

ORDINANCE NO. 03-5251

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 6-511, 6-512, and 26-115; UPDATING DEFINITION OF "PLUMBING CONTRACTOR" TO EXCLUDE EXCAVATION WORK; ADDING DEFINITION OF "CONSTRUCTION CONTRACTOR"; REQUIRING UTILITY BOND AND INSURANCE FOR PLUMBING CONTRACTOR'S AND CONSTRUCTION CONTRACTOR'S CITY BUSINESS TAX RECEIPT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 26-115 of the Billings, Montana, City Code be amended so that such section shall read as follows:

"Sec. 26-115. Permit required for connection, extension or use.

No person shall uncover, make any connections with or opening into, extend, use, alter or disturb the water supply system and/or wastewater system without first obtaining a written permit from the city and providing the insurance and bond required by Section 6-512."

Section 2. That Section 6-511 of the Billings, Montana, City Code be amended so that such section shall read as follows:

"Sec. 6-511. Plumbing contractor's or construction contractor's license required.

(a) No person shall do plumbing contracting in the city without first obtaining a Montana plumbing contractor's or construction contractor's license and paying the City business tax required by Section 13-423 from the city. Application for this license and payment of the tax shall be made on forms at the City's Finance Department. ~~provided by the city and shall include the name and address of the applicant. After approval of the license application and payment of a license fee as prescribed by council resolution, the city shall issue a plumbing contractor's license.~~

(b) A 'plumbing contractor' is defined in this section as an individual, firm, copartnership, corporation, association, or combination of these, who undertakes or offers to undertake for another the planning, laying out, supervising, and

installing or making the additions, alterations and repairs in the installation of water distribution systems, drainage systems, fixtures, heating systems and the related piping. A registered mechanical engineer who plans or designs plumbing installations is not a plumbing contractor.

(c) A "construction contractor" is defined in this section as an individual, firm, copartnership, corporation, association, or combination of these, meeting the definition in Section 39-9-102, MCA, or any other like entity, who undertakes or offers to undertake for another the planning, laying out, supervising, and installing or making the additions, alterations and repairs in the installation of water distribution systems, drainage systems and the related piping outside the "field of plumbing" as defined in Section 37-69-101, MCA. Only the actual connection and installation of the water and/or sewer pipe is included. Any digging, excavation, tunneling, or opening up of any public places or alleys of the city requires a separate Excavation Bond and compliance with Article 22-300, BMCC, dealing with excavations.

(e d) A plumbing contractor, if an individual, shall maintain a current master plumber's license issued by the state department of ~~professional and occupational licensing~~ labor and industry. A plumbing contractor, if a firm or corporation, shall employ an individual with ~~the~~ a current master plumber's license to supervise any plumbing work as regulated by the ~~state~~ Board of Plumbing.

(e) A construction contractor shall maintain a current certificate of registration with the state department of labor and industry, unless specifically exempted by Section 39-9-211, MCA. The state contractor's registration number shall be included on the business tax application form submitted to the city.

(~~e~~ f) The state master's plumber's license number and the state contractor's ~~license~~ registration number shall be included on the ~~license application~~ business tax application form submitted to the city."

Section 3. That Section 6-512 of the Billings, Montana, City Code be amended so that such section shall read as follows:

"Sec. 6-512. ~~Combination water/sewer-u~~Utility bond and insurance required for plumbing contractors and construction contractors.

(a) Before issuance of the plumbing contractor's or construction contractor's City business tax receipt license, the contractor shall post a surety bond in the amount of ten thousand dollars (\$10,000.00) executed by a surety company authorized to do business in the state, conditioned to hold the city harmless and reimburse the city for any cost incurred in connecting and installing water and/or

sewer pipe due to nonperformance by the bondholder. Said surety bond shall be filed with the eCity eClerk and must have the bond number assigned by the surety company indicated on the face of the bond. No continuation certificates to renew the surety bond will be accepted. The bond shall provide that the licensee will in good faith perform all of the things required by the city and will comply with required ordinances, codes and other governing regulations and laws. , and shall further provide that any injury to any person or damage to any property caused by the licensee's failure or neglect to conform with any provisions of this article or other ordinance of the city relating to the installation of plumbing piping and equipment shall require the licensee to hold harmless and indemnify any person injured or the owner of any property damaged. This bond only covers the actual connection and installation of the water and/or sewer pipe. Any digging, excavation, tunneling, or opening up of any public places or alleys of the city requires a separate Excavation Bond and compliance with Article 22-300, BMCC, dealing with excavations.

(b) Insurance is required to protect the City. The city shall not issue the permit required by Section 26-115 until the applicant has filed with the City Engineering Department a certificate of public liability insurance in the amount of seven hundred and fifty thousand dollars (\$750,000.00) per claim and one and one-half million dollars (\$1,500,000.00) per occurrence as outlined in Section 2-9-108, MCA, conditioned to hold the city harmless from any damage or injury whatsoever to any person or property of any description, however owned, by reason of the licensee's failure or neglect to conform with any provisions of this article or other ordinance of the city relating to the installation of plumbing piping and equipment.

The insurance requirement can be met by purchasing and maintaining Commercial General Liability Insurance, which shall include premises operations, independent contractor's protection, broad form property damage (including explosion, collapse, blasting and underground damage where applicable), products and completed operations coverage.

The General Aggregate will apply separately to each of the contractor's projects by use of a "per project" General Aggregate Endorsement. The following limits will be secured at a minimum:

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| <u>Personal and Advertising Injury</u> | <u>\$1,500,000</u> |
| <u>Per Occurrence: Bodily Injury and Property Damage</u> | <u>\$1,500,000</u> |
| <u>General Aggregate</u> | <u>\$2,000,000</u> |
| <u>Products and Completed Operations Aggregate</u> | <u>\$2,000,000</u> |
| <u>Additional Insured – City of Billings</u> | |

The contractor may satisfy the required limits by either General Liability Insurance or a combination of General Liability Insurance and Excess (or umbrella) Liability Insurance. In the event the General Aggregate limit is reduced by an amount greater than \$500,000, the contractor will provide written notice to the City of Billings of this fact.

The city must be named as an additional insured on the liability insurance policy or policies. The city shall be notified in writing thirty (30) days prior to any cancellation or nonrenewal of the policy. The notice of cancellation must be sent to the City Engineering Department.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 28th day of July, 2003.

PASSED, ADOPTED and APPROVED on second reading this 11th day of August, 2003.

CITY OF BILLINGS

By _____
Mayor

ATTEST:

By _____
City Clerk