.

b. The registration requirements set forth in Subsection 12a., above, shall not apply to the installation, remodeling or repair of plumbing of a one-family residential dwelling.

c. The provisions of Subsection 12a., above, shall not apply to plumbing repairs and minor alterations conducted by the City of Bloomington, The Metropolitan School Corporation of Bloomington, or any other governmental authority with employees regularly appointed or employed according to law and qualified to do such work, nor shall said provisions apply to plumbing repairs in apartment, business or industrial buildings where such plumbing repairs or minor alterations will be performed by competent maintenance personnel regularly

employed at such establishment.

d. The exemption from the requirement to employ a registered plumber or plumbers shall not in any way imply nor grant exemption from permit or inspection requirements otherwise applicable.

Section 13. Examination and Registration Board. There is hereby created the Board for the Examination and Registration of Plumbers, which said Board shall consist of the following persons: the Secretary of the City Board of Health, the City Engineer and the City Plumbing Inspector, each of whom shall serve ex officio by virtue of their respective City offices, and two other members who shall be appointed by the Mayor of the City of Bloomington to serve for one year from the time of their appointment, one of whom shall be a plumbing contractor and the other of whom shall be an architect, if such is available; if not, a disinterested citizen. The Board shall, as soon as possible after their appointment, meet and choose a chairman; the City Engineer and the said City Plumbing Inspector shall serve without additional compensation. The appointive members of the said Board shall each receive five dollars (\$5.00) for each session wherein examinations or hearings are conducted.

Section 14. Registration of Plumbing Contractors. Any person, firm or corporation desiring to qualify and be registered as a plumbing contractor shall make application to the City Clerk-Treasurer and pay to the said Clerk-Treasurer the sum of twenty-five dollars (\$25.00). The application shall be verified and signed by the applicant, or his agent, giving the name and address of the applicant person, firm or corporation, and such facts as the examining Board of the Secretary of the City Board of Health may require. Firms or corporations may designate their superintendents or foremen under whose supervision their plumbing work or service is to be performed to take the qualifying examination. When the City Clerk-Treasurer has received the above application in due form he shall transmit it to the office of the City Engineer, who shall schedule the appearance of the applicant before the examining board. The examination shall be of such character as to test the fitness and qualifications of the applicant to be a plumbing contractor or to conduct a plumbing business. If, after such examination, the said Board considers the applicant fully qualified to be a plumbing contractor or to conduct a plumbing business, it shall so certify to the City Clerk-Treasurer who shall upon payment of an annual registration fee of twenty-five dollars (\$25.00) register such person, firm or corporation as a Registered Plumbing Contractor for the remainder of the calendar year and assign to such contractor a registration number, which said contractor shall have the privilege of painting on the firm's trucks for identification. Such registration and registration number shall be continued from year to year upon payment of the said annual registration fee, and such annual registration shall expire on December.

Section 15. Registration of Journeyman Plumbers. Any person desiring to qualify and be registered as a Journeyman Plumber shall make application to the City Clerk-Treasurer and pay to the said Clerk-Treasurer fifteen dollars (\$15.00). Such application shall be processed and an examination scheduled in the same manner as set out in Section 14, above. If, after an appropriate examination, the examining board considers the applicant fully qualified to be a journeyman plumber, it shall so certify to the City Clerk-Treasurer who shall upon payment of five dollars (\$5.00) register such person as a Registered Journeyman Plumber for the remainder of the calendar year. He shall be assigned a registration number, which shall be continued from year to year as his permanent number until such time as his registration is allowed to lapse. His registration shall be continued from year to year upon payment of said registration fee, and each such annual registration shall expire on December 31.

Section 16. Records; Rejections; Fraud. The Board for the Examination and Registration of Plumbers shall keep a record of all applications for registration; it shall keep a record of its proceedings, whether each applicant was registered or rejected, and the date of such action of the Board. After rejection of an

applicant, or the dismissal of his application for any cause, said applicant shall not be eligible for further examination for three (3) months, nor shall he be registered until after the expiration of this waiting period. Fraud, misrepresentation or falsehood in the application or examination shall be grounds for refusal of registration and dismissal of the application. The examination fee, which is for the privilege of taking the examination, will in no case be returned.

Any person, firm or corporation having been heretofore duly registered in Bloomington as a Master Plumber of Plumbing Contractor, or as a Journeyman Plumber, and such registration is in effect upon enactment of this ordinance, shall be eligible to continue such registration as a Plumbing Contractor or Journeyman Plumber upon payment of the appropriate annual registration fee. However, if the fee has already been paid for the current year, such fee will not be due again until January 1 of the ensuing year.

Section 17. Emergency and Temporary Registration. After a person, firm or corporation has made application for examination and qualification as a plumbing contractor or journeyman plumber and paid the appropriate examination fee to the City Clerk-Treasurer, the City Engineer, with the concurrence of the Secretary of the City Board of Health, may, if upon consultation with the City Plumbing Inspector he considers the applicant fully qualified, issue an emergency permit to the applicant for a maximum period of thirty (30) days. In order to qualify for such an emergency registration the applicant must deposit with the City Clerk-Treasurer the amount of the appropriate annual registration fee which would be required to register such applicant, and if the applicant should, upon his subsequent examination, fail to qualify for registration, half of the license fee so deposited shall be forfeited as the fee for the temporary permit.

Any plumbing contractor or journeyman plumber who is duly licensed and/or registered as such in any other city of the State of Indiana under the provisions of a duly adopted ordinance of such city may be granted by the City Engineer a temporary permit to authorize him to install plumbing in a single structure in the City of Bloomington, or outside it if the plumbing is to be connected with the City water or sewage system upon payment of the City Clerk-Treasurer of ten dollars (\$10.00) in case of a plumbing contractor or five dollars (\$5.00) in the case of a journeyman plumber, together with presentation of evidence to the said City Engineer certifying to such license of registration.

Any plumber or plumbing contractor registered under the provisions of this section shall be given special notice of the regulations pertaining to liability insurance and indemnity bonds set forth in Article V of this ordinance.

Section 18. Suspension or Revocation of Registration. The Board for the Examination and Registration of Plumbers shall have the power to suspend or to revoke any registration under the provisions of this ordinance for any fraud or deceit in obtaining such registration, or for gross negligence, neglect, or misconduct in the practice of plumbing. Any person may prefer charges of fraud, misrepresentation, deceit, incompetence or misconduct against any registered plumber or plumbing contractor, which charges shall be in writing, verified by the complainant and filed with the secretary of the said Board. The Board shall fix the time and place of hearing and due notice thereof shall be given the accused and he shall be furnished a copy of the charges. No hearing shall be had by the Board until after the expiration of thirty (30) days from notice to the accused. The Board, or a quorum thereof, shall hear the charges, and conduct of such hearings and the conduct of such hearing as to the rights of the parties and the procedure shall be conducted as far as practicable under the rules of the courts of justice. It shall require the vote of three (3) members of the Board to find the accused guilty. Upon conviction of the accused under such charges, the Board may order that the registration of the accused be suspended or revoked. A registration suspended or revoked may be ordered re-issued upon vote of three (3) or more members of the

Board at a subsequent meeting.

Section 19. Assignment or Transfer of Registration. No registration nor renewal thereof granted under the provisions of this ordinance shall be assignable or transferable, and every such registration or renewal of the same shall specify the name of the person, firm or corporation to whom issued, and if issued to a firm or corporation, the name of the member or employee qualifying as the plumber or foreman. If the member of a firm or the officer or representative of a corporation named in the registration or renewal thereof, who by taking the required examination qualified the firm as a plumbing contractor, should cease to be an officer or representative of such corporation, then and in that event all rights of such firm or corporation under such registration or renewal thereof shall cease, and such firm or corporation shall be required to make a new application for examination and registration as if it had never been so registered; provided, however, that if such firm or corporation has already paid the annual registration fee for the current calendar year, it shall in that case not be required to pay such fee, but will be required to pay the examination fee.

ARTICLE VII. PENALTIES

Section 20. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction in Monroe Circuit Court, or other court of competent jurisdiction, be fined in any sum not exceeding twenty-five dollars (\$25.00), and each such act of violation or non-compliance shall constitute a separate offense resulting, upon conviction, of a fine not exceeding twenty-five dollars (\$25.00), and such person, firm or corporation may also, upon such conviction, be restrained and enjoined by the Monroe Circuit Court, or any court of competent jurisdiction, from committing any further act which does not comply with the terms and regulations of this ordinance.

ARTICLE VIII. VALIDITY

Section 21. Severance clause. If any part of this ordinance shall be declared invalid, the invalidity of any section, subsection, clause, sentence, or provision of this ordinance shall not effect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 22. Sections 1-234 to 1-240, inclusive, and any amendments thereof, of the Municipal Code of the City of Bloomington, Indiana, of 1941; Sections 2-103 to 2-111, inclusive, of said Code and any amendments thereof; Sections 4-142 to 4-151, inclusive, of the said Code and any amendments thereof; and Ordinance No. 13, 1934, entitled "An Ordinance Providing for the Examination and Registration of Plumbers, etc", and any amendments thereof which may be in force, are all hereby repealed.

Section 23. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Bloomington, and publication as required by law.

Passed and adopted by the Common Council of the City of Bloomington, Monroe County, Indiana, on the 17th day of August, 1954.

S/Emmett Kelly, Presiding Officer

ATTEST:

S/Esther F. Leavitt, Clerk-Treasurer,
Clerk of the Common Council of the City of Bloomington, Indiana.

Presented by me to the Mayor of the City of Bloomington on the 17th day of August, 1954, at the hour of 8:15 o'clock P.M.

S/Esther F. Leavitt, Clerk-Treasurer

This ordinance approved and signed by me on the 17th day of August, 1954, at the hour of 8:15 o'clock P.M.

S/Emmett Kelly, Mayor

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