



# City of Saint Paul

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## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**In control:** City Council

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**Title:** Amending Chapter 338 of the Saint Paul Legislative Code pertaining to the House Sewer Property Owner Requirements and Contractor License.

**Sponsors:** Russ Stark

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff report on Proposed Changes to Chapter 338

Date	Ver.	Action By	Action	Result
1/27/2017	1	Mayor's Office	Signed	
1/25/2017	1	City Council	Adopted	Pass
1/18/2017	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
1/11/2017	1	City Council	Laid Over to Third Reading/Public Hearing	
1/4/2017	1	City Council	Laid Over to Second Reading	

Amending Chapter 338 of the Saint Paul Legislative Code pertaining to the House Sewer Property Owner Requirements and Contractor License.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Chapter 338 of the Saint Paul Legislative Code is hereby amended to read as follows:

Chapter 338. - House Sewer Contractor

#### **Sec. 338.01. - Repair and maintenance; ~~L~~icense required; definition.**

(a) All property owners are required to maintain and repair their residential, commercial or other building sewers, and sewer lines which extend from the building wall of the property up to and including the connection to the public sewer or outlet. Repair or installation of the portion of the sewer line that is located on private property must be performed in accordance with Chapter 76 and the Sewer Utility Specifications of the Department of Public Works.

(b) All maintenance and repair on the public right-of-way must be performed by a qualified house sewer

contractor as defined in this chapter.

~~(a)(c)~~ No person shall engage in the business of a house sewer contractor in Saint Paul without a license.

~~(b)(d)~~ “House Sewer Contractor” means and includes any person engaged in the business of building or repairing that portion of the house or building sewer extending from the property line to the main sewer or other outlet.

(e) All work performed by any house sewer contractor licensed by the City of Saint Paul shall comply with the provisions of this chapter and with the current Sewer Utility Specifications on record with the Department of Public Works.

#### **Sec. 338.02. - Fee.**

The license fee required is as set forth in Saint Paul Legislative Code section 310.18.

#### **Sec. 338.03. - Application, qualifications, examination, eligibility, ~~bond and insurance~~.**

~~(a) Application, approval.~~ All applications shall be made to the Regulatory and Records Engineer of the Sewer Utility ~~inspector on such forms as s/he may prescribe. When the application, together with the bond and insurance as required, is complete, the inspector~~ Regulatory and Records Engineer shall refer it to the ~~d~~D irector of the ~~d~~Department of ~~p~~Public ~~w~~Works for such examination or testing as may be required. No license shall be issued by the ~~Regulatory and Records Engineer inspector~~ without the approval of the ~~d~~D irector of the ~~d~~Department of ~~p~~Public ~~w~~Works, ~~in accordance with the findings recommendation of the board of examiners.~~

(b) Qualifications. Any person who possesses a City of Saint Paul Master Plumbers Competency Certificate, or any person who has had at least three (3) years' experience in responsible charge of minor sewer work involving the knowledge of trenching, bracing, tunnel work, pipe laying in public streets, and all other matters pertaining to and incidental to such sewer work, is eligible to submit an application for a license. The Regulatory and Records Engineer shall review all applications and notify applicants whether they meet the minimum licensee qualifications.

(c ) Examination. Any person who meets the qualifications set forth in Section 338.03(b), shall be required to take a 2-hour closed book written test. The test shall be administered by the Regulatory and Records Engineer of the Sewer Utility. An applicant must pass the closed book written test with a score of at least 70%.

(d) *Re-examination.* Should the applicant fail to pass the examination, s/he shall be entitled to file a new application and take a second examination. Should s/he fail the second examination, s/he will not be eligible for another examination for a period of one (1) year from the date of the last examination, at which time s/he may file a new application and take another examination.

(e) *Additional license requirements.* An applicant who passes the examination pursuant to Section 338.03 (c) must meet all the Department of Safety and Inspections bond and insurance requirements in section 338.04 and pay the license fee before being issued a house sewer contractor's license by the Department of Safety and Inspections.

(b) *Bond.* Before a house sewer contractor shall to engage in business, he shall furnish a surety bond to the department of public works of the City of Saint Paul in the sum of ten thousand dollars (\$10,000.00), in a form acceptable to the city attorney, which bond shall be so conditioned to guarantee that such work as the house sewer contractor is to be permitted to perform shall be in accordance with ordinances governing this class of work, and in accordance with specifications, rules, regulations and conditions prescribed by the Director of Public Works. Said bond shall be further conditioned to protect and save harmless the City of Saint Paul from any and all liability, damage and expense which said city may sustain by reason of authorizing such permit work.

(c) *Insurance.* Whenever a license is issued hereunder, the provisions of Section 1.44, Subsections A, C, D, E, K, L, M, N, O and P of the City of Saint Paul, Minnesota Department of Public Works Specifications for Street and Sewer Construction, as amended, shall apply. Certificate(s) of insurance submitted as proof of coverage shall be in a form acceptable to the city attorney and shall include the "Saint Paul Uniform Endorsement" as required under section 7.03 of the Saint Paul Legislative Code (Uniform License Endorsement). Said certificate(s) must be submitted to the department of public works, approved by the city attorney, and filed with the department of finance and management services prior to issuance of the license.

(d) *Qualifications.* Any person who has had at least three (3) years' experience in responsible charge of minor sewer work, involving the knowledge of trenching, bracing, tunnel work, pipe laying in public streets, and all other matters pertaining to and incidental to such sewer work, is eligible to receive a license, after having passed examination by the board of examiners and satisfying all requirements of this chapter.

**Sec. 338.04. - Bond and insurance requirements. Examination; board of examiners, etc.**

(a) *Bond.* Before a house sewer contractor applicant shall be issued a license, s/he shall furnish a surety bond to the Department of Safety and Inspections of the City of Saint Paul in the sum of ten thousand dollars (\$10,000.00), in a form acceptable to the city attorney, which bond shall be so conditioned to guarantee that such work as the house sewer contractor is to be permitted to perform shall be in accordance with ordinances governing this class of work, and in accordance with specifications, rules, regulations and conditions prescribed by the Director of Public Works. Said bond shall be further conditioned to protect and same harmless the City of Saint Paul from any and all liability, damage and expense which said city may sustain by reason of authorizing such permit work.

(b) *Insurance.* Before a house sewer contractor applicant shall be issued a license, s/he shall submit, in a form acceptable to the city attorney, all required certificate(s) of insurance to the Department of Safety and Inspections of the City of Saint Paul. The house sewer contractor shall also meet all the insurance requirements of Chapter 310 of the Saint Paul Legislative Code (Uniform License Procedures).

(a) *Application.* Any person desiring to become a house sewer contractor in the City of Saint Paul shall at such time and place as the board of examiners may designate be required to submit himself to such examination as to his qualifications to work at or engage in the business as a house sewer contractor as the board may deem advisable.

(b) *Board of examiners.* There shall be a board of examiners of seven (7) members consisting of the director of the department of public works who shall be chairman, the chief engineer of the City of Saint Paul, the sewer engineer of the City of Saint Paul, a house sewer inspector who shall act as secretary, and three (3) licensed house sewer contractors actively engaged in such business.

The house sewer inspector and the three (3) house sewer contractors shall be appointed to the board of examiners by the director. Said appointed members shall hold office until the first day of May following appointment and shall serve without compensation.

(c) *Meetings, when held.* The chairman of the board shall be empowered to call a meeting of the board whenever in his opinion there is a sufficient number of applicants for examination.

(d) *Record of proceedings.* It shall be the duty of the secretary to keep a record of the acts and proceedings of the board.

(e) *Examinations.* The board shall examine the applicant as to his practical knowledge of the work incidental to the construction of house sewer connections and, if satisfied as to the competency of such applicant, the board may recommend to the inspector that a license be issued.

(f) *Re-examination.* Should the applicant fail to pass the examination, he shall be entitled to file a new

application and take second examination. Should he fail the second examination, he will not be eligible for another examination for a period of one (1) year from the date of last examination, at which time he may file new application and take examination at the first regular meeting of the board.

#### **Sec. 338.05. - License not transferable.**

A house sewer contractor's license shall not be transferable. No person holding a license shall allow his/her name to be used by any other person for the purpose of obtaining permits or to do any of the work for which said license is issued.

#### **Sec. 338.06. - Revocation; cause; suspension; reinstatement.**

(a) The license may be revoked upon satisfactory proof that the holder of said license has willfully violated any of the provisions of this chapter.

(b) A revoked license shall not be reinstated in any manner for a period of six (6) months, and only upon conditions imposed by the Director of Public Works.

(c) A license may be suspended upon determination that the holder of said license has violated any Sewer Utility Specifications as defined in Section 338.01(d). Suspension of a license shall include suspension of privileges to obtain permits from the Sewer Utility for such a period of time as determine by the Director of Public Works.

~~(e)~~(d) The failure to pay, within sixty (60) days, any legitimate claim the City of Saint Paul may have against a house sewer contractor shall constitute cause for suspension of revocation of license until such time as all claims are paid in full in addition to late fees in accordance with Chapter 96 of the Saint Paul Administrative Code.

## SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.