

**ARTICLE II. AIR CONDITIONING AND AIR DISTRIBUTION****DIVISION 1. GENERALLY****Sec. 40-7. Definitions.**

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

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

*Apprentice ACAD/sheet metal installer:* A person engaged in training to become qualified to install, alter, or replace ACAD or sheet metal systems.

*Board:* The air conditioning and air distribution board created by this article.

*Commercial:* Any work not defined as residential.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

#### **Sec. 40-8. Complaint procedure.**

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

- (a) Name and address of suspected violator.
- (b) Location and description of suspected violation.
- (c) Nature of violation and evidence of existence of same.

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

#### **Sec. 40-9. Enforcement authority.**

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

#### **Sec. 40-10. Right of entry.**

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

Secs. 40-11--40-25. Reserved.

### **DIVISION 2. LICENSES AND REGISTRATIONS\***

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**\*Editor's note:** Ord. No. 38605, § 1, adopted Dec. 8, 2009, changed the title of Division 2 from "Certificates of Competency" to "Licenses and Registrations."

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## **Subdivision A. In General**

### **Sec. 40-26. Required.**

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

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

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

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

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

(e) *Journeyman sheet metal residential license.* Any person engaged in the installation of residential sheet metal ductwork shall obtain a license to do so from the board. This license will allow the holder to perform only residential sheet metal installations.

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

### **Sec. 40-27. Registration required.**

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

master ACAD contractor (residential) license unless registered as required by this section.

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

#### **Sec. 40-28. Change of address.**

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

#### **Sec. 40-29. Compliance with other laws.**

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

#### **Sec. 40-30. Qualifications.**

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

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

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

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

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

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

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

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

(5) Applications shall be received in writing by the board along with supporting documentation and the application fee. All applicants must be present at the next

scheduled board meeting to answer questions.

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

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

a. Five or more years verifiable experience in the installation of ACAD systems;  
or

b. Four or more years verifiable experience employed by a licensed master ACAD contractor in the installation of ACAD systems; or

c. Applicants may apply one of the following credits towards the experience requirements:

1. Up to two years for post high school education.

2. Two (2) years for NATE "Core" and installation certifications.

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

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

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

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

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

(7) Applications shall be received in writing by the board along with supporting documentation and the application fee.

(c) *Apprentice registration.*

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

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

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

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

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

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

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

(c) The bond for an individual holding a master ACAD contractor license or master ACAD contractor (residential) license in his/her own behalf shall name said individual as principal. The bond for an individual holding a license on behalf of a firm or corporation shall name both the individual and the firm or corporation as principals.

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

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

(Ord. No. 36424, § 1, 10-21-03; Ord. No. 38605, § 1, 12-8-09)

**Sec. 40-33. Issuance and restriction.**

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

