

BY-LAW NO. 45-12

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-law of the Corporation of the City of Cambridge for Licensing, regulating and governing Drain Layers and Drain Layer Contractors and to repeal By-law 22-06.

AND WHEREAS the City deems it desirable to license, regulate and govern Drain Layers and Drain Layer Contractors.

AND WHEREAS public notice was given and a public meeting was held at which any person who attended was given an opportunity to make representation with respect to the matters herein.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE enacts as follows:

1. SHORT TITLE

This By-law may be known as the “Drain Layers and Drain layer Contractors License By-law”.

2. PURPOSE OF LICENSE

The City hereby exercises its licensing powers including imposing conditions on Drain Layers and Drain Layer Contractors for the purposes of:

(a) Health and Safety; and

(b) Consumer Protection

3. EXPLANATION

The reason for licensing Drain Layers and Drain Layer Contractors is to ensure that only qualified persons install drain work so as to minimize the spread of disease and minimize the probability of failure.

4. DEFINITIONS

“City” means the Corporation of the City of Cambridge.

“Drain Layer” means a person who:

- (a) is skilled in the planning, and installing of drain work;
- (b) is familiar with the laws, rules and regulations governing drain work; and
- (c) is a person who may perform drain work.

“Drain Layer Contractor” means a person who carries on the business of drain work.

“Drain Layer’s Assistant” means a person who performs drain work under adequate supervision of a licensed Drain Layer and is employed by a licensed Drain Layer Contractor.

“Drain Work” means work related to sanitary building sewers, storm building sewers, private water supplies, water service pipes or fire service mains, as defined by the Ontario Building Code S.O. 2006 c. 23 as amended.

“License” means a current valid license issued under the provisions of this By-law and “licensed” shall have a corresponding meaning;

“Maintenance” means the keeping in repair of drain work, the repairing or replacement of a valve, catch basin, manhole or fixture or forcing out a stoppage but shall not mean or include the installation, construction or relocation of drain work or additions thereto.

“Plumber” means a person who has been issued a Certificate of Qualification in the trade of Plumbing under the Trades Qualification and Apprenticeship Act as amended or the Apprenticeship and Certification Act 1998 as amended, or such future act that regulates the trade and profession of plumbing.

5. APPLICATION FOR DRAINLAYER LICENSE

- (a) Every application for a Drain Layer License shall be accompanied by information relative to the applicant’s knowledge of the provisions of all codes and standards relating to the design and installation of drain work.
- (b) Every application for a Drain Layer License may be required to undergo an examination to test his knowledge of the provisions of this By-law and of all codes and standards relating to the design and installation of drain works.
- (c) Examination fees shall be paid to the City at the time of application for examination and shall be in compliance with the City of Cambridge Municipal Rate Review By-law as amended. Examination fees shall not be refundable.

- (d) If an applicant fails to pass the required examination, the applicant shall be required to pay the amount as set in the City of Cambridge Municipal Rate Review By-law as amended for the second and each subsequent examination. The rewrite of an examination cannot be undertaken in a reciprocating municipality until a period of three months has elapsed.
- (e) The Chief Building official shall set the date and time for writing the examination. The examination may be of the following types: written, chart or oral, or any combination thereof. The applicant must obtain a 70% standing in each section of the examination in order to receive a passing grade overall.
- (f) Every applicant for a Drain Layer License who claims to be licensed in another municipality shall:
 - (i) certify in writing that the applicant has successfully passed an examination qualifying the applicant to be licensed as a Drain Layer; and
 - (ii) submit a letter to the City, signed by the licensing authority of an approved municipality which is listed in Schedule 'A', in which the applicant holds an existing Drain Layer License, which letter certifies that the applicant has been licensed by that municipality and is in good standing in that municipality.
- (g) A licensed Drain layer shall notify the City in writing and within 5 days of their termination of employment from a Drain Layer Contractor.

6. APPLICATION FOR DRAIN LAYER CONTRACTOR LICENSE

- (a) Every applicant for a Drain Layer Contractor's license shall:
 - (i) have a regular place of business;
 - (ii) include the mailing address of the business premises; and
 - (iii) have a Drain Layer license and/or employ a licensed Drain Layer.

7. LICENSES

- (a) Drain work shall be installed only by a Plumber or a licensed Drain Layer Contractor.
- (b) The License issued to a Drain Layer Contractor or Drain Layer does not entitle the holder such License to perform any plumbing work within a building.
- (c) No person shall carry on business or advertise as a Drain Layer Contractor without a current valid License for such business.

- (d) No person shall perform drain work or advertise without a current valid Drain Layer License.
- (e) The following shall be exempt from the requirements to be licensed under the provisions of this By-law:
 - (i) a Plumber;
 - (ii) the owner performing drain work on the owner occupied single family dwelling;
 - (iii) a Drain Layer's Assistant.
- (f) Every license shall be valid for the calendar year in which it is issued and shall expire on the 31st. day of December, in the year in which it is issued.
- (g) Applications to renew a license from the previous year must be received no later than January 31st. of the following year.
- (h) Every application for a license under this By-law shall be made in writing on the application form approved by the Chief Building Official.
- (i) No License issued under this By-law is transferrable.
- (j) No person shall apply for a license for any other person.
- (k) Every application for a license shall be subject to review and approval by the City.
- (l) Every person issued a license shall have available upon request by the Chief Building Official or his/her designate, a copy of the current license while engaged in drain work.
- (m) No person shall advertise or promote or carry on a business except under the name stated on the License.
- (n) Any license may be refused or suspended or revoked by City Council for:
 - (i) contravention of this By-law;
 - (ii) contravention of the Building Code Act or Regulations; or
 - (iii) upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

8. A list of each applicant that wrote and passed the examination in the City of Cambridge shall be kept on file.
9. Neither the granting of a building permit nor the approval of plans and specifications, nor inspection made by a Building /Plumbing inspector shall in any way relieve the Drain Layer Contractor from full responsibility for carrying out the work authorized thereby in strict accordance with the provisions of this By-law and the Regulations made pursuant to the Ontario Building Code Act.
10. Every person or corporation who contravenes any provision of this By-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and is liable, upon conviction, to a penalty as provided for by the Provincial Offences Act, as amended.
11. In the event that any section of this By-law, including any section or part of the schedules is declared by a court of competent jurisdiction to be *ultra-vires*, the remaining parts shall remain valid and binding and shall be read as if the offending section has been struck out.
12. This By-law comes into force and effect on the day it is enacted and passed.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED THIS 26TH DAY OF MARCH, 2012

MAYOR

CLERK

SCHEDULE A

A LIST OF APPROVED MUNICIPALITIES

1. The Corporation of the City of Cambridge
2. The Corporation of the City of Kitchener
3. The Corporation of the City of Brantford
4. The Corporation of the City of London
5. The Corporation of the city of Stratford