



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 210740

Introduced September 23, 2021

**Councilmember Parker
for
Council President Clarke**

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Chapter 9-1000 of The Philadelphia Code, entitled "Trades," and Chapter 9-3000, entitled "Sheet Metal Technician", to create a license requirement for Mechanical System Contractors and to modify licensing requirements applicable to Sheet Metal Systems Technicians; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of the Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-1000. TRADES

* * *

§ 9-1004. Contractors.

* * *

(4) Application Requirements. Applications and renewals for a Contractor's license shall be made on forms to be supplied by the Department. No license or renewal shall be issued until the applicant:

* * *

City of Philadelphia

BILL NO. 210740 continued

(c.1) in the case of entities not licensed under Sections 9-1003, 9-1005, [or] 9-1006, or 9-1007, provides the Department with evidence of the following:

* * *

§ 9-1007. Mechanical System Contractors.

(1) Definitions.

(a) *Mechanical System Contractor.* Any company, entity or person that undertakes or offers to undertake the installation, alteration, repair, testing, servicing, maintenance, inspection and/or certification of mechanical systems, or any part of such systems.

(b) *Mechanical System.* Any system, including sheet metal systems, composed of components, devices, appliances and equipment which is regulated by Subcode M (The Philadelphia Mechanical Code) of Title 4, The Philadelphia Building Construction and Occupancy Code. Such systems include, but are not limited to, heating, ventilation, air conditioning, exhaust, and smoke control.

(c) *Sheet Metal Systems.* All duct work, ferrous and non-ferrous, including applicable materials and parts, used in providing heating, ventilation, air conditioning and exhaust services to buildings or structures.

(d) *Sheet Metal Systems Technician Certificate Holder.* A person who has satisfied the requirements of Chapter 9-3000 and has been issued a Sheet Metal Systems Technician Certification by the Department.

(2) Mechanical System Contractor Licensing and Other Requirements.

(a) No person or business entity shall act as a Mechanical System Contractor unless that entity possesses a current license issued under this Section.

(b) *License Exception.* A person shall be exempt from this requirement if the person is doing Mechanical Systems work for the purpose of making improvements on an existing one or two-family dwelling that the person owns and occupies or intends to occupy.

(c) No Mechanical System Contractor shall perform work on sheet metal systems unless the Contractor has on staff in a full-time position at least one Sheet Metal Systems Technician Certificate Holder. Nor shall such Contractor employ for the purpose of performing sheet metal work, or allow such work to be performed by, someone who is not lawfully authorized to perform such work. The Sheet Metal Systems Technician Certificate Holder responsible for the work shall sign all certificates and deficiency notices for installation, alteration, repair, testing, servicing, or inspection of sheet metal systems.

City of Philadelphia

BILL NO. 210740 continued

(d) A Mechanical System Contractor shall abide by all other applicable requirements of law, including Section 9-1004.

(e) No Mechanical System Contractor shall permit another person to use the license assigned to the Mechanical System Contractor to secure permits or perform activity regulated under this Chapter for work to be performed by a person or entity other than the Contractor.

(f) No Mechanical System Contractor shall employ an unlicensed subcontractor to perform any work regulated under this Section.

(g) No Mechanical System Contractor shall knowingly or recklessly make a misrepresentation or omission regarding mechanical system work which has been performed or which is to be performed.

(3) Requirements for License.

(a) Applications for a Mechanical System Contractor license shall be made on forms to be supplied by the Department. No license or renewal shall be issued unless the applicant, in addition to providing the information required by subsection 9-1004(4), provides the following:

(.1) proof that the applicant has obtained the insurance required by this Section;

(.2) identifies at least one supervisory employee who has successfully completed an examination related to the Mechanical Codes as determined by the Department by regulation;

(.3) provides payment of a non-refundable application fee of \$20 which shall replace the fee in subsection 9-1004(4)(c) and which shall be credited toward the annual license fee if the license is issued; and

(.4) if the licensee intends to perform sheet metal systems work, provides the name and certificate number of at least one full-time employee who is the holder of a Sheet Metal System Technician Certificate issued by the Department.

(.a) If the full-time employee who holds such a certificate leaves employment with the licensee, or The Mechanical System Contractor chooses to change the name of the certificate holder employee identified in connection with the license, the Contractor shall notify the Department in writing within five business days of the change and provide the name and certificate number of the person who is substituted for the previously identified certificate holder.

City of Philadelphia

BILL NO. 210740 continued

(b) No Mechanical System Contractor shall provide false information on any license, certificate or permit application filed with the Department.

(c) Licenses issued under this section shall be valid for one year and renewed annually by the license holder in a form provided by the Department with payment of a fee of \$103.

(4) Insurance Requirements. All Contractors licensed under this Section shall maintain, at a minimum, the following types and amounts of insurance:

(a) Workers' compensation where applicable: statutory limits;

(b) comprehensive general liability insurance in an amount determined by the Risk Manager; and

(c) motor vehicle liability insurance in an amount determined by the Risk Manager.

(5) License Suspension and Revocation; Other Remedies.

(a) The Department may suspend or revoke any license granted under this Section for any of the following reasons, after an administrative hearing conducted after notice of the proposed suspension or revocation has been sent to the licensee:

(.1) fraud or deceit in obtaining or renewing a license or permit; fraud or deceit in responding to a Department audit or investigation; or conviction of a crime of fraud or dishonesty in connection with the licensed activity;

(.2) repeated failure to comply with the provisions of The Philadelphia Code;

(.3) violating the Philadelphia Code in a manner that creates a significant dangerous condition or significant risk to public safety;

(.4) failure to obtain or maintain the insurance required by this Section;

(.5) failure to pay any fine imposed for a violation of any provision of this Section or of Title 4 of The Philadelphia Code within ten days of imposition by a final order from which all appeals have been exhausted;

(.6) failure to pay a tax or charge imposed in connection with the activity licensed under this Section;

City of Philadelphia

BILL NO. 210740 continued

(.7) repeated failure to provide the Department with accurate cost estimates of construction activity on permit applications; or

(.8) removal or destruction of a stop work order posting or willful violation of a stop work order.

(6) Penalties.

(a) Notwithstanding any other provision of this Title (including, but not limited to, Section 9-105), any person who violates any provision of this Section or any regulation adopted pursuant to this Section shall have committed a Class II offense and be subject to the fines set forth in subsection 1-109(2) of The Philadelphia Code or to imprisonment not exceeding ninety (90) days or to both.

* * *

SECTION 2. Title 9 of the Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-3000. SHEET METAL TECHNICIAN

* * *

§ 9-3004. Sheet Metal Systems Technician Certification.

(1) To obtain a sheet metal systems technician certificate, an applicant must pay an application fee of one hundred fifty dollars (\$150) and either:

(a) [take and pass an examination designated by the Department for purposes of this Chapter] *provide the Department evidence demonstrating that he or she has successfully completed a registered sheet metal technician apprenticeship program;* or

(b) meet the qualifications for reciprocity pursuant to Section 9-3006 of this Chapter[; or].

[(c) meet the requirements of Section 9-3007 of this Chapter during the one-year grace period established by that Section and apply for such certification within the time frame specified in that Section.]

[(2) To take an examination for a sheet metal systems technician certificate required by this Chapter, an applicant must provide the Department, in addition to any other information

City of Philadelphia

BILL NO. 210740 continued

required by the Department, evidence demonstrating that he or she has successfully completed a registered sheet metal technician apprenticeship program.]

[(3)] (2) The Department shall issue [a] *an* [picture] identification certification card to persons who meet the qualifications for a sheet metal systems technician certificate under this Chapter. A certified sheet metal systems technician shall carry this card at all times when performing work on sheet metal systems.

* * *

[§ 9-3007. Grace Period for Transition to Full Certification/Permitting Requirements.

(1) No person shall be required to possess any certificate or permit mandated by this Chapter in the first 180 days from the effective date of this Chapter. During the period from 181 days after the effective date of this Chapter through one year after the effective date of this Chapter, no person shall be required to possess any certificate or permit mandated by this Chapter provided he or she has submitted the necessary certificate or permit application within 180 days from the effective date of this Chapter.

(2) The Department shall issue a sheet metal systems technician certificate without examination to any person who submits an application for such certificate during the 180 day period after the effective date of this Chapter, provided the applicant pays the required application fee and submits evidence demonstrating he or she has:

(a) performed at least 10,000 hours of documented full-time practical experience working on sheet metal systems; or

(b) has completed a registered sheet metal technician apprenticeship program.]

§ [9-3008] 9-3007. Registry of Sheet Metal Technician Certificate and Permit Holders.

* * *

§ [9-3009] 9-3008. Expiration of Certificates and Permits.

* * *

§ [9-3010] 9-3009. Penalties.

* * *

SECTION 3. Section 1 of this Ordinance shall be effective January 1, 2023. Section 2 of this Ordinance shall be effective immediately.