

**OPINION
50-130**

September 14, 1950 (OPINION)

PLUMBING

RE: Board's Jurisdiction

Yours of September 13th requests an opinion as to whether or not the board would be within the law if it demanded that plumbing installed in a building in an incorporated municipality having a public waterworks and sewage system be corrected to comply with the plumbing code, when such installation is not made as required by said code. And further, whether the board would be within the law if it caused a prosecution of the person who made such installation, he not being a licensed and registered plumber.

Section 43-1811 N.D.R.C. 1943 prohibits any person from engaging in the business of a master plumber or journeyman plumber in any incorporated city or village having a system of waterworks or sewerage unless he be registered and licensed to do so by the board.

By section 43-1801 plumbing is defined thus: "'Plumbing' shall mean the act of installing in buildings the pipes, fixtures, and other facilitating apparatus for bringing water into, and using the same in buildings, and for removing liquids and water carried wastes therefrom;"

Therefore, it would seem that any person engaged in the business of making such installations is in fact a plumber.

By the specific provisions of section 43-1811 N.D.R.C. 1943 it appears that the jurisdiction of the State Board of Plumbing extends only over the business of plumbing and the manner of installing plumbing fixtures in buildings in "incorporated cities and villages of this state having a system of waterworks or sewerage."

Section 5 of the code of rules established by the board would indicate that every building intended for human habitation or occupancy on premises abutting on a street or alley in which there is a public sewer shall have a connection with the sewer, and, if possible, a separate connection. And section 18 of said code seems to govern the plumbing in such buildings where no public sewer is available.

Section 110.0 of the plumbing code clearly prescribes for the manner of installing plumbing in buildings where no public sewer is available.

Therefore, it must be concluded that the installation of plumbing in any building intended for human habitation or occupancy in any city or village having a system of waterworks or sewerage, whether or not such building is so situated as to have a sewer available comes within the jurisdiction of the board.

Therefore, one installing plumbing in any building intended for human habitation or occupancy in any incorporated city or village having a waterworks and sewerage system must be licensed and registered as required by chapter 43-18 and the plumbing code adopted pursuant thereto.

It necessarily follows that one practicing plumbing in such incorporated city or village without complying with said chapter and code is guilty of a violation of law and may be prosecuted for such violation. Surely the board would be justified in requiring that the installation referred to be corrected so as to comply with said chapter and code.

WALLACE A. WARNER

Attorney General