

Bill No. 4710

Ordinance No. _____

Requested by: Mike Hurlbert

Sponsored by: John White

AN ORDINANCE AMENDING CHAPTER 625, PLUMBING CONTRACTORS AND ON-SITE SEWAGE DISPOSAL CONTRACTORS; CHAPTER 626, THIRD-PARTY INSPECTORS OF WELLS AND OF PRIVATE OR ON-SITE SEWAGE DISPOSAL SYSTEMS; CHAPTER 630, ELECTRICAL CONTRACTORS; CHAPTER 632, POOL INSTALLERS; CHAPTER 633, HVACR CONTRACTORS; CHAPTER 635, EXPLOSIVES CODE, SECTIONS 635.080, 635.140 AND 635.150; AND CREATING A NEW CHAPTER 627, ON-SITE WASTEWATER TREATMENT SYSTEM INSTALLER BUSINESS LICENSE, AND A NEW CHAPTER 637, BLASTING CONTRACTOR LICENSE, OF THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMO”)

WHEREAS, Article II, Section 2.529 of the St. Charles County Charter provides that the Council may exercise legislative power pertaining to public health and welfare, Police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated Cities, Towns, and Villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

WHEREAS, the County Council finds that it is in the public interest to amend Chapters 625, 626, 630, 632, 633, and 635, and add two new Chapters 627 and 637, OSCCMo, as provided herein; and

WHEREAS, the County Building Commission at its meeting on March 6, 2019, viewed a presentation about these revisions to the OSCCMo, briefly discussed the overall scope and intent of the revisions, and unanimously voted to advance these revisions for approval to the County Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 625, OSCCMo, is hereby amended as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Chapter 625. Plumbing Contractor~~[s and On Site Sewage Disposal Contractors]~~ **Business License**

Section 625.005 Scope.

This Chapter outlines the licensure requirements for individuals engaging in the performance and/or oversight of Plumbing Work, and the procedures and fees related to the administration and enforcement of said requirements.

Section 625.010 Applicable Code Standards.

Unless otherwise provided for in this Chapter, the [~~BOCA National Plumbing Code/1990~~] **Residential Code for One- and Two-Family Dwellings of St. Charles County, codified in Section 500.150 of the Ordinances of St. Charles County, Missouri (OSCCMo), as amended,** and the [~~BOCA National Private Sewage Disposal Code/1990 adopted by Order of the St. Charles County Commission on October 25,~~

~~1990, or any Codes that St. Charles County may adopt hereafter in lieu of these Codes, along with Sections 701.025 to 701.059, RSMo., and any and all regulations issued pursuant to these Statutes by the Missouri Department of Health,]~~ **Plumbing Code of St. Charles County, codified in Section 500.280, OSCCMo, as amended,** shall govern the administration and enforcement of this Chapter.

Section 625.020 Definitions.

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL

The Director of the St. Charles County Division of Building and Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

LICENSED PLUMBING CONTRACTOR

Any individual who holds a Plumbing Contractor Business License issued pursuant to this Chapter by St. Charles County and is charged the responsibility to perform and/or oversee Plumbing Work.

LICENSEE

Any individual who holds a [~~license~~] **Plumbing Contractor Business License** issued pursuant to this Chapter.

~~[ON SITE SEWAGE DISPOSAL SYSTEM CONTRACTOR~~

~~Any individual who is an on-site sewage disposal system contractor as defined by Section 701.025, RSMo.]~~

OWNER-OCCUPANT

An individual who both owns and primarily resides in a single-family residential property.

~~[PLUMBING CONTRACTOR~~

~~Any individual who under contract with or on behalf of a property owner engages in the practice of plumbing as defined by applicable Code standards as set out in Section 625.010 of this Chapter.]~~

PLUMBING WORK

Any work subject to applicable Code standards set out in Section 625.010 of this Chapter, including the design, installation, construction, maintenance, service, repair, alteration, or modification of a product or equipment transferring liquid, gas, or similar system.

PUBLIC ENTITY

Any agency of the State of Missouri or any political subdivision of the State.

Section 625.030 Administration and Enforcement.

A. The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any [1]Licensee;

3. Suspend, revoke, ~~[or]~~ refuse to renew, **or place on probation** the license of any ~~[a]~~ Licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 625.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a ~~[a]~~ Licensee that does not meet minimum requirements of any applicable Code standard set out in Section 625.010 of this Chapter; **and**
5. Review applications ~~[for licenses]~~ pursuant to this Chapter, test applicants **as and when required**, and issue **Plumbing Contractor Business Licenses** ~~[licenses]~~ to applicants ~~[who pass their tests]~~ **who comply with the licensure requirements** ~~[as]~~ provided in this Chapter.

Section 625.040 Licensure Required.

Subject to Section 625.050 of this Chapter, an individual must have ~~[the appropriate license]~~ **a Plumbing Contractor Business License** issued pursuant to this Chapter to engage in business as a ~~[a]~~ Licensed ~~[p]~~Plumbing ~~[e]~~Contractor ~~[or as an on-site sewage disposal system contractor]~~ in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to ~~[County licensure of such contractors]~~ **contract with the County to enforce any applicable Code standard set out in Section 625.010 of this Chapter**. No ~~[a]~~ Licensee may allow any ~~[non-licensed individual or any]~~ other

individual to use his ~~[number]~~ **or her license** for any purpose, except as provided in Section 625.050(A)(5) of this Chapter. ~~[A plumbing contractor or on-site sewage disposal system contractor is not exempt from this licensure requirement even if that contractor]~~ **An individual who** is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for plumbing ~~[or on-site sewage disposal]~~ systems and qualified to design such systems **is not exempt from the Plumbing Contractor Business License requirements when performing and/or overseeing Plumbing Work, subject to the exceptions to the licensure requirement contained in Section 625.050.**

Section 625.050 Exceptions ~~[F]~~to Licensure Requirement.

A. Section 625.040's licensure requirements shall not apply when an individual:

1. Is performing ~~[p]~~**Plumbing** ~~[or on-site sewage disposal]~~ ~~[w]~~**Work** for a public utility on construction, maintenance, and development of its facilities;
2. Is performing ~~[p]~~**Plumbing** ~~[w]~~**Work** on motor vehicles ~~[or irrigation equipment]~~ **or agricultural equipment;**
3. Is an ~~[o]~~**Owner**-~~[o]~~**Occupant** of a single-family dwelling **or accessory building**, ~~[and]~~ is performing ~~[p]~~**Plumbing** ~~[or on-site sewage disposal]~~ work on that dwelling **or accessory building**, and demonstrates to the

satisfaction of the Code Official (by written examination, if necessary, **in the Code Official's sole discretion**) the knowledge and skill to perform such work;

4. Is trained and employed by a [~~p~~]Public [~~e~~]Entity to service or repair its own plumbing systems [~~or on-site sewage disposal systems,~~] and is performing [~~p~~]Plumbing [~~or on-site sewage disposal~~] [~~w~~]Work on those systems;
5. Is employed by a [~~licensee~~] **Licensed Plumbing Contractor** and is performing [~~p~~]Plumbing [~~or on-site sewage disposal~~] [~~w~~]Work authorized by and under the direct supervision of that [~~l~~]Licensee; **or**
6. Is employed by a contractor installing the following public utilities or public improvements and is working on installing the following public utilities or public improvements:
 - a. Water mains, potable water mains and service lines from the water main to the meter, and (if the same contractor is installing them) water service lines from the water meter to the structure served;
 - b. Sanitary sewer mains and (if the same contractor is installing them concurrently) sanitary sewer laterals

connecting the main to the structure served; and

c. Storm water sewer mains.

B. Any individual exempt under this Section from the licensure requirements imposed by Section 625.040 of this Chapter shall meet applicable Code standards set out in Section 625.010 of this Chapter when ~~[engaged in the practice of plumbing as defined by those Code standards, or when engaged in the work of on site sewage disposal system contractors,]~~ **performing Plumbing Work** and shall obtain permits and inspections as may be required by ordinance

Section 625.060 Application ~~[F]~~**f**or Plumbing Contractor **Business License**.

A. To obtain a ~~[p]~~**P**lumbing ~~[e]~~**C**ontractor **Business [L]License**, an applicant must meet the following minimum requirements:

1. The applicant must be at least eighteen (18) years of age ~~[or able to demonstrate that he or she is an emancipated minor];~~

2. The applicant must make application to the Code Official ~~[on forms]~~ **in a format** prescribed by the Code Official;

~~[3. The applicant must specify the type of license desired;]~~

~~[4.]~~

3. The applicant must meet all requirements specified by this Chapter and by rules and

regulations promulgated by the Code Official;

~~[5.]~~

4. The applicant must pay the appropriate ~~[examination and license]~~ **processing** fees required by the Code Official; and

~~[6.]~~

5. The applicant must pass the appropriate examination ~~[administered by the Code Official or the testing agency]~~ duly designated by the Code Official **in his or her sole discretion.**

~~[Section 625.070 Application For On-Site Sewage Disposal Contractor License.~~

~~A. To obtain an on-site sewage disposal contractor license, an applicant for such a license must meet the following minimum requirements:~~

~~1. The applicant must be at least eighteen (18) years of age or able to demonstrate that he or she is an emancipated minor;~~

~~2. The applicant must make application to the Code Official on forms prescribed by the Code Official;~~

~~3. The applicant must specify the type of license desired;~~

~~4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;~~

~~5. The applicant must pay the appropriate license fees required by the Code Official; and~~

~~6. The applicant must furnish proof of valid registration as an on-site sewage disposal~~

~~system contractor as provided by Section 710.053, RSMo.]~~

Section ~~[625.080]~~ **625.070** Issuance or Denial of Application ~~[F]~~for License.

A. All applicants who meet the requirements for licensure in Sections 625.060 ~~[or 625.070]~~ of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:

1. Committed any act which, if committed by a ~~[F]~~Licensee, would be grounds for suspension or revocation of the license pursuant to Sections 625.030(A)(3) and ~~[625.130]~~ **625.120** of this Chapter;
2. Previously been denied a license for cause, or previously had a license revoked for cause; or
3. Knowingly made any false statement or misrepresentation on the application for a license.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his **or her** defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial.

Section ~~[625.090]~~ **625.080** Retroactivity ~~[Plumbing Contractor Licensees]~~.

All current holders of plumbing contractor licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements, unless their licenses expire without being renewed as required by Section ~~[625.100]~~ **625.090** of this Chapter. **The Code Official may prorate renewal fees for the purposes of extending the expiration date of licenses for existing plumbers to correspond with the renewal periods enumerated in Section 625.090.**

Section ~~[625.100]~~ **625.090** ~~[Expiration of Existing Licenses On December 31, 1996]~~ Terms of Licenses Issued or Renewed ~~[Thereafter]~~—Renewal Procedure.

~~[All plumbing contractor licenses or on site sewage disposal system contractor licenses issued or maintained pursuant to Sections 625.060, 625.070 or 625.090 of this Chapter shall expire on December 31, 1996. Thereafter, the]~~ **The Code Official shall renew or issue such Plumbing Contractor Business [1]Licenses in active status** for two (2) year terms beginning on the first (1st) day of January in ~~[odd]~~ **even**-numbered years and ending on the last day of December in the following ~~[even]~~ **odd**-numbered year. To renew any such license, a [1]Licensee must submit to the Code Official, before the license's expiration date, and ~~[on a form]~~ **in a format** prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 625.~~[120]~~**110** of this Chapter. Late applications for renewal shall be accepted until but no later than ~~[July first (1st)]~~ **March thirty-first (31st)** with payment of late fees imposed in Section 625.~~[120]~~**110(C)**.

Section ~~[625.110]~~ **625.100** Inactive License Status.

In lieu of renewing ~~[an active]~~ a license **in active status** as provided by Section ~~[625.100]~~ **625.090** of this Chapter, ~~[the]~~ a Licensee ~~[holder]~~ may apply for inactive license status for two (2) year terms, **beginning and ending** as provided in Section ~~[625.100]~~ **625.090**. A ~~[A]~~ Licensee who obtains inactive license status may perform no **Plumbing** ~~[w]~~Work under the inactive license ~~[as a plumbing contractor or on site sewage disposal system contractor]~~. To apply for inactive license status, a ~~[A]~~ Licensee must submit to the Code Official, before the license's expiration date, and ~~[on a form]~~ **in a format** prescribed by the Code Official, an application for inactive license status along with the required application fees. A ~~[A]~~ Licensee **whose license is** on inactive ~~[license]~~ status may ~~[reactivate]~~ **change his or her license to an active status** by applying for renewal as provided by Section ~~[625.100]~~ **625.090**. **A Licensee who has a license in an inactive status for more than two renewal periods must provide evidence of continued competency, as approved by the Code Official, to change his or her license to an active status.**

Section ~~[625.120]~~ **625.110** Application, License, and Renewal Fees for Plumbing Contractor **Business** Licenses~~[, For On Site Sewage Disposal System Contractor Licenses,]~~ and ~~[F]~~for Inactive License Status.

- A. The Code Official shall collect the following fees:
1. Plumbing ~~[e]~~Contractor **Business License** ~~[license test]~~ **initial** application fee[s] of twenty-five dollars (\$25.00) per application;

2. ~~[On site sewage disposal system contractor license application fees of twenty five dollars (\$25.00) per application;~~

3.]

Plumbing [e]Contractor **Business** [f]License **active status** fee of two hundred dollars (\$200.00) per license for two (2) years; **and**

3. **Plumbing Contractors Business License inactive status fee of fifty dollars (\$50) to renew a license in an inactive status for two (2) years.**

~~[4. On site sewage disposal system contractor license fee of two hundred dollars (\$200.00) per license for two (2) years;~~

~~5. For plumbing contractor or on site disposal system contractor for inactive license status a fee of fifty dollars (\$50.00) for two (2) years.]~~

B. The Code Official may prorate the fees enumerated in Subparagraph (A)(~~[3]~~2) [~~through (5)~~] of this Section when first issuing licenses or when reactivating licenses on inactive license status.

C. The Code Official shall collect the following **additional** fees for [~~late renewals of an active or inactive~~] **expired licenses when the application to renew is received after the expiration date:**

1. [~~Fifty~~] **Twenty-five** dollars [~~(\$50.00)~~] **(\$25.00)** for licenses renewed in January;

2. [~~One hundred~~] **Fifty** dollars [~~(\$100.00)~~]
(\$50.00) for licenses renewed in February;
and

3. [~~One hundred fifty~~] **Seventy-five** dollars
[~~(\$150.00)~~] **(\$75.00)** for licenses renewed in
March[;].

[~~4. Two hundred dollars (\$200.00) for licenses
renewed in April;~~]

[~~5. Two hundred fifty dollars (\$250.00) for licenses
renewed in May; and~~]

[~~6. Three hundred dollars (\$300.00) for licenses
renewed in June.~~]

D. A Licensee who fails to renew his or her license before April of the year following expiration, shall pay an additional one hundred (\$100) dollars to reactivate the license in addition to any fees required in Section 625.110(A). A Licensee who reactivates his or her license per this subsection is not required to pay any of the fees listed in Section 625.110(C) with the reactivation fee.

Section [~~625.130~~] **625.120** Suspension, Refusal [~~F~~]to Renew, or Revocation of Plumbing Contractor **Business** Licenses[~~— or of On-Site Sewage Disposal System Contractor Licenses~~] (Including Those [~~Θ~~]on Inactive License Status).

A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or

revoke any [p]Plumbing [e]Contractor **Business License** [~~or any on-site sewage disposal system license~~] (including a license on inactive license status) if the Code Official finds that the [f]Licensee has:

1. Made a material misstatement in the application for a [p]Plumbing [e]Contractor **Business License** [~~or on-site sewage disposal system contractor license~~], or for the renewal of such a license;
2. Demonstrated incompetency to act as a [f]Licensee as provided by this Chapter; or
3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 625.010 of this Chapter, or any rule, regulation, or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission[;] and introduce any evidence in his **or her** defense. Any individual whose [p]Plumbing [e]Contractor **Business License** [~~or on-site sewage disposal system contractor license~~] has been revoked or **who has been refused renewal of his or her Plumbing Contractor Business License** [~~has not been renewed~~] may reapply for such a license, but no sooner than one (1) year after the date of revocation **or refusal to renew**.

Section [~~625.140~~] **625.130** Bonding.

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a [~~performance or~~] **contractor** license bond in the amount of ten thousand dollars (\$10,000.00). This bond must be kept in force at all times **and be in the name of the license holder**. Failure to maintain such bond shall result in revocation or suspension of license.

Section [~~625.150~~] **625.140** Liability Insurance.

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidencing [~~e of~~] liability insurance coverage in the amount of five hundred thousand dollars (\$500,000.00) **per incident**. This insurance must be kept in force at all times, **and the certificate holder shall be listed as St. Charles County**. Failure to maintain such insurance shall result in revocation or suspension of license.

Section [~~625.160~~] **625.150** Stop Work Orders and Unlawful Continuances.

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing; [~~and~~] shall be given to the owner of the property involved, or to that owner's agent, and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section [~~625.170~~] **625.160** of this Chapter,

which fine shall be not less than two hundred fifty dollars (\$250.00).

Section [~~625.170~~] **625.160** Penalties.

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars (\$250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) [~~or by imprisonment not exceeding one (1) year, or by both~~]. Each day that a violation continues shall be deemed a separate offense.

Section [~~625.180~~] **625.170** Enforcement.

Enforcement of this Chapter shall be the responsibility of the County Counselor.

Section 2. Section 626, OSCCMo, is hereby amended as follows (added text in **bold** type, deleted text in [~~bracketed and stricken type~~]).

Chapter 626. [~~Third-Party Inspectors of Wells and of Private or On-Site Sewage Disposal Systems~~] **On-Site Wastewater Treatment System Inspector Business License**

Section 626.005 Scope.

This Chapter outlines the licensure requirements for individuals engaging in the performance and /or oversight of On-Site Wastewater Treatment System Work, and the procedures and fees related to the administration and enforcement of said requirements.

Section 626.010 Applicable Code Standards.

Unless otherwise provided for in this Chapter, the **Residential Code for One- and Two-family Dwellings of St. Charles County, codified in Section 500.150 of the Ordinances of St. Charles County, Missouri (OSCCMo), as amended; the Plumbing Code of St. Charles County, codified in Section 500.280 OSCCMo, as amended; [~~Section 500.050, Ordinances of St. Charles County, Missouri ("OSCCMo"), and~~] the Private Sewage Disposal Code of St. Charles County [~~Section 500.080, OSCCMo), both as currently adopted or as amended hereafter~~], codified in Section 500.300 OSCCMo, as amended;** along with Sections 701.025 to 701.059, RSMo., as amended; and any and all regulations issued pursuant to these Statutes by the Missouri Department of Health **and Senior Services**, shall govern the administration and enforcement of this Chapter.

Section 626.020 Definitions.

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL

The Director of the St. Charles County Division of Building and Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

LICENSED ON-SITE WASTEWATER TREATMENT SYSTEM INSPECTOR

Any individual who holds an On-Site Wastewater Treatment System Inspector License issued pursuant to this Chapter by St. Charles County and is charged the responsibility to perform inspections required by the Private Sewage Disposal Code of St. Charles County, Section 500.300, OSCCMo.

LICENSEE

Any individual who holds an **On-Site Wastewater Treatment System Inspector Business [‡]** License issued pursuant to this Chapter.

PUBLIC ENTITY

Any agency of the State of Missouri or any political subdivision of the State.

~~**[THIRD PARTY INSPECTOR**~~

~~Any individual who performs inspections required by the Private Sewage Disposal Code of St. Charles County, Section 500.080(B), OSCCMo].~~

Section 626.030 Administration and Enforcement.

A. The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any [H]Licensee;
3. Suspend, revoke, [Ø] refuse to renew, **or place on probation** the license of any [H]Licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 626.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a [H]Licensee that does not meet minimum requirements of any applicable Code standard set out in Section 626.010 of this Chapter; **and**
5. Review applications [~~for licenses~~] pursuant to this Chapter, test applicants **as and when required**, and issue [~~licenses~~] **On-Site Wastewater Treatment System Inspector Business Licenses** to applicants [~~who pass their tests as~~] **who comply with the**

licensure requirements provided in this Chapter.

Section 626.040 Licensure Required.

Subject to Section 626.~~050~~**045** of this Chapter, an individual must have ~~[a]~~ **an On-site Wastewater Treatment System Inspector Business** ~~[H]~~**License** issued pursuant to this Chapter to engage in business as a ~~[third party inspector]~~ **Licensed On-Site Wastewater Treatment System Inspector** in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to ~~[County licensure of such contractors]~~ **contract with the County to enforce any applicable Code standard set out in Section 626.010 of this Chapter.** No ~~[H]~~**Licensee** may allow any ~~[non-licensed individual or any]~~ other individual to use his or her ~~[number]~~ **license** for any purpose~~[, except as provided in Section 626.050(5) of this Chapter].~~ An ~~[third party inspector is not exempt from this licensure requirement even if that]~~ individual **who** is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for plumbing or on-site sewage disposal systems and qualified to design such systems **is not exempt from the On-Site Wastewater Treatment System Inspector Business License requirements when performing and/or overseeing on-site wastewater treatment system work.**

Section ~~[626.050]~~ **626.045** Licensed On-Site ~~[Sewage Disposal Contractors]~~ **Wastewater Treatment System Installer** Ineligible ~~[F]~~**for Licensure** ~~[A]~~**as** ~~[Third Party Inspectors]~~ **On-site Wastewater Treatment System Inspector.**

No individual licensed by St. Charles County as an [~~on-site sewage disposal contractor~~] **On-site Wastewater Treatment System Installer** shall be eligible for licensure by St. Charles County as an [~~third party inspector~~] **On-site Wastewater Treatment System Inspector** under this Chapter.

Section 626.050 (RESERVED)

Section 626.060 Application [~~For License As~~] for [~~Third Party Inspector~~] **On-Site Wastewater Treatment System Inspector Business License**.

A. To obtain an [~~license as Third party Inspector~~] **On-Site Wastewater Treatment System Inspector Business License**, an applicant must meet the following minimum requirements:

1. The applicant must be at least eighteen (18) years of age [~~or able to demonstrate that he or she is an emancipated minor~~];
2. The applicant must make application to the Code Official [~~on forms~~] **in a format** prescribed by the Code Official;

[~~3. The applicant must specify the type of license desired;~~]

[~~4.~~]

3. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;

[~~5.~~]

4. The applicant must pay the appropriate [examination and license] **processing** fees required by the Code Official; and

[6.]

5. The applicant must be certified by the Missouri Department of Health and Senior Services as [third party inspectors] **On-site Wastewater Treatment System Inspectors** of private sewage disposal systems and wells.

Section 626.070 [~~Reserved~~] ~~Section 626.080~~ **Issuance of or Denial of Application [F]for License.**

A. All applicants who meet the requirements for licensure in Section 626.060 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:

1. Committed any act which, if committed by a [H]Licensee, would be grounds for suspension or revocation of the license pursuant to Sections 626.030(A)(3) and [~~626.130~~] **626.120** of this Chapter;

2. Previously been denied a license for cause, or previously had a license revoked for cause; or

3. Knowingly made any false statement or misrepresentation on the application for a license.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St.

Charles County Building Commission[;] and introduce any evidence in his or her defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial.

Section 626.080 Retroactivity.

All current holders of third-party inspector licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements, unless their licenses expire without being renewed as required by Section 626.090 of this Chapter. The Code Official may prorate renewal fees for the purposes of extending the expiration date of licenses for existing third-party inspectors to correspond with the renewal periods enumerated in Section 626.090.

Section 626.090 [~~Reserved~~ ~~Section 626.100 Expiration of Existing Licenses On December 31, 2002~~] Terms of Licenses Issued or Renewed [~~Thereafter~~] — Renewal Procedure.

~~[All licenses for third party inspectors that shall be issued in 2002 pursuant to Section 626.060 of this Chapter shall expire on December 31, 2002. Thereafter,~~ ~~the]~~ **The Code Official shall renew or issue such On-Site Wastewater Treatment System Inspector Business [;]Licenses in active status for two (2) year terms beginning on the first (1st) day of January in [~~odd~~]even-numbered years and ending on the last day of December in the following [~~even~~]odd-numbered year. To renew any such license, a [;]Licensee must submit to the Code Official, before the license's expiration date, and [~~on a~~**

~~form~~] **in a format** prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section [~~626.120~~] **626.110** of this Chapter. Late applications for renewal shall be accepted until but no later than [~~July first (1st)~~] **March thirty-first (31st)**, with payment of late fees imposed in Section [~~626.120(C*)~~] **626.110(C)**.

Section [~~626.110~~] **626.100** Inactive License Status.

In lieu of renewing [~~an active~~] a license **in active status** as provided by Section [~~626.100~~] **626.090** of this Chapter, ~~the~~ [~~the~~] Licensee [~~holder~~] may apply for inactive license status for two (2) year terms, **beginning and ending** as provided in Section [~~626.100~~] **626.090**. A [~~]~~ Licensee who obtains inactive license status may perform no work under the inactive license as [~~a third-party inspector~~] **an On-site Wastewater Treatment System Inspector**. To apply for inactive license status, a [~~]~~ Licensee must submit to the Code Official, before the license's expiration date, and [~~on a form~~] **in a format** prescribed by the Code Official, an application for inactive license status along with the required application fees. A [~~]~~ Licensee **whose license is** on inactive [~~license~~] status may [~~reactivate his/her~~] **change his or her license to an active status** by applying for renewal as provided by Section [~~626.100~~] **626.090**. **A Licensee who has a license that is in an inactive status for more than two renewal periods must provide evidence of continued competency, as approved by the Code Official, to change his or her license to an active status.**

Section [~~626.120~~] **626.110** Application, License, and Renewal Fees for [~~Third Party Inspector~~] **On-Site Wastewater Treatment System Inspector Business License** and [~~F~~]for Inactive License Status.

A. The Code Official shall collect the following fees:

1. [~~Third party Inspector~~] **On-Site Wastewater Treatment System Inspector Business License** [~~license test~~] **initial** application fee[s] of twenty-five dollars (\$25.00) per application;
2. [~~Third party inspector license~~] **On-Site Wastewater Treatment System Inspector Business License active status** fee of two hundred dollars (\$200.00) per license for two (2) years; **and**
3. **On-Site Wastewater Treatment System Inspector Business License** [~~Inactive license~~] **inactive status** [a] fee of fifty dollars (\$50.00) **to renew a license in an inactive status** for two (2) years.

B. The Code Official may prorate the fees enumerated in Subsection[s] (A)(2) [~~and (3)~~] of this Section when first issuing licenses or when reactivating licenses on inactive license status.

C. The Code Official shall collect the following **additional** fees for [~~late renewals of an active or inactive~~] **expired licenses when the application to renew is received after the expiration date:**

1. [~~Fifty~~] **Twenty-five** dollars [~~(\$50.00)~~] **(\$25.00)** for licenses renewed in January;
2. [~~One hundred~~] **Fifty** dollars [~~(\$100.00)~~] **(\$50.00)** for licenses renewed in February;
and
3. [~~One hundred fifty~~] **Seventy-five** dollars [~~(\$150.00)~~] **(\$75.00)** for licenses renewed in March[;].
- ~~[4. Two hundred dollars (\$200.00) for licenses renewed in April;]~~
- ~~[5. Two hundred fifty dollars (\$250.00) for licenses renewed in May; and]~~
- ~~[6. Three hundred dollars (\$300.00) for licenses renewed in June.]~~

D. A Licensee who fails to renew his or her license before April of the year following expiration, shall pay an additional one hundred (\$100) dollars to reactivate the license in addition to any fees required in Section 626.110(A). A Licensee who reactivates his or her license per this subsection is not required to pay any of the fees listed in Section 626.110(C) with the reactivation fee.

Section [~~626.130~~] **626.120** Suspension, Refusal [~~F~~]to Renew, or Revocation of [~~Third Party~~] **On-Site Wastewater Treatment System Inspector Business Licenses** (Including Those [~~Θ~~]on Inactive License Status).

- A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any ~~[Third-party]~~ **On-Site Wastewater Treatment System** ~~[i]~~**Inspector Business** ~~[f]~~**License** (including a license on inactive license status) if the Code Official finds that the ~~[f]~~**Licensee** has:
1. Made a material misstatement in the application for an ~~[Third-party]~~ **On-Site Wastewater Treatment System** ~~[i]~~**Inspector Business** ~~[f]~~**License**, or for the renewal of such a license;
 2. Demonstrated incompetency to act as a ~~[f]~~**Licensee** as provided by this Chapter; or
 3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 626.010 of this Chapter, or any rule, regulation or order promulgated by the Code Official.
- B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his or her defense. Any individual whose ~~[Third-party]~~ **On-Site Wastewater Treatment System** ~~[i]~~**Inspector Business** ~~[f]~~**License** has been revoked or **who has been refused renewal of his or her On-Site Wastewater Treatment System Inspector License** ~~[has not been renewed]~~ may reapply for

such a license, but no sooner than one (1) year after the date of revocation **or refusal to renew**.

Section [~~626.140~~] **626.130** Bonding.

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a [~~performance or~~] **contractor** license bond in the amount of ten thousand dollars (\$10,000.00). This bond must be kept in force at all times, **and be in the name of the license holder**. Failure to maintain such bond shall result in revocation or suspension of license.

Section [~~626.150~~] **626.140** Liability Insurance.

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidencing [~~e of~~] liability insurance coverage in the amount of five hundred thousand dollars (\$500,000.00) **per incident**. This insurance must be kept in force at all times, **and the certificate holder shall be listed as St. Charles County**. Failure to maintain such insurance shall result in revocation or suspension of license.

Section [~~626.160~~] **626.150** Stop Work Orders and Unlawful Continuances.

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing; [~~and~~] shall be given to the owner of the property involved, or to that owner's agent, and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any

individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section [~~626.170~~] **626.160** of this Chapter, which fine shall be not less than two hundred fifty dollars (\$250.00).

Section [~~626.170~~] **626.160** Penalties.

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars (\$250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) [~~or by imprisonment not exceeding one (1) year or by both~~]. Each day that a violation continues shall be deemed a separate offense.

Section [~~626.180~~] **626.170** Enforcement.

Enforcement of this Chapter shall be the responsibility of the County Counselor.

Section 3. A new Chapter 627 OSCCMo, is hereby created and reads as follows:

Chapter 627. On-Site Wastewater Treatment System Installer Business License

Section 627.005 Scope.

This Chapter outlines the licensure requirements for individuals engaging in the performance and/or oversight of On-Site Wastewater Treatment System Installer Work, and the procedures and fees related to the administration and enforcement of said requirements.

Section 627.010 Applicable Code Standards.

Unless otherwise provided for in this Chapter, the Residential Code for One- and Two-family Dwellings of St. Charles County, codified in Section 500.150 of the Ordinances of St. Charles County, Missouri (OSCCMo), as amended; the Plumbing Code of St. Charles County, codified in Section 500.280, OSCCMo, as amended; and the Private Sewage Disposal Code of St. Charles County, codified in Section 500.300, OSCCMo, as amended; along with Sections 701.025 to 701.059, RSMo., as amended; and any and all regulations issued pursuant to these Statutes by the Missouri Department of Health and Senior Services, shall govern the administration and enforcement of this Chapter.

Section 627.020 Definitions.

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL

The Director of the St. Charles County Division of Building and Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

LICENSEE

Any individual who holds an On-Site Wastewater Treatment System Installer Business License issued pursuant to this Chapter.

ON-SITE WASTEWATER TREATMENT SYSTEM

Any private sewage disposal system, sometimes referred to as a “septic” system, used to safely process sewage.

LICENSED ON-SITE WASTEWATER TREATMENT SYSTEM INSTALLER

Any individual who holds an On-Site Wastewater Treatment System Installer Business License issued pursuant to this Chapter by St. Charles County and is charged the responsibility to perform and / or oversee On-Site Wastewater Treatment System Work.

ON-SITE WASTEWATER TREATMENT SYSTEM WORK

Any work subject to applicable Code standards set out in Section 627.010 of this Chapter, including the design, installation, construction, maintenance, service, repair, alteration, or modification of a

product or equipment involved with the private disposal of sewage, conveyance of sanitary discharges to public mains, or conveyance of storm water to detention or similar structures.

OWNER-OCCUPANT

An individual who both owns and primarily resides in a single-family residential property.

PUBLIC ENTITY

Any agency of the State of Missouri or any political subdivision of the State.

Section 627.030 Administration and Enforcement.

A. The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any Licensee;
3. Suspend, revoke, refuse to renew, or place on probation the license of any Licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 627.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a Licensee that does not meet minimum requirements of any applicable Code standard set out in Section 627.010 of this Chapter; and

5. Review applications pursuant to this Chapter, test applicants as and when required, and issue On-Site Wastewater Treatment System Installer Business Licenses to applicants who comply with the licensure requirements provided in this Chapter.

Section 627.040 Licensure Required.

Subject to Section 627.050 of this Chapter, an individual must have an On-Site Wastewater Treatment System Installer Business License issued pursuant to this Chapter to engage in business as a licensed On-Site Wastewater Treatment System Installer in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to contract with the County to enforce any applicable Code standard set out in Section 627.010 of this Chapter. No Licensee may allow any other individual to use his or her license for any purpose, except as provided in Section 627.050(A)(3) of this Chapter. An individual who is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for private sewage disposal systems and qualified to design such systems is not exempt from the On-Site Wastewater Treatment System Installer Business License requirements when performing and / or overseeing On-Site Wastewater Treatment System Work, subject to the exceptions to the licensure requirement contained in Section 627.050.

Section 627.050 Exceptions to Licensure Requirement.

A. Section 627.040's licensure requirements shall not apply when an individual:

1. Is performing On-Site Wastewater Treatment System Work on motor vehicles or agricultural equipment;
2. Is an Owner-Occupant of a single-family dwelling; is performing On-Site Wastewater Treatment System Work on that dwelling or accessory buildings; and demonstrates to the satisfaction of the Code Official (by written examination, if necessary, in the Code Official's sole discretion) the knowledge and skill to perform such work;
3. Is employed by a Licensed On-Site Wastewater Treatment System Installer and is performing work authorized by and under the direct supervision of that Licensee; or
4. Is employed by a contractor installing the following public utilities or public improvements and is working on installing the following public utilities or public improvements:
 - a. Sanitary sewer mains and (if the same contractor is installing them concurrently) sanitary sewer laterals connecting the main to the structure served; and
 - b. Storm water sewer mains.

- B. Any individual exempt under this Section from the licensure requirements imposed by Section 627.040 of this Chapter shall meet applicable Code standards set out in Section 627.010 of this Chapter when performing On-Site Wastewater Treatment System Work and shall obtain permits and inspections as may be required by ordinance.

Section 627.060 Application for On-Site Wastewater Treatment Installer Business License.

To obtain an On-Site Wastewater Treatment System Installer Business License, an applicant must meet the following minimum requirements:

- A. The applicant must be at least eighteen (18) years of age;
- B. The applicant must make application to the Code Official in a format prescribed by the Code Official;
- C. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;
- D. The applicant must pay the appropriate processing fees required by the Code Official; and
- E. The applicant must furnish proof of valid registration as an On-Site Wastewater Treatment System Installer or On-Site Sewage Disposal System Contractor, as provided by Section 701.053, RSMo.

Section 627.070 Issuance of or Denial of Application for License.

- A. All applicants who meet the requirements for licensure in Sections 627.060 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:
1. Committed any act which, if committed by a Licensee, would be grounds for suspension or revocation of the license pursuant to Sections 627.030(A)(3) and 627.120 of this Chapter;
 2. Previously been denied a license for cause, or previously had a license revoked for cause; or
 3. Knowingly made any false statement or misrepresentation on the application for a license.
- B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his or her defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial.

Section 627.080 Retroactivity.

All current holders of on-site sewage disposal contractor licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing

requirements, unless their licenses expire without being renewed as required by Section 627.090 of this Chapter. The Code Official may prorate renewal fees for the purposes of extending the expiration date of licenses for existing on-site sewage disposal contractor licenses to correspond with the renewal periods enumerated in Section 637.090.

Section 627.090 Terms of Licenses Issued or Renewed—Renewal Procedure.

The Code Official shall renew or issue such On-Site Wastewater Treatment System Installer Business Licenses in active status for two (2) year terms beginning on the first (1st) day of January in even-numbered years and ending on the last day of December in the following odd-numbered year. To renew any such license, a Licensee must submit to the Code Official, before the license's expiration date, and in a format prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 627.120 of this Chapter. Late applications for renewal shall be accepted until but no later than March thirty-first (31st) with payment of late fees imposed in Section 627.110(C).

Section 627.100 Inactive License Status.

In lieu of renewing a license in active status as provided by Section 627.090 of this Chapter, the license holder may apply for inactive license status for two (2) year terms, beginning and ending as provided in Section 627.090. A Licensee who obtains inactive license status may perform no On-Site Wastewater Treatment System Work under the inactive license. To apply for inactive

license status, a Licensee must submit to the Code Official, before the license's expiration date, and in a format prescribed by the Code Official, an application for inactive license status along with the required application fees. A Licensee whose license is on inactive license status may change his or her license to an active status by applying for renewal as provided by Section 627.090. A Licensee who has a license in an inactive status for more than two renewal periods must provide evidence of continued competency, as approved by the Code Official, to change his or her license to an active status.

Section 627.110 Application, License, and Renewal Fees for On-Site Wastewater Treatment System Installer Business Licenses and for Inactive License Status.

- A. The Code Official shall collect the following fees:
1. On-Site Wastewater Treatment System Installer Business License initial application fee of twenty-five dollars (\$25.00) per application;
 2. On-Site Wastewater Treatment System Installer Business License active status fee of two hundred dollars (\$200.00) per license for two (2) years; and
 3. On-Site Wastewater Treatment System Installer Business License inactive status fee of fifty dollars (\$50) to renew a license in an inactive status for two (2) years.

- B. The Code Official may prorate the fees enumerated in Subparagraph (A)(2) of this Section when first issuing licenses or when reactivating licenses on inactive license status.

- C. The Code Official shall collect the following additional fees for expired licenses when the application to renew is received after the expiration date:
 - 1. Twenty-five dollars (\$25.00) for licenses renewed in January;
 - 2. Fifty dollars (\$50.00) for licenses renewed in February; and
 - 3. Seventy-five dollars (\$75.00) for licenses renewed in March.

- D. A Licensee who fails to renew his or her license before April of the year following expiration shall pay an additional one hundred (\$100) dollars to reactivate the license in addition to any fees required in Section 627.110(A). A Licensee who reactivates his or her license per this subsection is not required to pay any of the fees listed in Section 627.110(C) with the reactivation fee.

Section 627.120 Suspension, Refusal to Renew, or Revocation of On-Site Wastewater Treatment System Installer Business Licenses (Including Those on Inactive License Status).

- A. The Code Official may make investigations and conduct hearings and, upon its own investigation

or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any On-Site Wastewater Treatment System Installer Business License (including a license on inactive license status) if the Code Official finds that the Licensee has:

1. Made a material misstatement in the application for an On-Site Wastewater Treatment System Installer Business License, or for the renewal of such a license;
 2. Demonstrated incompetency to act as a Licensee as provided by this Chapter; or
 3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 627.010 of this Chapter, or any rule, regulation, or order promulgated by the Code Official.
- B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his or her defense. Any individual whose On-Site Wastewater Treatment System Installer Business License has been revoked or who has been refused renewal of his or her On-Site Wastewater Treatment System Installer Business License may reapply for such a license, but no sooner than one (1) year after the date of revocation or refusal to renew.

Section 627.130 Bonding.

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a contractor license bond in the amount of ten thousand dollars (\$10,000.00). This bond must be kept in force at all times and be in the name of the Licensee. Failure to maintain such bond shall result in revocation or suspension of license.

Section 627.140 Liability Insurance.

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidencing liability insurance coverage in the amount of five hundred thousand dollars (\$500,000.00) per incident. This insurance must be kept in force at all times, and the certificate holder shall be listed as St. Charles County. Failure to maintain such insurance shall result in revocation or suspension of license.

Section 627.150 Stop Work Orders and Unlawful Continuances.

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing; shall be given to the owner of the property involved, or to that owner's agent, and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 627.160 of this Chapter, which fine shall be not less than two hundred fifty dollars (\$250.00).

Section 627.160 Penalties.

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars (\$250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense.

Section 627.170 Enforcement.

Enforcement of this Chapter shall be the responsibility of the County Counselor.

Section 4. Chapter 630, OSCCMo, is hereby amended to read as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Chapter 630. Electrical Contractor[s] **Business License**

Section 630.005 Scope.

This Chapter outlines the licensure requirements for individuals engaging in the performance and/or oversight of Electrical Work, and the procedures and fees related to the administration and enforcement of said requirements.

Section 630.010 Applicable Code Standards.

Unless otherwise provided for in this Chapter, the ~~[BOCA National Building Code/1990 and the National Electric Code/1990]~~ **Residential Code for One- and Two-family Dwellings of St. Charles County, codified in Section 500.150 of the Ordinances of St. Charles County, Missouri (OSCCMo), as amended, and the Electrical Code of St. Charles County [adopted by Order of the St. Charles County Commission on October 25, 1990, or any Codes that St. Charles County may adopt hereafter in lieu of these Codes,]** **codified in Section 500.260, OSCCMo, as amended,** shall govern the administration and enforcement of this Chapter.

Section 630.020 Definitions.

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL

The Director of the St. Charles County Division of Building and Code Enforcement of the Department

of Community Development or a duly authorized representative of the Director.

~~[ELECTRICAL CONTRACTOR LICENSEE~~

~~An individual who holds an electrical contractor license issued pursuant to this Chapter.]~~

ELECTRICAL WORK

Any work subject to applicable Code standards set out in Section 630.010 of this Chapter, including the **design, installation, construction, maintenance, service, repair, alteration, or modification** [~~designing, installing, constructing, maintaining, servicing, repairing, altering or modifying~~] of a product or equipment that conducts electricity, but not including the repair of household appliances, the repair of telephone and cable television wiring, or the replacement of existing light fixtures in single family residences.

~~[ELECTRICIAN~~

~~An individual who is an employee of an electrical contractor licensee]~~

LICENSED ELECTRICAL CONTRACTOR

An individual who holds an Electrical Contractor Business License issued pursuant to this Chapter by St. Charles County and is charged the responsibility to perform and / or oversee Electrical Work.

LICENSEE

Any individual who holds an Electrical Contractor Business License issued pursuant to this Chapter.

OWNER-OCCUPANT

An individual who both owns and primarily resides in a single-family residential property.

PUBLIC ENTITY

Any agency of the State of Missouri or any political subdivision of the State.

Section 630.030 Administration and Enforcement.

The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any [~~electrical contractor~~] [‡]Licensee;
3. Suspend, revoke, [~~or~~] refuse to renew, **or place on probation** the license of any [~~electrical contractor~~] [‡]Licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 630.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a [~~an electrical contractor~~] [‡]Licensee who does not meet minimum requirements of any applicable Code standard set out in Section 630.010 of this Chapter; and
5. Review applications [~~for electrical contractor licenses~~] pursuant to this Chapter, test applicants **as and when required**, and issue [~~electrical~~

~~contractor—licenses]~~ **Electrical Contractor Business Licenses** to applicants [~~who pass their tests—as]~~ **who comply with the licensure requirements** provided in this Chapter.

Section 630.040 Licensure Required.

Subject to Section 630.050 of this Chapter, an individual must have an [e]Electrical [e]Contractor **Business [f]License** issued pursuant to this Chapter to [~~perform electrical work]~~ **engage in business as a Licensed Electrical Contractor** in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to [~~County licensure of electrical contractors]~~ **contract with the County to enforce any applicable Code standard set out in Section 630.010 of this Chapter.** No [~~electrical contractor]~~ [f]Licensee may allow any [~~non-licensed individual or any]~~ other individual to use his [~~number]~~ **or her license** for any purpose, except as provided for in Section 630.050(A)([4]5). An [~~electrical contractor is not exempt from this licensure requirement even if that contractor]~~ **individual who** is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for electrical systems and qualified to design such systems **is not exempt from the Electrical Contractor Business License requirements when performing and / or overseeing Electrical Work, subject to the exceptions to the licensure requirement contained in Section 630.050.** Section 630.050 Exceptions [F]to Licensure Requirement.

- A. Section 630.040's licensure requirements shall not apply when an individual:

1. Is performing [e]Electrical [w]Work for a public utility on construction, maintenance, and development of its facilities;
 2. Is performing [e]Electrical [w]Work on motor vehicles [~~or irrigation equipment~~] **or agricultural equipment;**
 3. Is an [o]Owner-Occupant of a single-family dwelling;[;] [~~and~~] is performing [e]Electrical [w]Work on that dwelling **or accessory buildings;**[;] and demonstrates to the satisfaction of the Code Official (by written examination, if necessary, **in the Code Official's sole discretion**) the knowledge and skill to perform such work;
 4. **Is trained and employed by a Public Entity to service or repair its own electrical systems, and is performing Electrical Work on those systems;**
- [4]
5. Is [~~an electrician~~] employed by [~~an electrical~~] a **Licensed Electrical** [e]Contractor [~~licensee,~~] and is performing electrical work authorized by and under the direct supervision of that [~~electrical contractor~~] [~~Licensee~~]; **or**
 6. **Is employed by a contractor installing the following public utilities or public improvements and is working on installing the following public utilities or public improvements:**

- a. **Power distribution owned and operated by the utility; and**
 - b. **Communication distribution including fiber-optics, cable, and similar systems owned and operated by the provider.**
- B. Any individual exempt under this Section from the licensure requirements imposed by Section 630.040 of this Chapter shall meet applicable Code standards set out in Section 630.010 of this Chapter when performing ~~[e]Electrical [w]Work~~ and shall obtain permits and inspections as may be required by ordinance.

Section 630.060 Application ~~[F]~~for Electrical Contractor **Business License**.

- A. To obtain an Electrical Contractor **Business License**, an applicant ~~[for such a license]~~ must meet the following minimum requirements:
1. The applicant must be at least eighteen (18) years of age ~~[or able to demonstrate that he or she is an emancipated minor];~~
 2. The applicant must make application to the Code Official ~~[on forms]~~ **in a format** prescribed by the Code Official;
 3. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;

4. The applicant must pay the appropriate ~~[examination and license]~~ **processing** fees required by the Code Official; **and**
5. The applicant must pass the appropriate examination ~~[administered by the Code Official or the testing agency]~~ duly designated by the Code Official, **in his or her sole discretion, or provide a valid Electrical Contractor License from the State of Missouri.**

Section 630.070 **Issuance of or Denial of Application**
~~[F]~~for License.

- A. All applicants who meet the requirements for licensure in Section 630.060 of this Chapter shall be issued ~~[an electrical contractor]~~ **the appropriate** license. However, the Code Official may deny a license if the applicant has:
 1. Committed any act which, if committed by a ~~[an electrical contractor]~~ ~~[a]~~Licensee, would be grounds for suspension or revocation of ~~[an electrical contractor]~~ **the** license pursuant to Sections 630.030(A)(3) and 630.120 of this Chapter;
 2. Previously been denied a license for cause, or previously had a license revoked for cause;
or

3. Knowingly made any false statement or misrepresentation on the application for [~~an electrical contractor~~] a license.
- B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission[;] and introduce any evidence in his [~~her~~] or **her** defense. Any individual whose application for [~~an electrical contractor~~] a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial.

Section 630.080 Retroactivity.

All current holders of electrical contractor licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements, unless their licenses expire without being renewed as required by Section 630.090 of this Chapter. **The Code Official may prorate renewal fees for the purposes of extending the expiration date of licenses for existing electrical contractors to correspond with the renewal periods enumerated in Section 630.090.**

Section 630.090 [~~Expiration of Existing Electrical Contractor Licenses On December 31, 1996—~~]Terms of Licenses Issued or Renewed [~~Thereafter~~]— Renewal Procedure.

[~~All existing electrical contractor licenses issued or maintained pursuant to Sections 630.060 and 630.080 of this Chapter shall expire on December 31, 1996. Thereafter, the~~] **The Code Official shall renew or issue**

such [e]Electrical [e]Contractor Business [f]Licenses in active status for two (2) year terms beginning on the first (1st) day of January in [~~even~~]odd-numbered years, and ending on the last day of December in the following [~~odd~~]even-numbered year. To renew any [e]Electrical [e]Contractor **Business [f]License**, a [f]Licensee must submit to the Code Official, before the license's expiration date, and [~~on a form~~] **in a format** prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 630.110 of this Chapter. Late applications for renewal shall be accepted until but no later than [~~July first (1st)~~] **March thirty-first (31st)** with payment of late fees imposed in Section 630.110(C).

Section 630.100 Inactive License Status.

In lieu of renewing [~~an active electrical contractor~~] a license **in active status** as provided by Section 630.090 of this Chapter, [~~an electrical contractor~~] a [f]Licensee may apply for inactive license status for two (2) year terms, **beginning and ending** as provided in Section 630.090. [~~An electrical contractor~~] A [f]Licensee who obtains inactive license status may perform no [e]Electrical [~~w~~]Work under the inactive license. To apply for inactive license status, [~~an electrical contractor~~] a [f]Licensee must submit to the Code Official, before the license's expiration date, and [~~on a form~~] **in a format** prescribed by the Code Official, an application for inactive license status along with the required application fees. [~~An electrical contractor~~] A [f]Licensee **whose license is** on inactive license status may [~~reactivate~~] **change his or her license to an active status** by applying for renewal as provided by Section 630.090. A **Licensee who has a license on**

inactive status for more than two renewal periods must provide evidence of continued competency, as approved by the Code Official, or a valid Electrical Contractor License from the State of Missouri to change his or her license to an active status.

Section 630.110 Application, License, and Renewal Fees [F]for Electrical Contractor **Business** Licenses[7] and [F]for Inactive License Status.

- A. The Code Official shall collect the following fees:
1. Electrical Contractor **Business** License [test] **initial** application fee of twenty-five dollars (\$25.00) per application; [and]
 2. Electrical Contractor **Business** License **active status** fee of two hundred dollars (\$200.00) per license for two (2) years; **and**,
 3. Electrical Contractor **Business License** inactive [license] **status** fee of fifty dollars (\$50.00) **to renew a license in an inactive status** for two (2) years.
- B. The Code Official may prorate the fees enumerated in Subparagraph[s] (A)(2) [~~and (3)~~] of this Section when first issuing licenses or when reactivating licenses on inactive license status.
- C. The Code Official shall collect the following **additional** fees for [~~late renewals of an active or inactive~~] **expired licenses when the application to renew is received after the expiration date:**

1. [~~Fifty~~] **Twenty-five** dollars [~~(\$50.00)~~] **(\$25.00)** for licenses renewed in January;
2. [~~One hundred~~] **Fifty** dollars [~~(\$100.00)~~] **(\$50.00)** for licenses renewed in February;
and
3. [~~One hundred fifty~~] **Seventy-five** dollars [~~(\$150.00)~~] **(\$75.00)** for licenses renewed in March[;
- ~~4. Two hundred dollars (\$200.00) for licenses renewed in April;~~
- ~~5. Two hundred fifty dollars (\$250.00) for licenses renewed in May; and~~
- ~~6. Three hundred dollars (\$300.00) for licenses renewed in June].~~

D. A Licensee who fails to renew his or her license before April of the year following expiration, shall pay an additional one hundred (\$100) dollars to reactivate the license in addition to any fees required in Section 625.110(A). A Licensee who reactivates his or her license per this subsection is not required to pay any of the fees listed in Section 625.110(C) with the reactivation fee.

Section 630.120 Suspension, Refusal [~~¶~~]to Renew, or Revocation of Electrical Contractor **Business** Licenses (Including Those [~~⊖~~]on Inactive License Status).

A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by

the complainant, suspend, refuse to renew, or revoke any [e]Electrical [e]Contractor **Business** [f]License (including a license on inactive license status) if the Code Official finds that the [~~electrical contractor~~] [f]Licensee has:

1. Made a material misstatement in the application for an Electrical Contractor **Business** License, or for the renewal of such a license;
2. Demonstrated incompetency to act as [~~an electrical contractor~~] a [f]Licensee as provided by this Chapter; [~~or,~~]
3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 630.010 of this Chapter, or any rule, regulation, or order promulgated by the Code Official; **or**
4. **Has had his or her State-issued license revoked, suspended, inactivated, expired, or refused renewal pursuant to Sections 324.900 to 324.945, RSMo.**

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission[;] and introduce any evidence in his **or her** defense. Any individual whose [e]Electrical [e]Contractor **Business** [f]License has been revoked or [~~has not been renewed~~] **who has been refused renewal of his or her Electrical Contractor Business License** may reapply for such a license, but no

sooner than one (1) year after the date of revocation or refusal to renew.

Section 630.130 Bonding.

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a [~~performance or~~] **contractor** license bond in the amount of ten thousand dollars (\$10,000.00). This bond must be kept in force at all times **and be in the name of the license holder**. Failure to maintain such bond shall result in revocation or suspension of license.

Section 630.140 Liability Insurance.

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance [~~evidence of~~] **evidencing** liability insurance coverage in the amount of five hundred thousand dollars (\$500,000.00) **per incident**. This insurance must be kept in force at all times, **and the certificate holder shall be listed as St. Charles County**. Failure to maintain such insurance shall result in revocation or suspension of license.

Section 630.150 Stop Work Orders and Unlawful Continuances.

Upon notice from the Code Official that [~~electrical~~] work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing; [~~and~~] shall be given to the owner of the property involved, or to that owner's agent, and to the individual doing the work; and shall state the conditions under which work will be permitted

to resume. Any individual who shall continue any [electrical] work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 630.160 of this Chapter, which fine shall be not less than two hundred fifty dollars (\$250.00).

Section 630.160 Penalties.

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars (\$250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) [~~or by imprisonment not exceeding one (1) year, or by both~~]. Each day that a violation continues shall be deemed a separate offense.

Section 630.170 Enforcement.

Enforcement of this Chapter shall be the responsibility of the County Counselor.

Section 5. Chapter 632, OSCCMo, is hereby amended to read as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Chapter 632 Pool Installer[s] **Business License**

Section 632.005 Scope.

This Chapter outlines the licensure requirements for individuals engaging in the performance and / or oversight of Pool Installer Work, and the procedures and fees related to the administration and enforcement of said requirements.

Section 632.010 Applicable Code Standards.

Unless otherwise provided for in this Chapter, the codes adopted in Titles IV and V of the Ordinances of St. Charles County, Missouri (**OSCCMo**), **including but not limited to the Swimming Pool and Spa Code of St. Charles County, codified in Section 500.420 OSCCMo, as amended; Residential Code for One- and Two-family Dwellings of St. Charles County, codified in Section 500.150 OSCCMo, as amended; and the Electrical Code of St. Charles County, codified in Section 500.260 OSSCMo, as amended,** shall govern the administration and enforcement of this Chapter.

Section 632.020 Definitions.

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL

The Director of the St. Charles County Division of Building and Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

LICENSED POOL INSTALLER

Any individual who holds a Pool Installer Business License issued pursuant to this Chapter by St. Charles County and is charged the responsibility to perform and / or oversee Pool Installer Work.

LICENSEE

Any individual who holds a [~~license~~] **Pool Installer Business License** issued pursuant to this Chapter.

OWNER-OCCUPANT

An individual who both owns and primarily resides in a single-family residential property.

~~[POOL INSTALLER~~

~~Any individual who installs a pool as defined in Section 405.060.]~~

POOL INSTALLER WORK

Any work subject to applicable Code standards set out in Section 632.010 of this Chapter, including the design, installation, construction, maintenance, service, repair, alteration, or modification of a pool, spa, or similar aquatic vessel designed for swimming, bathing, or wading.

PUBLIC ENTITY

Any agency of the State of Missouri or any political subdivision of the State.

Section 632.030 Administration and Enforcement.

A. The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any [H]Licensee;
3. Suspend, revoke, [Ø] refuse to renew, **or place on probation** the license of a [H]Licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 632.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a [H]Licensee that does not meet minimum requirements of any applicable Code standard set out in Section 632.010 of this Chapter; **and**
5. Review applications for licenses pursuant to this Chapter **and issue Pool Installer Business Licenses to applicants who comply with the licensure requirements provided in this Chapter.**

Section 632.040 Licensure Required.

Subject to Section 632.050 of this Chapter, an individual must have a **Pool Installer Business** [H]License issued pursuant to this Chapter to engage in business as a **Licensed** [p]Pool [i]Installer in unincorporated St. Charles County or in any incorporated area of the County whose [G]governing [B]body has consented to [~~County licensure of such contractors~~] **contract with the County to enforce any applicable Code standard set out in Section 632.010 of this Chapter. No Licensee may allow any other individual to use his or her license for any purpose, except as provided in Section 632.050(A)(2) of this Chapter. An individual who is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for pools, spas, or other aquatic vessels and qualified to design such systems is not exempt from the Pool Installer Business License requirements when performing and / or overseeing Pool Installer Work, subject to the exceptions to the licensure requirement contained in Section 632.050.**

Section 632.050 [~~Reserved~~] **Exceptions to Licensure Requirement.**

- A. **Section 632.040's licensure requirements shall not apply when an individual:**
 - 1. **Is an Owner-Occupant of a single-family dwelling; is performing Pool Installation Work on that property; and demonstrates to the satisfaction of the Code Official (by written examination, if necessary, in the Code Official's sole discretion) the knowledge and skill to perform such work;**

2. **Is employed by a Licensed Pool Installer and is performing Pool Installer Work authorized by and under the direct supervision of that Licensee; or**
 3. **Is trained and employed by a public entity to service or repair its own pools, spas, or similar aquatic vessels and is performing Pool Installer Work on those systems.**
- B. Any individual exempt under this Section from the licensure requirements imposed by Section 632.040 of this Chapter shall meet applicable Code standards set out in Section 632.010 of this Chapter when performing Pool Installer Work and shall obtain permits and inspections as may be required by ordinance.**

Section 632.060 Application ~~[F]~~for **Pool Installer Business License** ~~[as Pool Installer]~~.

- A. To obtain a ~~[license as a]~~Pool ~~[i]~~Installer **Business License**, an applicant must meet the following minimum requirements:**
1. The applicant must be at least eighteen (18) years of age ~~[or able to demonstrate that he or she is an emancipated minor]~~;
 2. The applicant must make application to the Code Official ~~[on forms]~~ **in a format** prescribed by the Code Official;
 3. ~~[The applicant must specify the type of license desired;~~

4.] The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official; and

[5]

4. The applicant must pay the appropriate [license] **processing** fees required by the Code Official.

Section 632.070 [~~Reserved~~Section ~~632.080~~]**Issuance of or Denial of Application [F]for License.**

A. All applicants who meet the requirements for licensure in Section 632.060 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:

1. Committed any act which, if committed by a [4]Licensee, would be grounds for suspension or revocation of the license pursuant to Sections 632.030(A)(3) and [~~632.130~~]**632.120** of this Chapter;

2. Previously been denied a license for cause, or previously had a license revoked for cause; or,

3. Knowingly made any false statement or misrepresentation on the application for a license.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission[;] and

introduce any evidence in his or her defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than [~~sixty (60) days~~] **one (1) year** after the date of denial.

Section 632.080 Retroactivity.

All current holders of pool installer licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements, unless their licenses expire without being renewed as required by Section 632.090 of this Chapter. The Code Official may prorate renewal fees for the purposes of extending the expiration date of licenses for existing pool installers to correspond with the renewal periods enumerated in Section 632.090.

Section 632.090 [~~Reserved~~]

~~Section 632.100 Expiration of Existing Licenses On December 31, 2010 —~~ Terms of Licenses Issued or Renewed [~~Thereafter~~] — Renewal Procedure.

~~[All licenses for pool installers that shall be issued in 2010 pursuant to Section 632.060 of this Chapter shall expire on December 31, 2010. Thereafter, the]~~ **The Code Official shall renew or issue such Pool Installer Business [H]Licenses in active status for two (2) year terms beginning on the first (1st) day of January in odd-numbered years and ending on the last day of December in the following even-numbered year. To renew any such license, a [L]icensee must submit to the Code Official, before the license's expiration date, and [on a form] in a**

format prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section ~~[632.120]~~ **632.110** of this Chapter.

Section ~~[632.110]~~ **632.100** Inactive License Status.

In lieu of renewing ~~[an active]~~ a license **in active status** as provided by Section ~~[632.100]~~ **632.090** of this Chapter, the ~~[H]~~Licensee ~~[holder]~~ may apply for inactive license status for two (2) year terms, **beginning and ending** as provided in Section ~~[632.100]~~ **632.090**. A ~~[H]~~Licensee who obtains inactive license status may perform no **Pool Installer** ~~[w]~~Work under the inactive license~~[as a pool installer]~~. To apply for inactive license status, a ~~[H]~~Licensee must submit to the Code Official, before the license's expiration date, and ~~[on a form]~~ **in a format** prescribed by the Code Official, an application for inactive license status along with the required application fees. A ~~[H]~~Licensee **whose license is** on inactive ~~[license]~~ status may ~~[reactivate his/her]~~ **change his or her license to an active status** by applying for renewal as provided by Section ~~[632.100]~~ **632.090**. **A Licensee who has a license in an inactive status for more than two renewal periods must provide evidence of continued competency, as approved by the Code Official, to change his or her license to an active status.**

Section ~~[632.120]~~ **632.110** Application, License, and Renewal Fees **for Pool Installer Business Licenses and** ~~[F]~~for Inactive License Status.

A. The Code Official shall collect the following fees:

1. Pool Installer Business License initial application fee of twenty-five dollars (\$25.00) per application;

[1]

2. Pool [i]Installer Business [1]License active status fee of two hundred dollars (\$200.00) per license for two (2) years; and

[2]

3. Pool Installer Business License [~~inactive~~] inactive [~~license~~] status [a] fee of fifty dollars (\$50.00) to renew a license in an inactive status for [every] two (2) years.

B. The Code Official may prorate the fees enumerated in Subsection[s] (A)([1]2) [~~and (2)~~] of this Section when first issuing licenses or when reactivating licenses on inactive license status.

C. The Code Official shall collect the following additional fees for expired licenses when the application to renew is received after the expiration date:

1. Twenty-five dollars (\$25.00) for licenses renewed in January;

2. Fifty dollars (\$50.00) for licenses renewed in February; and

3. Seventy-five dollars (\$75.00) for licenses renewed in March.

D. A Licensee who fails to renew his or her license before April of the year following expiration shall pay an additional one hundred (\$100)

dollars to reactivate the license in addition to any fees required in Section 625.110(A). A Licensee who reactivates his or her license per this subsection is not required to pay any of the fees listed in Section 625.110(C) with the reactivation fee.

Section [~~632.130~~] **632.120** Suspension, Refusal [F]to Renew, or Revocation of Pool Installer **Business** Licenses (Including Those [Θ]on Inactive License Status).

- A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any [p]Pool [i]Installer **Business** [L]License (including a license on inactive license status) if the Code Official finds that the [L]Licensee has:
1. Made a material misstatement in the application for a [p]Pool [i]Installer **Business** [L]License, or for the renewal of such a license;
 2. Demonstrated incompetency to act as a [L]Licensee as provided by this Chapter; or
 3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 632.010 of this Chapter, or any rule, regulation or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission~~[7]~~ and introduce any evidence in his or her defense. Any individual whose ~~[p]Pool [i]Installer Business [t]License~~ has been revoked or ~~[has not been renewed]~~ **who has been refused renewal of his or her Pool Installer Business License** may reapply for such a license, but no sooner than one (1) year after the date of revocation **or refusal to renew**.

Section ~~[632.140]~~ **632.130** Bonding.

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a ~~[performance or]~~ **contractor** license bond in the amount of twenty thousand dollars (\$20,000.00). This bond must be kept in force at all times **and be in the name of the license holder**. Failure to maintain such bond shall result in revocation or suspension of license.

Section ~~[632.150]~~ **632.140** Liability Insurance.

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidencing~~[e of]~~ liability insurance coverage in the amount of five hundred thousand dollars (\$500,000.00) **per incident**. This insurance must be kept in force at all times, **and the certificate holder shall be listed as St. Charles County**. Failure to maintain such insurance shall result in revocation or suspension of license.

Section ~~[632.160]~~ **632.150** Stop Work Orders and Unlawful Continuances.

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing; shall be given to the owner of the property involved, or to that owner's agent, and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section [~~632.170~~] **632.160** of this Chapter, which fine shall be not less than two hundred fifty dollars (\$250.00).

Section [~~632.170~~] **632.160** Penalties.

Any individual who violates any provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars (\$250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) [~~or by imprisonment not exceeding one (1) year, or by both~~].

Each day that a violation continues shall be deemed a separate offense.

Section [~~632.180~~] **632.170** Enforcement.

Enforcement of this Chapter shall be the responsibility of the County Counselor.

Section 6. Chapter 633, OSCCMo, is hereby amended to read as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Chapter 633 [~~HVACR—Contractors~~] **Mechanical Contractor Business License**

Section 633.005 Scope.

This Chapter outlines the licensure requirements for individuals engaging in the performance and / or oversight of Mechanical Work, and the procedures and fees related to the administration and enforcement of said requirements.

Section 633.010 Applicable Code Standards.

Unless otherwise provided for in this Chapter, the **Residential Code for One- and Two-family Dwellings of St. Charles County, codified in Section 500.150 of the Ordinances of St. Charles County, Missouri (OSCCMo), as amended; the Fuel Gas Code of St. Charles County, codified in Section 500.240 OSCCMo, as amended; and the Mechanical Code of St. Charles County, codified in Section 500.220 OSCCMo, as amended, [~~of St. Charles County, Section~~**

~~500.020, OSCCMo, as amended,]~~ shall govern the administration and enforcement of this Chapter.

Section 633.020 Definitions.

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

~~[BTUH British thermal unit per hour of heat.]~~

CODE OFFICIAL

The Director of the Division of Building and Code Enforcement or a duly authorized representative of the Director.

GAS FITTING WORK

Gas fitting work for the purpose of supplying a HVACR system from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system.

HEATING AND AIR CONDITIONING

The process of treating air to control temperature, humidity, cleanliness, ventilation or circulation to meet human comfort requirements.

~~[HORSEPOWER~~

~~The equivalent to seven hundred forty six (746) watts.]~~

~~[HVACR~~

~~The design, installation, construction, maintenance, service, repair, alternation or modification of a product or of equipment in heating and air conditioning, refrigeration, ventilation, process cooling or heating systems or water heaters.~~

~~HVACR CONTRACTOR~~

~~Any individual who under contract with or on behalf of a property owner engages in the business of installing HVACR systems and equipment in buildings as defined by applicable code standards set out in Section 633.010 of this Chapter.~~

~~HVACR EMPLOYEE~~

~~A person who is an employee of an HVACR licensee and who does not hold a Class [A, B or C HVACR] A or B license and who can only perform work for an HVACR licensee.]~~

~~[HVACR GAS FITTING WORK Gas fitting work for the purpose of supplying a HVACR system from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system.]~~

~~[HVACR MAINTENANCE WORK~~

~~Repair, modification, service and all other work required for the normal continued performance of a HVACR system. This term does not include the installation or total replacement of a system or the installation of boiler or pressure vessels that must be installed by licensed persons.]~~

LICENSED MECHANICAL CONTRACTOR

Any individual who holds a Mechanical Contractor Business License issued pursuant to this Chapter by St. Charles County and is charged the responsibility to perform and / or oversee Mechanical Work.

LICENSEE

Any individual who holds a [license] Mechanical Contractor Business License issued pursuant to this Chapter.

MECHANICAL WORK

Any work subject to applicable Code standards set out in Section 633.010 of this Chapter, including the design, installation, construction, maintenance, service, repair, alteration, or modification of a product or equipment for heating, cooling, ventilation, refrigeration, or similar system.

~~[ONE TON~~

~~Twelve thousand (12,000) BTUH.]~~

PUBLIC ENTITY

Any agency of the State of Missouri or any political subdivision of the State.

REFRIGERATION

The use of mechanical or absorption equipment to control temperature, humidity or both in order to satisfy the intended use of a specific space other than for human comfort.

~~[REPAIR~~

~~The reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance.~~

~~SUBCONTRACTOR~~

~~A person who performs a portion of the HVACR installation.]~~

Section 633.030 Administration and Enforcement.

A. The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;[-]
2. Conduct investigations into all complaints against any [‡]Licensee;[-]
3. Suspend, revoke, **refuse to renew**, or place on probation the license of any [‡]Licensee who fails to correct any violations of this Chapter or of any applicable [e]Code standard set out in Section 633.010 of this Chapter;[-]
4. Activate bonds to cover the cost for any work performed by a [‡]Licensee that does not meet minimum requirements of any applicable [e]Code standard set out in Section 633.010 of this Chapter;[-] **and**
5. Review applications [~~for licenses~~] pursuant to this Chapter, test applicants **as and when required**, and issue **Mechanical Contractor Business [‡]Licenses** to applicants [~~who pass their tests as~~] **who comply with the licensure requirements** provided in this Chapter.

Section 633.040 Licensure Required.

Subject to Sections 633.050 and [~~633.060~~] **633.055** of this Chapter, an individual must have [~~the appropriate license~~] **a Mechanical Contractor Business License** issued pursuant to this Chapter to engage in business as [~~an HVACR~~] **a Licensed Mechanical [e]Contractor** in

unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to ~~[County licensure of such contractors]~~ **contract with the County to enforce any applicable Code standard set out in Section 633.010 of this Chapter.** No ~~[H]~~ Licensee may allow any ~~[non-licensed individual or any]~~ other individual to use his or her ~~[number]~~ **license** for any purpose, **except as provided in Section 633.050(A)(5) of this Chapter.** An individual who is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for mechanical systems and qualified to design such systems is not exempt from the Mechanical Contractor Business License requirements when performing and / or overseeing Mechanical Work, subject to the exceptions to the licensure requirement contained in Sections 633.050 and 633.055 of this Chapter.

Section 633.050 Exceptions ~~[F]~~to Licensure Requirement — Individuals Excepted.

- A. Section 633.040's licensure requirements shall not apply ~~[to any individual who]~~ **when an individual:**
- ~~[Performs HVACR work in an existing building or structure that he or she owns and occupies as a residence or that he or she owns and uses on his or her own farm, provided that he or she demonstrates to the satisfaction of the Code Official (by written examination, if necessary) that they have the knowledge and skill to perform such work.]~~ **2. Performs HVACR] Is performing Mechanical [w]Work** for a public utility on construction,

maintenance, and development of its facilities;[-]

[3]

2. [~~Performs—HVACR~~] **Is performing Mechanical** [w]Work on motor vehicles or agricultural equipment;[-]

[1]

3. **Is an Owner-Occupant of a single-family dwelling; is performing mechanical work on that dwelling or accessory buildings; and demonstrates to the satisfaction of the Code Official (by written examination, if necessary, in the Code Official's sole discretion) that he or she has the knowledge and skill to perform such work;**

4. Is an architect or professional engineer registered under Chapter 327, RSMo., as amended, who designs [~~HVACR~~] **mechanical** systems for design criteria only;[-]

5. Is trained and employed by a [p]Public [e]Entity to service or repair its own [~~HVACR~~] **mechanical** systems [~~incidental~~], **and is performing Mechanical Work on those systems;**

6. Is employed by a hospital to perform [~~HVACR~~] **mechanical system** maintenance work incidental to the hospital's operation;[-]
or

7. Is [~~a HVACR subcontractor who performs HVACR work for a current HVACR Class A~~]

~~or Class B licensee]~~ **employed by a Licensed Mechanical Contractor and is performing Mechanical Work authorized by and under the direct supervision of that Licensee.**

~~[8. Is an HVACR employee.]~~

- B. Any individual exempt under this Section from the licensure requirements imposed by Section 633.040 of this Chapter shall meet applicable ~~[e]~~Code standards set out in Section 633.010 of this Chapter when performing ~~[HVACR]~~ **Mechanical** ~~[w]~~**Work** and shall obtain permits and inspections as may be required by Chapter.

Section ~~[633.060]~~ **633.055** Exceptions ~~[F]~~to Licensure Requirement — ~~[HVACR]~~ **Mechanical Work Excepted.**

- A. Section 633.040's licensure requirements shall not apply to:
1. Household appliances;~~[-]~~
 2. American Gas Association approved unvented space heaters;~~[-]~~
 3. Factory assembled air cooled, self-contained refrigeration equipment of one and one-half (1.5) horsepower or less which have no refrigerant lines extending beyond the cabinet enclosure;~~[-]~~
 4. Factory assembled air cooled, self-contained window type air conditioning units of thirty-

six thousand (36,000) BTUH or less not connected to ducts;[-]

5. Window, attic, ceiling and wall fans in residences;[-]
6. Poultry operations whether engaged in hatching, primary processing or further processing of chicken, turkey or other fowl;[-] **and**
7. Fireplaces and wood stoves.

Section [~~633.070~~] **633.058** License Classes.

A. Except as otherwise provided by Sections 633.040 and 633.050 of this Chapter, every individual who designs, installs, constructs, maintains, services, repairs, alters, or modifies any mechanical system or any portion of an mechanical system in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to [~~County licensure of HVACR contractors~~] **contract with the County to enforce any applicable Code standard set out in Section 633.010 of this Chapter** shall obtain one (1) of the following classes of licenses and pay the fees prescribed in this Chapter:

1. **Mechanical Contractor Business License Class A**—Entitles the [f]Licensee to perform [~~HVACR~~] **Mechanical** [w]Work without limitation to **all** BTUH or horsepower capacities; **or**

2. **Mechanical Contractor Business License Class B**—Entitles the [f]Licensee to perform [~~HVACR~~] **Mechanical** [w]Work on air-conditioning systems that develop a total of not more than twenty (20) tons of cooling capacity per unit or five hundred thousand (500,000) BTUH heating input per unit and refrigeration systems of fifteen (15) horsepower or less per unit[;or
- ~~3. Class C—Entitles the licensee, who is in the business of servicing and repairing heating, ventilation, air conditioning or refrigeration equipment for the public or servicing, repairing or replacing components of HVACR equipment and performing HVACR work on air conditioning systems that develop a total of not more than twenty (20) tons of cooling capacity per unit of five hundred thousand (500,000) BTUH heating input per unit and refrigeration systems of fifteen (15) horsepower or less per unit. A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment].~~

Section [~~633.080~~] **633.060** Application [F]for [~~HVACR~~] **Mechanical Contractor Business License**.

- A. To obtain a [~~HVACR~~] **Mechanical** [e]Contractor **Business** [f]License, an applicant must meet the following minimum requirements:
 1. The applicant must be at least eighteen (18) years of age [~~or able to demonstrate that he or she is an emancipated minor~~];

2. The applicant must make application to the Code Official [~~on forms~~] **in a format** prescribed by the Code Official;[-]
3. The applicant must specify the class of license desired;[-]
4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;[-]
5. The applicant must pay the appropriate [~~examination and license fees~~] **processing fees** required by [~~this Chapter~~] the Code Official;[-] **and**
6. The applicant must pass the appropriate examination [~~administered by the Code Official or the testing agency~~] duly designated by the Code Official **in his or her sole discretion.**

Section [~~633.090~~] **633.070** Issuance of or Denial of Application [~~F~~]for License.

- A. All applicants who meet the requirements for licensure in Section [~~633.080~~] **633.060** of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:
 1. Committed any act which, if committed by a [~~F~~]Licensee, would be grounds for suspension

or revocation of the license pursuant to Sections [~~633.150~~] **633.030(A)(3) and 633.120** of this Chapter;[-]

2. Previously been denied a license for cause, or previously had a license revoked for cause;[-]
or
3. Knowingly made any false statement or misrepresentation on the application for a license.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his **or her** defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial.

Section [~~633.100~~] **633.080** Retroactivity [~~—HVACR Contractor Licensees~~].

All current holders of HVACR contractor licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements unless their licenses expire without being renewed as required by Section [~~633.110~~] **633.090** of this Chapter. **The Code Official may prorate renewal fees for the purposes of extending the expiration date of licenses for existing blasters to correspond with the renewal periods enumerated in Section 633.090.**

Section [~~633.110~~] **633.090** [~~Expiration and Renewal of Licenses~~] **Terms of Licenses Issued or Renewed – Renewal Procedure.**

~~[All HVACR contractor licenses issued or maintained pursuant to Sections 633.090 or 633.100 of this Chapter shall expire on December 31, 2010. Thereafter, the]~~ **The Code Official shall renew or issue such Mechanical Contractor Business [H]Licenses in active status for two (2) year terms beginning on the first (1st) day of January [~~first (1st)] in odd-numbered years and ending on the last day of December [~~thirty first (31st) of even-numbered years] in the following even-numbered year.~~~~** To renew any such license, a [H]Licensee must submit to the Code Official, before the license's expiration date, and [~~on a form~~] **in a format** prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section [~~633.130~~] **633.110** of this Chapter. Late applications for renewal shall be accepted until but no later than [~~July first (1st)] **March thirty-first (31st)** with payment of late fees imposed in Section [~~626.120(C)~~] **633.110(C).**~~

Section [~~633.120~~] **633.100** Inactive License Status.

In lieu of renewing [~~an active HVACR contractor~~] a license **in active status** as provided by Section [~~633.110~~] **633.090** of this Chapter, the [H]Licensee [~~holder~~] may apply for inactive license status for two (2) year terms, **beginning and ending** as provided in Section [~~633.110~~] **633.090** . A [H]Licensee who obtains inactive license status may perform no **Mechanical [w]Work** under the inactive license [~~as a HVACR contractor~~]. To apply for inactive license status, a [H]Licensee must submit to the

Code Official, before the license's expiration date, and ~~[on a form]~~ **in a format** prescribed by the Code Official, an application for inactive license status along with the required application fees. A ~~[4]~~ **Licensee whose license is** on inactive ~~[license]~~ status may ~~[reactivate]~~ **change his or her license to an active status** by applying for renewal as provided by Section ~~[633.110]~~ **633.090**. **A Licensee who has a license in an inactive status for more than two renewal periods must provide evidence of continued competency, as approved by the Code Official, to change his or her license an active status.**

Section ~~[633.130]~~ **633.110** Application, License, and Renewal Fees ~~[F]~~for ~~[HVACR]~~ **Mechanical Contractor Business Licenses** and ~~[F]~~for Inactive License Status.

A. The Code Official shall collect the following fees:

1. ~~[HVACR—license—test]~~ **Mechanical Contractor Business License initial application fee[s]** of twenty-five dollars (\$25.00) per application;~~[-]~~
2. ~~[HVACR]~~ **Mechanical Contractor Business License Class A** ~~[license]~~ **active status** fee of two hundred dollars (\$200.00) per license for two (2) years;~~[-]~~
3. ~~[HVACR]~~ **Mechanical Contractor Business License Class B** ~~[license]~~ **active status** fee of two hundred dollars (\$200.00) per license for two (2) years;~~[-]~~ **and**
~~[4. HVACR Class C license will be issued to current HVACR Class C license holders~~

~~only. HVACR Class C license fee of one hundred dollars (\$100.00) per license for two (2) years.]~~

[5]

4. ~~[For HVACR contractor inactive license]~~
Mechanical Contractor Business License (Class A or Class B) inactive status [a] fee of fifty dollars (\$50.00) **to renew a license in an inactive status** for two (2) years.

B. The Code Official may prorate the fees enumerated in Subparagraph (A)(2) ~~[through (3)]~~ of ~~[the preceding Subsection]~~ **this Section** when first issuing licenses or when reactivating licenses on inactive license status.

C. The Code Official shall collect the following **additional** fees for ~~[late renewals of an active or inactive]~~ **expired licenses when the application to renew is received after the expiration date:**

1. ~~[Fifty]~~ **Twenty-five** dollars ~~[(~~\$50.00~~)]~~ **(\$25.00)** for licenses renewed in January;

2. ~~[One hundred]~~ **Fifty** dollars ~~[(~~\$100.00~~)]~~ **(\$50.00)** for licenses renewed in February;
and

3. ~~[One hundred fifty]~~ **Seventy-five** dollars ~~[(~~\$150.00~~)]~~ **(\$75.00)** for licenses renewed in March[;].

~~[4. Two hundred dollars (~~\$200.00~~) for licenses renewed in April;]~~

~~[5. Two hundred fifty dollars (~~\$250.00~~) for licenses renewed in May; and]~~

~~[6. Three hundred dollars (\$300.00) for licenses renewed in June.]~~

- D. A Licensee who fails to renew his or her license before April of the year following expiration shall pay an additional one hundred (\$100) dollars to reactivate the license in addition to any fees required in Section 633.110(A). A Licensee who reactivates his or her license per this subsection is not required to pay any of the fees listed in Section 633.110(C) with the reactivation fee.**

Section ~~[633.140]~~ **633.115** Miscellaneous.

- A. ~~[HVACR] Mechanical~~ ~~[e]Contractor Business~~ ~~[f]Licenses~~ issued pursuant to this Chapter shall be subject to the following conditions:**

- 1. Gas Fitting Work.** Any individual licensed or registered to perform ~~[HVACR] Mechanical~~ ~~[w]Work~~ may perform ~~[HVACR] [g]Gas [f]Fitting~~ ~~[w]Work~~ without obtaining any other license to perform the work. ~~[HVACR] [g]Gas [f]Fitting~~ ~~[w]Work~~ shall be performed in accordance with the appropriate standards for gas fitting work.

~~[2. Display of license. Every person licensed under this Chapter shall display his or her HVACR contractor license number in block letters of at least three (3) inches on all of his business vehicles and in all forms of advertising in a manner prescribed by the rules and regulations promulgated by the Code Official.]~~

[3]

2. Electrical work. Nothing in this Chapter shall be construed as allowing a [~~an HVACR~~] [~~an HVACR~~] Licensee **under this Chapter** to perform electrical work without complying with applicable local, City, or State electrical licensing requirements and any applicable local code or State code pertaining to electrical work.

Section [~~633.150~~] **633.120 Suspension, Refusal to Renew, or Revocation of [~~HVACR~~] Mechanical Contractor Business Licenses (Including Those [~~Θ~~] on Inactive License Status).**

- A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew or revoke any [~~HVACR~~] **Mechanical** [~~e~~] Contractor **Business** [~~an HVACR~~] License (including a license on inactive license status) if the Code Official finds that the [~~an HVACR~~] Licensee has:
 1. Made a material misstatement in the application for a [~~an HVACR~~] [~~an HVACR~~] **Mechanical Contractor Business** [~~an HVACR~~] License or for the renewal of such a license; [~~an HVACR~~]
 2. Demonstrated incompetency to act as a [~~an HVACR~~] Licensee as provided by this Chapter; or
 3. Has violated any provision of this Chapter, or of any applicable [~~e~~] Code standard set out in Section 633.010 of this Chapter, or any rule,

regulation or order promulgated by the Code Official.

- B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his or her defense. Any individual whose [~~HVACR~~] **Mechanical** [~~e~~]Contractor **Business** [~~f~~]License has been revoked **or who has been refused renewal of his or her Mechanical Contractor Business License** may reapply for such a license, but no sooner than one (1) year after the date of revocation **or refusal to renew.**

Section [~~633.160~~] **633.130** Bonding.

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a [~~performance or~~] **contractor** license bond in the amount of ten thousand dollars (\$10,000.00). This bond must be kept in force at all times **and be in the name of the license holder.** Failure to maintain such bond may result in revocation of license.

Section [~~633.170~~] **633.140** Liability Insurance.

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidencing [~~e of~~] liability insurance coverage in the amount of five hundred thousand dollars (\$500,000.00) **per incident.** This insurance must be kept in force at all times, **and the certificate holder shall be listed as St. Charles**

County. Failure to maintain such insurance may result in revocation of license.

Section [~~633.180~~] **633.150** Stop Work Orders and Unlawful Continuances.

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing; [~~and~~] shall be given to the owner of the property involved, or to that owner's agent, and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section [~~633.190~~] **633.160** of this Chapter, which fine shall be not less than two hundred fifty dollars (\$250.00).

Section [~~633.190~~] **633.160** Penalties.

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter or violates any rule, regulation or order of the Code Official or any permit, license or certification may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars (\$250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing

by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00)[~~or by imprisonment not exceeding one (1) year, or by both~~]. Each day that a violation continues shall be deemed a separate offense.

Section 633.170 Enforcement.

Enforcement of this Chapter shall be the responsibility of the County Counselor.

Section 7. Chapter 635, OSCCMo, Sections 635.080, 635.140, and 635.150 are amended to read as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Chapter 635 Explosives Code

* * *

Section 635.080 Permit to Explode or Blast Required[~~Blaster's License~~].

A. It shall be unlawful, without first having received a permit from the Director, to explode or cause to be exploded, any gunpowder, dynamite, giant powder, gun cotton, or other explosive for the purpose of blasting out rock, gravel, earth, or other like substance within the County.

[~~B. No person shall use or detonate explosives unless he or she is in possession of a valid license,~~

~~obtained from the Director, to use explosives for blasting purposes. This license shall be known as a blaster's license. For the purpose of this Chapter, the Director is authorized to publish qualifications necessary for an applicant to obtain a blaster's license. Such qualifications shall take into consideration age, training education, and experience in the knowledge and use of explosives and shall include a written examination. A license shall be issued by the Director to any applicant meeting the requirements set forth by the Director for such a license. Anyone currently licensed as a blaster by other governmental agencies shall be eligible for a license without taking an exam.]~~

[~~C~~]

B. The handling of explosives may be performed by other employees provided the work is done under the direct supervision of the person holding the permit to use explosives and providing such employees are at least twenty-one (21) years of age.

[~~D~~]

C. The person possessing a valid [~~blaster's~~] **Blasting Contractor [~~license~~]License** shall be in charge of all blasting operations. If there is more than one (1) person possessing such a license on any one (1) operation, one (1) will be designated as being **the** blaster in charge and shall be responsible for the entire operation.

* * *

Section 635.140 Records.

- A. A record known as a log shall be kept for every blast.
- B. A blasting record, known as a log, shall be kept on the site of any blasting operations. This log shall be made available to the Director or authorized agents upon demand. This record shall be maintained available for inspection for a period of six (6) months after such blasting operations are completed.
- C. Minimum recorded data shall be as follows:
 - 1. Amount of explosives used (weight).
 - 2. Kind of blasting caps, distribution of instantaneous or short-period delay blasting caps, or both; delay interval used; order of firing by switch.
 - 3. Weather conditions including direction and approximate velocity of wind; atmospheric temperature; relative humidity; cloud conditions.
 - 4. Date and time of firing of blast.
 - 5. Name of person in responsible charge of loading and firing; blaster's permit number.
 - 6. Name and location of blasting site.
 - 7. Signature and title of person making report.

D. Any falsification, alterations or misrepresentation of any records of blasting operations will be cause for suspension or revocation of blasting permits and ~~[blaster's license]~~ **Blasting Contractor License.**

Section 635.150 Fees.

The following fees are hereby established for the licenses and permits required by this Chapter:

~~[Annual blaster's license ————— \$100.00]~~

Annual permit to store, stock or hold explosives for resale \$150.00

Class I magazine \$150.00

Class II magazine \$150.00

Class III magazine \$150.00

Class IV magazine \$150.00

Class V magazine \$150.00

Blasting permit, per location \$100.00

Section 8. A new Chapter 637 OSCCMo, is hereby created and reads as follows:

Chapter 637. Blasting Contractor License

Section 637.005 Scope.

This Chapter outlines the licensure requirements for individuals engaging in the performance and/or oversight of Blasting Work, and the procedures and fees related to the administration and enforcement of said requirements.

Section 637.010 Applicable Code Standards.

Unless otherwise provided for in this Chapter, the Fire Code of St. Charles County, codified in Section 500.400 of the Ordinances of St. Charles County, Missouri (OSCCMo), as amended; the Explosives Code of St. Charles County, codified in Chapter 635 OSCCMo, as amended; along with Sections 319.300 to 319.345, RSMo., as amended; and any and all regulations issued pursuant to these Statutes by the Missouri Department of Public Safety shall govern the administration and enforcement of this Chapter.

Section 637.020 Definitions.

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

BLASTER

An individual at least twenty-one (21) years of age who is or works under the oversight of a Licensed Blasting Contractor.

BLASTING WORK

Any work subject to applicable Code standards set in Section 637.010 of this Chapter, including the design, installation, construction, maintenance, service, repair, alteration, or modification of explosives qualified under this Chapter or the Explosives Code of St. Charles County, Chapter 635 OSCCMo.

CODE OFFICIAL

The Director of the St. Charles County Division of Building and Code Enforcement of the Department

of Community Development or a duly authorized representative of the Director.

LICENSED BLASTING CONTRACTOR

Any individual who holds a Blasting Contractor License issued pursuant to this Chapter by St. Charles County and is charged the responsibility to perform and / or oversee Blasting Work.

LICENSEE

Any individual who holds a Blasting Contractor License issued pursuant to this Chapter.

PUBLIC ENTITY

Any agency of the State of Missouri or any political subdivision of the State.

Section 637.030 Administration and Enforcement.

A. The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any Licensee;
3. Suspend, revoke, refuse to renew, or place on probation the license of any Licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 637.010 of this Chapter;

4. Activate bonds to cover the cost for any work performed by a Licensee that does not meet minimum requirements of any applicable Code standard set out in Section 637.010 of this Chapter; and
5. Review applications pursuant to this Chapter, ensure applicants have a valid blaster's license issued by the State of Missouri, and issue Blasting Contractor Licenses to applicants who comply with the requirements provided in this Chapter.

Section 637.040 Licensure Required.

Subject to Section 637.050 of this Chapter, an individual must have a Blasting License issued pursuant to this Chapter to engage in business as a Licensed Blasting Contractor or to detonate explosives for blasting purposes in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to contract with the County to enforce any applicable Code standard set out in Section 637.010 of this Chapter. No Licensee may allow any other individual to use his or her license for any purpose, except as provided in Section 637.050(A) of this Chapter. An individual who is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained and qualified in the storage, design, handling, or use of explosives is not exempt from the Blasting Contractor License requirements when performing and / or overseeing Blasting Work, subject to the exceptions to the licensure requirements contained in

Section 637.050 Exceptions to Licensure Requirement.

- A. Section 637.040's licensure requirements shall not apply when an individual is employed by a Licensed Blasting Contractor and is performing Blasting Work authorized by and under the direct supervision of that Licensee.
- B. Any individual exempt under this Section from the licensure requirements imposed by Section 637.040 of this Chapter shall meet applicable Code standards set out in Section 637.010 of this Chapter when performing Blasting Work and shall obtain permits and inspections as may be required by ordinance.

Section 637.060 Application for Blasting Contractor License.

- A. To obtain a Blasting Contractor License, an applicant must meet the following minimum requirements:
 - 1. The applicant must be at least twenty-one (21) years of age;
 - 2. The applicant must make application to the Code Official in a format prescribed by the Code Official;
 - 3. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;

4. The applicant must pay the appropriate processing fees required by the Code Official; and
5. The applicant must furnish proof of a valid blaster's license as provided by Sections 319.300 to 319.345, RSMo.

Section 637.070 Issuance of or Denial of Application for License.

- A. All applicants who meet the requirements for licensure in Sections 637.060 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:
 1. Committed any act which, if committed by a Licensee, would be grounds for suspension or revocation of the license pursuant to Sections 637.030(A)(3) and 637.120 of this Chapter;
 2. Previously been denied a license for cause, or previously had a license revoked for cause; or
 3. Knowingly made any false statement or misrepresentation on the application for a license.
- B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his or her defense. Any individual whose application for a license has been

denied may reapply for such a license, but no sooner than one (1) year after the date of denial.

Section 637.080 Retroactivity.

All current holders of blasters licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements, unless their licenses expire without being renewed as required by Section 637.090 of this Chapter. The Code Official may prorate renewal fees for the purposes of extending the expiration date of licenses for existing blasters to correspond with the renewal periods enumerated in Section 637.090.

Section 637.090 Terms of Licenses Issued or Renewed—Renewal Procedure.

The Code Official shall renew or issue such Blasting Contractor Licenses in active status for two (2) year terms beginning on the first (1st) day of January in odd-numbered years and ending on the last day of December in the following even-numbered year. To renew any such license, a Licensee must submit to the Code Official, before the license's expiration date, and in a format prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 637.110 of this Chapter. Late applications for renewal shall be accepted until but no later than March thirty-first (31st) with payment of late fees imposed in Section 637.110(C).

Section 637.100 Inactive License Status.

In lieu of renewing a license in active status as provided by Section 637.090 of this Chapter, a Licensee may apply for inactive license status for two (2) year terms, beginning and ending as provided in Section 637.090. A Licensee who obtains inactive license status may perform no Blasting Work under the inactive license. To apply for inactive license status, a Licensee must submit to the Code Official, before the license's expiration date, and in a format prescribed by the Code Official, an application for inactive license status along with the required application fees. A Licensee who is on inactive status may change his or her license to an active status by applying for renewal as provided by Section 637.090. A Licensee who has a license in an inactive status for more than two renewal periods must provide evidence of continued competency, as approved by the Code Official, to change his or her license to an active status.

Section 637.110 Application, License, and Renewal Fees for Blasting Contractor Licenses and for Inactive License Status.

- A. The Code Official shall collect the following fees:
1. Blasting Contractor License initial application fee of twenty-five dollars (\$25.00) per application;
 2. Blasting Contractor License active status fee of two hundred dollars (\$200.00) per license for two (2) years; and
 3. Blasting Contractor License inactive status fee of fifty dollars (\$50) to renew a license in an inactive status for two (2) years.

- B. The Code Official may prorate the fees enumerated in Subparagraph (A)(2) of this Section when first issuing licenses or when reactivating licenses on inactive license status.
- C. The Code Official shall collect the following additional fees for expired licenses when the application to renew is received after the expiration date:
 - 1. Twenty-five dollars (\$25.00) for licenses renewed in January;
 - 2. Fifty dollars (\$50.00) for licenses renewed in February; and,
 - 3. Seventy-five dollars (\$75.00) for licenses renewed in March.
- D. A Licensee who fails to renew his or her license before April of the year following expiration shall pay an additional one hundred (\$100) dollars to reactivate the license in addition to any fees required in Section 637.110(A). A Licensee who reactivates his or her license per this subsection is not required to pay any of the fees listed in Section 637.110(C) with the reactivation fee.

Section 637.120 Suspension, Refusal to Renew, or Revocation of Blasting Contractor Licenses (Including Those on Inactive License Status).

- A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by

the complainant, suspend, refuse to renew, or revoke any Blasting Contractor License (including a license on inactive license status) if the Code Official finds that the Licensee has:

1. Made a material misstatement in the application for a Blasting Contractor License, or for the renewal of such a license;
2. Demonstrated incompetency to act as a Licensee as provided by this Chapter; or
3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 637.010 of this Chapter, or any rule, regulation, or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his or her defense. Any individual whose Blasting Contractor License has been revoked or who has been refused renewal of his or her Blasting Contractor License may reapply for such a license, but no sooner than one (1) year after the date of revocation or refusal to renew.

Section 637.140 Liability Insurance.

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidencing liability insurance coverage in the amount of one million dollars (\$1,000,000.00) per incident. This insurance must be

kept in force at all times, and the certificate holder shall be listed as St. Charles County. Failure to maintain such insurance shall result in revocation or suspension of license.

Section 637.150 Stop Work Orders and Unlawful Continuances.

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing; shall be given to the owner of the property involved, or to that owner's agent, and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 637.160 of this Chapter, which fine shall be not less than two hundred fifty dollars (\$250.00).

Section 637.160 Penalties.

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars (\$250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission.

Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense.

Section 637.170 Enforcement.

Enforcement of this Chapter shall be the responsibility of the County Counselor.

Section 9. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places; its publication in full on the website of St. Charles County; and the publication, in a legal publication or a newspaper of general circulation in St. Charles County, of its title and the location in St. Charles County where it may be viewed in its entirety.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR

Comm Dev.Amending 625.626.630.632.633.637.3-19