

Burlington Department of Public Works Special Commission Meeting
Final Minutes, 8 March 2016
53 Lavalley Ln

Commissioners Present: Robert Alberry; Tiki Archambeau (Vice Chair); Chris Gillman; Jeff Padgett (Chair); Tom Simon (*arrives at 6:39pm*). **Commissioners Absent:** Jim Barr; Solveig Overby.

Item 1 Call to Order – Welcome – Chair Comments

Chair Padgett calls meeting to order at 6:36PM and makes opening comments.

Item 2 – Agenda

Commissioner Alberry makes motion to remove Agenda Item 3 ñ Public Forum and approve the altered Agenda and is seconded by Vice Chair Archambeau.

Action taken: motion approved;

óAyesô are unanimous.

Commissioner Simon arrives

Item 3 – 10-12 Intervale Ave Appeal of Plumbing Code

A) Staff Presentation introduced by Assistant Director of Technical Services Norm Baldwin (introducing a copy of the Notice of Hearing), Senior Assistant City Attorney Eugene Bergman (introducing copies of appellant's 2 plumbing permit applications; of Burlington City Ordinances 25-2 ñ 25-4, 25-9, 25-10; of the Inspection Agreement Between the State of Vermont and the City of Burlington; of pages 1 ñ 3, 5, 9 ñ 11 in the Vermont Plumbing Rules), and given by Plumbing/Mechanical Inspector John Ryan who presents the city's case concerning the 2 denials of issuance for the appellant's 2 separate permit applications; Appellant Presentation by Dr. Chris Khamnei who responds to the city's case (introducing copies of page 11 of document listed as (A); of page 28 of document listed as (B); of pages 240 ñ 245 of Public Acts, 1959; of pages 130 ñ 133 of Public Acts, 1979; of Public Acts, 1994 number 176; of page 5 of document listed as (F)) with Attorney Bergman replying.

B) Commission Questions

Chair Padgett, Vice Chair Archambeau, and Commissioners Alberry, Gillman, and Simon ask questions concerning staff's presentation with Attorney Bergman and Inspector Ryan answering; Chair Padgett, Vice Chair Archambeau, and Commissioner Simon ask questions with Dr. Khamnei answering and Attorney Bergman replying.

C) Public Comment

D) Commissioner Discussion

E) Motion made by Commissioner Alberry to move into Executive Session.

Seconded by Vice Chair Archambeau.

Discussion

Action taken: motion passed;

óAyesô unanimous.

Item 4 – Executive Session for Appeal

Item 5 – Adjournment

No action taken.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
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www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

To: Hannah Cormier, Clerks Office
From: Chapin Spencer, Director
Date: March 7, 2016
Re: Public Works Commission Agenda

Please find information below regarding the next **Special** Commission Meeting.

Date: **March 8, 2016**
Time: 6:30 – 9:00 p.m.
Place: **53 Lavalley Lane – Main Wastewater Conference Room**

A G E N D A

ITEM

- 1 Call to Order – Welcome – Chair Comments
- 2 Agenda
- 3 10 Min Public Forum
- 4 30 Min 10-12 Intervale Ave Appeal of Plumbing Code
 - A Communication, J. Ryan & G. Bergeman
 - B Commissioner Discussion
 - C Oral Presentation, Appellant
 - D Public Comment
 - E Action Requested – Vote
- 12 Executive Session For Appeal
- 13 **Adjournment**

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: PUBLIC WORKS COMMISSION
FM: CHAPIN SPENCER, DIRECTOR
DATE: MARCH 7, 2016
RE: PUBLIC WORKS SPECIAL COMMISSION MEETING

Enclosed is the following information for the meeting on March 8, 2016 at 6:30 PM at **53 Lavalley Lane – Main Wastewater Conference Room**

1. Agenda
2. 10-12 Intervale Ave Appeal of Plumbing Code

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

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From: Chapin Spencer, Director
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Re: Public Works Commission Agenda

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Norm Baldwin

From: Norm Baldwin
Sent: Sunday, March 06, 2016 5:49 AM
To: jeffpadgett10@gmail.com
Cc: Chapin Spencer; Eileen Blackwood; Eugene Bergman; Andy MacIlwaine
Subject: 10-12 Intervale Avenue
Attachments: doc049116.pdf; ATT00001.htm

Jeff,

This is all I have to offer as background for this appeal. Most of the information, given the short turnaround time, will be presented at the meeting.

As background information.

There are two work scopes of work that Mr.Khamnei has described and submitted under a permit application City staff which he was subsequently denied a permit absent a licensed professional to do the scope of work described.

Mr.Khamnei contends that he is exempt by State statute and is contesting our plumbing inspectors decision denying him a permit. City staff(Plumbing Inspector John Ryan) has contended that under our delegated inspection authorities, and local ordinances he is justified in denying Mr.Khamnei of his permit absent a licensed professional.

I hope this is helpful. Thank you for your help on this appeal.

Norman J. Baldwin, P.E.
City Engineer
Assistant Director of Public Works
645 Pine Street
Burlington, Vermont 05401

P 802.865.5826
Email nbaldwin@burlingtonvt.gov

Begin forwarded message:

From: <scanner@burlingtonvt.gov>
Date: February 29, 2016 at 2:52:30 PM EST
To: <nbaldwin@burlingtonvt.gov>
Subject: Scanned Image

TASKalfa 5551ci
[00:c0:ee:3e:8e:18]

**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC
WORKS**

Director Chapin Spencer

645 Pine Street, Suite A



www.burlingtonvt.gov

**INSPECTION SERVICES
DIVISION**

Norm Baldwin, P.E., City Engineer
Assistant Director of Technical
Services

Burlington, Vermont 05401

STATEMENT OF PROCEDURAL RIGHTS
Plumbing Chapter 25 Sec 25-17

Specific to the City of Burlington Code of Ordinances any owner of a building or structure or any other interested person aggrieved by an inspector's directive respective to the BCO and life safety codes, may appeal to the Public Works Board of Appeals by requesting such appeal in writing to the Director of Public Works, 645 Pine St., Burlington VT.

- Submittal of appeals need to be submitted within 10 days from the issuance date of any order or date determined by an inspector
- Define what order or decision being appealed and by who's directive
- Provide legal argument or bases of the appeal

The Public Works Commission acts as the Board of Appeals and as a rule meet every third Wednesday of the month. This office will be in contact with the appellant to confirm dates, times and location where the case will be held and heard upon receipt and review of the appellant's documentation supporting their appeal

Name: Chris C. Khamnei Submittal Date: 02-24-16

Mailing address 119 Spruce Street,

1) Please define what enforcement action is being appealed, by who's directive, property location and date of directive.

two permits: (1)

Appeal of John Ryan denying a permit to repair a waste pipe and (2) another permit to connect hot/cold water supply to a new hot water heater both located at 10/12 Intrigue Avenue Burlington. John Ryan denied the permit based on the applicant did NOT have a plumbing license.

2) Provide legal argument or bases of the appeal.

Vermont statute provides an exception to the owner and his maintenance person that they do NOT need a licence to get a permit.

(Please attach additional correspondence to this form)

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

Norm Baldwin

From: chriskhamnei@gmail.com on behalf of Chris Khamnei <chris@rentinvt.com>
Sent: Tuesday, February 23, 2016 9:47 PM
To: John Ryan
Cc: Chapin Spencer; Norm Baldwin; Brad Biggie; Ned Holt
Subject: Re: 10/12 Intervale Ave.

Norm, Chapin et al,

Please consider this email a formal request of an appeal of John Ryan's decision to the DPW commission. Because this matter is urgent to me and goes to the occupancy of the building, I would like to have an emergency hearing to minimize my damages and costs associated with your department's decision.

Sincerely,
Chris

Chris C. Khamnei, Ph.D.
Green Mountain Real Estate
199 South Union Street #0
Burlington, VT 05401
802.222.6080 (Main Line)
802.222.6081 (Fax Line)
802.222.6090 (Maintenance)
802.222.6091 (Landlord)
chris@rentinvt.com
www.RentInVT.com

On Tue, Feb 23, 2016 at 2:29 PM, John Ryan <JRyan@burlingtonvt.gov> wrote:

Chris:

This email is in response to your request to secure a Plumbing Permit for the 10—12 Interval Street property. This Department cannot issue you a Plumbing Permit for any plumbing drain or water distribution in any public building, supported by

- a) Burlington City Ordinances,*
- b) Vt. Plumbing Rules 2015*
- c) the Vt. Fire and Building Safety Code 2015.*

However, this Department would be happy to issue the necessary Plumbing Permit(s) to a Vt. Licensed Master Plumber for the proposed project.

John P. Ryan

City of Burlington

Plumbing/Mechanical Inspector

[\(802\) 865-7560](tel:(802)865-7560)

Plumbing

25-17 Appeals.

(a) A person aggrieved by an action of the plumbing inspector taken under this chapter may appeal therefrom to the public works commission. A request for the appeal shall be made by filing with the director of the department of public works within ten (10) days of receiving actual notice of the order complained of a notice of appeal setting forth in detail his/her grievances. The director of the department of public works shall notify the chair of the commission of the notice of appeal forthwith. The commission shall meet upon notice of the chair within ten (10) days of the filing of the notice of appeal. All hearings shall be public and all interested parties shall be given an opportunity to be heard and present evidence and arguments.

(b) Four (4) members of the commission must be present to constitute a quorum. The commission shall affirm, modify or reverse an action aggrieved from by a majority vote of the members present. A tie vote shall be an affirmation of the decision from which the appeal is taken. The commission shall give written notice of its decision, which shall include findings of facts and all necessary orders, to all interested parties not later than thirty (30) days after the date of the hearing. The plumbing inspector may take action in accordance with the decision of the commission immediately upon the sending of the written decision to all interested parties.

(c) A member of the commission shall not pass on any question in which that member had any fiduciary, personal or financial interest, or which otherwise constitutes a conflict of interest.

(d) Any interested person may appeal a decision of the commission by instituting relief in the Chittenden Superior Court under V.R.C.P. 74

(Ord. of 10-24-88; Ord. of 9-26-94)

10-12 Intervale Avenue Plumbing Appeal Scheduling

2/23/2016 - 3/12/2016						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
February 22	23	24 Appeal Received	25 Day 1	26 Day 2	27	28
29 Day 3	March 1 City Holiday X	2 Day 4	3 Day 5	4 Day 6	5	6
7 Day 7	8 Day 8	9 Day 9	10 Day 10	11	12	13

★ -Staff Attorney's availability 6:30 p.m.-

● -Commission Attorney's availability unknown at this time



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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Norman J. Baldwin, P.E.
*ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY ENGINEER*

February 29, 2016

Chris Khamnei
119 Spruce Street
Burlington, Vermont 05401

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 25 Plumbing, the **Public Works Commission** will hold a hearing related to an appeal of the Plumbing Inspector's decision to deny the appellant the issuance of a plumbing permit for his property at 10-12 Intervale Road. This issue will be heard **6:30 p.m. on Wednesday, March 8, 2016 in the Main Conference Room at the Wastewater Treatment Plant at 53 Lavalley Lane** in Burlington, Vermont.

In order to expeditiously hear this appeal, the Commission needs and hereby notifies you as the appellant to provide it with a short and concise statement outlining the specific items to be heard and addressed by the Commission. This statement must also specify the factual or legal basis of the appeal.

Each party will be given the opportunity to present the facts, as they believe them to be, and to make legal arguments. The Commission will hear testimony and take documentary evidence in support of each party's position.

You are welcome to provide supporting documentary evidence in advance of the hearing. **Witnesses must be present;** the Commission will not accept written statements from absent witnesses, even in affidavit form. The Commission will resolve disputed questions of fact and apply the law governing the situation to those facts. If you intend to present documentary evidence, please bring 9 copies of each document to the hearing.

If you are the person who requested the hearing and you fail to appear, your case will be dismissed. If there are special circumstances as to why you cannot appear in person for a hearing, please call 863-9094. Postponement of your case will be permitted only for good cause. If settlement is reached, please notify the Commission immediately.

If you have any questions, please call 863-9094.

Sincerely,

A handwritten signature in dark ink, appearing to read "Norman J. Baldwin", with a large, stylized flourish at the end.

Norman J. Baldwin, P.E.
Assistant Director of Public Works

cc: Eugene Bergman, Assistant City Attorney
Chapin Spencer, Director of Public Works
Valerie Ducharme, Customer Service Representative
John Ryan, Plumbing Inspector

Norm Baldwin

From: Norm Baldwin
Sent: Thursday, March 03, 2016 12:06 PM
To: 'Chris Khamnei'
Cc: Chapin Spencer; jeffpadgett10@gmail.com; Eugene Bergman; Ned Holt; John Ryan; Andy MacIlwaine (amacilwaine@DINSE.COM)
Subject: RE: 10-12 Intervale Road Plumbing Appeal Hearing Notice

Chris,

Sorry. Tuesday, March 8th, 2016. Thank you for pointing that out.

From: chriskhamnei@gmail.com [mailto:chriskhamnei@gmail.com] **On Behalf Of** Chris Khamnei
Sent: Thursday, March 03, 2016 12:05 PM
To: Norm Baldwin <nbaldwin@burlingtonvt.gov>
Cc: Chapin Spencer <cspencer@burlingtonvt.gov>; jeffpadgett10@gmail.com; Eugene Bergman <EBergman@burlingtonvt.gov>; Ned Holt <NHolt@burlingtonvt.gov>; John Ryan <JRyan@burlingtonvt.gov>; Andy MacIlwaine (amacilwaine@DINSE.COM) <amacilwaine@dinse.com>
Subject: Re: 10-12 Intervale Road Plumbing Appeal Hearing Notice

March 8th is a Tuesday.

Did you mean Tuesday, March 8th or Wednesday, March 9th?

Thank you,
Chris

Chris C. Khamnei, Ph.D.
Green Mountain Real Estate
199 South Union Street #0
Burlington, VT 05401
802.222.6080 (Main Line)
802.222.6081 (Fax Line)
802.222.6090 (Maintenance)
802.222.6091 (Landlord)
chris@rentinvt.com
www.RentInVT.com

On Mon, Feb 29, 2016 at 3:24 PM, Norm Baldwin <nbaldwin@burlingtonvt.gov> wrote:

Mr.Khamnei,

Thank you for taking my call earlier today. As promised I am providing you with written notice of the upcoming appeal hearing for 10-12 Intervale Road. Below is the explicit appeal hearing instructions with the date, time and location for the appeal hearing. **Please reply to this email confirming in writing your ability**

to attend the scheduled appeal hearing, consistent with our phone conversation earlier today affirming your ability to attend.

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Norman J. Baldwin, P.E.

City Engineer/Ass't Director

Burlington Public Works Department

645 Pine Street

Burlington, Vermont 05401

V: [802.865.5826](tel:802.865.5826)

F: [802.863.0466](tel:802.863.0466)

EMAIL: nbaldwin@burlingtonvt.gov

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Street, Apt. No., or PO Box No.	119 Spruce St
City, State, ZIP+4	Burlington VT 05401

PS Form 3800, August 2005 See Reverse for Instructions



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March 1, 2016 , 10:39 am	Notice Left (No Authorized Recipient Available)	BURLINGTON, VT 05401

We attempted to deliver your item at 10:39 am on March 1, 2016 in BURLINGTON, VT 05401 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by March 16, 2016 then it will be returned to sender.

March 1, 2016 , 9:27 am	Out for Delivery	BURLINGTON, VT 05401
March 1, 2016 , 9:17 am	Sorting Complete	BURLINGTON, VT 05401
March 1, 2016 , 5:41 am	Arrived at Unit	BURLINGTON, VT 05401

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TO BE COMPLETED BY ALL PERSONS SEEKING A PERMIT FOR CONSTRUCTION WITHIN THE
CHAPTERS 8 CODE OF ORDINANCES. (SEE INSTRUCTIONS ON BACK BEFORE FILING)
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City
Docs

IDENTIFICATION

Please Print or Type

JOB SITE LOCATION: STREET NUMBER AND STREET ADDRESS

10/12 Intervale Avenue

PROPERTY OWNER NAME

Chris C. Khamnei

PROPERTY OWNER'S ADDRESS (IF DIFFERENT FROM JOB SITE LOCATION)

119 Spruce Street



BUILDING PERMIT NUMBER

N/A

(IF APPLICABLE, FOR THIS PROJECT)

PERMIT TYPE (CHECK ALL THAT APPLY)

☒ GENERAL PLUMBING

☐ OTHER

HAVE YOU OBTAINED A ZONING PERMIT (IF APPLICABLE)

☐ YES (Please Attach Copy of Permit)

☐ NO

DESCRIPTION OF YOUR WORK

Connect hot/cold supply to Jacuzzi
instant hot water heater.

CONTRACTOR NAME (IF DIFFERENT FROM PROPERTY OWNER)

N/A

DATE CONSTRUCTION WORK WILL BEGIN

03-01-16

ESTIMATED COST OF PROJECT

\$500

CONTRACTOR ADDRESS (IF DIFFERENT FROM PROPERTY ADDRESS)

CITY/TOWN

Burlington

STATE

VT

ZIP CODE

05401

CONTACT PERSON

Chris

TRADE LICENSE # (if applicable)

TELEPHONE #

802-222-6091

THE PERMITS ATTACHED TO THE APPLICATIONS MUST BE SIGNED AND PAID FOR WITHIN THREE
BUSINESS DAYS OR THE PERMIT WILL BE PULLED AND CANCELLED.

I further certify that this document has been examined by me, and is, to the best of my knowledge and belief, true, correct, and complete.

DO NOT SEND PAYMENT WITH YOUR PERMIT APPLICATIONS

SIGN HERE ▶

Signature of Owner or Authorized Representative

Sole Proprietor

Title

02-23-16

Date



PLUMBING (PP) PERMIT APPLICATION

TO BE COMPLETED BY ALL PERSONS SEEKING A PERMIT FOR CONSTRUCTION WITHIN THE CITY LIMITS PURSUANT TO CHAPTERS 8 CODE OF ORDINANCES. (SEE INSTRUCTIONS ON BACK BEFORE COMPLETING)

www.burlingtonvt.gov/dpw

IDENTIFICATION

Please Print or Type

JOB SITE LOCATION: STREET NUMBER AND STREET ADDRESS

10/12 Intervale Avenue

PROPERTY OWNER NAME

Chris C. Khamnei

PROPERTY OWNER'S ADDRESS (IF DIFFERENT FROM JOB SITE LOCATION)

119 Spruce St. Burlington, VT 05401

REQUIREDBUILDING PERMIT NUMBER 1

N/A
~~IF APPLICABLE, FOR THIS PROJECT~~

PERMIT TYPE (CHECK ALL THAT APPLY)

GENERAL PLUMBING

☐ OTHER

HAVE YOU OBTAINED A ZONING PERMIT (IF APPLICABLE)

☐ YES (Please Attach Copy of Permit)

☒ NO

DESCRIPTION OF YOUR WORK

Repair deteriorated cast iron sewer/waste pipes as necessary.

CONTRACTOR NAME (IF DIFFERENT FROM PROPERTY OWNER)

N/A

DATE CONSTRUCTION WORK WILL BEGIN

03-01-16

ESTIMATED COST OF PROJECT

\$1000

CONTRACTOR ADDRESS (IF DIFFERENT FROM PROPERTY ADDRESS)

CITY/TOWN

Burlington

STATE

$$V_T$$

ZIP CODE

CONTACT PERSON

Chris Khamnei

TRADE LICENSE # (if applicable)

TELEPHONE #

802-222-6091

THE PERMITS ATTACHED TO THE APPLICATIONS MUST BE SIGNED AND PAID FOR WITHIN THREE BUSINESS DAYS OR THE PERMIT WILL BE PULLED AND CANCELLED.

I further certify that this document has been examined by me, and is, to the best of my knowledge and belief, true, correct, and complete.

DO NOT SEND PAYMENT WITH YOUR PERMIT APPLICATIONS

SIGN HERE ►

Signature of Owner or Authorized Representative

Sole Proprietor
Title

02-23-16
Date

25-2 Definitions.

For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section. All terms not herein defined shall have the meanings ascribed to them in the BOCA Code:

- (a) The term "master plumber" shall mean a person who assumes responsible charge and direction of the installation of plumbing and drainage and is skilled in the planning, superintending and the practical installation of plumbing and drainage. Each master plumber shall furnish to the plumbing inspector a list of journeyman plumbers employed by them and shall keep such list current at all times.
- (b) The term "journeyman plumber" shall mean a person who performs the work of installing plumbing and drainage under the direction of a master plumber.
- (c) An "apprentice" shall mean any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program properly registered with the Vermont State Apprenticeship Council.
- (d) "Public building" shall be as defined in 21 V.S.A. sec. 251(a).
- (e) Foundation drainage for a structure is not considered plumbing.

(Ord. of 10-24-88; Ord of 9-26-94)

25-3 Licensing of plumbers required.

No person, except as otherwise provided, shall carry on the business of plumbing of house drainage in the city until he/she shall have first obtained and holds a valid license therefor from the State of Vermont Plumbers' Licensing Board.

(Ord. of 10-24-88; Ord. of 9-26-94)

Charter reference—Power of city council to license plumbers, § 48(XLI).

25-4 Owners not required to be licensed.

An owner shall be permitted to install plumbing in a single-family owner-occupied residence without a license; provided, that a plumbing permit has been obtained and that all such plumbing installed by the owner shall comply with the provisions of this chapter and the BOCA Code.

(Ord. of 10-24-88; Ord. of 9-26-94)

25-9 Plans of work to be submitted to inspector as required.

The master plumber, licensed engineer or architect in charge of the work or, in the case of an owner-occupied single-family residence, the owner who may be doing the work shall submit to the plumbing inspector proper drawings as required, which may include, both plan and elevation views, showing all piping and fixtures, giving all details as to sizes and distances of fixtures from stacks and vents. Plans for private sewage disposal and individual water supply systems shall be designed to the requirements of the BOCA Code and the State of Vermont Agency of Natural Resources Department of Environmental Conservation rules and regulations.

(Ord. of 10-24-88; Ord. of 9-26-94; Ord. of 4-8-96)

25-10 Permit to be issued upon approval of plans; notice of rejection.

25-10 Permit to be issued upon approval of plans; notice of rejection.

If the plans which are filed with the plumbing inspector are approved by the inspector, a permit shall be issued to the master plumber contracted to do the work. If rejected, notice shall be given either verbally or by marking up the submitted plans and returning them to the owner within ten (10) working days.

(Ord. of 10-24-88; Ord. of 9-26-94)

FILE COPY

INSPECTION AGREEMENT
BETWEEN THE STATE OF VERMONT AND
THE CITY OF BURLINGTON

I. AUTHORITY FOR AGREEMENT

1. This Agreement entered into this 6 Day May 2013 by and between the Commissioner of the Vermont Department of Public Safety (hereinafter Commissioner), and the City of Burlington (hereinafter City), is entered into pursuant to 21 V.S.A. § 2736 and 26 V.S.A. § 898. The assignment of responsibility is designated as to the City of Burlington Department of Public Works and the City of Burlington Fire Department.¹
2. The Commissioner has reviewed the training and qualifications of the fire, electrical and building inspectors employed by the City and has determined that they have sufficient skill to perform the inspections covered by this Agreement.
3. The Commissioner has reviewed the ordinances which the City has established to enforce the rules in the course of the inspections described in this Agreement and has determined that they are sufficient to allow the City to enforce, the Vermont Fire and Building Safety Code, the Vermont Access Rules and the Vermont Electrical Safety Rules.

II. ASSIGNED RESPONSIBILITY

4. The Commissioner assigns to the Burlington Department of Public Works responsibility for plan review, permitting, inspection, and enforcement of the Vermont Fire and Building Safety Code for all new construction and alterations in new and existing public buildings (as that term is defined in 20 V.S.A. § 2730), and the Vermont Access Rules for all new construction and alterations in existing public buildings (as that term is defined in 20 V.S.A. § 2900(8)), except for those buildings listed below in paragraph III.8.
5. The Commissioner assigns to the Burlington Fire Department responsibility for plan review, permitting, inspection and enforcement of the Vermont Fire and Building Safety Code for all fire protection systems in new and existing public buildings and inspection and enforcement of the Vermont Fire and Building Safety Code for all existing public buildings (as that term is defined in 20 V.S.A. § 2730) except for those buildings listed below in paragraph III.8. The City will determine the number of routine, random or regular inspections under this assignment.
6. The Commissioner assigns to the Burlington Department of Public Works

¹ The City has a separate agreement with the Vermont Plumbers' Examining Board for plumbing safety.

responsibility for permitting, inspection and enforcement of the Vermont Electrical Safety Rules for all electrical installation work in all new and existing public buildings (as that term is defined in 20 V.S.A. § 2900(8)) except for those buildings listed below in paragraph III.8.

7. The City shall investigate all complaints alleging unsafe conditions and also conduct follow-up inspections under this assignment. The City may delegate enforcement actions under this agreement to qualified officials of the Burlington Code Enforcement Office. The Commissioner assigns to the City the responsibility to issue administrative citations and administer appeals as set forth in the Commissioner's Rules for Administrative Citations and Penalties. A final order of the City will constitute a final order of the Commissioner and shall be appealable to Superior Court. Such appeal shall also be handled by the City. Penalties shall be payable to the City of Burlington.

III. RETAINED JURISDICTION

8. The Commissioner retains sole jurisdiction over plan review, inspection and enforcement of the Vermont Fire and Building Safety Code, the Accessibility in Public Building Rules, the Vermont Elevator Safety Rules and the Vermont Electrical Safety Rules for all new and existing public buildings which are state owned buildings. The Commissioner retains sole jurisdiction over buildings that require federal certification until such time that the City has a federally certified inspector and an agreement with the Department of Aging and Independent Living to conduct such inspections, at which time the City will take responsibility to inspect federally certified buildings as with other public buildings described in paragraph 4. The Commissioner retains sole jurisdiction for the periodic testing of installed systems and reporting by technically qualified people of all fire protection systems. In addition the inspection and enforcement of the Vermont Boiler and Pressure Vessel rules pursuant to 20 V.S.A. Chapter 173, Subchapter 5 remains with the Commissioner.
9. The Commissioner retains jurisdiction to hear and determine requests for reconsideration of variances or exemptions granted or denied by the City under the Vermont Fire and Building Safety Code and the Vermont Electrical Safety Rules after the City appeal process has been completed. The Historic Variance Appeals Board retains jurisdiction to hear requests for variances for historic buildings and structures. The Access Board retains jurisdiction to hear and determine any request for variances from the Accessibility in Public Buildings Rules. The City shall provide research and recommendations concerning such requests.
10. As described in 20 V.S.A. § 2736(b), the City may establish and collect

reasonable fees for the plan review and inspection functions it has been assigned in this Agreement. The fees established shall be reasonably related to the cost associated with the plan review and inspection program.

IV. REPORTING & TRAINING REQUESTS

11. The Commissioner and the City agree to share information upon request to facilitate effective code enforcement. The City shall provide to the Commissioner a summary of the permit, plan review, inspection and enforcement activities of the Burlington Department of Public Works and the Burlington Fire Department every three months. Copies of an ad hoc sample of the more detailed paperwork prepared by the City shall be provided to the Commissioner for each area of inspection specialty every three months. The Fire Department shall provide to the Commissioner copies of "engine company" inspections as they occur under the retained jurisdiction and for buildings identified as state licensed health care facilities. The Commissioner shall provide to the City copies of permit, plan review, inspection and enforcement activities as they occur under the retained jurisdiction and a report of the periodic inspection reports for fire protection systems on an annual basis. The City shall also report fires that occur through the National Fire Incident Reporting System.
12. The City shall participate in the development of new software the purpose of which will be to compile a database system of all properties and other information related to this agreement. Once such software is in place, the City shall provide data input to the database system and provide quarterly reports of its activities pursuant to this agreement, provided that there is no cost to the City associated with the interface between the City's and Commissioner's systems through which the data would be input.
13. The City shall require its inspectors to participate in regular Department training programs or notify the Commissioner in advance if one or more of its inspectors will not attend a training program. The Commissioner shall provide the City inspectors with notices of all training 30 days in advance of the training to allow the City to manage its inspection programs and services and insure sufficient coverage for those programs and services. With regard to the City's above participation and notification obligation, the City shall not be required to have its inspectors attend any training program that the Commissioner has not provided the City with the 30 days advance notification. Furthermore, the above participation requirement shall not be interpreted to mean that all City inspectors must attend a program or every program. The City shall inform the Commissioner of the training and qualifications of any additional inspectors hired to perform inspections pursuant to this Agreement and in addition the City shall report annually the time and substance of any additional training received by its inspectors.

V. Miscellaneous

14. All inspections performed by the City pursuant to this Agreement shall have the same force and effect as though conducted by inspectors of the Commissioner. In carrying out its responsibilities under this Agreement, the City shall be acting as an agent of the State.
15. The Commissioner shall provide the City with notice of all proposed state code and rule changes and other appropriate communications as provided to inspectors of the Commissioner. The City shall provide the Commissioner with notices of all proposed local code and rule changes.
16. The City shall inspect and enforce the Vermont Fire and Building Safety Code using the safety standards as adopted by the Commissioner. The City shall inspect and enforce the Vermont Electrical Safety Rules and Vermont Plumbing Rules as adopted. The City shall inspect and enforce the Accessibility in Public Building Rules as adopted by the Access Board.
17. This assignment of responsibility to Burlington shall not affect the Commissioner's authority under 20 V.S.A. Chapter 173 or Chapter 174. This Agreement shall not be construed to diminish the City's authority under other laws.

VI. TERMINATION OF ASSIGNMENT

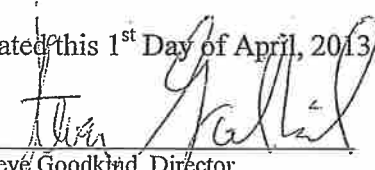
18. The Commissioner, after 90 days notice and an opportunity for a hearing and an opportunity for the City to make such changes and/or improvements requested by the Commissioner, may revoke the assignment of responsibility for all or any subsections of this agreement.
19. The City may voluntarily terminate this assignment of responsibility by providing the Department with written notice as least 90 days in advance of any termination. In such event, the City shall cooperate in the transfer of responsibility to the Department, including providing copies of plans, and inspection reports pending prior to the termination.
20. Any modification to this agreement shall be made in writing after agreement by all parties to this agreement.

V. DURATION OF ASSIGNMENT

This shall become effective on April 1, 2013. It shall remain in effect for five (5) years unless earlier terminated as above set forth or until a successor agreement is signed.

Dated this 1st Day of April, 2013

By:


Steve Goodkind, Director
Burlington Department of Public Works

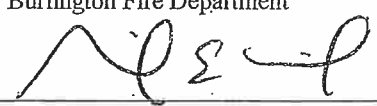
4/1/13
Date

By:


Seth Lasker, Chief
Burlington Fire Department

5/1/2013
Date

By:


Michael E. O'Neil, Director
Vermont Division of Fire Safety,
Department of Public Safety

5-6-2013
Date



VERMONT PLUMBING RULES

The Department of Public Safety & The Plumbers' Examining Board

Effective Date ...August 1, 2015

2015

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Section 1: PURPOSE OF THE RULES

The purpose of these rules is to protect and improve the general health and welfare of the people of the State of Vermont in the fields of environmental sanitation, water treatment, domestic supply and hydronically related hot water heating, by authorizing and enforcing rules and regulations for properly designed, acceptably installed and adequately maintained plumbing, water treatment and hydronically related water heating systems and by licensing qualified plumbers and qualified heating and water treatment specialists. These rules are enacted in conformance with the Vermont statutes covering plumbers and plumbing. Those statutes are attached as Appendix A.

Section 2: SCOPE OF THE RULES

These rules shall apply to all public buildings, whether or not connected to public water systems or public sewage systems, and to all other buildings or facilities connected to a public water or sewage system. Owner-occupied single family residences which are not on public water systems or public sewage systems do not require a work notice.

Existing public buildings, and all other existing buildings or facilities which are on public water systems or public sewage systems must comply with these rules whenever the plumbing in those buildings or premises is changed, replaced, or altered. These rules shall not apply to existing private dwellings and public buildings except as the plumbing systems in them may be altered in the future.

Section 3: DEFINITIONS

(A) The definitions set out at 26 V.S.A. Section 2172 shall be applicable for these rules:

(1) A "public water system" or "public sewerage disposal system" shall mean any system supplying or serving 15 or more customers, each family, tenement, store or other establishment being considered a single customer.

(2) A "master plumber" shall mean any person, licensed under this chapter, as a business, designs and/or installs plumbing systems, hires or employs a person or persons to do plumbing work, or supervises journeyman plumbers, or apprentice plumbers in completion of their work. Licensed master plumbers may perform all aspects of the trade under a specialist license without being required to obtain a specialist license.

(3) A "journeyman plumber" shall mean any person licensed under this chapter who installs plumbing and water treatment or heating specialties under the direction of a master plumber. A journeyman plumber may supervise an apprentice employed by a master plumber and under the master plumber's direction. A journeyman plumber may perform all plumbing covered by a specialist license without being required to obtain a specialist license. A journeyman plumber shall not act as a master plumber.

(4) An "apprentice plumber" shall mean any person, employed by a master plumber or under the direction of a master plumber or a journeyman plumber, who is engaged in learning and assisting in the installation of plumbing and water treatment or heating specialties under an apprenticeship program properly registered with the Vermont Apprenticeship Council. An apprentice plumber shall be supervised on the job by either a master or a journeyman plumber as per Vermont Department of Labor apprenticeship guidelines.

(5) "Plumbing" is the art of installing pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes and drainage venting systems within or on a building or structure.

(6) "State plumbing inspector" means a master plumber or duly qualified employee of the department designated to enforce the rules and regulations pursuant to this chapter.

(7) "Municipal inspector" means a plumbing inspector authorized to conduct municipal inspections pursuant to this chapter.

(8) "Specialist" means any person licensed under this chapter who performs work in connection with water treatment and heating, or both, or performs that work as a principal business or an auxiliary to a principal business for the person's own account as designated on the person's license.

(9) "Commissioner" means the commissioner of the Department of Public Safety.

(10) "Legislative body" means the select board, the alder board, city council or board of trustees of a municipality or an incorporated village.



(11) "Work notice" means the notice required to be filed and validated under Section, 14 of this chapter by a licensee prior to commencement of plumbing work.

(B) In addition, for the purposes of these rules:

1) "person" shall include any person or entity who performs plumbing work or is responsible for the performance of plumbing work under the jurisdiction of the Plumbers' Examining Board or the Department of Public Safety.

2) "board" shall mean the Plumbers' Examining Board created by 26 V.S.A. 2181;

3) "department" shall mean the Department of Public Safety.

4) "public building" shall be as defined in 20 V.S.A. Section 2900 (a copy is set out in appendix B).

5) "investigator" shall mean the person designated by the Department to work at the direction of the Assistant Attorney General on the investigating panel as detailed in Appendix C Section (a) (3).

(E) Direct tests of materials, devices, or assemblies made, or sufficient evidence or proof submitted, at the expense of the owner, where the evidence or proof is necessary to determine whether the material, device or installation method meets the requirements of these rules.

(F) Revoke, amend, or refuse to issue a plumbing work notice where, in the opinion of the Commissioner or a plumbing inspector, the results of tests referred to in Subsection (e) of this section are not satisfactory.

(G) Order the removal of any plumbing systems or equipment installed in violation of these rules.

(H) Prioritize inspections of plumbing systems based on the relative risks to persons or property arising from potential plumbing code violations.

(I) Pursuant to 26 V.S.A. 2175(d), assess an administrative penalty for each violation of this code.

(J) Order any company supplying fuel service to the premises to disconnect the fuel supply until the cited violation has been removed or corrected.

Section 6: DUTIES OF THE OWNER

The owner of the building or structure, or a designated representative shall:

(A) Not install or maintain, or cause to be installed or maintained, any plumbing system or equipment which is unsafe or is likely to be unsafe to persons or property.

(B) Observe these rules in all public buildings, or private residences on public water or sewer, which are under their control.

(C) Allow the Commissioner or a plumbing inspector to enter any public building, or private residence on public water or sewer, at any reasonable time for the purposes of administering or enforcing these rules.

(D) File a work notice and obtain a validated work notice required under Section 14 of these rules before any plumbing work begins in a single family home connected to a public water or sewer system.

(E) Engage the services of a properly licensed plumber to file a work notice and obtain a validated work notice as required under Section 14 of these rules before any plumbing work begins in a public building.

Section 7: DUTIES OF A LICENSE HOLDER

(A) Any person who has obtained a plumbing license under these rules shall:

(1) Observe these rules regarding the installation of all plumbing work and the supervision of unlicensed employees.

(2) Not begin plumbing work until a work notice for the work has been validated by the department.

- d) Instructors should be certified as a master plumber, engineer, plumbing inspector, or vocational teacher with related experience, or otherwise acceptable by the Board;
- e) Date and place of instruction;
- f) Instructional materials to be used by attendees.

(2) Subject matter shall deal with the adopted current plumbing codes, license renewal protocols, and related information. This may include general or specific review of the code, code changes, preceding versions, common violations of the code, or other related areas that relate to the safe plumbing installation.

(3) Tests at training programs are optional.

(4) Upon completion of a course, certificates shall be issued to attendees and shall include:

- a) Sponsor's name
- b) Course title
- c) Date, place
- d) Hours completed
- e) Instructor's Signature
- f) Attendees' full name, license number.

(F) Representatives of the Licensing Board and the Department of Public Safety reserve the right to monitor all courses.

Section 10: PLUMBING LICENSE FEES

Plumbing license and 2 year renewal fees* shall be as established under 26 V.S.A. Section 2193 as follows:

- (1) Master plumber license...\$120
- (2) Journeyman plumber license...\$90
- (3) Specialist license - per specialty field...\$50
- (4) Master renewal fee...\$120
- (5) Journeyman renewal fee...\$90
- (6) Specialist renewal fee - per specialty field...\$50
- (7) License certificate...\$10

* Subject to fee change by Legislative Process

Section 11: LICENSE NOT REQUIRED

(A) All plumbing and specialty work performed in Vermont shall be performed by persons licensed under this chapter except that a license shall not be required for the following types of work:

(1) Any plumbing and specialty work performed by an owner or the owner's regular employees on owner-occupied freestanding single family dwelling or in outbuildings accessory to the owner-occupied, single family dwelling.

(2) Installations of plumbing systems in laboratories for experimental purposes only.

(3) A person who regularly employs a maintenance person whose duties include the maintenance

plumbing on the property of that person.

(4) Plumbing or specialty installations performed as part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building is to be sold as a private dwelling or public building.

(5) A person who performs miscellaneous jobs of manual labor on the person's own property in the course of which plumbing repairs or alterations are made.

(6) For the construction, repair or maintenance of buildings used exclusively for agricultural purposes and animal housing located on owner-occupied farms.

(7) Work performed by employees of any public or private water company, who in the main course of their employment install, maintain or repair water supply pipes, meters or control valves.

Section 12: COMPLAINTS

(A) A person may file a complaint with the board by doing so in writing, setting forth a full statement of the facts concerning the alleged infraction of the plumber's licensing statute or rules. In the event a complaint is filed with the Board, the Board's investigation shall not be limited to the matter set forth in the request for investigation but may extend to any act coming to the attention of the board which appears to violate the statute or these rules.

Section 13: DISCIPLINARY PROCEEDINGS.

(A) In accordance with 26 V.S.A. Section 2181, the board may revoke or suspend a license, or refuse to renew a license. This shall not preclude the board from taking lesser steps, including, but not limited to formal reprimand, or required further education and training. The board may act for any of the following reasons:

- (1) Fraud or deceit in obtaining a license.
- (2) Gross negligence, incompetency, misrepresentation or misconduct by a licensee.
- (3) Violation by a licensee of the rules of the Department of Health, the Department of Public Safety or board.
- (4) Failure to comply with a written notice issued under sections 2173, 2174 or 2175 of this title.

(B) The board may take these actions only after notice and provision to the licensee of an opportunity to appear before the board for a hearing, in accordance with 3 V.S.A. Chapter 25, the Vermont Administrative Procedure Act, and these rules issued thereunder.

(C) The board and department will proceed with initiating a complaint against a licensee, investigation of the complaint, action and hearings as described in Appendix C.

Section 14: WORK NOTICES

(A) A work notice shall be filed with the department for all plumbing work covered by these rules and be validated by the department, prior to the start of such work, in order to facilitate the inspection

process authorized by 26 V.S.A. 2199. The term "Permit" as used in the 2012 International Plumbing Code (IPC) shall have the same meaning as "Work Notice validated by the department".

(B) The department may refuse to validate a work notice if the license holder has other plumbing work for which a work notice has not been filed, if the department is owed fees or penalties, or if requested by the Plumbers' Examining Board pursuant to 26 V.S.A. 2181(c).

(C) A work notice is not required for plumbing work described as follows:

- (1) Replacement of a plumbing fixture by a similar fixture utilizing the same source of fuel, utilizing existing water supply and waste lines if the fixture or equipment is up to current code;
- (2) Maintenance or repair within an existing plumbing fixture;
- (3) Replacement of water supply and waste lines without relocation or installation of new plumbing fixtures.

(D) The department may accept an annual plumbing work notice where plumbing installation work is ongoing in an existing building. A plumbing work notice filed under this section shall include the name and location of the building, the licensed plumber responsible for the work and the payment of the minimum fee. The acceptance of an annual plumbing work notice does not modify the requirements for licensure or supervision as established under these rules.

(E) A validated work notice shall expire if the plumber of record ceases work authorized under the work notice is not commenced, or is suspended or abandoned, for a time period of 180 days.

Section 15: SCHEDULE OF WORK NOTICE AND INSPECTION FEES

(A) Fees established by the legislature under 26 V.S.A. Section 2175(a) shall be paid to the Commissioner or a designated representative prior to the validation of a work notice.

(1) For all plumbing work, identified as a priority for inspection and review under Section 18 of these rules, the fee shall be:

(a) \$10 for each plumbing fixture described as a washing machine, dishwasher, grease trap, sand interceptor, sewage ejector pump, water closet, urinal, bidet, disposal, drain, fountain, water cooler, lavatory, bathtub, shower, sink, hose bibb, floor drain, backflow preventer (PRV (pressure reducing valve) or similar device. The total shall not be less than \$50.

(b) \$15 for each plumbing fixture described as a water heater, hydronic heating unit, domestic water coil solar panel, water treatment, thermal expansion tank, pressure tank, mixing valve or water treatment device.

2) For all plumbing work, not identified as a priority for inspection and review under Section 18 of these rules, the fee shall be \$50.

(B) At the discretion of the Commissioner, whenever an owner or licensed plumber requests for an inspection for the owner's or licensed plumber's benefit that an inspection be made outside of the normal working hours, all fees payable by the owner under this section shall be paid in an amount twice the amount indicated under this section.

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Section 13: DISCIPLINARY PROCEEDINGS.

(A) In accordance with 26 V.S.A. Section 2181, the board may revoke or suspend a license, or refuse to renew a license. This shall not preclude the board from taking lesser steps, including, but not limited to formal reprimand, or required further education and training. The board may act for any of the following reasons:

- (1) Fraud or deceit in obtaining a license.
- (2) Gross negligence, incompetency, misrepresentation or misconduct by a licensee.
- (3) Violation by a licensee of the rules of the Department of Health, the Department of Public Safety or board.
- (4) Failure to comply with a written notice issued under sections 2173, 2174 or 2175 of this title.

(B) The board may take these actions only after notice and provision to the licensee of an opportunity to appear before the board for a hearing, in accordance with 3 V.S.A. Chapter 25, the Vermont Administrative Procedure Act, and these rules issued thereunder.

(C) The board and department will proceed with initiating a complaint against a licensee, investigation of the complaint, action and hearings as described in Appendix C.

Section 14: WORK NOTICES

(A) A work notice shall be filed with the department for all plumbing work covered by these rules and be validated by the department, prior to the start of such work, in order to facilitate the inspection process authorized by 26 V.S.A. 2199. The term "Permit" as used in the 2012 International Plumbing Code (IPC) shall have the same meaning as "Work Notice validated by the department".

(B) The department may refuse to validate a work notice if the license holder has other ongoing plumbing work for which a work notice has not been filed, if the department is owed fees or penalties, or if requested by the Plumbers' Examining Board pursuant to 26 V.S.A. 2181(c).

(C) A work notice is not required for plumbing work described as follows:

- (1) Replacement of a plumbing fixture by a similar fixture utilizing the same source of fuel and utilizing existing water supply and waste lines if the fixture or equipment is up to current code;
- (2) Maintenance or repair within an existing plumbing fixture;
- (3) Replacement of water supply and waste lines without relocation or installation of new plumbing fixtures.

(D) The department may accept an annual plumbing work notice where plumbing installation work is ongoing in an existing building. A plumbing work notice filed under this section shall include the name and location of the building, the licensed plumber responsible for the work and the payment of the minimum fee. The acceptance of an annual plumbing work notice does not modify the requirements for licensure or supervision as established under these rules.

(E) A validated work notice shall expire if the plumber of record ceases work authorized under the work notice is not commenced, or is suspended or abandoned, for a time period of 180 days.



§ 2197. Penalty

Any person who installs, any plumbing or specialty installation or who advertises as such, except as provided in section 2198 of this title, without first having obtained an appropriate license under this chapter or who employs a person to perform any plumbing work for which the employee is not licensed or procures any license wrongfully or by fraud, shall be fined not more than \$1,000.00 for each offense.

§ 2198. Exceptions; license not required

(a) All plumbing and specialty work performed in Vermont shall be performed by persons licensed under this chapter except that a license shall not be required for the following types of work:

(1) Any plumbing and specialty work performed by an owner or the owner's regular employees in the owner-occupied freestanding single family dwelling or in outbuildings accessory to the owner-occupied, single family dwelling.

(2) Installations of plumbing systems in laboratories for experimental purposes only.

(3) A person who regularly employs a maintenance person whose duties include the maintenance of plumbing on the property of that person.

(4) Plumbing or specialty installations performed as part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building is to be sold as a private dwelling or public building.

(5) A person who performs miscellaneous jobs of manual labor on the person's own property in the course of which plumbing repairs or alterations are made.

(6) For the construction, repair or maintenance of buildings used exclusively for agricultural purposes and animal housing located on owner-occupied farms.

(7) Work performed by employees of any public or private water company, who in the main course of their employment install, maintain or repair water supply pipes, meters or control valves.

(b) Plumbing installed or maintained by persons included in this section shall conform to state law.

§ 2199. Inspections

The commissioner of public safety or designee may inspect premises subject to the rules adopted under section 2173 of this title.

agent of the municipality at the request of the author-
is or agent thereof in the purchase of supplies, mate-
equipment.

Approved: June 2, 1959.

[H. 2331]

It is hereby enacted by the General Assembly of the State of Vermont:

AN ACT TO PROVIDE FOR PLUMBING RULES AND REGULATIONS AND LICENSING OF PLUMBERS.

NO. 214—AN ACT TO AMEND SECTIONS 8210 AND 8211 OF V. S. 47 (VSA TITLE 21 §§502, 503), RELATING TO INVESTIGATION AND ASSISTANCE BY COMMISSIONER OF INDUSTRIAL RELATIONS IN LABOR DISPUTES.

[S. 1031]

It is hereby enacted by the General Assembly of the State of Vermont:

Section 1. Section 8210 of the Vermont Statutes, Revision of 1947 (VSA Title 21 §502), is hereby amended to read as follows:

8210. *Notice of strike dispute.* When it appears that a strike, lockout or work stoppage is seriously threatened or actually exists, notice may be given to the commissioner of industrial relations by the employer or the employees concerned in such threatened or actual strike, lockout or work stoppage.

Sec. 2. Section 8211 of the Vermont Statutes, Revision of 1947 (VSA Title 21 §503), is hereby amended to read as follows:

8211. *Investigation and report to governor.* When the said Commissioner learns by notice from the employer or employees concerned that a strike, lockout or work stoppage is taking place or is seriously threatened, the commissioner or his agent, for the purpose of terminating or avoiding the same, shall:

- (1) visit the scene of the difficulty;
- (2) confer with the parties to the dispute who are within the state and, with the consent of the governor, with those parties outside the state;
- (3) offer assistance to the parties and attempt to adjust the differences between them;
- (4) draw up a preliminary report of the points of disagreement and submit the same to the parties for criticism, correction and approval. If a satisfactory settlement of the dispute cannot be achieved, the commissioner or his agent shall prepare a report covering the points of difference and his findings and shall forward the report to the governor.

Approved: June 2, 1959.

Section 1. Purpose. The purpose of this act is to protect and improve the general health and welfare of the people of the state of Vermont in the field of environmental sanitation by authorizing rules and regulations for properly designed, acceptably installed and adequately maintained plumbing systems and by licensing qualified plumbers.

Sec. 2. Definitions. The following words and phrases when used in this act shall be construed as follows:

(a) A "public water system" or "public sewerage disposal system" shall mean any system supplying or serving ten or more customers, each family, tenement, store or other establishment being considered a single customer.

(b) A "master plumber" shall mean any person, firm or corporation that as a business, hires or employs a person or persons to do plumbing work, or without hiring any person does that work as a principal business or as auxiliary to a principal business for his or its own account.

(c) A "journeyman plumber" shall mean any person who customarily performs the work of installing plumbing and drainage under the direction of a master plumber or, not being a master plumber as herein defined, does plumbing repair work as a regular part time occupation.

(d) An "apprentice" shall mean any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program properly registered with the Vermont State apprenticeship council.

(e) "Plumbing" is the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes.

Sec. 3. Rules and regulations. The department of health may make and revise such plumbing rules and regulations as it may deem necessary for protection of the public health. The rules and regulations shall be in effect in every city, village and town having a public water system or public sewerage system and apply to all premises connected to the systems. These rules and regulations shall be considered as minimum standards. The local board of health shall provide for enforcement of the rules and regulations.

Sec. 4. Municipal rules and regulations. Any city, village or town, may, by action of its governing body, prescribe plumbing rules and regulations which shall provide not less than the minimum requirements of the rules and regulations of the department

written notice authorized by the local board of health and signed by the health officer and after a reasonable time for performing such work has elapsed, violates any of the rules and regulations promulgated under sections 3 and 4 hereof, or fails to take corrective steps as set forth in the written notice to remedy violations of the rules and regulations, shall be fined not more than \$100.00 nor less than \$10.00.

Sec. 6. Existing buildings. The rules and regulations promulgated under sections 3 and 4 hereof, shall not apply to "public buildings" as defined in section 13 of No. 170 of the Acts of 1951 and shall not apply to existing private dwellings and buildings except as the plumbing systems in them may be altered in the future.

Sec. 7. Plumber's examining board. A plumber's examining board, within the department of health, hereinafter called "board", shall consist of an executive officer who shall be the director of sanitary engineering of the department of health and two other members who shall be appointed by the governor with the advice and consent of the senate. One of the appointive members shall be a master plumber and the other a journeyman plumber. The board shall have authority to examine and license master plumbers and journeyman plumbers and shall have the right to make reasonable rules and regulations necessary for the holding of examinations and for carrying out the purposes of this act.

Sec. 8. Terms of office. The term of office of the appointive members shall be four years, except that upon the passage of this act the governor shall appoint a journeyman plumber whose term will expire March 1, 1961 and a master plumber whose term shall expire March 1, 1963. Thereafter, biennially, the governor shall appoint a plumber qualified as aforesaid for four years.

Sec. 9. Licensing of master plumbers. Any person who, having held a journeyman plumber's license for at least six months, shall upon the payment of a fee of \$15.00 be entitled to an examination and, if found qualified by a majority of the members of the board, shall be licensed as a master plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts and which shall be publicly displayed at the principal place of business of the master plumber, as long as he continues in the plumbing business. Any person refused a license may be re-examined at any subsequent meeting of the board within one year of the time of the refusal without additional fee and thereafter may be examined as often as he may desire upon payment of the fee of \$15.00 for each examination.

Sec. 10. Licensing of journeyman plumbers. Any person who, having successfully completed his apprenticeship in plumbing,

of \$3.00, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a journeyman plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts and which shall be carried on the person and displayed at any time upon request. Any journeyman plumber refused a license may be re-examined at any subsequent meeting of the board within one year of the time of the refusal without additional fee and thereafter may be examined as often as he may desire upon payment of a \$3.00 fee for each examination.

Sec. 11. Applications and examinations. Each applicant for license shall present to the executive officer of the board on blanks furnished by the board, a written application for examination and license containing such information as the board may require, accompanied by the fee required. Applicants for examination shall be residents of this state, examinations shall be in whole or in part in writing and shall include the theoretical and practical nature of plumbing and knowledge of state laws and department of health regulations and such other branches thereof as the board may determine necessary to satisfactorily determine the qualifications of the applicant.

Sec. 12. Examinations not required. Appropriate licenses without examination may be issued to the following applicants upon the payment of the required fee:

(a) To a resident of the state who, at the time of passage of this act, has been actually engaged in the business of a master plumber or a journeyman plumber and presents satisfactory proof to the board that the applicant is a bona fide master or journeyman plumber.

(b) To a person to whom a master plumber's license or a journeyman plumber's license has been previously issued by another state or municipality therein, provided that state or municipality therein maintained a standard of requirements equivalent to those of this state and who presents satisfactory proof to the board that he is a bona fide master or journeyman plumber.

(c) To a corporation or partnership engaged in the business of plumbing, provided one or more officers of the corporation or one or more members of the partnership holds a master plumber's license under this act. Within thirty days after the death or withdrawal of the licensed person as a corporate officer or member of the partnership, he or it shall give notice thereof to the board and, if no other officer or partner is a licensed master plumber, the corporation or partnership shall not act as a master plumber until some other officer or member has obtained a license.

(d) The board may issue temporary licenses pending the next meeting of the board to applicants under this section.

which issued, but may be renewed during the month of January in the following year retroactive to the first day of the month. The fee for renewal of a master plumber's license shall be \$15.00 and the fee for renewal of a journeyman plumber's license shall be \$3.00. Upon failure to pay the annual renewal fee for a period of thirty days, the license shall be forfeited and the holder shall not act thereafter as a master plumber or a journeyman plumber. The board may, in its discretion, reinstate a license upon payment of a fee of \$10.00 and all unpaid renewal fees.

Sec. 14. Revocation of licenses. The board in its discretion after notice and hearing may suspend or revoke a license or any renewal thereof, where the same has been wrongfully or fraudulently obtained or where the holder thereof is found by the board in its discretion to be an improper person to hold the license.

Sec. 15. Penalty. Any person, firm or corporation which installs any plumbing or drainage without first having obtained a license either as a master plumber or as a journeyman plumber, unless he is an apprentice, as defined in this act, or employing a person to do plumbing who has not such a license, unless he is an apprentice, or procures any license wrongfully or by fraud, shall be fined not more than \$100.00 nor less than \$10.00.

Sec. 16. Exceptions. The provisions of sections 7 through 15 shall not apply to the following:

(a) Installation and maintenance of plumbing in dwellings or buildings when done by the owner, lessee or his employees.

(b) Any public or private water company.

(c) A person who regularly employs a maintenance man whose duties include installation and maintenance of plumbing on the property of that person.

(d) A person whose occupation is the doing of miscellaneous jobs of manual labor in the course of which some incidental plumbing repairs or alterations are made by him.

(e) Persons who are residents of and perform plumbing work in cities and towns that have a population of two thousand people or less. However, plumbing installed or maintained by persons included in this section shall conform to the state law and the rules and regulations of the department of health.

Sec. 17. Management of board; payment of fees and records. The executive officer of the board shall receive the fees for examinations, licenses and renewals thereof and shall, within thirty days from the receipt thereof, pay them into the state treasury. He shall also have charge of the records and books of the board.

Sec. 18. Same; per diem and expenses. Each appointive member of the board shall receive \$10.00 per day and actual expenses while engaged in the performance of the duties imposed herein, provided that moneys paid into the state treasury, under the provisions of section 17 hereof, are sufficient to pay those

the extent that there is money to pay for them and make such further payments on account of the per diem accruals as the fees received by the board and paid into the state treasury will allow.

Sec. 19. Appropriation. There is hereby appropriated for the use of the board all moneys paid into the treasury by it and all unexpended balances thereof at the end of each fiscal year.

Sec. 20. This act shall take effect from its passage, but no licenses issued pursuant to this act shall be required until January 1, 1960.

Approved: June 2, 1959.

NO. 216—AN ACT RELATING TO COMPENSATION OF THE LIEUTENANT GOVERNOR, SPEAKER OF THE HOUSE, MEMBERS OF THE GENERAL ASSEMBLY, SECRETARY AND ASSISTANT SECRETARY OF THE SENATE, CLERK, FIRST AND SECOND ASSISTANT CLERKS OF THE HOUSE, DOORKEEPERS AND CLOAK ROOM ATTENDANTS DURING THE RECESS OF THE 1959 GENERAL ASSEMBLY.

[H. 368]

It is hereby enacted by the General Assembly of the State of Vermont:

Section 1. Compensation. Section 10,425 of the Vermont Statutes, Revision of 1947, as amended by section 1 of No. 228 of the Acts of 1951, section 4 of No. 253 of the Acts of 1953, section 8 of No. 277 of the Acts of 1955 relating to the salary of the lieutenant governor; section 10,427 of the Vermont Statutes, Revision of 1947, as amended by section 2 of No. 228 of the Acts of 1951, section 5 of No. 253 of the Acts of 1953 and section 9 of No. 277 of the Acts of 1955 relating to the salary of the speaker of the house; section 10,437 of the Vermont Statutes, Revision of 1947, as amended by section 3 of No. 228 of the Acts of 1951, section 6 of No. 253 of the Acts of 1953 and section 3 of No. 277 of the Acts of 1955 relating to the salary of the members of the General Assembly; section 10,439 of the Vermont Statutes, Revision of 1947, as amended by section 7 of No. 228 of the Acts of 1951 and section 7 of No. 253 of the Acts of 1953 relating to the salaries of the secretary and assistant secretary of the senate and clerk and first and second assistant clerks of the house; section 10,441 of the Vermont Statutes, Revision of 1947, as amended by section 4 of No. 228 of the Acts of 1951, section 9 of No. 253 of the Acts of 1953 and section 4 of No. 277 of the Acts of 1955 relating to salary of the doorkeepers; section 10,442 of the Vermont Statutes, Revision of 1947, as amended by section 5 of No. 228

(H.58)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 26 V.S.A. § 2173 is amended to read:

§ 2173. RULES AND REGULATIONS

The plumber's examining board may, pursuant to the provisions of 3 V.S.A. chapter 25 make and revise such plumbing rules as necessary for protection of the public health. The rules shall be in effect in every city, village and town having a public water system or public sewerage system and apply to all premises connected to the systems. The local board of health and the commissioner of labor and industry shall each have authority to enforce these rules. The rules shall be limited to minimum performance standards reasonably necessary for the protection of the public against accepted health hazards.

Sec. 2. 26 V.S.A. § 2174 is amended to read:

§ 2174. MUNICIPAL RULES AND REGULATIONS

(a) Any city, village or town, by following the procedure for adoption provided for in section 3101 of Title 24, may prescribe plumbing rules which shall provide not less than the minimum requirements of the rules of the plumber's examining board relating to plumbing and may provide for the enforcement of them, and may adopt by reference regulation from any nationally recognized plumbing code that has been printed in book form or portions thereof.

(b) Upon petition, the board shall exempt a city, village or town from the rules, inspections and other requirements of this chapter upon a showing that:

(1) the applying municipality has in effect rules which s subsection (a); and

(2) the applying municipality has the resources and intent satisfactorily enforce those rules.

(c) When a municipality is exempt under subsection (b) of this section, no state inspector shall have jurisdiction, and no person shall be convicted of violating section 2173 or 2197 of this title within that municipality.

(d) The board may revoke an exemption granted under subsection of this section after hearing.

Sec. 3. 26 V.S.A. § 2175 is amended to read:

§ 2175. PENALTIES

Any person who, after he has received a written finding and authorized by the local board of health and signed by the health officer, or after he has received a written finding and order signed the commissioner of labor and industry, and after a reasonable for performing such work has elapsed, violates any of the rules regulations promulgated under sections 2173 and 2174 of this title or fails to take corrective steps as set forth in the written order to remedy violations of the rules shall be fined not more than \$1,000.00.

Sec. 4. 26 V.S.A. § 2181 is amended to read:

§ 2181. MEMBERSHIP; POWERS

(a) A plumber's examining board, within the department of labor and industry, hereinafter called "board", shall consist of five

bers, one of whom shall be the commissioner of labor and industry or his designee and one of whom shall represent the commissioner of health or his designee. The remaining three members shall be appointed by the governor with the advice and consent of the senate. One of the appointive members shall be a master plumber, one shall be a journeyman plumber and one shall be a public member not associated with the plumbing or heating trades.

(b) The board shall have authority to examine and license master plumbers and journeyman plumbers and shall have the right to make reasonable rules.

Sec. 5. 26 V.S.A. § 2197 is amended to read:

§ 2197. PENALTY

Any person, firm or corporation which installs, or advertises the installation, of any plumbing or drainage without first having obtained a license either as a master plumber or as a journeyman plumber, unless he is an apprentice, as defined in this chapter, or employing a person to do plumbing who has not such a license, unless he is an apprentice, or who acts as a master plumber having been issued only a journeyman plumber's license, or procures any license wrongfully or by fraud, shall be fined not more than \$1,000.00. This section shall not apply to persons constructing, or supervising construction of, buildings as part of a training project of a vocational training school; but in that case the supervisor shall cause the work to be inspected and approved by a licensed plumber.

Sec. 6. 26 V.S.A. § 2198(a)(4) and (b) is amended to read:

(4) A person whose occupation is the doing of miscellaneous of manual labor in the course of which some incidental plumbing repairs or alterations are made by him.

(b) Plumbing installed or maintained by persons included in section shall conform to the state law.

Sec. 7. 26 V.S.A. § 2199 is added to read:

§ 2199. INSPECTIONS

The commissioner of labor and industry or his designee may inspect premises subject to the rules adopted under section 2173, and charge a fee fixed by the board which shall not exceed the average cost of performing that type of inspection.

Sec. 8. REPEAL

3 V.S.A. § 114(a)(11), concerning the plumber's examining board, is ~~repealed~~.

Sec. 9. PLUMBING INSPECTOR POSITIONS

The commissioner of labor and industry may employ not more than ten classified employees to perform plumbing inspections, one of whom shall result from the transfer of the existing inspector position appropriation within the office of the secretary of state.

Sec. 10. TRANSITORY PROVISIONS

(a) Plumbing rules previously adopted by the board of health shall remain in force until amended or repealed, subject to section 3 Title 26.

[(1)] To a resident of the state who, after the passage of this chapter and before July 1, 1969, has been actually engaged in the business of a master plumber or a journeyman plumber, but who was not legally required to be licensed to engage in such business, and presents satisfactory proof to the board that the applicant is a bona fide master or journeyman plumber. Appropriate licenses under this subsection may not be issued after July 1, 1970, or after six months from the time a person is separated from the military service, whichever date last occurs.]*

[(2)] To a person to whom a master plumber's license or a journeyman plumber's license or a specialty license or equivalent has been previously issued by another state or municipality [therein], provided that state or municipality [therein] maintained a standard of requirements equivalent to those of this state and who presents satisfactory proof to the board that [he] the applicant is a bona fide [master or journeyman plumber] licensee. An applicant under this subsection shall be exempt from examination only if [he] the applicant holds a license from a foreign state or municipality and if under the laws or regulations of the foreign state or municipality issuing the license a like exemption or reciprocal agreement, or both, is granted to [plumbers duly licensed] licensees under the laws of this state.

[(3)] To a corporation or partnership engaged in the business of plumbing, provided one or more officers of the corporation or one or more members of the partnership holds a master plumber's license under this chapter. Within thirty days after the death or withdrawal of the licensed person as a corporate officer or member of the partnership, he or it shall give notice thereof to the board and, if no other officer or partner is a licensed master plumber, the corporation or partnership shall not act as a master plumber until some other officer or member has obtained a license.]*

[(b)] The board may issue temporary licenses pending the next meeting of the board to applicants under this section.]*

Sec. 16. 26 V.S.A. § 2195 is amended to read:

§ 2195. EXPIRATION AND RENEWAL; RENEWAL; REINSTATEMENT.

CONTINUING EDUCATION

[All licenses issued under this chapter shall expire on December 31 of the year in which issued, but may be renewed during the month of January of the following year retroactive to the first day of the month. The fee for renewal of a master plumber's license shall be \$30.00 and the fee for renewal of a journeyman plumber's license shall be \$20.00. Upon failure to pay the annual renewal fee for a period of thirty days, the license shall be forfeited and the holder shall not act thereafter as a master plumber or a journeyman plumber. The board may, in its discretion, reinstate a license upon payment of a fee of \$10.00 and all unpaid renewal fees.]

(a) All licenses expire on the last day of a month designated by the board. A license shall be valid for two years. The board shall renew a valid license issued under this chapter on receipt of an application for renewal and the required fee before the expiration date of the license.

(b) If a licensee fails to renew his or her license prior to expiration, the licensee may reinstate the license within 90 days of its expiration by paying the reinstatement fee of \$15.00 in addition to the renewal fee.

(c) If the licensee fails to renew within 90 days of the expiration of the license, the licensee shall appear before the board to request reinstatement.

(d) After July 1, 1996, applicants for license renewal shall provide to the board evidence of completion of at least one hour of continued training or instruction, approved by the board, within the previous 24-month period.

Sec. 17. 26 V.S.A. § 2197 is amended to read:

§ 2197. PENALTY

Any person [, firm or corporation which] who installs any plumbing or specialty installation or who advertises [the installation of any plumbing or drainage] as such, except as provided in section 2198 of this title, without first having obtained [a license either as a master plumber or as a journeyman plumber, unless he is an apprentice, defined in this chapter, or employing a person to plumbing who has not such a license unless he is an apprentice, or who acts as a master plumber having been issued only a journeyman plumber's license,] an appropriate license under this chapter or who employs a person to perform any plumbing work for which the employee is licensed or procures any license wrongfully or by fraud shall be fined not more than \$1,000.00 for each offense. [This section shall not apply to persons constructing, supervising construction of, buildings as part of a training project of a vocational training school; but in that case the supervisor shall cause the work to be inspected approved by a licensed plumber.]*

Sec. 18. 26 V.S.A. § 2198(a) is amended to read:

§ 2198. EXCEPTIONS; LICENSE NOT REQUIRED

(a) [The provisions of sections 2181, 2182, 2191-2197 of this title shall not apply to the following:] All plumbing and specialty work performed in Vermont shall be performed by persons licensed under this chapter except that a license shall not be required for the following types of work:

(1) [Installation and maintenance of plumbing dwellings or buildings when done by the owner, lessee or employees, if the dwelling or building is or will be occupied by the owner or lessee.]* Any plumbing specialty work performed by an owner or the owner's regular employees in the owner-occupied freestanding single family dwelling or in outbuildings accessory to the owner-occupied single-family dwelling.

(2) [Any public or private water company installations of plumbing systems in laboratories, experimental purposes only.]

(3) A person who regularly employs a maintenance person whose duties include the maintenance of plumbing on property of that person.

(4) [Plumbing or specialty installations performed part of a training project of a vocational school or of educational institution. However, the installation shall be inspected if the building is to be sold as a private dwelling or public building.]

(5) A person [whose occupation is the doing of] who performs miscellaneous jobs of manual labor on the person's own property in the course of which [some incidental plumbing repairs or alterations are made] [by him].

(6) For the construction, repair or maintenance buildings used exclusively for agricultural purposes animal housing located on owner-occupied farms.

(7) Work performed by employees of any public private water company, who in the main course of their employment install, maintain or repair water supply pipes, meters or control valves.

Sec. 19. REPEAL

26 V.S.A. §§ 2185 (appropriation) and 2196 (disciplinary proceedings) are repealed.

Approved: June 7, 1994

F

(E) Direct tests of materials, devices, or assemblies made, or sufficient evidence or proof be submitted, at the expense of the owner, where the evidence or proof is necessary to determine whether the material, device or installation method meets the requirements of these rules.

(F) Revoke, amend, or refuse to issue a plumbing work notice where, in the opinion of the Commissioner or a plumbing inspector, the results of tests referred to in Subsection (e) of this section are not satisfactory.

(G) Order the removal of any plumbing systems or equipment installed in violation of these rules.

(H) Prioritize inspections of plumbing systems based on the relative risks to persons or property arising from potential plumbing code violations.

(I) Pursuant to 26 V.S.A. 2175(d), assess an administrative penalty for each violation of this code.

(J) Order any company supplying fuel service to the premises to disconnect the fuel supply until the cited violation has been removed or corrected.

Section 6: DUTIES OF THE OWNER

The owner of the building or structure, or a designated representative shall:

(A) Not install or maintain, or cause to be installed or maintained, any plumbing system or equipment which is unsafe or is likely to be unsafe to persons or property.

(B) Observe these rules in all public buildings, or private residences on public water or sewer, which are under their control.

(C) Allow the Commissioner or a plumbing inspector to enter any public building, or private residence on public water or sewer, at any reasonable time for the purposes of administering or enforcing these rules.

(D) File a work notice and obtain a validated work notice required under Section 14 of these rules before any plumbing work begins in a single family home connected to a public water or sewage system.

(E) Engage the services of a properly licensed plumber to file a work notice and obtain a validated work notice as required under Section 14 of these rules before any plumbing work begins in a public building.

Burlington Department of Public Works Special Commission Meeting
Draft Minutes, 8 March 2016
53 Lavalley Ln

Commissioners Present: Robert Alberry; Tiki Archambeau (Vice Chair); Chris Gillman; Jeff Padgett (Chair); Tom Simon (*arrives at 6:39pm*). **Commissioners Absent:** Jim Barr; Solveig Overby.

Item 1 Call to Order – Welcome – Chair Comments

Chair Padgett calls meeting to order at 6:36PM and makes opening comments.

Item 2 – Agenda

Commissioner Alberry makes motion to remove Agenda Item 3 ñ Public Forum and approve the altered Agenda and is seconded by Vice Chair Archambeau.

Action taken: motion approved;

óAyesô are unanimous.

Commissioner Simon arrives

Item 3 – 10-12 Intervale Ave Appeal of Plumbing Code

A) Staff Presentation introduced by Assistant Director of Technical Services Norm Baldwin (introducing a copy of the Notice of Hearing), Senior Assistant City Attorney Eugene Bergman (introducing copies of appellant's 2 plumbing permit applications; of Burlington City Ordinances 25-2 ñ 25-4, 25-9, 25-10; of the Inspection Agreement Between the State of Vermont and the City of Burlington; of pages 1 ñ 3, 5, 9 ñ 11 in the Vermont Plumbing Rules), and given by Plumbing/Mechanical Inspector John Ryan who presents the city's case concerning the 2 denials of issuance for the appellant's 2 separate permit applications; Appellant Presentation by Dr. Chris Khamnei who responds to the city's case (introducing copies of page 11 of document listed as (A); of page 28 of document listed as (B); of pages 240 ñ 245 of Public Acts, 1959; of pages 130 ñ 133 of Public Acts, 1979; of Public Acts, 1994 number 176; of page 5 of document listed as (F)) with Attorney Bergman replying.

B) Commission Questions

Chair Padgett, Vice Chair Archambeau, and Commissioners Alberry, Gillman, and Simon ask questions concerning staff's presentation with Attorney Bergman and Inspector Ryan answering; Chair Padgett, Vice Chair Archambeau, and Commissioner Simon ask questions with Dr. Khamnei answering and Attorney Bergman replying.

C) Public Comment

D) Commissioner Discussion

E) Motion made by Commissioner Alberry to move into Executive Session.

Seconded by Vice Chair Archambeau.

Discussion

Action taken: motion passed;

óAyesô unanimous.

Item 4 – Executive Session for Appeal

Item 5 – Adjournment

No action taken.