To: Chairman and Members of the Building Board of Review

From: Anna Bespoyasny
Superintendent – Permits & Inspections

Date: November 1, 2019

Subject: EXAMINATION AND LICENSING BOARD
Proposed Ordinance Change
Case #19-13

Analysis

Background
The Planning Department presently administers sixteen separate boards. Seven of these boards concern licensing. They have redundant duties, lack uniform standards, or meet infrequently. There is some inconsistency in residency requirements and term length, insufficient members for proper operation and overlap in the qualifications of board members. The Chief Mechanical Inspector participates in various capacities on six of these boards. The Chief Electrical Inspector participates in some capacity on two of these boards. An analysis of the boards was conducted in 2012 and 2013, and a recommendation made to consolidate the boards that concern licensing. The Permits & Inspection Division is presenting this recommendation to the Building Board of Review: to combine seven of these boards into one Examination and Licensing Board. The boards affected are the following:

40-56: Air conditioning and air distribution board
40-165: Board of engineer examiners
40-258: Oil burner examining board
40-396: Board of examiners for hoisting and portable engineers
40-515: Board of steamfitter and pipefitter examining board
44-81: Electrical board
51-12: Sign examining board

Purpose
The proposed Examination and Licensing Board would reduce the seven separate boards and their twenty-one appointees into a single board with nine representatives. The three chief inspectors would function as non-voting ex officio members, present to advise and provide the benefit of their expertise in the trades on the Code.
By combining the separate boards into one Examination and Licensing Board, uniformity and consistency would be improved and it would have a great impact on city resources and achieve substantial efficiencies.
Duties
The board shall have complete control over the examination of applicants for licenses required by the provisions of this article and shall decide upon the qualifications of all applicants. Some of the duties shall include:

1. Administer examinations for certificates pursuant to the requirements of the Code.
2. Review third party examination scores or applicant qualifications, pursuant to the requirements of the Code.
3. Certify to Permits & Inspections those applicants fit for licensure, registration, or issuance of a certificate of competency.
4. Oversee Continuing Education Units requirements and license renewals.
5. Undertake the review of any and all complaints lodged against licensees and any revocation or suspension of licenses/registrations.
6. Create and manage an advisory committee from each represented trade which may offer advice, explanation and assistance to the board when requested.

Term
Board members would serve staggered three year terms, not to exceed two terms, and each member would be required to be a resident of the city of Omaha.

Members
The Board of Examining and Licensing would be composed of the most experienced representatives from each trade, as well as engineers and city inspectors. Attention was given to maintaining equal representation of union and open shops where applicable.

1. Professional Mechanical Engineer (ten years of experience)
2. Professional Electrical Engineer (ten years of experience)
3. ACAD Contractor - Union (five years of experience)
4. ACAD Contractor – Open (five years of experience)
5. Master Electrician – Union (five years of experience)
6. Master Electrician – Open (five years of experience)
7. Master Steamfitter – Union (ten years of experience)
8. Master Steamfitter - Open (ten years of experience)
9. Master Sign Erector (five years of experience)

Ex-officio non-voting members:

1. Chief Building Inspector
2. Chief Mechanical Inspector
3. Chief Electrical Inspector

RECOMMENDATION: Approval

ATTACHMENTS: Draft ordinances for Ch 40, Ch 44 and Ch 51 of the Omaha Municipal Code
AN ORDINANCE to amend Sections 40-7 through 40-55, Sections 40-86 through 40-105, Sections 40-176 through 40-205, Sections 40-268 through 40-278, Sections 40-298 through 40-308, Sections 40-332 through 40-340, Sections 40-374 through 40-384, Sections 40-419 through 40-425, Sections 40-490 through 40-505, Sections 40-537 through 40-541, of the Omaha Municipal Code Chapter 40, to repeal as heretofore existing and delete Sections 40-56 through 40-85, 40-165 through 40-172, 40-258 through 40-263, 40-396 through 40-418, 40-515 through 40-525, in their entirety; to harmonize procedures for the examination, licensing, and review of competency of various trades through the elimination of separate licensing boards; add a new Article XII to provide for the creation of the Examination and Licensing Board; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Article II. Air Conditioning and Air Distribution, of the Omaha Municipal Code is hereby amended to read as follows:

ARTICLE II. AIR CONDITIONING AND AIR DISTRIBUTION

DIVISION 1. - GENERALLY

Section 40-7. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Air conditioning/air distribution, or ACAD: A system providing for the control of any one or more of the following factors affecting both physical and chemical conditions of the atmosphere within a structure: temperature, humidity, movement, and purity.

Apprentice ACAD/sheet metal installer: A person engaged in training to become qualified to install, alter, or replace ACAD or sheet metal systems.
Board: The air-conditioning and air-distribution board created by this article. The examination and licensing board established pursuant to section 40-620 of this Code.

Commercial: Any work not defined as residential.

Direct supervision: An apprentice must be assigned to a supervisor who holds a master ACAD contractor license or a journeyman ACAD license, journeyman sheet metal commercial license or journeyman sheet metal residential license issued by the board. "Direct supervision" shall mean that the supervisor and the apprentice shall be working at the same project address but need not be within sight at all times.

Employee: A person who is hired to perform ACAD work for a master ACAD contractor or master ACAD contractor (residential) in exchange for compensation and who does not provide these services as part of an independent business.

Experience: Work performed while employed by a master ACAD contractor or master ACAD contractor (residential). A minimum of 1,750 hours of work per year constitutes one year of experience.

Journeyman ACAD license: A license required for any person engaged in the installation, alteration, or replacement of any commercial and residential air conditioning/air distribution system governed by this article under the supervision of a master ACAD contractor.

Journeyman sheet metal commercial license: A license required for any person engaged in the installation of commercial or residential sheet metal ductwork. Such person shall obtain a license to do so from the board. This license will allow the holder to perform unlimited sheet metal installations.

Journeyman sheet metal residential license: A license required for any person engaged in the installation of residential sheet metal ductwork. Such person shall obtain a license to do so from the board. This license will allow the holder to perform only residential sheet metal installations.

License: A certificate of competency authorizing the holder to act as allowed by this article.

Licensed contractor: A holder of a valid master ACAD contractor license or a master ACAD contractor (residential) license for air conditioning/air distribution issued under the provisions of this article.

Master ACAD contractor: A person qualified and licensed to work on all commercial and residential ACAD systems governed by this article.
Master ACAD contractor (residential): A person qualified and licensed to work on all residential ACAD systems governed by this article.

Minor service repairs and/or alterations: Replacement and/or adjustment of components initially installed in an air conditioning/air distribution system, for repairs and/or alterations that do not include changing ductwork, plenums, ACAD equipment installation, or adding registers, grilles or diffusers. Permits will be required except as noted by section 40-111.

Project: The scope of the work defined by the permit.

Residential: Detached one- and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress.

Section 40-8. Complaint procedure.

Any person having knowledge of any suspected violation of this article may file a complaint with the permits and inspections division. Each complaint may be in writing, filed in duplicate, with one copy being retained by the permits and inspections division and one copy being forwarded to the secretary of the board. Such complaint may be signed at the option of the party making the complaint. Such complaint shall contain the following information:

(a) Name and address of suspected violator.

(b) Location and description of suspected violation.

(c) Nature of violation and evidence of existence of same.

Each complaint, as determined by the superintendent of the permits and inspections division, shall be investigated by the permits and inspections division. The results of such investigation shall be available to the board upon request of the board.

Section 40-9. Enforcement authority.

The chief mechanical inspector and his/her assistant inspectors, under the direction and supervision of the superintendent of the permits and inspections division, shall be authorized and directed to enforce this chapter.

Section 40-10. Right of entry.

Upon presentation of proper credentials, the superintendent of the permits and inspections division, or his/her duly authorized representatives, may enter, at reasonable times, any building,
structure, or premises within the jurisdictional area of the city to perform any duty imposed upon him/her by this article.

Sections 40-11—40-25. - Reserved.

DIVISION 2. - LICENSES AND REGISTRATIONS

Subdivision A. - In General

Section 40-26. Required.

In order to perform work governed by this article, a person must hold a master ACAD contractor license, a master ACAD (residential) contractor license, a journeyman ACAD license, a journeyman sheet metal commercial license, a journeyman sheet metal residential license, or be registered as an apprentice ACAD/sheet metal installer as follows:

(a) Master ACAD contractor license. It shall be unlawful for any person within the jurisdiction of the city to engage in the business of installing, altering, repairing, servicing, or adding to, or changing in any manner any air conditioning/air distribution system on commercial properties, unless such person shall be a holder of a valid master ACAD contractor license issued by the permits and inspections division. Exception to this section may be allowed, for work performed by a homeowner subject to the provisions of section 40-107.

(b) Master ACAD contractor (residential) license. It shall be unlawful for any person within the jurisdiction of the city to engage in the business of installing, altering, repairing, servicing, or adding to, or changing in any manner any air conditioning/air distribution system on residential properties, unless such person shall be a holder of a valid master ACAD contractor license or master ACAD (residential) contractor license issued by the permits and inspections division.

(c) Journeyman ACAD license. Any person engaging in the installation, alteration, or replacement of any commercial or residential air conditioning/air distribution or exhaust system shall obtain be issued a license to do so from the board permits and inspections division.

(d) Journeyman sheet metal commercial license. Any person engaged in the installation of commercial or residential sheet metal ductwork shall obtain be issued a license to do so from the board permits and inspections division. This license will allow the holder to perform unlimited sheet metal installations.
(e) **Journeyman sheet metal residential license.** Any person engaged in the installation of residential sheet metal ductwork shall obtain a license to do so from the board permits and inspections division. This license will allow the holder to perform only residential sheet metal installations.

(f) **Apprentice ACAD-sheet metal installer.** A person engaged in training to become qualified to install, alter, or replace any commercial or residential air conditioning/air distribution system as an apprentice shall first register with the board permits and inspection division.

**Section 40-27. Registration required.**

Any person desiring to engage in business, as a licensed contractor within the jurisdiction of the city shall have such person’s full name, residence and place of business registered with the permits and inspections division. No person shall in any case be granted a master ACAD contractor license or master ACAD contractor (residential) license unless registered as required by this section.

**Section 40-28. Change of address.**

It shall be the duty of any person registered with the permits and inspections division as required by this article, in the event of a change in address, to notify the permits and inspections division at once of such change.

**Section 40-29. Compliance with other laws.**

Any person holding a valid current license as a contractor shall comply with all provisions of the city relating to the operation of a business within the zoning jurisdiction of the city.

**Section 40-30. Qualifications.**

(a) **Master ACAD contractor license or master ACAD contractor (residential) license.** To obtain a master ACAD contractor license, the applicant must satisfy the following criteria:

1. Experience. The applicant must meet one or more of the following experience requirements:

   a. Eight or more years verifiable experience in the installation of ACAD systems; or
b. Four or more years verifiable experience in the installation of ACAD systems employed by a licensed master ACAD contractor after obtaining a journeyman ACAD technician license from the City of Omaha; or

c. Four or more years verifiable experience in the installation of ACAD systems employed by a licensed master ACAD contractor after obtaining a journeyman ACAD technician license from another city with requirements equal to the City of Omaha.

(2) Examination. The applicant must successfully complete an examination administered by the board or a third party testing agency designated by the board with a minimum grade of 75 percent.

Exception: If the applicant has completed the same examination administered by the board or a third party testing agency designated by the board with a score of 75 percent or greater, the board may waive the examination requirement.

Exception: If the applicant has a valid Bellevue, Nebraska, or State of Iowa master ACAD contractor license with an examination score of 75 percent or greater, the board may waive the examination requirement.

(3) The applicant must pay the required fees per section 40-43.

(4) The applicant must post a bond and proof of insurance per section 40-32.

(5) Applications shall be received in writing by the board permits and inspection division along with supporting documentation and the application fee. All applicants must be present at the next scheduled board meeting to answer questions.

(b) *Journeyman ACAD license, or journeyman sheet metal commercial license, or journeyman sheet metal residential license.* To obtain a journeyman ACAD license, or a journeyman sheet metal commercial license, or a journeyman sheet metal residential license, the applicant must satisfy the following criteria:

(1) Experience. The applicant must meet one or more of the following experience requirements:

a. Five or more years verifiable experience in the installation of ACAD systems; or
b. Four or more years verifiable experience employed by a licensed master ACAD contractor in the installation of ACAD systems; or
c. Applicants may apply one of the following credits towards the experience requirements:

1. Up to two years for post high school education.
2. Two (2) years for NATE "Core" and installation certifications.

(2) Examination. The applicant must successfully complete an examination administered by the board or a third party testing agency designated by the board with a minimum grade of 75 percent. For a journeyman sheet metal residential license the applicant must successfully complete an examination administered by the board or a third party testing agency designated by the board with a minimum grade of 70 percent.

(3) Exception: If the applicant has completed the same examination administered by the board or a third party testing agency designated by the board with a score of 75 percent or greater, the board may waive the examination requirement. For a journeyman sheet metal residential license the minimum examination grade of 70 percent is required.

(4) Exception: If the applicant has a valid Bellevue, Nebraska, or State of Iowa journeyman ACAD license with an examination score of 75 percent or greater, the board may waive the examination requirement. For a journeyman sheet metal residential license the minimum examination grade of 70 percent is required.

(5) Exception: For a period of six months following the enactment of this section, an applicant who has been employed by a master ACAD contractor licensed by the City of Omaha for four or more years may apply for and be granted a journeyman ACAD license or a journeyman sheet metal commercial license, or a journeyman sheet metal residential license without completing an examination. This exception shall automatically expire six months following the effective date of the section.

(6) The applicant shall pay the fees required by this article.

(7) Applications shall be received in writing by the board permits and inspection division along with supporting documentation and the application fee.
(c) **Apprentice registration.**

(1) Every apprentice shall register his/her name, address, and place of employment with the board permits and inspections division by December 31st of each year and pay a registration fee as required by this article. Changes of address or employment must be filed within 30 days, but no fee is required.

(2) Applications Registrations shall include proof of employment by a licensed master ACAD contractor.

**Section 40-31. Appeal from denial.**

Any person who has been denied a master ACAD contractor license, master ACAD contractor (residential) license, journeyman ACAD license, journeyman sheet metal commercial license, or journeyman sheet metal residential license by the board under the provisions of this article may appeal the decision of the board to the administrative appeals board by complying with the provisions of section 2-171 et seq. of this Code.

**Section 40-32. Bond and insurance.**

(a) Prior to receiving a master ACAD contractor license or master ACAD contractor (residential) license required by the provisions of this article, an applicant who has successfully passed the examination required by this article shall furnish a corporate surety bond in the penal sum of not less than $10,000.00 conditioned that the applicant shall, in all material by him/her furnished and in all work by him/her done and performed within the jurisdictional area of the city in installing, altering or repairing any air conditioning/air distribution system, strictly comply with this code and ordinances of the city related thereto as now existing or hereafter enacted.

(b) Said bond shall be executed by a qualified surety company licensed to do business in the state. Said bond, before being accepted by the permits and inspections division, shall be approved as to form by the city law department, and shall further be conditioned, among other things, to indemnify the city against any lawsuits brought or judgments obtained against the city, or any of its officials, employees or the board, and to hold the same harmless from any costs or expenses occasioned by any injury or casualty happening to any person, persons or property, real or personal, either directly or indirectly through the installation, altering, cleaning or adding to, or change in any manner of any air conditioning/air distribution system, or any furnace, restaurant appliance hoods and their duct systems, or any exhaust or intake ventilating systems as set forth in this article, at any and all places within the jurisdictional area of the city by the applicant or by his/her or their employees.
(c) The bond for an individual holding a master ACAD contractor license or master ACAD contractor (residential) license in his/her own behalf shall name said individual as principal. The bond for an individual holding a license on behalf of a firm or corporation shall name both the individual and the firm or corporation as principals.

(d) In addition to the aforementioned bond, prior to the issuance of a master ACAD contractor license or master ACAD contractor (residential) license, an applicant shall furnish a certificate of insurance, which provides a combined coverage for bodily injury and property damage in a minimum amount of $300,000.00.

(e) Inactive status may relieve an individual of the above requirements subject to the provision of section 40-92.

Section 40-33. Issuance and restriction.

(a) Upon certification that an applicant has successfully passed the required examination, the permits and inspections division shall issue the appropriate license when the applicant pays the license fees and, in the case of the master ACAD contractor license or master ACAD contractor (residential) license, files the bond and insurance as required by section 40-32.

(b) A master ACAD contractor license or a master ACAD contractor (residential) license required by the provisions of this article may only be issued to an individual on behalf of one firm or one corporation actively engaged in the business of a contractor.

(1) Exception: If the license holder owns 50 percent or more of any additional company, firm or corporation, he/she may also use his/her license for that company, firm or corporation.

(c) Licenses issued under the provisions of this article shall not be transferable to any other person.

(d) If the holder of a master ACAD contractor license or a master ACAD contractor (residential) license for a firm or corporation leaves the firm or corporation due to termination of employment or death, the firm or corporation may apply to the board, and the board may issue certify a temporary master ACAD contractor license or master ACAD contractor (residential) license provided that the requirements of sections 40-32, and the fees required by sections 40-34 and 40-87 are paid. The temporary license shall be valid for up to six months from the date of issuance by the permits and inspections division.
Section 40-34. - Renewal.

(a) All licenses or registrations issued as provided in this chapter shall be renewed upon payment of the renewal fee required per section 40-43. Such renewal license shall be granted without a re-examination unless it is made to appear by affidavit or other evidence before the board that the applicant is no longer competent or entitled to such renewal license. In the event said renewal license is not approved, the applicant shall be required to pass the examination required for such new license.

(b) Master ACAD contractor licenses and master ACAD contractor (residential) licenses shall not be renewed until the holder has submitted proof of bond and insurance as required by section 40-32.

(c) Renewal license or registration fees are due and payable by December 31st of every year. Renewal fees paid within 30 days after the due date shall be in the amount of the renewal fee plus the lapsed license fee provided in section 40-43. Renewal fees paid 31-60 days after the due date shall be in the amount of the renewal fee plus four times the lapsed license fee provided in section 40-43.

(d) Any license or registration not renewed within 60 days after expiration shall be considered permanently lapsed and the holder must re-apply per section 40-30.

Section 40-35. Cancellation for inactivity.

If a master ACAD contractor license or master ACAD contractor (residential) license holder does not apply for a permit for a period of one year, the board may hold a hearing; and, if the license holder shall fail to show good cause why a permit has not been taken, his/her license may be revoked. Inactive status may be requested by an individual subject to the provisions of section 40-92.

Section 40-36. Revocation/suspension—Grounds.

(a) A master ACAD contractor license, master ACAD contractor (residential) license, journeyman ACAD license, journeyman sheet metal commercial license, or a journeyman sheet metal residential license issued under the provisions of this article may be revoked or suspended by the board if the license holder has been convicted of an offense related to work regulated by this article. The basis of the conviction must be a relevant provision of federal, state, or city law,

(b) A master ACAD contractor license, master ACAD contractor (residential) license, journeyman ACAD license, journeyman sheet metal commercial license, or journeyman sheet metal residential license issued under this article may be revoked or suspended by
the board when it finds that the holder thereof is guilty of any one or more of the following:

1. Fraud or misrepresentation in securing such license.
2. Incompetence in the exercise of the privileges of such license.
3. Fraudulent use of a license.
4. Refusal to perform work in accordance with law.
5. Misuse of a license.
7. Violation of the zoning law of the city.
8. Any other violations of law which the board finds to be contrary to the intent and purposes of this code.
9. Fraudulent business practice connected with the use of the license.

Section 40-37. Revocation/suspension—Procedure.

(a) In all cases involving revocation or suspension of a master ACAD contractor license, master ACAD contractor (residential) license, journeyman ACAD license, journeyman sheet metal commercial license, or journeyman sheet metal residential license, at least 15 days' notice of the contemplated revocation/suspension shall be served in writing by certified mail at the address of the certificate holder as shown in the permits and inspection division; and said notice shall indicate the time and place of the hearing and the general grounds of said contemplated revocation/suspension, and shall advise the holder of his/her right to appear at said hearing in person or by counsel for the purpose of presenting his/her defense.

(b) The board shall make a complete record of the case and may at its discretion keep a stenographic record of the testimony produced at such hearings. The board may take up such other business at such hearings, as it may deem advisable.

(e) No person whose license has been revoked shall be granted a new license until the expiration of 12 months after the revocation aforesaid and successful reexamination and payment of all fees as in the original instance. The revocation of a license shall not entitle the holder to a refund of any part of the fees, which he/she may have paid.
(d) No person whose license has been suspended shall be granted a new license without first making application to the board and paying all fees in the original instance. The suspension of a license shall not entitle the holder to a refund of any part of the fee, which he/she may have paid.

Section 40-38. Revocation/suspension—Appeal.

The holder of a license issued under the provisions of this article may appeal a decision of the board revoking or suspending such license to the administrative appeals board by complying with section 2-171 et seq. of this code.


(a) An apprentice ACAD installer shall not perform work on any commercial ACAD project unless he/she is under the direct supervision of a holder of a master ACAD contractor license, journeyman ACAD license, journeyman sheet metal commercial license, or journeyman sheet metal residential license.

(b) The supervisor shall be a full time employee of the company performing the ACAD or sheet metal work and shall have provided the bonds and insurance per section 40-32.

Section 40-40. Reciprocal requirements.

The holder of a valid master license from another city may apply for a corresponding City of Omaha license if either of the following criteria is met:

(a) The applicant holds a valid license from a city of similar size and with requirements similar to section 40-30; or

(b) The applicant has successfully passed the other city's examination with a score of 75 percent or greater, and the board finds that such examination is similar to the examination for the corresponding City of Omaha license.

Section 40-41. Term and renewal.

Master ACAD contractor licenses, master ACAD contractor (residential) licenses, journeyman ACAD licenses, journeyman sheet metal commercial licenses, and journeyman sheet metal residential licenses and apprentice registrations shall be valid for up to one year, expiring on December 31st of every year.
Section 40-42. Continuing education requirement.

During each one year license term, every master ACAD contractor, master ACAD contractor (residential), journeyman ACAD license, journeyman sheet metal commercial license, and journeyman sheet metal residential license holder shall participate in continuing education activities related to their craft. Such activities shall be approved by the board or be sponsored by one of the following organizations:

- American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE)
- Heating and Cooling Contractors Association (HACCA)
- Lincoln Heating and Cooling Contractors Association
- Mechanical Contractors Association of Omaha (MCAO)
- Metropolitan Utilities District (MUD)
- Omaha Public Power District (OPPD)
- RSES
- Sheet Metal Workers Local #3

Prior to renewal of any license issued by this code, the permits and inspections division, the license holder shall submit proof of at least four hours of approved continuing education during the past one-year period.

Section 40-43. Licensing fees.

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<tr>
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<tr>
<td>Application for master or journeyman license</td>
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<tr>
<td>Master license renewal</td>
<td>$50.00</td>
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<tr>
<td>Journeyman ACAD or sheet metal license renewal</td>
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<tr>
<td>Lapsed license fee</td>
<td>$15.00</td>
</tr>
<tr>
<td>Apprentice or senior apprentice ACAD technician registration</td>
<td>$25.00</td>
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Sections 40-44—40-5585. - Reserved.

Subdivision B. — Board of Examiners

Section 40-56. Created.

There is hereby created a board to be known as the air conditioning and air distribution board in and for the city.
Section 40-57. Composition; qualifications of members.

The board shall consist of four air conditioning/air distribution contractors and a registered professional mechanical engineer.

(1) Each licensed contractor shall have the following qualifications provided that the conditions of paragraphs (a), (b) and (c) may be met by a retired contractor that has held a master ACAD contractor license for the last ten years:

(a) A holder of a current, valid and registered master ACAD contractor license issued by the city.

(b) Actively engaged in the business of installing, altering, repairing, or servicing air conditioning/air distribution systems in the area of the city.

(c) A permanently established air conditioning/air distribution business in his/her own right or shall be registered as doing business on behalf of a firm or corporation that is permanently established in the business.

(d) Had at least five years' experience as a certified and active contractor in the city.

(e) Two licensed contractors shall be representative of the residential contractors and primarily engaged in the installation and construction of all types of furnaces, air conditioning units and ventilating systems over 500 CFM in residential units. One such member shall be currently affiliated with a union shop, and one such member shall be currently affiliated with a merit or open shop.

(f) Two licensed contractors shall be representative of the commercial-industrial contractors and primarily engaged in the installation and construction of commercial and industrial air conditioning and air distribution systems. One member shall be currently affiliated with a merit or open shop, and one member shall be currently affiliated with a union shop.

(3) The registered professional mechanical engineer shall have the following qualifications:

(a) Be registered by the State of Nebraska, and practicing in the Omaha area.

(b) Have had at least ten years' experience in the design of air conditioning/air distribution and ventilating systems.

Section 40-58. Appointment of members.
The members of the board shall be appointed by the mayor and approved by the city council.

Section 40-59. Term of members.

Appointments shall be for a maximum term of three years such that no more than two members' terms shall expire in any year. Members shall serve until a replacement is appointed and approved.

Section 40-60. Vacancies.

Any vacancy occurring in the membership of the board for any reason other than the expiration of a term shall be filled for the unexpired term.

Section 40-61. Compensation of members.

Board members shall not be compensated for serving as members of the board.

Section 40-62. Organization.

(a) To accomplish its duties the board shall select one of its members each year in January as chairperson, one to act as secretary, and one to act as vice-chairman.

(b) The officers shall serve from February 1 of each year to January 31 of the following year.

(c) It shall be the duty of the chairman to preside at all meetings. If the chairperson is not present for any meeting, the vice-chairperson shall preside.

(d) The secretary of the board shall keep full, true and correct minutes and records of all meetings, applications for examinations, examinations given, results thereof and licenses issued.

(e) Board decisions shall be concurred in by at least three members of the board.

Section 40-63. Office supplies and secretarial services.

The permits and inspections division shall provide the board with a recording secretary and all stationery and stenographic services necessary for the conduct of its business and duties. The board secretary may delegate to the recording secretary the duties to keep full, true and correct minutes and records of all meetings, applications for examinations, examinations given, results of examinations and licenses issued.

Section 40-64. Quorum.

Three members of the board shall constitute a quorum for the transaction of business coming before it.
Section 40-65. Adoption of rules and regulations.

The board shall make such rules and regulations and prescribe such procedures as may be necessary for its operation in conformity with the provisions of this article.

Section 40-66. Scope of authority.

The board shall have the complete control over the examination of applicants for licenses required by the provisions of this article and shall decide upon the qualifications of all applicants.

Section 40-67. Duties.

The duties and responsibilities of the board shall include but shall not be limited to the following:

(a) The board shall hold regular meetings when necessary for the purpose of examining applicants who have filed their written application for licenses required by the provisions of this chapter, or for the conduct of any other business upon call by the chairperson.

(b) Examination of applicants shall be conducted at the board's discretion with a minimum of once each quarter. The written portion of the examination shall be monitored by the board or, at the board's discretion, by a duly authorized representative. All rules and regulations shall be uniformly applied. The board shall keep an accurate record of all applications for examinations and examinations given with results.

(c) The board shall certify to the permits and inspections division the names of all successful applicants with recommendations for the issuance of licenses. It shall keep accurate minutes of all its meetings and keep such other records as may be required thereafter. The minutes of all meetings shall be available for public inspection.

(d) The board shall adopt written examinations designed to determine if the applicant is capable of designing and installing residential or commercial and industrial air conditioning, air distribution and ventilating systems to protect and promote public safety and welfare.

(e) The board shall review the examination grades and pass upon all applications for licenses required under the provisions of this chapter.
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(f) The board shall have the authority to accept, as equivalent, examinations taken in
other jurisdictions, when authorized by this chapter.

(g) The board shall annually review the tests given for the licenses and shall adopt
such revisions as are necessary to keep tests current with building and industry
methods and requirements.

(h) The air-conditioning/air-distribution examinations shall be given at the
Omaha/Douglas County Civic Center or a site designated by the board.

(i) Storage and filing facilities shall be provided by the city.

(j) Some of the examination questions shall be taken from the various codes and
regulations legally adopted by the city.

(k) The board shall at each meeting review all complaints as filed.

(l) The board may request legal advice from the city law department.

(m) The board shall have authority to grant a temporary master ACAD contractor
license or master ACAD contractor (residential) as required in section 40-33.

Sections 40-68—40-85. Reserved.

Subdivision CB. - Examinations

Section 40-86. Application.

(a) Any person desiring to engage in business as a contractor may make written application
to the permits and inspections division to take the examination for a master ACAD
contractor license, or master ACAD contractor (residential) license established by the
board pursuant to section 40-30. The examination fee shall be paid at the time of making
such application. Once approved, permission to take the examination shall be valid for
180 days.

(b) Any person wishing to engage in the installation, alteration, repair, or replacement of any
commercial air conditioning/air distribution system may make written application to the
permits and inspection division to take the examination for journeyman ACAD license
established by the board per section 40-30. Once approved, the application shall be valid
for 180 days.

(c) Any person wishing to engage in the installation, alteration, repair, or replacement of any
commercial sheet metal system may make written application to the permits and
inspection division to take the examination for journeyman sheet metal commercial license established by the board per section 40-30. Once approved, the application shall be valid for 180 days.

(d) Any person wishing to engage in the installation, alteration, repair, or replacement of any residential sheet metal system may make written application to the permits and inspection division to take the examination for journeyman sheet metal residential license established by the board per section 40-30. Once approved, the application shall be valid for 180 days.

Section 40-87. Fee.

Any person desiring to take an examination for a license required by this division shall pay the appropriate fee pursuant to section 40-43.

No part of such fee shall be refunded on account of the failure of the applicant to qualify for a license.

Section 40-88. Examination.

(a) Examinations shall be held at the Omaha-Douglas Civic Center or alternate location designated by the board within 30 days of the approval of an application.

(b) The examination shall be conducted by the board or a third-party testing agency designated by the board.

Section 40-89. Notice on failure.

In case the applicant shall fail to satisfy the board that he/she possesses the necessary knowledge and skill to properly and safely perform the things set forth in this chapter, he/she shall not be granted the requested license. The board shall notify the applicant of his/her failure to pass the examination.

Section 40-90. Request for reexamination.

(a) If an applicant fails to achieve a passing score, he/she may re-take the exam for a six-month period from the date his/her original application was authorized. The applicant shall pay the designated testing agency an examination fee for any reexamination.

(b) If an applicant fails to achieve a passing score during the original six month authorization period, he/she may re-apply after a period of not less than one year from the date that his/her original application for examination was authorized. The applicant shall provide documentation of eight hours of continuing education and shall pay an application fee.
Section 40-91. Certification of successful applicants.

The board shall, at its next regular meeting after an examination has been given, certify to the permits and inspections division the name of each successful applicant with recommendations for the issuance of the appropriate license for said person.

Section 40-92. Inactive status of license.

(a) If any person holding a current master ACAD contractor license, or a master ACAD (residential) contractor license, wishes to be relieved of the provisions of sections 40-32 and 40-35 of this code, he/she shall apply to the air conditioning and air distribution board in writing or in person, stating the reason for requesting an inactive status of the license.

(b) Upon approval by the air conditioning and air distribution board, the license shall then be marked "inactive" and coded numerically as such. Additionally:

(1) No bond or certificate of insurance as stated in section 40-32 shall be required by the holder of such license.

(2) No permit shall be taken out by the holder of such license, nor shall any work as a contractor is done by said person.

(3) An annual renewal fee shall be paid as provided in section 40-43 of this code.

(4) After a five-year period of inactive status, the license holder shall appear before the board to renew his/her inactive status.

(c) If a holder of a license, wishes to put the license into an active status again, the provisions of sections 40-32 and 40-35 shall apply as before.

Sections 40-93—40-105. - Reserved.

Section 2. That Article III. Boiler and Pressure Vessels, of the Omaha Municipal Code is hereby amended to read as follows:

ARTICLE III. - BOILER AND PRESSURE VESSELS

DIVISION 2. - BOARD OF EXAMINERS
Section 40-165. Composition.

The board of engineer examiners shall be composed of three members. One shall be the boiler inspector.

Section 40-166. Qualifications of members.

The appointed members of the board of engineer examiners shall each have at least ten years' practical experience in the operation and maintenance of steam boilers, shall be qualified to make boiler inspections and shall hold first grade stationary engineer's certificates.

Section 40-167. Appointment of members.

The members of the board shall be appointed by the mayor and approved by the city council.

Section 40-168. Compensation of members.

The appointed members of the board of engineer examiners shall receive $10.00 for each meeting of the board at which they are present.

Section 40-169. Meetings.

The board of engineer examiners shall meet at least once each calendar month for the examination of applicants or their examination papers; however, such meeting shall not be held unless there are two or more applications on file. The president of the board shall have the power to call special meetings of the board when deemed necessary. The secretary of the board shall be required to keep minutes of all meetings. The board shall not hold more than two sessions per month.

Section 40-170. Quorum.

A majority of the members of the board of engineer examiners shall constitute a quorum for the transaction of business.

Section 40-171. Office supplies and secretarial services.

The boiler inspector and the board of engineer examiners shall be provided with all stationery necessary for their official duties and stenographic services for use in the conduct of examinations.
Section 40-172. Duties.

The board of engineer examiners shall prepare and conduct all examinations provided for in this article.

Sections 40-173165—40-175. - Reserved.

DIVISION 32. - CERTIFICATES

Section 40-176. Required.

No person shall operate, or cause to be operated, any boiler plant unless there shall be in charge of such plant an experienced person who holds a certificate of the proper grade in good standing granted by the board of engineer examiners examination and licensing board and issued by the permits and inspections division as provided in this article, or who holds a temporary permit as provided in section 40-189.

Section 40-177. Exemptions.

The following plants shall be exempt from the provisions of this article:

(a) Heating plants used for heating a private dwelling.
(b) All plants having a pressure not exceeding 15 pounds per square inch steam and not exceeding 750 square feet of boiler heating surface.
(c) All steam plants over 15 pounds pressure under 500 square feet heating surface.
(d) Hot water heating plants not exceeding 1,000 square feet of heating surface.

Section 40-178. Required personnel for plants in continuous operation.

In the event that a boiler plant is operated day and night, the owner or user thereof shall employ certified engineers, as required by this article, during the entire time the plant is in operation.

Section 40-179. Preventing compliance.

No owner, agent, lessee or employer shall by means of threats of dismissal or by any form of compulsion or persuasion attempt to prevent compliance with the provisions of this article by any person amenable thereto.
Section 40-180. Grades established.

The board of engineer examiners examination and licensing board shall issue certify grades of certificate based on examinations therefor and upon which the applicant has received passing grades:

(a) First grade stationary engineer's certificate.
(b) Second grade stationary engineer's certificate.
(c) Third grade stationary engineer's certificate.

Section 40-181. First grade certificate.

A first grade stationary engineer's certificate shall entitle the holder to take charge of and operate any steam, power, refrigeration or compressor plant within the city. At least one such certificate shall be required for each plant having steam prime movers, which in the aggregate amount to 100 horsepower or more. This examination shall cover the various types of steam generators and auxiliary equipment, refrigeration and compressor equipment, and their construction, operation, maintenance and defects; the use, operation and care of electric generators and motors; and the causes and prevention of smoke.

Section 40-182. Second grade certificate.

A second grade stationary engineer's certificate shall entitle the holder to take charge of and operate any boiler power plant having steam prime movers which in the aggregate amount to less than 100 horsepower. At least one stationary engineer's certificate shall be required in each shift for each such plant. The holder of a second grade stationary engineer's certificate shall be entitled to operate as a shift engineer under the general supervision of a holder of a first grade stationary engineer's certificate. This examination shall cover hot water boilers and equipment, steam generators and auxiliary equipment, and their construction, operation, maintenance and defects; the use, operation and care of electrical generators and motors; and the causes and prevention of smoke.

Section 40-183. Third grade certificate.

A third grade stationary engineer's certificate shall entitle the holder to take charge of and operate any boiler plant having no steam prime movers. This examination shall cover hot water boilers and equipment, steam generators and their auxiliary equipment, and their construction, operation, maintenance and defects; the use, operation and care of electrical motors; and the causes and prevention of smoke.

Section 40-184. Reserved.
Section 40-185. Required certificates for persons in charge of equipment.

(a) It shall be unlawful for any owner, firm or corporation to operate or cause to be operated any equipment operated by steam or any turbines operated by steam within the city having an aggregate capacity of 100 horsepower or more, unless there is in charge at least one person holding a first grade stationary engineer's certificate; and all other shifts shall be operated by the holder of at least a second grade stationary engineer's certificate under the supervision of the first grade engineer.

(b) Where aggregate capacity of equipment operated by steam, and/or turbines operated by steam, is less than 100 horsepower, there shall be in charge at least one person holding a second grade stationary engineer's certificate, at all times the engines or turbines are in operation.

Section 40-186. Application.

Every person desiring a certificate required by the provisions of this article shall make his application upon a blank form furnished by the permits and inspections division and obtain thereon the endorsement of two citizens of the city, at least one of whom shall be a sanitary engineer of equal or higher grade.

Section 40-187. Qualifications of applicants.

(a) Every applicant for a certificate required by the provisions of this article shall be at least 18 years of age and shall furnish proof of date of birth.

(b) An applicant for a first grade stationary engineer's certificate shall have had at least five years' experience in power and/or heating plants.

(c) An applicant for a second grade stationary engineer's certificate shall have had at least three years' experience in the operation and care of steam boilers under the supervision of a holder of a certificate of like or higher grade to that applied for, or experience equivalent thereto.

(d) An applicant for a third grade stationary engineer's certificate shall have had at least one year's experience in the operation and care of boilers under the supervision of the holder of a certificate of like or higher grade to that applied for, or experience equivalent thereof.

Section 40-188. Examination required.
No certificate shall be issued under the provisions of this article until the applicant therefor has passed the examination required for such certificate.

Section 40-189. Temporary permits.

The chief mechanical inspector may issue a temporary permit without examination therefor to a person or persons who have applied for a certificate upon proper proof of qualifications and upon recommendation of an intended employer, but such temporary permit shall remain in force only until the applicant has been provided an opportunity to be examined by the board of engineer examiners examination and licensing board. All persons to whom such temporary permits are issued shall be subject to and shall comply with all of the provisions of this chapter.

Section 40-190. Examination fee.

Along with his application for a certificate required under the provisions of this article, the applicant therefor shall pay the appropriate examination fee as follows:

(a) First grade stationary engineer's certificate ................................................ $60.00
(b) Second grade stationary engineer's certificate ........................................ $50.00
(c) Third grade stationary engineer's certificate ........................................... $40.00

Section 40-191. Failure to appear for examination.

Any applicant for a certificate required under this article who shall fail to present himself before the board of engineer examiners examination and licensing board or third party testing agency designated by the board for examination within 60 days from the date of his application shall forfeit the required fee and his application shall be canceled unless he has been excused for good cause by the secretary of the board of engineer examiners examination and licensing board.

Section 40-192. Conduct of examination.

All examinations for a certificate required by the provisions of this article shall be oral, written, or both at the discretion of the board of engineer examiners examination and licensing board.

Section 40-193. Passing grade on examination.

A grade of 75 percent shall be required to pass any examination required by the provisions of this article.
Section 40-194. Record of examination.

A complete stenographic record of all oral examinations given under the provisions of this article shall be made, which, together with the written examinations, shall be kept on file by the secretary.

Section 40-195. Re-examination.

Any applicant for a certificate required by the provisions of this article who shall fail to pass the required examination shall be required to wait at least 30 days after the date of such examination before again making application for the certificate. The applicant shall be required to pay the same fee as for the original examination.

Section 40-196. Duration.

All certificates issued under the provisions of this article, unless revoked for cause, shall be valid until December 31 of the year of issuance.

Section 40-197. Renewal.

Any certificate issued under the provisions of this article shall be renewed from year to year thereafter on the payment of $35.00. Such renewal fees shall be paid within 60 days after the date of expiration or the certificates shall become void. If not renewed within 60 days from the date of expiration, a new application and reexamination shall be required.

Section 40-198. Reserved.

Section 40-199. Display.

Every holder of a certificate issued under the provisions of this article shall display his certificate in a conspicuous place in the plant where he is employed. The chief mechanical inspector is herewith empowered to suspend, for a period not exceeding 90 days, the certificate of any person failing to comply with the foregoing provision.

Section 40-200. Temporary assignments to fill vacancies.

The chief mechanical inspector shall have the authority in an emergency, and when the public interests shall require, to make temporary assignments if and when vacancies occur. Such assignments shall be made for a period not exceeding 90 days. Any such appointee shall be the holder of a current certificate and in the judgment of the boiler inspector shall be possessed of proper qualifications for the assignments.
Section 40-201. Leaving boiler unattended.

(a) No boiler shall be left unattended for a period longer than two hours. However, any boiler shall be exempt from the above provisions when and if fired by an approved burner or firing device and if said boiler is equipped with approved controls which will automatically maintain the water level in the boiler and which will extinguish or properly retard the fire if the steam pressure exceeds a predetermined maximum or the water level falls below a predetermined minimum. Such burner, if using gas or oil, shall also be equipped with approved devices, mechanical or electrical, which will automatically prevent an abnormal flow of gas or oil, and which shall completely shut off the flow of gas or oil when combustion ceases. Such burner shall also be equipped with an approved automatic device, so designed that gas or oil, upon being turned into the combustion chamber, will become ignited substantially immediately or else shut off. In such case, the boiler inspector shall designate on the certificate of boiler inspection the length of time that any such boiler may be left unattended.

(b) Except as hereinbefore provided, no certified engineer shall leave his post during the operation of the plant unless relieved by a certified man, properly qualified. The penalty for any absence, except as hereinbefore provided, shall be the suspension or revocation of the certificate. This shall not include the time the plant is not in operation.

Section 40-202. Neglect of duty; suspension of certificate.

(a) Any certified engineer who shall negligently endanger the life of any person or jeopardize property by allowing the water to fall below the flues or crown sheet, or who otherwise grossly neglects his duty, or who is intoxicated on duty, shall have his certificate suspended indefinitely.

(b) Any certified engineer who shall willfully, or through careless firing, cause dense and/or unnecessary smoke or soot to issue from the chimney or smokestack shall have his certificate suspended for a period of not exceeding 90 days.

Section 40-203. - Reserved.

Section 40-204. Appeals generally.

Any person aggrieved by an order, requirement, decision or determination concerning the granting, issuance, denial, revocation or cancellation of any permit or license provided for by any provision of this code or city ordinance may appeal such order, requirement, decision or determination made by an administrative official, agency, division or department to the administrative appeals board.
Section 40-205. Appeal procedure.

When any person has made application for a stationary engineer's certificate and such certificate has been denied or refused by the administrative board of appeals examination and licensing board, or when any certificate heretofore or hereafter granted has been revoked or suspended by the examination and licensing board boiler inspector, or when any person believes himself otherwise injured or wronged by the administrative board of appeals examination and licensing board or the boiler inspector, such person may appeal such action of the board of engineer examiners examination and licensing board or the boiler inspector to the administrative board of appeals by filing a written request with the city clerk within three days after receiving notice of such denial, revocation or suspension or other ruling. The administrative board of appeals shall, within three days after filing, hear such appeal at its next scheduled meeting, and it is hereby authorized to take such action or to make such orders in the premises as in its opinion may be just and proper. All testimony shall be under oath, administered by the chairman of the administrative board of appeals. This section shall not be deemed to deprive or oust the city council of final jurisdiction in any matters covered herein.

Sections 40-206—40-209. - Reserved.

Section 3. That Article IV. Flammable Liquids, of the Omaha Municipal Code is hereby amended to read as follows:

ARTICLE IV. - FLAMMABLE LIQUIDS

DIVISION 2.-BOARD OF EXAMINERS

Section 40-258. Created.

An examining board, to be known as the oil burner examining board, is hereby created in and for the city.

Section 40-259. Composition.

The examining board shall be composed of the chief mechanical inspector, the superintendent of the mechanical section and one person holding either a current city first, second or third grade stationary engineer, steamfitter, or oil burner installers certificate.
Section 40-260. Appointment and term of appointed member.

The mayor shall appoint, subject to the provisions of the city's Charter and this Code, the member of the examining board who is a certificate holder, who shall serve for a term of one year or until his successor is chosen.

Section 40-261. Compensation of members.

Except for city employees on the examining board, each member of such board shall be compensated at the rate of $10.00 for each meeting of such board.

Section 40-262. Adoption of rules and regulations.

The examining board shall make such rules and regulations for the conduct of examinations and tests as it may deem necessary to enable it to ascertain the fitness of applicants to perform the functions, or of mechanisms to meet the requirements, set forth in this article.

Section 40-263. Duties.

The examining board created by this division shall pass upon all applications for certificates of approval and certificates of competency required by the provisions of this article.

Sections 40-264—40-267. - Reserved.

DIVISION 32. - CERTIFICATE OF COMPETENCY

Section 40-268. Required.

It shall be unlawful for any person desiring to engage in the business of installing or servicing any storage tank for which a permit is required by this article, or any pump or other mechanical device connected therewith, or any piping leading to or from either such storage tank or pump within the city, unless such person has a master steamfitter's certificate or has been issued a certificate of competency therefore.

Section 40-269. Bond.

No certificate of competency required by this division shall be issued until the applicant therefor has filed a bond with the city and same is accepted by the mayor and city council permits and inspections division in the amount of $5,000.00. Such bond shall be conditioned, among other things, to indemnify the city against any lawsuit brought or judgment obtained against the city or any of its officials and save and keep harmless the city from any and all losses,
costs, expenses or liabilities of any kind whatsoever which it, the city, may suffer or be put to, or which may be recovered from it from or by reason of the issuance of any such permit or by reason of any act or thing done under or by virtue of the authority given in such permit.

Section 40-270. Examination required.

Before any person is issued a certificate of competency under the provisions of this division, he must pass an examination, either written, oral, or both, at the discretion of the examination and licensing board examining board, to prove his qualifications for such work. Application for such examination shall be made to the permits and inspections division and shall set forth the name and address of the applicant, the nature of his experience, and the length of time he has been engaged in such work.

Section 40-271. Examination fee.

The applicant for a certificate of competency required by the provisions of this division shall pay the sum of $40.00 to the city cashier at the time of making application therefor to cover the cost of examination.

Section 40-272. Appearance for examination.

The applicant for a certificate of competency required by the provisions of this division shall appear before the oil burner examining board examination and licensing board or third party testing agency designated by the board at the time and place as notified by the board for the purpose of taking the required examination.

Section 40-273. Failure of examination; reexamination.

In the event the applicant for a certificate of competency required by this division shall fail to satisfy the examining board examination and licensing board that he possesses the necessary knowledge and/or skill therefor, he shall not be granted such certificate. No new application for a certificate shall be received from such applicant before 90 days have elapsed since the date of the examination he failed. New applications shall be made in the same manner as the original application for a certificate.

Section 40-274. Issuance.

Upon the satisfactory passing of the required examination, and upon compliance with the other requirements of this division, the applicant for a certificate of competency required by this division shall be issued the same. The examination and licensing board shall certify the applicant to the permits and inspections division and the certificate of competency required by this division shall be issued by the permits and inspections division.
Section 40-275. Expiration.

Every certificate of competency issued under the provisions of this division shall expire at midnight of June 30 next following its date of issuance.

Section 40-276. Renewal; renewal fee.

Upon application, and subject to the approval of the examination board of the examination and licensing board, a renewal certificate of competency shall be issued annually and a fee of $30.00 for each renewal shall be paid to the city cashier. The examining and licensing board shall have the right to require an additional examination and/or other proof of proficiency before approving the issuance of any such renewal certificate.

Section 40-277. Cancellation.

(a) If any certificate of competency issued under the provisions of this division is not renewed on or before July 1 of each year, it shall be canceled automatically.

(b) The chief mechanical inspector or examination and licensing board may at any time cancel any certificate issued under this division for the violation of any applicable provision of this code, state law or city ordinance, rule or regulation, or for any other good and sufficient cause.

(c) In the event of the cancellation of his certificate, the holder of the same is forbidden to do any work for which such certificate is required by this article.

Section 40-278. Authority.

It shall be the duty of the chief of the fire department, as well as the duty of the superintendent of permits and inspections, to require strict compliance with all provisions of this chapter.

Sections 40-279—40-281. - Reserved.

DIVISION 43. - OIL BURNERS

Subdivision B. - Certificate of Competency
Section 40-298. Required.

It shall be unlawful for any person to perform the manual labor of installing and/or servicing any oil burner in the city unless such person has been issued a certificate of competency for such work.

Section 40-299. Other certificates acceptable.

The holder of an engineer's certificate of competency may service the oil burner or burners installed in the plant where he is regularly employed.

Section 40-300. Limited certificate.

Any holder of a stationary engineer's certificate may, upon application to the examining board examination and licensing board, be examined regarding his qualifications and, if upon examination he is found competent, shall be issued a limited certificate of competency to service and maintain the oil burner or oil burners installed in the plant where he is regularly employed. Such applicant shall not be required to pay any fee for his examination, nor shall he be required to pay any fee for the renewal of his certificate; provided that such certificate limits his qualifications to servicing only the oil burner equipment in the plant where he is regularly employed and upon which he was examined; and provided, further, that said limited certificate shall automatically lapse concurrently with the lapse of the aforesaid engineer's certificate.

Section 40-301. Examination required.

Before any person is issued a certificate of competency under the provisions of this division, he must pass an examination, either written, oral or both, at the discretion of the examining board examination and licensing board, to prove his qualification. Application shall be made to the permits and inspections division and shall set forth the name and address of the applicant, and all types of burners the applicant will install and service, or that he is the holder of a stationary engineer's certificate and desires a limited certificate of competency.

Section 40-302. Examination fee.

The applicant for a certificate of competency required by the provisions of this division shall pay the sum of $40.00 to the city cashier at the time of making application therefor to cover the cost of examination.

Section 40-303. Appearance for examination.
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The applicant for a certificate of competency required by the provisions of this division shall appear before the oil burner examining board examination and licensing board or a third party testing agency designated by the board at the time and place as notified by the board for the purpose of taking the required examination.

Section 40-304. Failure of examination; reexamination.

In the event the applicant for a certificate of competency required by this division shall fail to satisfy the examining board examination and licensing board that he possesses the necessary knowledge and/or skill to properly and safely install and/or service all types of oil burner equipment specified in his application, he shall not be granted a certificate of competency. No new application for a certificate shall be received from such applicant before 90 days have elapsed since the date of the examination wherein he failed. New applications shall be made in the same manner as the original application for a certificate.

Section 40-305. Issuance.

Upon the satisfactory passing of the required examination, and upon compliance with the other requirements of this division, the applicant for a certificate of competency required by this division shall be issued the same the examination and licensing board shall certify the applicant to the permits and inspections division and the certificate of competency required by this division shall be issued by the permits and inspections division.

Section 40-306. Expiration.

Every certificate of competency issued under the provisions of this division shall expire at midnight of June 30 next following its date of issuance.

Section 40-307. Renewal; renewal fee.

Upon application, and subject to the approval of the examining examination and licensing board, a renewal certificate of competency shall be issued annually, and a fee of $15.00 for each renewal shall be paid. The examining board examination and licensing board shall have the right to require an additional examination and/or other proof of proficiency before approving certifying the issuance of any such renewal certificate.

Section 40-308. Cancellation.

(a) If any certificate of competency issued under the provisions of this division is not renewed on or before July 1 of each year, it shall be canceled automatically.
(b) The chief mechanical inspector may at any time cancel any certificate issued under this division for the violation of any applicable provision of this Code, state law or city ordinance, rule or regulation, or for any good and sufficient cause.

(c) In the event of the cancellation of his certificate, the holder of the same is forbidden to do any work for which such certificate is required by this article.

Sections 40-309—40-312. - Reserved.

DIVISION 54. - LIQUEFIED PETROLEUM GAS

Subdivision B. - Certificate of Registration

Section 40-332. Required.

Any person engaged in the business of installing liquefied petroleum gas tanks and/or appurtenant equipment shall first obtain a certificate of registration therefor.

Section 40-333. Fee.

Before any certificate of registration shall be issued under the provisions of this subdivision, the applicant therefor shall pay a fee of $60.00 therefor and a competency exam shall be completed with a minimum grade of 75 percent to obtain a certificate of registration.

Section 40-334. Board of examiners.

The board of engineer examiners examination and licensing board, provided for in created pursuant to section 40-620, et seq. 40-165 through 40-175 of this chapter of this Code, shall pass upon certify all qualified applications for certificates of registration covering contractors who install liquefied petroleum gas tanks.

Section 40-335. Bond.

When approved certified by the examining board examination and licensing board, an applicant for a certificate of registration under this division shall file with the city an acceptable bond in the amount of $10,000.00. Such bond shall be in a form satisfactory to the city law department and shall indemnify the city, its officials and employees, and the examining examination and licensing board from any liability arising from any claims, demands, or judgments by reason of duties, liabilities or responsibilities imposed under the provisions of this article.

Section 40-336. Renewal fee.
The renewal fee for each year of registration after the first year shall be $50.00.

Section 4. That Article V. Hoisting and Portable Engineers, of the Omaha Municipal Code is hereby amended to read as follows:

ARTICLE V. HOISTING AND PORTABLE ENGINEERS

DIVISION 2. - CERTIFICATES

Section 40-374. Required.

(a) It shall be unlawful for any person other than the legitimate holder of a certificate of the required grade to operate any machine or appliance used for the mechanical handling of materials of construction for the excavation of, or the handling or transfer of, or the grading, leveling, sloping or compacting of, earth or other materials, in, upon or about any building or other structure, or any public or private works, or the site thereof, during the construction, alteration, repair or demolition thereof.

(b) It shall be unlawful for any person to employ any person who is not the holder of a certificate of the required grade or to direct, compel or permit any person who is not the holder of a certificate of the required grade to operate any such machine or appliance in the manner as set forth in paragraph (a) hereof.

Section 40-375. Exceptions.

Nothing contained in the provisions of this division shall be construed as:

(a) Covering the operation of trucks used in the transfer of materials mentioned in section 40-374.

(b) Covering the operation of concrete mixers or mortar mixers unless such machines have connected thereto a skip or other device whereby materials are conveyed thereto or removed therefrom in such manner that skilled operation is necessary to protect life, limb or property.

(c) Requiring a certificate for operators of bulldozers and road patrols engaged in the removal of snow.

Section 40-376. Classification.
The board of examiners examination and licensing board shall issue hoisting and portable
engineer's certificates in three grades as follows:

(a) (1) A first grade certificate shall entitle the legitimate holder thereof to take
charge of and operate any machine or appliance used for the mechanical
handling of materials of construction, the handling and driving of piles, or
the excavation, handling, transfer, grading, leveling, sloping or
compacting of earth or other materials, all or any of which when used
upon or about any building or other structure, or any public or private
works, or upon or about any such site, during construction, alteration,
repair or demolition of anything thereon or any part thereof or anything
pertinent thereto.

(2) Cranes 17½ tons and over, shall be operated only by the following
personnel:

(i) Persons who have met the examination at a first grade hoisting and
portable engineers certificate, or persons that have a current
certificate from the National Commission for the Certification of
Crane Operators (CCO).

(ii) Effective January 1, 2006 a first grade hoisting and portable
engineers certificate will only be issued to holders of a current
certificate issued by the National Commission for the Certification
of Crane Operators (CCO) with the proper endorsements or
persons currently holding a first grade hoisting and portable
certificate issued by the City of Omaha permits and inspections
division.

(b) A second grade certificate shall entitle the legitimate holder thereof to take charge
of and operate any machine or appliance for the purposes described in subsection
(a) (1) of this section above, and also the following equipment: telescoping cranes
under 17½ tons, excavators over ¾ yards, concrete pump trucks, telescoping
forklifts, and all forklifts over 10,000 lbs.

(c) A third grade certificate shall entitle the legitimate holder thereof to take charge
of and operate any machine or appliance for the handling, transfer, grading,
leveling, sloping or compacting of earth or other materials for the purposes
described in subsection (a) and (b) hereof, except for those machines or
appliances which are lifting, swinging, dipping, or dumping mechanisms
controlled by levers and cables or chains passing over or around brake-controlled
drums which, if manipulated by an unskilled operator, may be a menace to life,
limb or property.
Section 40-377. Qualifications.

An applicant for a certificate required by the provisions of this article shall meet the following qualifications:

(a) Be at least 18 years of age.

(b) Be in good health, of sound mind, and good character.

(c) Have the following appropriate experience:

(1) First grade certificate: at least four year's actual experience.

(2) Second grade certificate: at least two year's actual experience in the operation of equipment.

(3) Third grade certificate: at least one year's actual experience in the operation of equipment.

(d) The applicant's physical qualifications and operating skill shall be vouched for by a person currently holding a first, second or third grade certificate issued by the permits and inspections division of the City of Omaha.

Section 40-378. Application.

Any person desiring a certificate required by the provisions of this division shall make written application therefor to the permits and inspections division.

Section 40-379. Issuance; notice of failure of examination.

(a) Within ten days after the date of examination, the board of examiners examination and licensing board shall issue to the applicant to the permits and inspections division, without additional charge, and the permits and inspections division shall issue a certificate of the grade applied for to the applicant who has passed a satisfactory examination, or shall notify an unsuccessful applicant of his failure to pass such examination.

(b) All certificates shall be signed by the secretary of the examination and licensing board and countersigned by the superintendent of the permits and inspections division.
Section 40-380. Duration.

Every certificate issued under the provisions of this division shall be valid for a period of one year from its date of issuance, unless sooner revoked prior thereto.

Section 40-381. Renewal—Generally; fee.

(a) Any certificate issued under the provisions of this division may be renewed upon the payment of the renewal fee of $40.00 except during the period any such certificate may be suspended or revoked.

(b) If such renewal fee has not been paid within 60 days after the expiration date of such certificate, it shall become void. Thereafter, the legitimate holder of such certificate will be required to pay a renewal fee of double the amount set forth in paragraph (a) hereof.

Section 40-382. Same—Reexamination.

If a certificate issued under the provisions of this division has not been renewed within one year from date of its expiration, it shall not be renewable; and the holder thereof will be required to file a new application in the same manner as set forth in this division governing original applications for certificates, and pass the examination set forth by this division for applicants seeking an original certificate, before being entitled to a new certificate.

Section 40-383. Same—Proof of competency.

Before issuing renewal of a hoisting and portable engineer's certificate, the board of examiners examination and licensing board may require further proof of the applicant's competency if, in the interest of public safety, it deems such additional proof necessary. Failure of the applicant to produce such satisfactory proof or to satisfactorily pass the prescribed examination within 30 days shall be cause for refusal by the examination and licensing board to renew such certificate.

Section 40-384. Revocation or suspension.

(a) Any certificate issued under the provisions of this division may be revoked or suspended by the board of examiners examination and licensing board for:

(1) The operation by a certificate holder of any of the machines or mechanisms covered by this article in so careless or reckless a manner as to endanger life, limb or property;
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(2) The loan of his certificate to another person to enable that person to secure work in the name of the certificate holder; or

(3) The violation of any applicable provisions of this Code, state law or city ordinance, rule or regulation.

(b) It shall be unlawful for the holder of any suspended or revoked certificate to do or perform any of the things the doing or performing of which requires a certificate during the period of time his certificate is suspended or revoked.

(c) The suspension/revocation of a certificate license holder shall not be entitle the holder to a refund of any part of the fee, which he may have paid.

Sections 40-385—40-395418. - Reserved.

DIVISION 3. — BOARD OF EXAMINERS

Section 40-396. Created.

There is hereby created in and for the city a board which shall be known as the board of examiners for hoisting and portable engineers.

Section 40-397. — Composition:

The board of examiners for hoisting and portable engineers shall be composed of three members, one of whom shall be the chief mechanical inspector of the city.

Section 40-398. Qualifications of members.

No appointee shall be eligible as a member of the board of examiners who has not been the holder for the past five years prior to his selection of a valid first grade hoisting and portable engineer's certificate issued by authority of the city.

Section 40-399. Appointment of members.

The mayor, in accordance with the provisions of the city's Charter and this Code, shall appoint the two members of the board of examiners other than the chief mechanical inspector.

Section 40-400. — Term of members.

The appointed members of the board of examiners shall serve terms of office of two years each from the date of the expiration of the predecessor's term of office.

Section 40-401. Removal of members.
The planning director, with the consent of the city council, and for good and sufficient cause, may at any time remove any appointed member of the board of examiners for hoisting and portable engineers from office. Absence from three consecutive meetings of the board, without good and proper cause, shall be cause for removal from office of such member.

Section 40-402. Vacancies.

Vacancies occurring in the membership of the board of examiners for hoisting and portable engineers resulting in unexpired terms shall be filled in the same manner as original appointments, for the unexpired term.

Section 40-403. Compensation of members.

The appointed members of the board of examiners for hoisting and portable engineers shall each receive the sum of $10.00 for each meeting attended as compensation for services.

Section 40-404. Chairman and secretary.

The chief mechanical inspector shall serve as the chairman and secretary of the board of examiners for hoisting and portable engineers.

Section 40-405. Meetings.

(a) The board of examiners for hoisting and portable engineers shall convene upon call of the secretary either for the conduct of examinations or for the transaction of other necessary business.

(b) The chairman shall preside at all meetings, or in his absence a temporary chairman shall be chosen for the meeting.

(c) Two members shall constitute a quorum for the transaction of all business.

(d) Minutes shall be made and kept of all meetings of the board.

Section 40-406. Adoption of rules and regulations.

The board of examiners for hoisting and portable engineers shall adopt, from time to time, such rules and regulations as may be expedient and necessary for its proper functioning.

Section 40-407. Office supplies and secretarial services.
The board of examiners for hoisting and portable engineers shall be furnished with all stationery for its official duties and stenographic services for use in the conduct of examinations and the conduct of other meetings.

Sections 40-408—40-418. Reserved.

DIVISION 43. - EXAMINATIONS

Section 40-419. Required.

No certificate shall be issued under the provisions of this article unless the applicant therefor shall first successfully pass an examination therefor. The board of examiners for hoisting and portable engineers examination and licensing board or a third party agency designated by the board shall conduct such examinations as it shall deem necessary to determine an applicant's qualification for a certificate of the grade applied for. A certification issued by the National Commission for the Certification of Crane Operators (CCO) shall be recognized as the equivalent of a certificate under this article; provided, that such recognition may be revoked, suspended, or otherwise dealt with in a manner similar to that applicable to a certificate under this article.

Section 40-420. Fee.

The fee for an examination shall be paid at the time of filing the application for a certificate required by this article and shall be as follows:

(a) First or second grade certificate ................................................................. $50.00

(b) Third grade certificate .................................................................................. $35.00

No fee shall be returnable to the applicant who fails to pass the examination.

Section 40-421. Scope.

(A) The examination for a first grade hoisting and portable engineer's certificate shall include the following subjects:

(1) Pile driving.
(2) Cable ways when used for purposes of construction or demolition.
(3) Lifting, lowering, swinging, dipping or otherwise excavating and dumping mechanisms the operation of which is controlled by levers and cables or chains passing over or around brake-controlled drums sufficiently complex that special skill and training is necessary in their manipulation to properly safeguard life, limb and property.
(4) Apparatus or mechanisms used for the removal or replacement of earth or other material.

(5) Machines or mechanisms used for channeling, trenching, grading, leveling, sloping, or compacting of earth or other materials where the operations of such machines or mechanisms are not controlled by levers and cables or chains passing over or around brake-controlled drums sufficiently complex that special skill and training are necessary in their manipulation to properly safeguard life, limb and property.

The applicant will be required to show that he has sufficient knowledge of the care, operation, maintenance and repair of the items included in his examination so that his handling of any or all of them will not in any manner endanger life, limb or property.

(B) The examination for a second grade hoisting and portable engineer's certificate will omit items (1) and (2) but will include all the subjects set forth in the other items enumerated in paragraph (a) of this section.

(C) The examination for third grade hoisting and portable engineer's certificate will include only item (5) in paragraph (a) of this section.

Section 40-422. Notice of examination; failure to appear.

Within 30 days after the date of application for a certificate required by this article, the applicant shall be notified by the secretary of the board of examiners examination and licensing board, in writing, to appear before the board at a time and place set for such examination. Such notice shall be sent at least five days prior to the date set. Any applicant who fails to present himself before the board of examination at the time so set shall forfeit the examination fee and his application shall be canceled, unless for good and sufficient cause he has been excused by the secretary.

Section 40-423. Passing grade.

No applicant for a certificate required by this article who fails to pass correctly at least 75 percent of all tests or questions in the examination shall be considered competent to receive such certificate.

Section 40-424. Waiting period for reexamination.

In the event any applicant for an examination required by this division shall fail such examination, a reexamination shall not be granted for a period of at least 30 days.
Section 40-425. Records.

Complete stenographic records shall be made and transcribed in typewritten form of all oral examinations given under this division; and a complete record of each examination shall be kept by the secretary for a period of two years from its date, after which time the record may be destroyed.

Section 5. That Article VII. Stream Fitting and Pipefitting, of the Omaha Municipal Code is hereby amended to read as follows:

ARTICLE VII. STREAM FITTING AND PIPEFITTING

DIVISION 3. - CERTIFICATES OF COMPETENCY

Section 40-490. Master's certificate required.

It shall be unlawful for any person, including partnerships, limited liability companies, and corporations, to engage in the business of steamfitting/pipefitting as a master steamfitter/pipefitter or to obtain permits to perform this work unless they shall be the holder of a valid master steamfitter's/pipefitter's license and be registered and bonded as such as provided for in this article. Such license shall have been issued by the permits and inspections division upon certification by steamfitter and pipefitter's board of examiners examination and licensing board of the city. In the case of a partnership, at least one partner shall be the holder of a master steamfitter's/pipefitter's license. In the case of a limited liability company, at least one member shall be the holder of a master steamfitter's/pipefitter's license. In the case of a corporation, a master steamfitter's/pipefitter's license shall be held by either the president, vice-president, secretary, or treasurer of the corporation. Every year, prior to renewal of the license of a master steamfitter/pipefitter representing a partnership, limited liability company, or corporation, such entity shall file with the permits and inspections division a written statement verifying the license holder's position as partner, member, president, vice-president, secretary, or treasurer of the entity.

In the case of the death of a master steamfitter/pipefitter, the steamfitter and pipefitters board of examiners examination and licensing board may issue to the certify a representative of the firm a temporary license to operate as a master steamfitter/pipefitter for a period of one year. The holder of the temporary license shall comply with all provisions of this chapter.

Section 40-491. Journeyman's certificate required.
It shall be unlawful for any person to engage in steamfitting/pipefitting as a journeyman steamfitter/pipefitter unless they shall be the holder of a valid journeyman steamfitter's/pipefitter's license. Such license shall have been issued by the permits and inspections division upon certification by the steamfitter and pipefitter board of examiners examination and licensing board of the city. A journeyman steamfitter/pipefitter's license is required to install, alter, demolish, service or repair(s), all piping, valves, fittings, equipment and accessories for any and all systems described in section 40-458.

Section 40-492. Exceptions.

Nothing contained in the provisions of this division shall prohibit:

(a) The employment of apprentices or helpers working in conjunction with and under the direct supervision of a duly certified master or journeyman steam fitter/pipefitter when such master or journeyman steam fitter/pipefitter is present at all times during the installation of any steam fitting/pipefitting work; provided, that there shall be a ratio of not more than three apprentices or helpers for every licensed journeyman steamfitter/pipefitter.

(b) Any person employing a licensed engineer of the first class from making any repairs, which do not include additions or alterations in the plant that is operated by such engineer when such repairs are made under the supervision of the first class engineer, nor the making of minor repairs in any such plant by engineers of the second or third classes employed therein.

(c) The installation of fuel dispensing systems used for retail sale, and private fleet fueling.

(d) The installation of residential fuel oil systems.

Section 40-493. Application; qualifications.

All applications for certificates of competency required by the provisions of this division shall be made, in writing, to the board of steam fitter and pipefitter examiners permits and inspections division on a form furnished by the board that division.

(a) The applicant for a certificate of competency as a master steam fitter/pipe fitter shall have the knowledge to direct and supervise other persons in the installation of hydronic systems and have the necessary tools and equipment to properly execute the work permitted or required by this chapter. Additionally, such applicant shall submit evidence of one of the following qualifications:
(1) Have at least four years experience in the installation of steam fitting or pipe fitting systems while holding a journeyman steam fitter's/pipe fitter's license issued by the city or while holding an equivalent license in steam fitting or pipe fitting issued by another jurisdiction; or

(2) Be a registered professional engineer with two years continuous experience or four years collective experience in the installation of steam and/or pipe fitting systems; or

(3) Have nine years experience in the installation of hydronic heating or cooling systems or in process piping systems; or

(4) Have an equivalent combination of education, experience and licensure.

(b) All applicants for a journeyman steam fitter/pipe fitter license shall submit evidence of one of the following qualifications:

(1) At least four years practical experience in the installation of steam fitting systems and successfully completing an apprenticeship program certified by the U.S. Department of Labor, Bureau of Apprenticeship; or

(2) At least eight years practical experience.

Section 40-494. Reserved.

Section 40-495. Bond and insurance.

(a) Each applicant for a master steamfitter/pipefitter's certificate of competency shall furnish a bond in the sum of $10,000.00 with a recognized surety company as surety, conditioned to save the city harmless against loss or damage by reason of the negligence of the holder of such permit to properly perform all work included in the provisions of this article. Such bond shall be approved as to form by the city law department.

(b) Each applicant must provide a certificate of insurance which provides combined coverage for bodily injury and property damage in the amount of at least $300,000.00 for the protection of the city.

Section 40-496. Issuance.

Upon the successful completion of the appropriate examination, the board of steam fitter/pipefitter examiners examination and licensing board shall authorize the issuance of the certificate of competency for which application was made.

Section 40-497. Expiration.
(a) All certificates of competency issued under the provisions of this division shall expire on December 31 next following their date of issuance.

(b) All current original and new master steamfitter/pipefitter licenses issued under the provision of this chapter may be renewed by the steamfitter/ and pipefitter board of examiners examination and licensing board without reexamination at the date of expiration provided that:

(1) The license holders' purpose and conditions remain unchanged.

(2) The steamfitter/ and pipefitter board of examiners examination and licensing board has not been made aware by affidavit or other evidence that the license holder is no longer competent or entitled to a license renewal.

Section 40-498. Renewal—Generally.

Every certificate of competency issued under the provisions of this division may be renewed by the holder thereof upon payment of the required renewal fee to the permits and inspections division within 60 days of the expiration of such certificate; however, a reexamination may be required if the board of examiners examination and licensing board finds the same to be necessary.

(a) Master.

(1) The application for renewal is accompanied by the required bond and certificate of insurance.

(2) Any master steamfitter/pipefitter failing to renew their license within 60 days after the date of expiration shall not be issued a new license without submitting to an examination as described in section 40-493.

(b) Journeyman. Any journeyman steamfitter/pipefitter failing to renew their license within 60 days after the date of expiration shall not be issued a new license without submitting to an examination as described in section 40-493.

(c) Retired journeyman. A retired journeyman's certificate may be obtained at age 60. No work can be done under this certificate. A reinstatement to an "active" status must first be reviewed and approved by the steamfitters/pipefitter's board of examiners examination and licensing board.

Section 40-499. Same—Fees.

The fee for the renewal of a certificate of competency issued under the provisions of this division shall be as follows:
Certificate of competency:

Master's renewal certificate .................................................. $100.00
Journeyman's renewal certificate .............................................. $35.00
Retired journeyman's renewal certificate ................................. $20.00

Section 40-500. Transfer.

No certificate of competency issued under the provisions of this division shall be transferable or assignable.

Section 40-501. Suspension or revocation.

Any license issued under this chapter may be revoked or suspended for cause by the steamfitter and pipefitter board of examiners examination and licensing board upon hearing and sufficient written, sworn charges filed with the examination and licensing board showing the holder of the license to be any of the following:

(a) Incompetent or guilty of willful breach of the rules, regulations or requirements of the board Code.
(b) Having one or more convictions within the past year by a court of law for a violation of the laws, ordinances, or rules and regulations of the board Code.
(c) Causes sufficient which shall include, but not be limited to; fraud, deception and unsatisfactory work, in the opinion of the examination and licensing board.

Any person having their license revoked for cause shall not be granted a new license for a period of one year thereafter, and shall be required to submit to examination as described in section 40-493. Any suspension shall be for such term of conditions judged appropriate by the examination and licensing board, but in no case shall any suspension exceed six months.

Section 40-502. Appeals.

Whenever any person has made application for a certificate of competency as a master or journeyman steam fitter/pipefitter and such certificate has been denied or refused by the examining examination and licensing board, or whenever any certificate heretofore granted has been revoked by the examining examination and licensing board, such an applicant or such person whose certificate has been refused or revoked may appeal from such action of the
examining examination and licensing board to the administrative appeals board by complying with the provisions of section 2-171 of this Code.

Section 40-503. Established place of business required.

Every licensed master steamfitter/pipefitter shall have an established place of business registered with the secretary of the Steamfitter and Pipefitter Board of Examiners examination and licensing board. The master steamfitter/pipefitter's license shall be posted in a conspicuous place in the place of business. The place of business shall be located in an area appropriately zoned for such a business under chapter 55 of this Code.

This provision shall not prevent a master steamfitter/pipefitter from having a place of business and dwelling combined, provided that the place of business fronts on a public thoroughfare, and has a separate entrance with the business named displayed.

Section 40-504. Display of business name.

All trucks used by the master steamfitter/pipefitter in the conduct of their business shall have the name of the master steamfitter/pipefitter or the name used by their business. Letters must be not less than two inches high on both sides of the truck.

Section 40-505. Misuse of license.

No holder of a master steamfitter/pipefitter's license shall allow any other person either directly or indirectly to obtain a permit to do work under their license. Penalty shall be revocation of the master steamfitter/pipefitter's license.

Sections 40-506—40-514536. - Reserved.

DIVISION 4—BOARD OF EXAMINERS

Section 40-515. Created.

There is hereby created a board of steamfitter/and pipefitter examiners in and for the city.

Section 40-516. — Composition.

(a) Membership. The board of steamfitter/and pipefitter examiners shall be composed of three members. One member shall be the holder of a valid master steamfitter/pipefitter's license; one member shall be the holder of a valid journeyman steamfitter/pipefitter's license; and one member shall be a registered professional mechanical engineer. The
journeyman and master fitters shall be licensed as such and shall have not less than ten years active and continuous experience.

(e) Advisor. The chief mechanical inspector for the city, or his or her qualified designee, shall attend all meetings of the board, shall serve as the secretary to the board and shall act in a direct advisory capacity to the board. He/she may act on behalf of the board in front of the administrative appeals board or the building board of review when instructed by the board to do so.

Section 40-517. Appointment of members.

The members of the board of steam fitter and pipefitter examiners shall be appointed by the mayor and confirmed by the city council.

Section 40-518. Term of members.

The members of the board of steam fitter and pipefitter examiners shall serve for a term concurrent with the term of the council which confirmed them.

Section 40-519. Removal of members.

Any member of the board of steam fitter and pipefitter examiners may be removed from office by the mayor and city council for cause.

Section 40-520. Compensation of members.

The members of the board of steamfitter and pipefitter examiners shall receive $10.00 for each session of the board at which they are present.

Section 40-521. Meetings.

The board of steam fitter and pipefitter examiners shall not hold more than two sessions per month.

Section 40-522. Organization; officers.

The board of steam fitter and pipefitter examiners shall organize at its first meeting after its appointment and, in organizing, shall choose one of its members as president.

Section 40-523. Adoption of rules and regulations.

The board of steam fitter and pipefitter examiners shall adopt rules and regulations governing the manner of conducting examinations and for carrying out its other duties.
Section 40-524. Records.

A public record of all applications for examinations and the results of each examination taken by the board of steam fitter and pipefitter examiners shall be maintained.

Section 40-525. Duties.

The duty of the board of steam fitter and pipefitter examiners shall be to examine and certify master and journeyman steam fitters/pipefitters.

Sections 40-526—40-536. - Reserved.

DIVISION 54. - EXAMINATIONS

Section 40-537. Scope.

The examinations required by this article shall measure the applicant's knowledge in the general area of pipefitting as well as in the specific areas of heating, cooling, refrigeration, and process piping systems. The city shall write the examinations, and the examination and licensing board or a third party agency designated by the board shall conduct and grade the examinations.

Section 40-538. Frequency.

The board of steam fitter and pipefitter examiners examination and licensing board shall hold not more than two examinations each calendar month for the examination of applicants for certificates of competency required by this article.

Section 40-539. Passing grade.

Any applicant who fails to pass correctly more than 75 percent of all tests given him shall be considered incompetent, and no certificate shall be issued to such person.

Section 40-540. Fee.

Along with his application for a certificate of competency required by the provisions of this article, the applicant shall pay to the permits and inspections division the appropriate following fee:

(a) Master's certificate ................................................................. $75.00
(b) Journeyman's certificate ....................................................... $35.00

Section 40-541. Waiting period for reexamination.
On failing to successfully pass an examination, the applicant for a certificate of competency required by the provisions of this article shall not be reexamined by the board of steam fitter and pipefitter examiners examination and licensing board for a period of three months.

Sections 40-542—40-552. - Reserved.

Section 6. That Article XII. Examination and Licensing Board, of the Omaha Municipal Code is hereby amended to read as follows:

**Article XII. – Examination and Licensing Board**

**Section 40-620. Created.**

A board is hereby created by the city to be known as the examination and licensing board, referred to in this chapter, chapter 44 and chapter 51 as the “examination and licensing board”. It shall have complete control over the examination, certification and review of license suspension or revocation of applicants and holders of licenses and certificates as required in this chapter, chapter 44 and chapter 51.

**Section 40-621. Composition.**

The examination and licensing board shall be composed of nine members. The chief mechanical inspector, chief electrical inspector and chief building inspector shall be ex-officio non-voting board members, acting in an advisory capacity, as a function of their employment with the city. Members shall be selected so as to provide representation from each of the following groups and designated city employees:

(a) Professional Mechanical engineer having minimum of ten years’ experience

(b) Professional Electrical engineer having a minimum of ten years’ experience

(c) Air conditioning and air distribution contractor affiliated with a union having a minimum of five years’ experience

(d) Air conditioning and air distribution contractor affiliated with an open shop having a minimum of five years’ experience

(e) Master electrician affiliated with a union having a minimum of five years’ experience
(f) Master electrician affiliated with an open shop having a minimum of five years' experience

(g) Master steamfitter affiliated with a union having a minimum of ten years' experience

(h) Master steamfitter affiliated with an open shop having a minimum of ten years' experience

(i) Master sign erector having a minimum of five years' experience

(j) Chief electrical inspector

(k) Chief mechanical inspector

(l) Chief building inspector

Each member, with the exception of those members serving as a function of their position of employment with the city, shall be a resident of the city of Omaha.

Section 40-622. Appointment of members

The mayor shall appoint the members of the board, subject to confirmation by the city council, with the exception of those city inspectors who shall serve solely as a function of their position of employment with the city.

Section 40-623. Term of non-city employee members.

The initial terms of the initial members of the examination and licensing board shall be staggered so that three members are appointed to one-year terms, three members, are appointed to two-year terms and three members are appointed to three-year terms. After the initial terms, the members shall be appointed for a term of three years. Members shall serve until their successors are appointed and qualified. Members may be appointed to successive terms, but shall serve no more than two terms.

Section 40-624. Removal of members.

Continued absences of any non-city inspector member from regular meetings of the examination and licensing board shall, at the discretion of the mayor, render that member liable to immediate removal by the mayor from the examination and licensing board.
Section 40-625. Vacancies.

Vacancies occurring in the membership of non-city inspector examination and licensing board members shall be filled for the unexpired term in the manner in which the original appointments are made.

Section 40-626. Adoption of rules and regulations.

The examination and licensing board may adopt and enforce rules and regulations as proper and necessary for the performance of its work, provided that the rules and regulations do not conflict with the Code.

Section 40-627. Quorum.

Five members of the examination and licensing board shall constitute a quorum for the transaction of business.

Section 40-628. Officers.

Each January the examination and licensing board shall elect one of its non-city inspector members as chairperson and one of its non-city inspector members as vice chairperson. The chairperson shall have the authority to conduct the meetings and to rule on objections and other preliminary matters arising during the examinations, hearings or other matters, prior to its final decision.

Section 40-629. Duties.

The duties and responsibilities of the examination and licensing board shall include, but shall not be limited to the following:

(a) Hold regular meetings when necessary for the purpose of examining applicants who have filed their written application for licenses or certificates as required by the provisions of this chapter, chapter 44 or chapter 51, or for the conduct of any other business upon call by the chairperson.

(b) Examination of applicants shall be conducted at a location, and at the discretion of the examination and licensing board, a minimum of once each month. The written portion of an examination shall be monitored by the board or, at the board’s discretion, by a duly authorized representative or a third party agency. The examination and licensing board shall keep an accurate record of all applications for examinations and examinations given with results.
(c) Review the applications, qualifications or examination grades and pass upon all applications for licenses or certificates required under the provisions of this chapter, chapter 44 or chapter 51.

(d) Certify to the permits and inspections division the names of all successful applicants with recommendations for the issuance of licenses or certificates, as required by this chapter, chapter 44 or chapter 51. It shall keep accurate minutes of all its meetings and keep such other records as may be required thereafter. The minutes of all meetings shall be available for public inspection.

(e) The board shall have the authority to accept, as equivalent, experience or examinations taken in other jurisdictions, when authorized by this chapter, chapter 44 or chapter 51.

(f) Review annually the examinations given for the licenses and shall adopt such revisions as are necessary to keep tests current with building and industry methods and requirements.

(g) Review and sit in hearing of all complaints as filed against any license or certificate holder and determine their fitness to conduct their operations under the provisions of this chapter, chapter 44 and chapter 51.

(h) Request legal advice from the city law department at its discretion.

(i) Create and manage an advisory committee from each represented trade, as follows:

(1) Air conditioning and air distribution

(2) Electrical

(3) Hoisting and portable

(4) Stationary engineer

(5) Steamfitter and pipefitter

(6) Sign erector

Each such committee shall be selected and administered by the related trade representative(s) on the examination and licensing board and be available to offer
advice, explanation and assistance where requested by the board or city employees in the completion of the duties required by this section.

Section 40-630. Compensation.

The members of the examination and licensing board shall serve without compensation for their service.


The permits and inspections division shall provide the examination and licensing board with a secretary, stationary and all ancillary services necessary for the conduct of its business and duties.

Section 7. That Sections 40-7 through 40-281; Sections 40-298 through 40-425; and Sections 40-490 through 40-631 of the Omaha Municipal Code of the Omaha Municipal Code as heretofore existing are hereby repealed and Sections 40-7 through 40-281; Sections 40-298 through 40-425; and Sections 40-490 through 40-631 of the Omaha Municipal Code of the Omaha Municipal Code are hereby repealed and deleted in their entirety.

Section 8. That this Ordinance shall be in full force and take effect 15 days from and after the date of passage.

INTRODUCED BY COUNCILMEMBER

__________________________________________  APPROVED BY:

______________________________  MAYOR OF THE CITY OF OMAHA DATE

PASSED  ___________________________________

ATTEST:

__________________________________________  CITY CLERK OF THE CITY OF OMAHA  DATE
ORDINANCE NO. __________
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APPROVED AS TO FORM:

______________________________
ASST CITY ATTORNEY        DATE

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ORDINANCE NO. __________

AN ORDINANCE to amend Sections 44-51 through 44-64 of the Omaha Municipal Code Chapter 44, Article III. Electricians, regarding the licensing and examination of electricians, to repeal as heretofore existing and delete Sections 44-81 through 44-93 in their entirety; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Chapter 44, Article III. Electricians, of the Omaha Municipal Code is hereby amended to read as follows:

ARTICLE III. - ELECTRICIANS

DIVISION 1. – Generally

Section 44-51. License required.

(a) No person shall represent himself or herself as an electrical contractor, master electrician, journeyman electrician or residential journeyman without first having obtained a license from the state electrical board for such position. Apprentice electricians must be registered by the city permits and inspections division.

(b) No person shall, for another, wire or install electrical wiring, apparatus, or electrical equipment without a permit and the proper license issued by the State of Nebraska and a proper registration issued by the city.

Section 44-52. Issuance of permits restricted to electrical contractors and master electricians.

(a) No person shall be issued a permit for the installation or repair of wiring, apparatus and equipment for electric light, heat, power and other purposes unless said person holds an electrical contractor's license or a master electrician's license issued by the state electrical board and a certificate of registration issued by the electrical board of permits and inspections division the city. Persons so licensed and registered shall not allow their name to be used by any other person, directly or indirectly, whether to obtain a permit or to do any work under his/her license.
(b) An electrical contractor's or master's license shall only be valid and in effect for one company, firm, or corporation for whom the license holder is a full-time employee, and shall not be assignable to, or be available for use by any other company, firm, or corporation; provided, that if the license holder owns 50 percent or more of another company, firm, or corporation, he/she may use the license for that company, firm, or corporation.

Section 44-53. Registration required.

Any person performing electrical work within the jurisdictional limits of the city must first be registered with the city permits and inspections division. A copy of his/her current state license must be submitted with each registration. Apprentice electricians must also register with the city permits and inspections division and may perform work as provided in section 44-64 of this Code.

Exception: Homeowners performing work in accordance with section 44-122 of this Code.

Section 44-54. Contractor responsibility.

It shall be the responsibility of every electrical contractor or master electrician to verify that his/her employees, when performing electrical work within the jurisdictional limits of the city, are first registered with the city permits and inspections division. Any electrical contractor or master electrician who allows unregistered employees to work within the jurisdictional limits of the city shall be subject to possible suspension or revocation of his/her registration in accordance with section 44-60 of this Code.

Section 44-55. Application and issuance of certificate of registration.

Applications for registration shall be submitted on a form provided by the city permits and inspections division. Registration fees must be submitted with the application. The city permits and inspections division shall review all applications and shall issue a certificate of registration upon approval. Registrations for electrical contractors and master electricians must also include a copy of the bond required in section 44-63 of this Code.

Section 44-56. Duration of certificate of registration.

Any registration issued to a contractor, master electrician, journeyman electrician or residential journeyman under the provisions of this article shall be valid from the date of issuance until the next December 31st of an even-numbered year unless sooner suspended or revoked.
Any registration issued to an apprentice electrician shall be valid from the date of issuance until December 31st of the same year unless sooner suspended or revoked.

Section 44-57. Fees.

Fees for certificates of registration are not pro-rated. Fees are due and payable by December 31st of the year in which the registration expires. Renewal fees submitted after December 31st but no later than March 31st of the following year shall be double the required fee. Renewal fees submitted after April 1st of the following year shall be quadruple the required fee. The fee for new and renewal certificates of registration shall be as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical contractor or master electrician</td>
<td>$85.00</td>
</tr>
<tr>
<td>Journeyman electrician or residential journeyman electrician</td>
<td>$30.00</td>
</tr>
<tr>
<td>Apprentice electrician</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

Section 44-58. Delinquency.

If a person fails to renew his/her certificate by December 31st of the even-numbered year, he/she shall not be permitted to perform any electrical work until his/her certificate is renewed.

Section 44-59. Penalty for not registering.

Any person failing to register under the provisions of this article shall be required to pay quadruple the amount of the regular fee.

Section 44-60. Suspension or revocation of certificate of registration.

The electrical board examination and licensing board, as established pursuant to Article XII, Chapter 40, Mechanical Code, upon recommendation of the chief electrical inspector or assignee, shall have the power to suspend or revoke any registration with just cause. A certificate of registration may be suspended or revoked for the following reasons:

1. If the certificate was obtained by error or fraud.
2. If the holder no longer qualifies under this Code.
3. If the holder fails to comply with the provisions of this Code.
4. If the holder is shown to be willfully negligent or incompetent.

The electrical board examination and licensing board shall render a decision which shall be recorded in the meeting minutes. Any person having their registration revoked shall not be
granted a new registration for a period of one year after the date of revocation. Any previous permits issued to an electrical contractor or master electrician shall be cancelled without refund. Any suspension shall be for such term or conditions judged appropriate by the board examination and licensing board.

Section 44-61. Reinstatement of certificate of registration.

The holder of any certificate of registration which has been revoked may, after the expiration of one year from the date of such revocation, make application for a new certificate of registration as provided in section 44-55 of this Code. The electrical board examination and licensing board shall have full discretionary power to either accept or reject such application. If such application is rejected, the tendered application fee shall be returned to the applicant.

Section 44-62. Bond.

(a) Before an electrical contractor's or a master electrician's certificate of registration may be issued under the provisions of this article, the applicant therefore shall furnish a corporate surety bond, said bond to be approved under the provisions of this code, in the sum of not less than $12,500.00, to secure the city and the public against damages that may arise by virtue of carelessness or neglect of such person to properly execute and protect the work, or for any penalties that may be imposed under the provisions of this chapter.

(b) The bond shall be executed by a qualified surety company licensed to do business in the state.

(c) The bond shall further be conditioned among other things to indemnify the city against any lawsuits brought or judgments obtained against the city or any of its officials, employees or the electrical board, and to hold the same harmless from any cost or expenses occasioned by an injury or casualty happening to any person, persons, or property, real or personal, either directly or indirectly by any act performed by any person or persons employed by the master electrician or electrical contractor as governed by this chapter at any and all places under the jurisdiction of the city.

(d) The bond shall further be conditioned that the applicant shall install all things, by him or his firm or corporation furnished and installed, in strict compliance with the terms of this chapter.

Section 44-63. Identification of business vehicles.

All motor vehicles utilized by licensed electrical contractors or master electricians engaging in the electrical contracting business shall, while being so utilized, be conspicuously
marked with the individual, firm or corporate name and telephone number under which said business is conducted.
Section 44-64. Apprentice electricians.

(a) Supervision. No apprentice electrician shall perform any electrical work unless he/she is on the job with and under the direct supervision of a licensed journeyman electrician, electrical contractor or master electrician.

(b) Annual registration with electrical board the permits and inspections division. Every apprentice electrician shall register his/her name and address with the electrical board permits and inspections division annually.

(c) Fees. The fee for the original registration for apprentice electricians shall be the sum of $10.00. All renewal fees for apprentice electricians shall be the sum of $10.00.

(d) Expiration of registration. All registrations under the provisions of this division shall expire on December 31 after issuance.

(e) Numeric ratio. The numeric ratio of apprentices to licensed electricians, on a specific job site shall not be greater than three apprentices for each licensed electrician. The electrical board examination and licensing board may grant temporary exceptions to this ratio requirement, under conditions specified by the board.

Sections 44-65—44-80-100. Reserved.

DIVISION 2. ELECTRICAL BOARD

Section 44-81. Created.

There is hereby created a board to be known as the electrical board.

Section 44-82. Composition.

(1) Generally. The electrical board shall be composed of six members, all of whom shall be residents of or live within the zoning jurisdiction of the city. The journeyman electricians, electrical contractors and master electricians shall hold a valid registration as issued by the city, shall have not less than five years' active and continuous experience as such, and shall be actively engaged as an electrical contractor, master electrician or journeyman electrician as their primary source of income. Notwithstanding the fact that members are appointed as representatives of groups which may have differing interests, all electrical board members shall ultimately protect and serve in the public interest.
(2) **Membership:**

(a) One member shall be an electrical engineer, currently registered as a professional engineer in this state.

(b) One member shall be a master electrician or an electrical contractor engaged in business as an electrical contractor within the city's jurisdiction, and currently affiliated with a union shop.

(c) One member shall be a journeyman electrician who has been regularly employed as a journeyman on construction in the installation of electrical wiring systems within the city's jurisdiction, and currently affiliated with a union shop.

(d) One member shall be a master electrician or an electrical contractor engaged in business as an electrical contractor within the city's jurisdiction, and currently affiliated with a merit or open shop.

(e) One member shall be a journeyman electrician who has been regularly employed as a journeyman on construction in the installation of electrical wiring systems within the city's jurisdiction, and currently affiliated with a merit or open shop.

(f) One member shall be an electrical engineer currently registered as a professional engineer in this state, and an employee of the local utility company.

Section 44-83. Appointment of members.

The members of the electrical board shall be appointed by the mayor, on the recommendation of the planning director, and confirmed by the city council.

Section 44-84. Term of members.

Each member appointed to the electrical board shall serve for a term of three years or until his/her successor is appointed and qualified.

Section 44-85. Removal of members.

The mayor, on the recommendation of the planning director, and with the consent of the city council, may at any time remove an appointed member of the electrical board for good and sufficient cause.
Section 44-86. Compensation of members.

Each member of the electrical board shall be paid a fee of $10.00 for each meeting of the board attended by him/her. In addition, there shall be no charge made for the issuance of a renewal certificate of registration for any board member so long as he/she is serving on the board.

Section 44-87. Meetings.

The electrical board shall hold regular meetings when necessary for the purpose of administering any disciplinary action regarding the rules and regulations of this Code, or for the conduct of any other business upon call by the chairman.

Section 44-88. Quorum.

Three members of the electrical board shall constitute a quorum for the transaction of business.

Section 44-89. Officers.

The electrical board shall, at its first meeting each year, select from its members a chairman to preside at meetings and a secretary of the board. The secretary shall act as temporary chairman in the absence of the chairman.

Section 44-90. Adoption of rules and regulations.

The electrical board shall make such rules for the transaction of its business and for the administration of any disciplinary action regarding certificates of registration as it may deem necessary or expedient to ascertain the fitness of applicants to safely conduct their operations in the electrical field.

Section 44-91. Duties.

The electrical board shall sit in hearing of all residential journeyman, journeyman, class-A master, and class-A contractor license holders, brought before the electrical board to determine their fitness to conduct their operations in the electrical field required under the provisions of this chapter.
Section 44-92. Office supplies and secretarial services.

The electrical board shall be provided with all stationery necessary for the conduct of its official duties and also be supplied with stenographic services when necessary for use in the conduct of certificate of registration hearings or official meetings.

Section 44-93. Vacancies.

Any member who fails to maintain all of the eligibility requirements set forth in section 44-82(1) as well as the applicable provisions of section 44-82(2) shall be deemed to have forfeited their position, thereby creating a vacancy. All vacancies occurring in the membership of the electrical board shall be filled in the same manner as original appointments from the appropriate classification as set forth in section 44-82 for the remainder of the unexpired term.

Section 2. That Sections 44-51 through 44-64 of the Omaha Municipal Code Chapter 44, Article III. Electricians as heretofore existing are hereby repealed and Sections 44-81 through 44-93 of the Omaha Municipal Code Chapter 44, Article II. Electricians are hereby repealed and deleted in its entirety.

Section 3. That this Ordinance shall be in full force and take effect 15 days from and after the date of passage.

INTRODUCED BY COUNCILMEMBER

_____________________________  APPROVED BY:

_____________________________  MAYOR OF THE CITY OF OMAHA DATE

PASSED ________________________
ORDINANCE NO. __________
Page 10

ATTEST:

______________________________
CITY CLERK OF THE CITY OF OMAHA  DATE

APPROVED AS TO FORM:

______________________________
CITY ATTORNEY  DATE
ORDINANCE NO. __________

AN ORDINANCE to amend Chapter 51 Signs and Awnings, Article I. Administration, of the Omaha Municipal Code; to amend Sections 51-1 thru 51-11 and Sections 51-31 thru 51-36; to repeal and delete Section 51-12 of the Omaha Municipal Code as heretofore existing regarding certificates of competency for sign erection; and to provide the effective date thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Chapter 51 Signs and Awnings of the Omaha Municipal Code is hereby amended to read as follows:

Chapter 51

SIGNS AND AWNINGS*

ARTICLE I. ADMINISTRATION

DIVISION 1. GENERALLY

Section 51-1. Applicability of chapter.

The provisions of this chapter shall be applicable to all property within the corporate limits of the city and its three-mile extraterritorial jurisdiction as provided by R.R.S. 1943, § 14-418.

Section 51-2. Purpose of chapter.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property, and public welfare by regulating the location, quality of materials, construction, illumination, installation and maintenance of all signs, awnings and their supporting structures.

Section 51-3. Definitions.

The following definitions shall be used for terms contained in this chapter. Additional definitions for signs are found in chapter 55, article XVIII, of this Code. For terms that are not
defined in chapter 55 or in this chapter, Webster's Seventh Unabridged Edition dictionary shall be used.

**Approved combustible material:** Wood or materials not more combustible than red oak, and approved combustible plastics. Approved combustible plastics shall mean only those plastics which, when tested in accordance with the American Society for Testing Materials standard method for test for inflammability of plastics over 0.050 inch in thickness (D635-44), burn no faster than 2.5 inches per minute in sheets of 0.060 inch thickness.

**Awning:** Awnings are defined in section 51-71.

**Canopy:** A roof-like structure which projects out from the face of a building and whose structural support is an integral part of the main building. Canopies can be cantilevered from the building or may be supported at the outer edge by posts or by cables anchored to the main structural members of the building.

**Canopy, free-standing:** A roof-like structure supported entirely by poles, posts or columns and having no walls beneath the roof. Typical examples are the canopies over gas pumps at service stations.

**Changeable copy panel:** A sign designed in such a way as to allow frequent changes of copy, for example, a magnetic face panel to which letters can be affixed. Typical uses are church bulletin boards or signs indicating the "daily special" for a business.

**Display surface:** The surface made available by the structure, either for the direct mounting of letters and decoration, or for the mounting of facing material intended to carry the entire advertising message.

**Electrical sign:** Any sign which has characters, letters, figures, designs, faces, backgrounds, or outlines illuminated by incandescent, fluorescent, neon, or other luminous tubes or lamps, these light sources being either external or internal, as a part of the sign proper.

**Erect:** To build, construct, attach, hang, affix or suspend any sign or awning.

**Face change:** The installation of new copy or graphics on an existing sign or awning structure. On structures with multiple panels, only the panel receiving new copy is considered the "face change."

**Facing:** The surface of the sign upon, against, or through which the message of the sign is exhibited.

**Painted wall sign:** Any sign painted directly on a wall.
Sign structure: The supports, uprights, bracing and framework for the sign.


Section 51-4. Compliance with applicable regulations.

It shall be unlawful for any person to erect, alter, repair or remove any sign or awning within the jurisdictional limits of the city except in compliance with this chapter and with any other applicable provisions of this Code.

Section 51-5. Penalty; responsibility for violations.

Any person who violates or refuses to comply with the provisions of this chapter shall, upon conviction, be punished as provided in section 1-10 of this Code. The master sign erector responsible for erecting a sign or awning, and the owner or general partner or president of the awning company responsible for erecting any sign, awning and/or awning sign, and the owner of any sign, awning or awning sign, shall be the party/parties responsible for insuring compliance with these regulations and shall be held responsible in the event of any violation or refusal to comply.

Section 51-6. Appeals.

Except as provided in article II of this chapter, any person aggrieved by the decision of the superintendent of the permits and inspections division or his/her designated representative may appeal to the administrative appeals board as set forth in section 2-171 et seq. of this Code. Any person aggrieved by the decision of the sign examining board examination and licensing board may appeal to the administrative appeals board.

Any person aggrieved by the decision or determination of the administrative appeals board may appeal to the district court by complying with R.R.S. 1943, § 14-813, as amended.

Sections 51-7—51-10. Reserved.

DIVISION 2. PERMITS AND INSPECTIONS

Section 51-11. Enforcement generally; right of entry.

The superintendent of the permits and inspections division and/or his or her designated representative shall be authorized to enforce the provisions of this chapter. Whenever necessary to make an inspection to enforce the provisions of this Code, and upon presentation of proper credentials, the superintendent or his/her designated representative may enter any building or
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Page 4

premises at all reasonable times to inspect the same or to perform any duty imposed upon
him/her by this Code.

Section 51-12—Sign examining board.

(a) Established; purpose. There is hereby created a sign examining board, hereinafter
known as the board, in and for the jurisdictional limits of the city. The purpose of this board shall
be to create, conduct, and grade all examinations for certificates of competency for sign erection.
The board shall also have the authority to revoke, for good and sufficient cause, the license of
any master or journeyman sign erector as issued by the city.

(b) Composition. The board shall be composed of three members, who shall be
appointed by the mayor and confirmed by the city council. One member shall be a licensed
master sign erector who has held said license and has been engaged in the business of sign
erection within the jurisdictional limits of the city for at least two years prior to his/her
appointment. One member shall be a licensed journeyman sign erector who has held said license
for at least two years prior to his/her appointment. One member shall be a member of the public
at large. The chief electrical inspector and the chief building inspector shall also serve as
members of the board:

(c) Term of members. Each appointed board member shall serve on the board for a
period of four years. Appointments shall be staggered to provide continuity of the membership.

(d) Removal of members. The mayor, upon recommendation of the superintendent of
the permits and inspections division and with the consent of the city council, for good and
sufficient cause, may at any time remove any appointed member of the board from office.

(e) Vacancies. Vacancies occurring in the membership of the board for any reason,
including the expiration of term, shall be filled in the same manner as original appointments:

(f) Meetings and procedures; officers; staff. The board shall meet as often as
necessary to grade examinations for certificates of competency and to conduct any other business
as authorized and/or required in this Code. Members shall make such rules as they deem
necessary to conduct the business of the board.

Meeting dates and times shall be determined by the members. At the board's first
meeting, the members shall select a chairperson from among their number. The chief building
inspector shall be the secretary of the board. The permits and inspections division shall provide
all stationery and stenographic services needed to conduct the official duties of the board and
will administer the examinations for the board.
Three members of the board shall constitute a quorum for the transaction of business at any meeting.

Cross reference—Boards, commissions and authorities, § 2-161 et seq.

Section 51-12. Reserved.

DIVISION 32. - LICENSE

Section 51-31. Required; exceptions; master's and journeyman's licenses.

(a) Any person who wishes to engage in the business of sign construction, erection, repair, alteration or maintenance must first be licensed as a master sign erector. No person shall construct, erect, alter, maintain or repair any sign unless such person is licensed as a master or journeyman sign erector. As the only exceptions to this subsection, a sign erector's license is not required to construct, erect, alter, repair or maintain the following:

1. Awnings and the signs attached to them.

2. Free-standing signs constructed entirely of masonry, concrete or wood, containing no internal illumination and having a height no greater than six feet and sign area no greater than 32 square feet.

3. Nonilluminated wall signs mounted directly to the wall and extending no more than four inches from the surface of the wall.

4. Nonilluminated banners and temporary signs.

5. Painted wall signs.

6. Signs listed as "exempt" in section 51-14 of this Code.

(b) A journeyman sign erector may work only under the supervision of a licensed master sign erector. A master sign erector may hire such additional employees as needed to conduct his/her business, provided that such employees work under the direction and supervision of the master or journeyman sign erector, and provided that either the master or journeyman sign erector shall be present at the time of intricate precision construction, elevation, attachment and placement of the sign in its intended permanent position.

(c) It shall be unlawful for any person to represent themselves as a master or journeyman sign erector within the jurisdictional limits of the city unless such person shall first obtain the required license as provided in this article.
Section 51-32. Examination.

Any person desiring to be licensed as a master or journeyman sign erector must first pass an examination established by the sign examining board examination and licensing board, as established pursuant to Article XII, Chapter 40, Mechanical Code. Application to take the examination shall be made to the permits and inspections division on forms provided by the city. Each application shall be accompanied by the examination fee of $100.00 for the master's exam or $50.00 for the journeyman's exam, payable to the city. No examination fee shall be returnable to any applicant who fails to appear for the exam or who fails to pass the exam.

A grade of 70 percent correct shall be required to pass the examination. Upon successful completion of the examination as certified by the examination and licensing board, the applicant shall be issued his/her master or journeyman sign erector's license by the permits and inspections division.

An applicant who fails to pass the examination may not be tested again for a period of 90 days. A new application and fee must be submitted in order to take the examination again.

The sign examining board shall make any other rules necessary for the administration and grading of examinations and for the notification of results of the applicants.

Section 51-33. - Insurance generally.

(a) No master sign erector's license shall be issued to any person who does not have on file with the city proof of insurance and a signed indemnity agreement as defined in subsections (b) and (c). It shall be unlawful for any such person to engage in business unless and until such proof of insurance and indemnity agreement have been accepted by the permits and inspections division. Such insurance shall be maintained and kept current.

(b) The applicant shall procure and maintain in effect insurance policies including the following coverages:

(1) Commercial general liability insurance, including contractual liability insurance, with a limit of at least $500,000.00 per occurrence and at least $1,000,000.00 general annual aggregate limit; and

(2) Automobile liability insurance with a limit of at least $1,000,000.00 for each accident.

The insurance policies above shall be endorsed to name the city as an additional insured, and to provide that the insurance company give 30 days prior written notice to the city in the event of cancellation or nonrenewal of such policy.
Evidence of the above required insurance shall be furnished on an insurance industry standard certificate form acceptable to the city. If there are special limitations on the insurance policy, then a copy of the policy exclusions must be submitted with the insurance certificate. Proof of insurance shall be submitted directly to the city for review and approval.

(c) The applicant shall sign and provide to the city an indemnity agreement in approximately the following language:

"The undersigned, in consideration of the issuance of a master sign erector's license by the City of Omaha, a Nebraska municipal corporation ("City"), agrees to defend, save, hold harmless and indemnify the City and its agents from all liability, claims, damages, judgments, costs and expenses of any nature and description caused in whole or in part by or growing out of the erection, operation, design, fabrication, or installation of signs within the City or its jurisdiction by the undersigned.

________________________ (signature of authorized representative)"

Section 51-34. Insurance for businesses with more than one license holder.

When one or more master sign erector license holders are engaged in the business of sign erection as a partnership, firm or corporation, the filing and acceptance of one certificate of insurance by and in the name of and conditioned against said partnership, firm or corporation shall obviate the necessity of filing personal certificates by each such holder so associated, and shall entitle such partnership, firm or corporation to engage in business only so long as one or more licensed master sign erectors have active supervision of the work executed by such partnership, firm or corporation.

Section 51-35. Expiration; renewal.

Any license issued under the provisions of this division shall be valid from its date of issuance through December 31 next following, unless sooner revoked as provided in this chapter. The fee for renewal of a master sign erector's license shall be $100.00. The fee for renewal of a journeyman erector's license shall be $50.00. All license renewal fees shall be due on December 31 of each year. Any license renewal fee not paid within 30 days of its due date shall require approval of the sign examining board and licensing board prior to the issuance of a renewal license.

Section 51-36. Suspension or revocation.

Any license issued under the provisions of this division may be suspended or revoked by the sign examining board and licensing board for the violation by the certificate holder
of any applicable provision of this Code, state law or city ordinance, rule or regulation. In the event of any revocation of a license, the holder thereof shall not be entitled to make application for reinstatement thereof for a period of one year from such revocation.

Section 51-37. Responsibility of holder of master's license for work done by employees.

The holder of the master sign erector's license shall be responsible for all work performed under his/her supervision by his/her employees.

Sections 51-38—51-50. - Reserved.

Section 2. That Sections 51-1 through 51-13 and Sections 51-31 through 51-50 of Omaha Municipal Code Chapter 50, as heretofore existing are hereby repealed and Sections 51-1 through 51-13 and Sections 51-31 through 51-50 of Omaha Municipal Code Chapter 50 are hereby repealed and deleted in their entirety.

Section 3. That this Ordinance shall be in full force and take effect 15 days from and after the date of passage.

INTRODUCED BY COUNCILMEMBER

APPROVED BY:

MAYOR OF THE CITY OF OMAHA  DATE

PASSED __________________________

ATTEST:

CITY CLERK OF THE CITY OF OMAHA  DATE