

CHAPTER 278. HEATING, VENTILATING AND AIR CONDITIONING,  
GASFITTING, OIL, PLUMBER/GAS FITTER, REFRIGERATION AND STEAM  
AND HOT WATER INSTALLERS

278.10. Definitions. For the purpose of this chapter, the following definitions shall apply:

Air conditioning system. Any system of heating, cooling, air cleaning, humidifying devices, equipment and controls designed to provide for the simultaneous automatic control of the temperature, air movement and humidity, or a reduction in the dust content and odors of air employed in the ventilation of rooms.

Air distribution system. A system of ducts, duct fittings, plenums and fans assembled to form a continuous passageway for distributing or exhausting air within a building.

Air handling equipment. A blower or fan, or system of blowers or fans, used for the purpose of supplying air to or exhausting air from a room, space or area within a building.

Alteration. Any physical change to a system other than routine adjustment, maintenance, repair or replacement.

Atmospheric burner. A gas burner supplied with air at atmospheric pressure that is injected into the combustion chamber or zone by a jet of gas under pressure.

Contractor. A person, partnership, corporation or other business entity that undertakes or offers to undertake to install, construct, service, clean or make additions, alterations, or repairs to any system regulated by this chapter with or without compensation.

Cooling piping and equipment. All piping and equipment containing liquid, gas, water or brine and designed and installed for the purpose of cooling air in connection with any air conditioning system, or ventilation system, or combination heating and cooling system, but shall not include cooling piping and equipment in which a refrigerant is used.

Duct cleaner. A contractor engaged only in the business of cleaning air distribution or air exhaust systems provided no dismantling or replacement of equipment is required other than the installation of necessary cleanout openings.

~~Duct cleaning mechanic. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications,~~

training, experience, and technical knowledge to supervise and direct others in the work of duct cleaning.

Environmental burner. A gas burner where the output of the device is used for heating the space of structures for human comfort.

Fuel gas. Natural, manufactured or liquefied petroleum gas, or a mixture of these gases.

Fuel gas burning device. A device or appliance used for burning fuel gas and any equipment or appurtenances associated therewith.

Gas burner. A device to convey fuel gas into the combustion chamber or zone of a furnace, boiler, device, or appliance, ~~used for environmental heating; a power burner in which either gas or air, or both, are supplied at pressures exceeding, for gas, the line supply pressure, and for air, atmospheric pressure; or, an atmospheric burner other than a gas water heater, gas range, gas dryer or decorative gas appliance, in which air at atmospheric pressure is injected into the combustion chamber or zone by a jet of gas under pressure, and in which fuel input capacity exceeds fifty thousand (50,000) Btu/hr.~~

Gas burner equipment. A gas burner, together with any associated blowers, control devices or accessories, and any fuel gas piping connected therewith, except supply piping from the meter to the shut-off valve of the fuel gas burning device containing the gas burner.

Heating system. A warm air heating plant consisting of a heat exchanger enclosed in a casing, from which heated air is distributed through ducts to various rooms and areas within a building. A heating system includes the outside air, return air, supply air system, vent connectors, vent flues, chimney liners and all accessory apparatus and equipment installed in connection therewith.

Hot water heating system. A heating system in which water is used as the medium by which heat is carried through pipes from the boiler or other source of supply to the heating units.

Indirect waste pipe. A waste pipe that does not connect directly with the drainage system of a building but conveys liquid wastes by discharging into a plumbing fixture, interceptor or receptacle which is directly connected to the drainage system.

Journeyman gas fitter. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service fuel gas burning equipment and systems.

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Journeyman heating, ventilating and air conditioning installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, service, and clean air handling equipment and air distribution systems for heating, ventilation or air conditioning.

Journeyman oil burner installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service oil burner equipment and systems.

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Journeyman plumber/gas fitter. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to construct, install, alter, repair of any plumbing in the city and to install, alter, repair any atmospheric burner, power burner not exceeding 100,000 btu's, fuel gas piping, combustion air piping, fuel gas venting and gas burner equipment. Exception: a journeyman plumber/gas fitter, under the direct supervision of a master gas fitter, may install, alter, repair any power burner. At no time may a journeyman plumber/ gas fitter install, alter, or repair any environmental burner.

Journeyman refrigeration installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service refrigeration equipment and systems.

Journeyman steam and hot water heating installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service steam and hot water heating equipment and systems, cooling and steam piping equipment and systems.

Maintenance. A process of routine examination, lubrication, cleaning, adjustment and replacement of parts to ensure the continued proper operation of a system.

Master gas fitter. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service fuel gas burning equipment and systems and to supervise and direct the work of others engaged in the same.

Master heating, ventilating and air conditioning installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair, service, and clean air handling equipment and air distribution

systems for heating, ventilation or air conditioning and to supervise and direct the work of others engaged in the same.

Master oil burner installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service oil burner equipment and systems and to supervise and direct the work of others engaged in the same.

Master plumber/gas fitter. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to construct, install, alter, repair of any plumbing in the city and to install, alter, repair any atmospheric burner, power burner not exceeding 100,000 btu's, fuel gas piping, combustion air piping, fuel gas venting and gas burner equipment. Exception: a master plumber/gas fitter, under the direct supervision of a master gas fitter, may install, alter, repair any power burner. At no time may a master plumber/ gas fitter install, alter, or repair any environmental burner.

Master refrigeration installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service refrigeration systems and equipment and to supervise and direct the work of others engaged in the same.

Master steam and hot water heating installer. A person holding a valid certificate of competency issued by the City of Minneapolis and who has the necessary qualifications, training, experience, and technical knowledge to install, alter, repair and service steam and hot water heating equipment and systems, cooling and steam piping equipment and systems and to supervise and direct the work of others engaged in the same.

Oil burners, equipment defined. For the purposes of this article, "oil burner" shall mean any device designed to burn fuel oil having a flash point of one hundred (100) degrees Fahrenheit, or higher, as determined by the Tag Closed Tester in accordance with the method of test adopted by the American Society for Testing Materials (A.S.T.M. Designation 5-56-21), and having a fuel tank or container with a capacity of more than ten (10) gallons connected thereto. The term "oil burner equipment" shall include oil burners as above defined, and all tanks, piping, pumps, control devices and accessories connected to such burners. Exceptions, this definition shall not apply to portable burners not requiring connection to a flue, such as oil stoves, oil heaters and oil lamps equipped with a wick, or a mechanical device the movement of which is essential to flame adjustment.

Power burner. A gas burner where either the gas or air, or both, are supplied at pressures exceeding, for gas, the line supply pressure, and for air, atmospheric pressure.

Refrigeration equipment. Any part or parts of a refrigeration system.

Refrigeration system. A combination of parts in which a refrigerant is circulated for the purpose of extracting heat.

Refrigerant. A substance used to produce refrigeration by its chemical reaction with other substances, expansion or vaporization.

Repair. The process of rehabilitation or replacement of parts that are basically the same as the original for the purpose of restoring a system to proper working condition.

Responsible charge. Overall technical direction and active daily on-site supervision of work performed by a contractor.

Servicing. The resetting, replacement of parts and adjusting necessary to maintain the efficient operating condition of a system.

Steam heating system. A heating system in which heat is transferred from the boiler or other source of steam to the heating units by means of steam at, above or below atmospheric pressure.

Steam piping system. A system in which heat is transferred from the boiler or other source of steam to steam utilizing devices at, above, or below atmospheric pressure, for purposes other than for heating a building or other structure.

Ventilation system. All of that equipment intended or installed for the purpose of supplying air to, or removing air from, any room or space in a building by mechanical means. (98-Or-021, § 1, 3-6-98)

278.20--278.90. Reserved.

## ARTICLE I. CONTRACTOR LICENSES

278.100. Gas fitter contractor license required. No contractor shall engage or offer to engage in the business of installing, altering, repairing or servicing any fuel gas burning device, gas burner, gas burner equipment or fuel gas piping unless that contractor holds a valid gas fitter contractor license, except that a contractor holding a valid plumbing contractor license may engage or offer to engage in installing, altering, repairing or servicing fuel gas burning devices and fuel gas piping, gas burners and gas burner equipment as defined in this chapter. (98-Or-021, § 1, 3-6-98)

278.110. Heating, ventilating and air conditioning contractor license required. No contractor shall undertake or offer to undertake to install, alter, repair or service any air handling equipment or air distribution systems in connection with heating, ventilation, or air conditioning systems, ~~in any structure~~ within the city, unless that contractor holds a valid heating, ventilating and air conditioning contractor license. (98-Or-021, § 1, 3-6-98)

278.120. Refrigeration contractor license required. No contractor shall undertake or offer to undertake to install, alter, repair or service any refrigeration system or refrigeration equipment as defined under this chapter, unless that contractor holds a valid refrigeration contractor license. (98-Or-021, § 1, 3-6-98)

278.130. Duct cleaner contractor license required. No contractor shall undertake or offer to undertake to clean any air handling equipment or air distribution system in connection with heating, ventilation, or air conditioning systems in any structure within the city, unless that contractor holds a valid duct cleaner contractor license. This section shall not apply to a contractor licensed as a heating, ventilating and air conditioning contractor. (98-Or-021, § 1, 3-6-98)

278.131. Oil burner contractor license required. No contractor shall undertake or offer to undertake to install, alter, repair or service any oil burner or oil burner equipment as defined under this chapter, within the city, unless that contractor holds a valid oil burner contractor license.

278.132. Steam and hot water contractor license required. No contractor shall undertake or offer to undertake to install, alter, repair or service any steam or hot water heating system, steam piping system, or any cooling piping and equipment, within the city, unless that contractor holds a valid steam and hot water contractor license.

278.133. Plumbing/gas fitting contractor license required. No contractor shall undertake or offer to undertake to perform the following unless that contractor holds a valid plumbing/gas fitter contractor license:

(1) Make any connections whatever with the water pipes, water mains, branch sewers, main sewers, drains or other service pipes of the city.

(2) Make any repairs, additions or alterations of any pipe, tap, stopcock, water closet or any other fixture connected with or designed to be connected with the water works or sewer system with the city.

(3) Install, alter or repair any atmospheric burner.

(4) Install, alter or repair any power burner that does not exceed 100,000 btu's.

(5) Install, alter or repair fuel gas piping, combustion air piping, fuel gas venting and gas burner equipment.

(6) Install, alter or repair any power burner equipment, provided said contractor has in his employ a person holding a valid master gas fitter certificate of competency issued by the City of Minneapolis as defined in this chapter.

At no time may a plumber/gas fitter contractor install, alter, or repair any environmental burner.

278.140. Certificate of competency required. A contractor license does not, of itself, qualify its holder to perform or supervise the work authorized by holding any class of competency card. (98-Or-021, § 1, 3-6-98)

278.150. License not required. The provisions of this article shall not apply to any person who in the course of his or her regular business employs persons who engage in the trades regulated by this chapter in a building owned, leased and/or managed by such person, nor shall the provisions of this article apply to such persons so employed for such purposes. Nothing in this section shall be construed to eliminate the requirement that any work regulated by the terms of this chapter must be done by persons holding valid certificates of competency and that such work must be supervised by a person holding a valid certificate of competency as a master installer. (98-Or-021, § 1, 3-6-98)

278.160. Licensees not entitled to do plumbing work. No heating, ventilating and air conditioning, gas fitter, oil burner, steam and hot water or refrigeration license, such as herein provided, shall entitle the holder thereof to construct, extend, alter or repair any plumbing work or house drainage, or construct cesspools, or connect any house drainage with cesspools or the sewer system of the city, except indirect waste pipes which convey condensate water or condenser water from refrigeration systems or equipment and which are not directly connected to compartments storing articles for human consumption. (98-Or-021, § 1, 3-6-98)

278.170. License exemptions for certain work. This chapter shall not apply to:

- (1) The placing, setting, leveling or bolting together of refrigerated display cases.
- (2) The placing, setting, leveling or erecting of walk-in coolers.
- (3) The installation and erection of frame cooling towers.
- (4) A domestic installation, alteration, maintenance and repair of a refrigerator or freezer having a cabinet volume of twenty-five (25) cubic feet or less.

(5) Any unitary refrigeration or air conditioning system of one-half horsepower or less.

(6) The installation of self-contained window type air conditioners.

(7) The installation, repair or replacement, in single, two-family, or multiple dwellings, of ventilation systems of a type commonly used for domestic kitchen or bathroom exhaust when such systems are individually vented. (98-Or-021, § 1, 3-6-98)

278.180. Application. Every person desiring a license as described in this chapter shall make written application to the city council, stating therein the name of the person, partnership, corporation or other business entity desiring such license, the principal place of business, and the master installer in responsible charge of the work in each of the trades for which application is made. In case of removal therefrom, the applicant shall immediately notify, in writing, the director of inspections of the address of the new place of business. In case of a change in the master installer, the applicant shall immediately notify, in writing, the director of inspections of the name of the master installer in responsible charge of work as defined in this chapter. (98-Or-021, § 1, 3-6-98) -

278.190. Employment of master installer. No contractor shall engage in the business of contracting in any of the trades regulated in this chapter, except as a duct cleaner, unless the contractor employs a master installer holding a current, unrevoked, certificate of competency in the appropriate trade or trades, and who is in responsible charge of all work performed by the contractor. Each contractor shall, upon application for a contractor license and at each subsequent renewal of the license, designate the master installer in responsible charge of the work. An individual master installer may not, at any time, be designated as the person in responsible charge of work by more than one contractor. (98-Or-021, § 1, 3-6-98)

278.200. Supervision of work. All constructing, installing, altering, repairing and servicing of systems and equipment regulated under this chapter, except duct cleaning, shall be done under the supervision and control of a master installer licensed under the provisions of this chapter and who is in responsible charge of the work. (98-Or-021, § 1, 3-6-98)

~~278.210. Employment of duct cleaning mechanic by duct cleaner contractor. No duct cleaner contractor shall engage in the business of contracting as a duct cleaner unless the contractor employs a duct cleaning mechanic holding a current, unrevoked certificate of competency and who is in responsible charge of all work performed by the contractor. (98-Or-021, § 1, 3-6-98)~~

278.220. Issuance of licenses. Each contractor license shall be issued by the director of licenses and consumer services upon order of the city council. (98-Or-021, § 1, 3-6-98)

278.230. Place of business; age. Every licensee under this chapter must maintain a place of business in the State of Minnesota. As used herein, place of business shall consist of a bona fide location where the business for which the license is issued is transacted. No license shall be granted to any person less than eighteen (18) years of age. (98-Or-021, § 1, 3-6-98)

278.240. Fee. The fee for each contractor license shall be two hundred and sixteen dollars (\$216.00) per annum to be paid at the time of the filing of the application. (98-Or-021, § 1, 3-6-98)

278.250. Expiration; transfer. Each contractor license shall expire December first, next succeeding the issuance. Contractor licenses shall not be transferable. (98-Or-021, § 1, 3-6-98)

278.260. Bond for contractor license. With each application for a contractor license described in this chapter, the applicant shall furnish a surety bond to the city in the sum of ten thousand dollars (\$10,000.00) conditioned on the faithful and lawful performance of all work entered upon by the contractor in the City of Minneapolis, and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. Such bond shall be written by a corporate surety licensed to do business in the State of Minnesota. Contractors holding valid, unrevoked licenses as of June 30, 1998, and who, as a condition of such existing licensure, complied with a lower surety bond amount, shall post such additional amount so as to comply with the provisions of this section upon their next regular license renewal. (98-Or-021, § 1, 3-6-98)

278.270. Insurance required. Each contractor shall have and maintain in effect general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least one hundred thousand dollars (\$100,000.00) per occurrence, three hundred thousand dollars (\$300,000.00) aggregate limit for bodily injury, and property damage insurance with limits of at least one hundred thousand dollars (\$100,000.00) or a policy with a single limit for bodily injury and property damage of three hundred thousand dollars (\$300,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) aggregate limits. Such insurance shall be written by an insurer licensed to do business in the State of Minnesota and each contractor shall maintain on file with the division of inspections a certificate evidencing such insurance and which provides that such insurance shall not be canceled without the insurer first giving fifteen (15) days written notice to the division of such cancellation. Contractors holding valid, unrevoked licenses as of June 30, 1998,

shall comply with this section upon their next regular license renewal. (98-Or-021, § 1, 3-6-98)

278.280. Revocation or suspension of license. Upon the presentation of satisfactory proof to the city council that any contractor licensee has failed to conform with any of the provisions of state law or this Code relating to the construction, installation, alteration, repair, ~~cleaning~~ or servicing of systems regulated under this chapter, or has failed to obtain required permits for any such work, the city council may revoke or suspend the license. (98-Or-021, § 1, 3-6-98)

~~278.290. Scope of Class B licenses. A Class B gas fitters license shall entitle the holder thereof to engage in all branches of the business covered by a gas fitter contractor's license, as above set forth, except the installing, altering, repairing and servicing of "gas burners" and "gas burner equipment" as above defined. (98-Or-021, § 1, 3-6-98)~~

~~278.300. Renewal of Class A gas fitter licenses. Any contractor who, as of June 30, 1998, held a current, unrevoked business license as a Class A gas fitter shall be issued a gas fitter contractor license upon the next succeeding regular license renewal date with payment of the appropriate fee therefor, and shall be entitled to subsequent regular renewals, upon satisfactory compliance with all other provisions of this chapter. (98-Or-021, § 1, 3-6-98)~~

~~278.310. Renewal of Class B gas fitter licenses. Any contractor who, as of June 30, 1998, held a current, unrevoked business license as a Class B gas fitter shall be entitled to yearly renewal of the license until November 30, 2000 upon payment of the appropriate fee therefor. After such date, no Class B gas fitter license shall be renewed, and any contractor previously holding a Class B gas fitter license must obtain a gas fitter contractor license or must cease engaging in business as a gas fitter contractor. (98-Or-021, § 1, 3-6-98)~~

278.320--278.390. Reserved.

## ARTICLE II. CERTIFICATES OF COMPETENCY

278.400. Master and journeyman installers ~~and duct cleaning mechanics~~ to be certified. No person shall hereafter engage in the occupation of, or work within the city as a master or journeyman heating, ventilating, and air conditioning installer; master or journeyman gasfitter; master or journeyman refrigeration installer; master or journeyman oil burner installer; master or journeyman steam and hot water systems installer, or master or journeyman plumber/gas fitter ~~or; duct cleaning mechanic~~ without having first secured a certificate of competency in the appropriate trade or trades. (98-Or-021, § 1, 3-6-98)

278.410. Application for certification. Each person desiring a certificate of competency, such as herein provided, whether for a master or journeyman heating, ventilating and air conditioning installer, master or journeyman refrigeration installer, master or journeyman gasfitter, master or journeyman oil burner installer or master or journeyman steam and hot water systems installer or master or journeyman plumber/gas fitter ~~or, duct cleaning mechanic~~ shall file with the Minneapolis Human Resources Department at least thirty (30) days prior to the date of taking the examination, an application for certification. Such application shall contain information sufficient to determine whether the applicant meets the qualifications to be administered the appropriate test together with such documentation of qualifications as is required by the Human Resources Department. The application shall be filed with an examination fee of seventy-five dollars (\$75.00) if for a master examination and fifty dollars (\$50.00) if for a journeyman. ~~or duct cleaning mechanic examination.~~ No such fee so paid, shall be subject to refund to the applicant in case of failure to pass the examination. Each examination fee shall be in addition to the fee to be paid by the applicant for a certificate of competency as provided in this chapter. (98-Or-021, § 1, 3-6-98)

278.420. Qualification to take an examination. (a) Each applicant for examination must have completed at least four (4) years of appropriate job related education prior to applying for the examination. For the purposes of this requirement, one (1) year of education is defined as a minimum of one hundred forty-four (144) hours of appropriate job related education in a twelve (12) calendar month period. In the alternative, the applicant must have completed five hundred seventy-six (576) hours of appropriate job related education in the five (5) year period preceding the application. The appropriate trade related education may include, but is not limited to, classroom education and/or training, trade association or manufacturers training programs, self study materials including videotape, CD Rom, computer or other materials used under the supervision of a sponsor. Time spent in on-the-job production shall not be considered as trade related education hours for purposes of this provision. The employee and the employer will certify that the requirements of education have been met and will provide documentation of the specific education which has been completed.

(b) An applicant may meet the requirements for examination by:

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- (1) completion of a State approved voluntary apprenticeship program;
- (2) participating in an employer sponsored training program that meets the educational, training and safety requirements of State approved programs in force at the time this article becomes effective; or

(3) submitting sufficient documentation of completion of any combination of employer sponsored education/training or education in an accredited educational institution that satisfies the requirements above. In no event shall standards be less than those established in paragraph (a) above.

(c) In addition to the required educational training, each applicant for examination must demonstrate at least four (4) years of on-the-job experience in the trade prior to applying for the examination. For the purposes of this requirement one (1) year of experience is defined as a minimum of one thousand six hundred (1,600) working hours in a twelve (12) calendar month period. The applicant and the employer must certify that the work experience requirement has been met. Work experience may be met upon the verification of more than one (1) employer.

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(d) The requirements set forth above in paragraphs (a) and (c) must be accomplished reasonably concurrently.

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(e) The Minneapolis Department of Human Resources shall establish and prepare forms and other documents to carry out the procedures set forth above and maintain records thereof, and shall verify the information submitted. (98-Or-021, § 1, 3-6-98)

278.430. Testing; administration. Each applicant for a certificate of competency shall pass an examination to ensure the competence of the applicant, prior to issuance of a certificate of competency. The test for each certificate of competency shall be developed using a pool of test questions prepared based on a field job study and validated by a qualified third party vendor selected through the request for proposals process. The pool of questions developed by the selected vendor shall be sufficiently large to ensure that each examination may be fairly administered. Not less than seventy-five (75) percent of each examination developed shall be based on questions from nationally derived, standardized tests, and no greater than twenty-five (25) percent of each examination shall be based on differences from common national trade practices or code requirements particular to the State of Minnesota. Any part of the examination not based on questions from nationally derived standardized tests shall contain only objectively scored questions.

Each examination shall be administered, scored and the results reported by the Minneapolis Human Resources Department. (98-Or-021, § 1, 3-6-98)

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278.440. Appeals. Any person aggrieved by any administrative decision of the Minneapolis Human Resources Department in accepting or rejecting any application for examination, certification of educational qualification, certification of on the job training, certification of an employer educational program or any issue related to the testing process or an administrative decision of the human

resources department or director of inspections to deny, revoke, suspend, cancel or not renew a certificate of competency may appeal by filing with the inspections division written notice of appeal setting forth the specific issue(s) on appeal within thirty (30) days of notification of the decision. The notice of appeal shall be accompanied by a non-refundable fee of one hundred dollars (\$100.00). Upon receiving notice of appeal, the director of inspections shall arrange for a hearing, which shall be held not less than ten (10) nor more than ninety (90) days from the date of receipt of the appeal. The director of inspections shall provide the appellant with not less than ten (10) days notice of the time and place of the hearing.

Appeals shall be heard before a hearing officer who shall be an administrative law judge appointed by the chief administrative law judge of the Minnesota State Office of Administrative Hearings, pursuant to Minnesota Statutes Chapter 14. The hearing shall be a trial de novo, conducted according to the rules for contested case hearings found in Minnesota Rules Chapter 1400, and upon the evidence presented, the hearing officer shall affirm, modify or set aside the determination of the human resources department or director of inspections. The decision of the hearing officer shall be rendered in writing and shall contain the findings of fact and conclusions reached, and all parties shall be bound thereby.

Any person aggrieved by the decision of the hearing officer may appeal to the Minnesota court having jurisdiction as provided by law.

Costs of the appeal hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation, but not including attorney fees of the opposing party, shall be paid by the non-prevailing party. (98-Or-021, § 1, 3-6-98)

278.450. Working without a certificate of competency a misdemeanor. A person who performs work without a certificate of competency as required by this chapter, is guilty of a misdemeanor, punishable as provided in section 1.30 of this Code. (98-Or-021, § 1, 3-6-98) -

~~278.460. Plumber/gasfitter certificate of competency holders allowed to perform certain gas fitting work. Notwithstanding any provision to the contrary, the holder of a valid Minneapolis certificate of competency as a master or journeyman plumber/gasfitter may install, alter, repair or service fuel gas burning devices and fuel gas piping, except gas burners and gas burner equipment as defined in this chapter, without also holding a gas fitter certificate of competency. (98-Or-021, § 1, 3-6-98)~~

278.470. Reciprocity. Wherever a certificate of competency is required by the terms of this chapter, any applicant who has and presents a valid and subsisting card of competency from any other municipality in the State of Minnesota in which the technical and mechanical requirements for securing such card of

competency are equal to or greater than those of the City of Minneapolis, as shall be determined by the department of human resources in consultation with the director of inspections, may receive a certificate of competency to carry on his or her trade or occupation in the city without examination or the payment of examination fees. However, nothing in this section shall exempt such an applicant from full compliance with all other requirements of this chapter, including payment of required fees. (98-Or-021, § 1, 3-6-98)

278.480. Temporary certificates pending examination. The director of inspections may issue temporary certificates of competency to journeyman installers which may be held valid until the next scheduled examination has been held and the results of said examination are reported. Each person desiring a temporary certificate of competency as herein provided shall file in the appropriate manner an application for competency card and shall pay a fee of fifty dollars (\$50.00). (98-Or-021, § 1, 3-6-98)

278.490. Fees for certificates and renewals. The applicant therefor shall pay for the first and original certificate of competency, master or journeyman, ~~or duct cleaner~~ and each renewal thereof, thirty dollars (\$30.00). Whenever a certificate of competency has not been renewed on or before November first, a double fee may be imposed. Any certificate of competency for which the renewal fee remains unpaid ninety (90) days after such renewal fee becomes due, ~~may~~ shall be canceled. (98-Or-022, § 1, 3-6-98; 98-Or-113, § 1, 10-9-98)

278.500. Term of certificates and renewals. The term for any certificate of competency issued under this chapter or for any renewal thereof shall be one (1) year. (98-Or-021, § 1, 3-6-98)

278.510. Denial, revocation, suspension or cancellation of certificate of competency. Any certificate of competency issued, or proposed to be issued under this chapter may be denied, suspended, revoked, canceled or not renewed if the applicant or holder:

(1) Is convicted of failing to comply with any of the provisions of state law or this Code relating to the construction, installation, alteration, repair, cleaning or servicing of systems regulated under this chapter or of failure to comply with a lawful order issued pursuant thereto.

(2) As a master installer in responsible charge of work, fails to obtain appropriate permits for any work for which permits are required more than three (3) times within a one (1) year period.

(3) In the application process for issuance or renewal of a certificate of competency, knowingly falsifies, conceals, misrepresents or misstates any material fact or matter bearing upon the holders eligibility or competency.

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(4) Obtains, attempts to obtain, or assists another in obtaining or attempting to obtain a competency card through fraudulent or other improper means.

278.520. Refrigeration certificate of competency not required for stationary engineers. Stationary operating engineers who are duly licensed by and under the laws of the State of Minnesota and are regularly employed as stationary operating engineers, and whose regular employment, in part and incidental thereto, includes the maintenance, operation, repairing and servicing of mechanical or chemical refrigeration systems, including such systems used in connection with air conditioning, shall not be required to secure a license hereunder while so employed, nor shall any person who is an employer of such stationary operating engineer in the operation or carrying on of his or her business, wherein the maintenance, operation, repairing and servicing of the aforesaid systems is confined to equipment owned or leased by said employer, be required to secure licenses for such maintenance, operation, repairing and servicing, if such maintenance, operation, repairing or servicing is done under the direct supervision of a duly licensed stationary operating engineer. (98-Or-021, § 1, 3-6-98)

278.530. Unlawful acts. No person holding a certificate of competency under this chapter shall take out or secure a permit for the installation, alteration, repair or servicing of any systems or equipment regulated under this chapter where said work is to be done by any person not in the employ of such certificate holder, nor allow his or her name to be used by any other person for the purpose either of doing any such work or of obtaining a permit therefor. Any person who violates the terms of this section is guilty of a misdemeanor, punishable as provided in section 1.30 of this Code. (98-Or-021, § 1, 3-6-98)

~~278.540. Renewal of journeyman and master gasfitter certificates of competency. Any person who, as of June 30, 1998, held a current, unrevoked certificate of competency as a journeyman or master gasfitter shall be issued a corresponding journeyman or master gasfitter certificate of competency without additional examination upon the next succeeding regular competency card renewal date with payment of the appropriate fee therefor, and shall be entitled to subsequent regular renewals subject to all other requirements set forth in this article. (98-Or-021, § 1, 3-6-98)~~

~~278.550. Renewal of journeyman and master refrigeration installer certificates of competency. Any person who, as of June 30, 1998, held a current, unrevoked certificate of competency as a journeyman or master refrigeration installer shall be issued a corresponding journeyman or master refrigeration installer certificate of competency without additional examination upon the next succeeding regular competency card renewal date with payment of the appropriate fee therefor, and shall be entitled to subsequent regular renewals subject to all other requirements set forth in this article. (98-Or-021, § 1, 3-6-98)~~

~~278.560. Renewal of journeyman and master heating, air conditioning and ventilating installer certificates of competency. Any person who, as of June 30, 1998, held a current, unrevoked certificate of competency as a journeyman or master heating, air conditioning and ventilating installer shall be issued a corresponding journeyman or master heating, ventilation and air conditioning installer certificate of competency without additional examination upon the next succeeding regular competency card renewal date with payment of the appropriate fee therefor, and shall be entitled to subsequent regular renewals subject to all other requirements set forth in this article. (98 Or 021, § 1, 3-6-98)~~

~~278.570. Renewal of Class B cleaning mechanic certificates of competency. Any person who, as of June 30, 1998, held a current, unrevoked Class B certificate of competency entitling its holder to work as a duct cleaning mechanic performing cleaning of warm air heating, air conditioning or ventilation systems, shall be issued a duct cleaning mechanic certificate of competency without additional examination upon the next succeeding regular competency card renewal date with payment of the appropriate fee therefor, and shall be entitled to subsequent regular renewals subject to all other requirements set forth in this article. (98 Or 021, § 1, 3-6-98)~~