

# **ORDINANCE NO. 2382**

## **AN ORDINANCE PROVIDING FOR A SUPERVISOR TO OVERSEE ALL PLUMBING INSPECTIONS AND PLUMBING PLAN REVIEWS IN THE CITY OF CUDAHY**

**WHEREAS**, the City desires to provide more flexible, cost effective and responsive plumbing inspection services to the residents, businesses and property owners of the City.

**WHEREAS**, the administrative functions of municipal plumbing inspectors are governed, sanctioned and credentialed by the State of Wisconsin through its Department of Safety and Professional Services (SPS).

**WHEREAS**, the City currently employs an individual within its Department of Economic Development, Inspections and Zoning (Department) who holds both the Uniform Dwelling Code Plumbing Inspector credential and the Commercial Plumbing Inspector credential.

**WHEREAS**, under State of Wisconsin Administrative Code, the City intends to supervise the installation, alteration and repair of plumbing within its jurisdiction in accordance with Wisconsin State Administrative Code, SPS 305.625(1)(a)1.

**WHEREAS**, the City shall contract with a “supervisor” to provide general supervision as defined under SPS 305.003(25) for all plumbing inspections and all plumbing plan reviews who shall hold a certification as a commercial plumbing inspector issued under this section and who shall hold a license as a master plumber issued under s. SPS 305.91 or a license as a journeyman plumber issued under s. SPS 305.93.

**WHEREAS**, all City of Cudahy commercial plumbing inspections and all 1 & 2 family dwelling inspections and plumbing plan reviews shall be conducted by the appropriately credentialed employee of the Department, and the City wishes to comply with the State of Wisconsin Administrative Code requirements for contracting with an appointed plumbing “supervisor” who holds a master plumber or journeyman plumber license and will provide the code defined general supervision functions to the Department as specified above.

**WHEREAS**, the Supervisor agrees to file, upon appointment by the Common Council of the City of Cudahy and Ordinance to the terms hereunder, an Affidavit of Responsibility with the State of Wisconsin, Department of Safety and Professional Services Division of Industry Services, for the general supervision services provided.

**NOW, THEREFORE**, the City of Cudahy, Wisconsin, Common Council does hereby ordain the following:

**Section 1.** The Plumbing Supervisor shall be an independent contractor of the City of Cudahy and shall not be entitled to wages or benefits. The terms and conditions of the independent contractor relationship shall be specified in a contract between the City and the Plumbing Supervisor and shall include the following terms:

1. **Supervisor Qualifications.** The Supervisor must possess the necessary State of Wisconsin credentials and licenses allowing performance of services identified herein. Such necessary credentials and licenses shall be maintained in good standing for the duration of this Ordinance. Copies of the required credentials and licenses shall be kept on file with the Department. An Affidavit of Responsibility must be filed with the State and the City. Fulfillment of and compliance with this Ordinance cannot be prevented, limited by or conflicted with any contractual restriction, Ordinance or instrument of whatever nature to which Supervisor is now a party.
2. **Supervisory Services.** The Supervisor shall provide general supervision for all plumbing inspections and all plumbing plan reviews within the City of Cudahy per the Wisconsin Safety and Professional Services Administrative Code., and any other State or Federal Laws, as necessary.
3. **Consideration, Payment and Renewal.** The Department shall pay reasonable renewal fees and minimum expense of continuing education required for Supervisor to maintain such credentials and licenses not to exceed a stipend of \$1,000 per annum. Such stipend shall be paid one year after the date of acceptance of Plumbing Supervisor position by the Department, and subsequent one year date of acceptance dates, and shall be subject to any applicable State and Federal taxes.
4. **Indemnification.** The City's officers, employees, appointees and agents are held harmless. This indemnification shall include any and all claims, losses, damages, interest, actions, suits, judgments, costs, expenses, attorneys fees, and the like that may be directed to or resulting from any action or decision made by the Supervisor during the Supervisory term of this Ordinance but limited to only that involving general supervision of municipal services for plumbing inspection or plan review within the jurisdiction of the City.
5. **Supervisor is an Independent Contractor and Not An Employee.** For the purposes of this Ordinance, the Supervisor is considered an agent of the Department. Nothing in this Ordinance can or may be construed as an offer of employment. Benefits or compensation not specifically identified herein or in the independent contractor agreement shall in no way inure to the Supervisor.
6. **Enforceability.** The City may take any action, including legal or administrative, in law or equity, to enforce the performance or observance of any obligation under this Ordinance.
7. **Termination of a Current Supervisor.** The City of Cudahy and the Supervisor reserve the right to terminate the services of the current Supervisor at any time, without cause. Such termination shall be provided in writing not less than thirty (30) days in advance of the effective date of termination. This position shall be a contracted, non-employee position that will have no access to City of Cudahy benefits.

**Section 2.** All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

**Section 3.** If any part or parts of this ordinance are invalid, it shall not invalidate the entire ordinance.

**Section 4.** This ordinance shall take effect and be put in force from and after its passage and publication and all wages shall be paid effective the dates stated above.

Introduced by the Personnel Committee.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**ANTHONY DAY**, Mayor

Attest:

\_\_\_\_\_  
**DENNIS P. BRODERICK**, City Clerk

ADOPTED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_

Prepared By: **PAUL T. EBERHARDY** City Attorney  
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