

City of Seattle
Refrigeration
Licensing Law

Seattle Municipal Code
6.410



Effective Date
21 June 2006

City of Seattle
Department of Planning and Development

ORDINANCE 122109

AN ORDINANCE repealing Chapter 6.82 of the Seattle Municipal Code and adopting a new Chapter 6.410, related to licensing of operators and installers of refrigeration and air conditioning equipment.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1.

Chapter 6.82 Seattle Municipal Code is hereby repealed.

SECTION 2.

A new Chapter 6.410 of the Seattle Municipal Code is added to read as follows:

6.410.010 Scope, purpose and authority.

The regulation and licensing of businesses and individuals that engage in installation, repair, alteration, servicing and operation of refrigeration and air conditioning systems is governed by this chapter.

The purpose of this chapter is to provide standards for safe installation, repair, alteration, servicing and operation of refrigeration systems.

The Director of the Department of Planning and Development is authorized to implement and enforce all the provisions of this chapter.

6.410.020 Unlawful activities.

1. It is unlawful to do any of the following except in compliance with this chapter:
2. to engage in business as a refrigeration contractor, an air-conditioning contractor, or a refrigeration service shop; or
3. to accept employment or be employed as a journeyman refrigeration mechanic, an industrial refrigeration engineer, a refrigeration service shop mechanic, or a refrigeration operating engineer; or
4. to contract for installation, repair, alteration or servicing of any refrigeration system or equipment; or
5. to engage in the business of or be employed in installing, repairing, altering or servicing any refrigeration system or equipment; or
6. to have charge of, or operate or permit anyone to have charge of or operate any refrigeration system or equipment.

Exceptions:

1. Welders may weld on refrigeration installations and equipment without a license when they are under the direct supervision of a licensed journeyman refrigeration mechanic or licensed industrial refrigeration engineer
2. Apprentices may engage in such work without a license as authorized by this chapter.
3. Holders of existing industrial refrigeration engineers licenses may work as industrial engineers and shall be subject to the provisions of this code.

6.410.030 Definitions.

Words and phrases used in this chapter have the following meanings:

- A. "Apprentice" means a person who is employed in installation, alteration, repair, servicing, or operation of refrigeration systems or equipment, as an artisan, and who is registered and is working under the direct supervision of a licensed operating engineer, industrial engineer, refrigeration mechanic, or service shop mechanic.
- B. "Board" means the Refrigeration Advisory Board created by this chapter.
- C. "Director" means the Director of the Department of Planning and Development and authorized representative.
- D. "Industrial refrigeration engineer" means a full-time employee who spends a substantial portion of time in the installation, addition to, repair, service, or operation of refrigeration systems in a building, or portion thereof, used for manufacturing, processing, or storage of materials or products, including

among others, chemicals, food, candy and ice cream factories, ice-making plants, meat-packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system, and whose duty is to install, add to, repair, service, and operate all of the employers' refrigeration systems and equipment.

- E. "Journeyman refrigeration mechanic" means a person engaged in the installation, repair, or servicing, as an artisan, of any refrigeration system, equipment, or parts thereof.
- F. "Person" means any individual, firm, corporation, partnership, or association.
- G. "Recognized school of technology" means one which is accredited by a national or regional accrediting association.
- H. "Refrigeration contractor" means a person who engages in the business of installation, alteration, or repairing of refrigeration equipment, including air conditioning, and in planning, engineering, and superintendence in connection therewith.
- I. "Refrigeration operating engineer" means a full-time employee who spends a substantial portion of time in the maintenance and operation of a refrigeration system in a building, or portion thereof, used for manufacturing, processing, or storage of materials or products, including among others, chemicals, food, candy, and ice cream factories, ice-making plants, meat-packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system, and whose duty is to operate, maintain, and keep in a safe and serviceable condition all of the employers' refrigeration systems and equipment.
- J. "Refrigeration system" is a combination of interconnected refrigerant-containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat and shall include not only the direct system but also the "indirect system" as defined in the Seattle Mechanical Code.

6.410.040 Application and examination.

- A. Applications for a refrigeration contractor's license shall be made to the Director on forms prescribed by the Director. Applications shall be accompanied by a receipt showing payment of the fee required by the Fee Subtitle, Section 22.900E. The application shall set forth the types of refrigerants and types of refrigerating systems with which the applicant is familiar by actual experience or education. Upon approval of the application by the Director, the Director shall issue a license.
- B. The Director may require applicants to pass an examination to determine their qualifications for a license. Examinations may include oral and written examinations and practical demonstrations on different phases of refrigeration. Examinations shall be designed to determine the skill and ability of the applicant to competently perform the work which a license will authorize.
- C. The Director shall refuse to issue a license if the result of the examination is such that the Director determines the applicant does not have sufficient knowledge and experience, or if the applicant is found to be unfit to perform the duties of licensees. The action of the Director shall be final.
- D. It is sufficient cause to refuse to issue a license, or any renewal thereof, if the applicant, through neglect or incompetence while working on a refrigeration system, has caused serious damage to property or has endangered the lives of others.

6.410.050 Applications by corporation, partnership, or association.

If application for a refrigeration contractor's license is by a corporation, partnership, or association, or by an individual owner or operator who does not perform actual work as an artisan, the application shall designate one or more individuals as officers or employees, who shall take the qualifying examinations. If the individual or individuals designated pass the examination, the license shall be issued in the name of the applicant and the individual passing the examination. The individual named in the license shall be in charge of all refrigeration installation, alteration, repair or service done by or for the corporation, partnership or association, or by such individual owner. Whenever any such individual is no longer associated with the corporation, partnership or association, or such individual owner, they shall report the fact of such disassociation to the Director within thirty days and the license shall be suspended until a new qualified individual is designated to perform such work in behalf of the corporation, partnership or association or individual owner. Failure of a corporation, partnership or association or such individual owner to report such disassociation shall be a violation of this chapter. An individual who has qualified to render service for one corporation, partnership or association, or

individual owner, may on written application have his/her authority and qualifications to act transferred to any other licensed corporation, partnership, or association, or individual owner with the written consent of such other corporation, partnership or association, or individual owner.

6.410.060 Qualifications for licenses.

- A. Before a candidate is allowed to take an examination for a license as a journeyman refrigeration mechanic, the candidate shall furnish satisfactory proof to the Director of the following qualifications:
 - 1. Three years full-time experience as a journeyman refrigeration mechanic or its equivalent; or
 - 2. Two years training in a recognized school of technology, plus two years full-time actual experience at the trade; or
 - 3. Graduation from a recognized school of technology plus one year actual experience at the trade.
- B. The Director may approve licenses for refrigeration operating engineers limited as to employment of such engineer in a particular location and with respect to a refrigeration system using specified types of refrigerants.
- C. All applications for examinations shall be filed with the Director, accompanied by the required examination fee. The applicant shall be examined by the Director, and if the applicant passes, the Director shall, upon payment of the required license fee, issue the proper license to the applicant.

6.410.070 License classifications.

Licenses shall be classified as follows:

- A. Refrigeration Journeyman's License. A refrigeration journeyman's license is required except as herein provided for all persons who install, alter or repair a refrigeration system with a unit containing six pounds or more of any refrigerant and actuated by a motor or engine having a standard rating of one-fourth horsepower or more, or absorption systems having a rating of one-fourth ton or more refrigeration effect.
- B. Refrigeration Contractor's License. A refrigeration contractor's license is required except as provided by this chapter for all persons who install, repair, service, alter, or move approved self-contained or unit refrigeration systems as defined by the Seattle Mechanical Code.
- C. There shall be three classes of licenses for refrigeration contractors and for journeyman refrigeration mechanics as follows:
 - 1. Class A -- Covering refrigeration machines using only sulphur dioxide, methyl chloride, all freons;
 - 2. Class B -- Covering refrigerating machines using all other refrigerants;
 - 3. Class C -- Covering all refrigerating machines using refrigerants included in Classes A and B.
- D. Refrigeration Operators Licenses. A refrigeration operators license is required except as provided by this chapter for all persons who operate and conduct maintenance of refrigeration and air conditioning systems that require annual certification in accordance with Section 122 of the Seattle Mechanical Code.

A refrigeration contractor's license is not required to install, alter, add to, repair, or service an established refrigeration system in a building where the owner and/or operator employs, in the regular course of business, an industrial refrigeration engineer licensed under this chapter. No license is required to repair or service an established refrigeration system in a building where the owner and/or operator employs, in the regular course of business, a refrigeration operating engineer licensed under this chapter.

6.410.095 Reciprocity.

The Director may establish procedures for recognizing licenses issued by other jurisdictions whose licensing programs satisfy the purposes of this chapter.

6.410.150 Notification of unsafe or hazardous equipment.

- A. Any refrigeration system or equipment or any alteration or repair thereof shall at all reasonable times be subject to inspection by the Director. If it is found on such inspection that the system or equipment, including any alteration or repairs, is unsafe or hazardous or is in a condition dangerous to life or property, written notice thereof shall be given to the owner or operator of such system or equipment.

The system or equipment shall not thereafter be operated or maintained until it has been made safe and approved for operation and maintenance by the Director.

- B. Whenever a person licensed according to this chapter believes any part of a refrigeration system is in defective or potentially unsafe condition, the licensee shall report the fact in writing to the owner of the system. If immediate corrective action is not taken, the licensee shall report such defective or potentially unsafe conditions to the Director.
- C. It is the duty of all licensees to report serious negligence in the care and operation of refrigeration systems to their employers and the Director.

6.410.200 License renewal.

- A. All licenses shall expire on June 30 of each year.
- B. Licenses may be renewed annually upon payment of the renewal fee.
- C. If more than one year has elapsed since the expiration of the license, the examination shall be retaken.
- D. It is sufficient cause to refuse to renew a license if the applicant, through neglect or incompetence while working on a refrigeration system, has caused serious damage to property or has endangered the lives of others.

6.410.210 Revocation of license.

- A. Any license issued pursuant to this chapter may be revoked by the Director if any of the following is found:
 - 1. The licensee has misrepresented facts related to the installation, repair, alteration, servicing and operation of a refrigeration system;
 - 2. The licensee has provided false information on an application for a license governed by the chapter;
 - 4. The licensee fails an examination administered according to this chapter;
 - 5. The licensee demonstrates neglect or incompetence in the installation, repair, alteration, servicing and operation of a refrigeration system pursuant to this chapter; or
 - 6. There are special circumstances that warrant revocation in the interests of public safety and welfare.Licenses that have been revoked may be reinstated only after the applicant passes an examination administered according to this chapter.
- B. Whenever the Director determines that there are grounds for revoking a license, the Director may issue a notice of revocation and stop work order. The notice shall be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail to the licensee.
- C. Unless a request for review before the Director is made in accordance with this subsection, the notice shall become the final order of the Director. A request for review is an administrative remedy that must be exhausted before judicial review of the decision may be sought.
 - 1. Any person aggrieved by a notice issued by the Director pursuant to this section may obtain a review of the notice by delivering to the Department such request in writing within ten (10) days of the date of service of the notice. For purposes of this subsection, service shall be complete at the time of personal service, or if mailed, three days from the date of mailing. When the last day of the period so computed is a Saturday, Sunday or City holiday, the period shall run until five (5:00) p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any persons served the notice of the deadline for submitting additional information in the form of written material for the review, which shall be within ten (10) days after the request is received. Before the deadline for submission of information, any person aggrieved by or interested in the notice (including any persons served the notice) may submit any additional information in the form of written material to the Director for consideration as part of the review.
 - 2. The review will be made by the Refrigeration Advisory Board. The Refrigeration Advisory Board will review all additional information received by the deadline for submission of information. The Board may also request clarification of information received. After review of the additional information, the Refrigeration Advisory Board may recommend that the Director:
 - a. Sustain the notice of revocation;
 - b. Withdraw the notice; or

- c. Continue the review to a date certain for receipt of additional information.
3. Recommendations of the Board shall be in writing; shall be mailed to the Director and the appellant; and shall apply only to the case being heard.
4. The Director shall issue an Order and shall cause the same to be sent by first class mail to the person or persons named on the notice and any other person that has requested notice of the decision.
5. Any person who has standing to file an appeal with the Hearing Examiner may file such an appeal within ten (10) days of issuance of the Order of the Director.

6.410.220 Refrigeration Advisory Board.

- A. The Director shall appoint a Refrigeration Advisory Board for the purpose of advising and assisting the Director in the administration of licenses regulated by this chapter. The Director is authorized to define the duties and prescribe the procedures for the Board. The Board may recommend to the Director such revisions to this chapter as it may deem appropriate.
- B. The Board shall consist of five voting members who are, or who have been licensed under the provisions of this chapter. A representative of the Director shall serve as a nonvoting member and act as secretary for the Board.

6.410.240 Inspections.

Licensees shall have their license card available while performing installation, repair, alteration, servicing and operation of a refrigeration system and shall present the card prior to or at the time of inspection of the installation, alteration or repair at the request of the Director. The Director may conduct periodic inspections of licensees to determine compliance with these regulations.

6.410.250 Stop work orders.

If the Director finds any installation, repair, alteration, servicing or operation of a refrigeration system is being done in violation of this chapter, the Director may issue a stop work order. The order shall describe the violation in writing. It shall be posted on the premises or served on any person responsible for the condition or work. It is unlawful for any person to engage in or to cause any work subject to the order to be done until authorization from the Director is received.

6.430.260 Notice of violation.

- A. Notice. If, after investigation, the Director determines that there has been a violation of this code not resulting in revocation of a license, the Director may serve a notice of violation upon the person responsible for the action or condition. The notice of violation may state the requirements violated, what corrective action, if any, is necessary to comply with the standards or requirements, and set a reasonable time for compliance. The notice may be served upon the responsible person by regular first class mail, addressed to the last known address of such person. The notice of violation shall be considered an Order of the Director.
- B. Other remedies. Nothing in this subsection shall be deemed to limit or preclude any action or proceeding pursuant to Section 6.430.250 of this code, and nothing in this section shall be deemed to obligate or require the Director to issue a notice of violation prior to the imposition of civil or criminal penalties.
- C. Review by the Director. Any person affected by a notice of violation issued by the Director pursuant to this chapter may obtain a review of the notice by requesting such review in writing within ten days after service of the notice. Service shall be complete at the time of personal service, or if mailed, on the date of mailing. When the last day of the period computed is a Saturday, Sunday, federal or City holiday, the period shall run until 5:00 p.m. of the next business day. Upon receipt of a request, the Director shall notify the person requesting the review of the date, time and place of the Director's review. The review shall be not less than ten nor more than twenty days after the request is received, unless otherwise agreed by the person requesting the review. Any person affected by the notice of violation may submit addition information to the Director for consideration on or before the date of the review.

- A. A representative of the Director who is familiar with the case and the applicable regulations will conduct the review. The Director's representative will consider any information presented and in the Department's file. After the review, the Director shall issue an Order of the Director that may:
 - 1. Sustain the notice of violation; or
 - 2. Withdraw the notice of violation; or
 - 3. Amend the notice of violation; or
 - 4. Continue the review to a future date
- B. The Director shall issue an order within a reasonable time after the conclusion of the review. The Director shall mail the order by regular first class mail to the person or persons named in the notice of violation.

6.430.270 Penalties.

- A. Civil Penalties. Any failure to comply with the provisions of this chapter shall be subject to a cumulative civil penalty in an amount not to exceed \$500 per day for each violation from the date the violation occurs or begins until compliance is achieved. In cases where the Director has issued a notice of violation, the violation will be deemed to begin, for purposes of determining the number of days of violation, on the date compliance is required by the notice of violation.
- B. Alternative Criminal Penalty. Any person who violates or fails to comply with this chapter shall be guilty of a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director may request the City Attorney to prosecute such violations criminally as an alternative to the civil procedure outlined in this chapter.

6.410.280 Additional relief.

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes a violation of this chapter when civil or criminal penalties are inadequate to effect compliance.

6.410.290 Existing licenses continued.

Anyone holding a license under Chapter 6.82, and in effect at the time the ordinance codified in this chapter becomes effective, shall be entitled to continue to operate under that license subject to all the provisions of this chapter.

6.410.30 Application of other provisions.

The licenses provided for in this chapter are subject to the general provisions of the Seattle License Code set forth in Chapters 6.01 and 6.202. In the event of a conflict between the provisions of Chapters 6.01 and 6.202 and this chapter, the provisions of this chapter shall control.

SECTION 3.

The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person, owner, or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons, owners, or circumstances.

SECTION 4.

This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.