

ARTICLE 12 – CONTRACTOR LICENSING REGULATIONS

5-1201

PURPOSE.

The purpose of this Article is to ensure that all persons desiring to perform contracting work in this city be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects, both public and private, through uniform compliance with the laws of this city, and protection of the public from unsafe construction practices. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a contractor's license, to perform minor work on such homeowner's residences. It is not the intent of this Article to require any person, firm, corporation or other organization performing demolition services for a project or job but providing no other building, construction, alteration, remodeling or repair services on the project or job to obtain a contractor's license pursuant to this Article. (Ord. 7870)

5-1202

DEFINITIONS.

Agent is an individual that has the authority to act on behalf of another.

Building Official is the officer or other designated authority charged with the administration and enforcement of this code, or the building official's duly authorized representative.

Building is any structure used or intended for supporting or sheltering any use or occupancy.

Contractor, within the meaning of this Article is any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who: (1) Undertakes, with or for another within the city, to build, construct, alter, remodel, repair, or demolish any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage, or other compensation; (2) Builds, constructs, alters, or adds to another building or structure either upon his or her own or another's property; to include every i) general contractor, building contractor, residential contractor, concrete contractor and framing contractor. Unless provided otherwise by this Article, only a contractor licensed under the provisions of this Article may obtain a building permit.

Contractor, Specialty is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

Contractor Licensing Board (CLB) is a board, established pursuant to Chapter 5, Article 13 adopted in Ordinance No. 7871, the function of which is to hear all contested matters pertaining to the suspension, revocation, and reinstatement of licenses.

Co-partner is a joint partner, as in a business enterprise; an associate.

Designated representative is an individual that may obtain a license on behalf of a firm and will be the qualifying party of the firm if the individual meets the minimum requirements defined herein.

Experience is awarded to individuals that have worked within the specific license category for the requisite time period. Individuals must be experienced workers fully qualified and able to perform the trade without supervision. All experience claims must be verifiable by a qualified and responsible person, such as a contractor, a building official, an architect or an engineer.

Qualifying Party is the individual who meets the experience and examination requirements for a license. Every license must have a qualifying party.

Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Ord. 7870)

5-1203

LICENSE REQUIRED.

No building permit shall be issued to any contractor who has not first obtained a license or who is delinquent in payment of his annual license fee, or whose license has been suspended or revoked by action of the Contractor Licensing Board. It is further unlawful for any person to enter into a contract with another so as to bring himself under the classification of a contractor as defined in this Article, or to perform any work as a contractor, or any work under a contract, without having first obtained a contractor's license. It is unlawful for any person issued a license as required by this Article to contract for any work other than specified by such license. (Ord. 7870)

5-1204

EXCLUSIONS.

It is the intent of this Article that the contractor that obtains a building permit shall be responsible, within the scope of such permit, for the completion of the construction, alteration, repair, or demolition in accordance with all applicable building codes. However, the following persons are not "contractors" within the meaning of this Article. (Ord. 7870)

- (a) An employee or agent working for and under the supervision of a contractor licensed under this Article for the type of construction, alteration, repair or demolition being undertaken; and
- (b) A homeowner who personally occupies or will occupy and undertakes the construction, alteration, repair, or maintenance of such homeowner's single-family residence or an accessory structure thereto. Notwithstanding the foregoing, for purposes of this section, any homeowner who undertakes the construction of a new residence for such homeowner's personal occupancy more than two times in any five year period shall be deemed to be a "contractor" under this Article.

5-1205

CONTRACTOR RESPONSIBLE FOR ALL WORK.

Upon issuance of a building permit to a contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents, and subcontractors. (Ord. 7870)

5-1206

CONTRACTOR INSURANCE.

Every contractor except a contractor who has an "inactive license" shall keep in force a policy of general liability insurance including completed operations coverage. Class A, B, and C contractors. Every building contractor shall keep in force a policy of commercial general liability insurance including completed operations/products coverage. Such insurance policy shall be written with an insurance company licensed as an admitted insurance company in the State of Kansas. The contractor shall maintain general liability coverage in an amount not less than \$1,000,000 per occurrence single limit for bodily injury and property damage. At the time of licensing, the contractor shall provide the City of Lawrence Neighborhood Resources Department with an original certificate of insurance verifying the insurance coverage required under this section. The City of Lawrence shall be added as a "Certificate Holder" to the insurance policy by the insurance company issuing the certificate of insurance, requiring the insurance company to notify the City of Lawrence Neighborhood Resources Department in writing of any change in coverage or cancellation of such policy at least ten (10) days prior to such changes. In addition, every contractor shall procure and maintain workers' compensation insurance, as required by law.

Class D and E contractors. Every contractor shall keep in force a policy of commercial general liability insurance including completed operations/products coverage. Such insurance policy shall be written with an insurance company licensed as an admitted insurance company in the State of Kansas. The contractor shall maintain general liability coverage in an amount not less than \$500,000 per occurrence single limit for bodily injury and property damage. At the time of licensing, the contractor shall provide the City of Lawrence Neighborhood Resources Department with an original certificate of insurance verifying the insurance coverage required under this section. The City of Lawrence shall be added as a "Certificate Holder" to the insurance policy by the insurance company issuing the certificate of insurance, requiring the insurance company to notify the City of Lawrence Neighborhood Resources Department in writing of any changes in coverage or canceling of such policy at least ten (10) days prior to such changes. In addition, every contractor shall procure and maintain workers' compensation insurance, as required by law.

(Ord. 7870, Ord. 7988)

5-1207

CONTRACTOR LICENSES AUTHORIZED.

There shall be five (5) separate classes of licenses authorized for contractors as provided in this Article.

(Ord. 7870, Ord. 7988)

5-1208

GENERAL CONTRACTOR.

(Requires 6 yrs. experience). (Ord. 7870)

A Class A License shall entitle the holder thereof to construct, remodel, repair, demolish any structure and perform work described as Class D, Building Specialties. The annual Class A License fee shall be \$200. Qualifying parties who hold a Class B, Building Contractor license and have at least ten (10) years of experience working as a Building Contractor shall be eligible for examination for certification as a Class A, General Contractor.

5-1209

CLASS B, BUILDING CONTRACTOR.

(Requires 4 yrs. Experience). (Ord. 7870)

A Class B License shall entitle the holder thereof to construct, remodel, repair, demolish all structures not exceeding three stories in height and perform work described as Class D, Building Specialties. A Class B License shall also entitle the license holder to perform non-structural remodeling, tenant-finish, and repairs of all structures. The annual Class B License fee shall be \$200. Qualifying parties who hold a Class C, Residential Contractor license and have at least six (6) years of experience working as a Residential Contractor shall be eligible for examination for certification as a Class B, Building Contractor.

5-1210

CLASS C, RESIDENTIAL CONTRACTOR.

(Requires 2 yrs. Experience). (Ord. 7870)

A Class C License shall entitle the holder thereof to construct, remodel, repair, and demolish single family or duplex residences, buildings accessory thereto and perform work described as Class D, Building Specialties. The annual Class C License fee shall be \$200. Qualifying parties who hold a Class D, Building Specialty Contractor license and have at least four (4) years of experience working as a Building Specialty Contractor shall be eligible for examination for certification as a Class C, Residential Contractor.

5-1211

CLASS D, BUILDING SPECIALTY CONTRACTOR. FRAMING AND CONCRETE. (requires 2 yrs. experience). (Ord. 7870)

The annual Class D License fee shall be \$200.00. A Class D License shall entitle the holder thereof to perform services as described below:

FRAMING CONTRACTOR. A Class D License shall entitle the holder thereof to perform such work for the framing of a structure or building, including bearing and non-bearing walls, and including any repair to any of the above.

CONCRETE CONTRACTOR. A Class D License shall entitle the holder thereof to perform general concrete work to include the placing and erecting of steel or bars for the reinforcing of mass, pavement, flat and other concrete work.

5.1211.1

CLASS E, TRADE SPECIALTY CONTRACTOR, MECHANICAL, PLUMBING, ELECTRICAL
(Requires six (6) years experience within the trade). (Ord. 7988)

The annual Class E License fee shall be \$200.00. A Class A-C license shall not entitle the license holder to perform HVAC services, plumbing services, electrical services, fireplace contracting services or mechanical services.

MECHANICAL CONTRACTOR. A class E Mechanical Contractor shall be a licensed Master or have as his or her employee a licensed Master on a full-time employment basis. Before the issuance of a contractor's license, the applicant shall submit the address of his place of business, business telephone number, the name of the designated master and other information as may be required on forms provided by the Codes Enforcement Division and shall pay all relevant fees. A Class E License shall entitle the holder thereof to perform HVAC services such as the installing or servicing mechanical systems.

PLUMBING CONTRACTOR. A Class E Plumbing Contractor shall mean a person who has worked at the trade for a period of at least six (6) years, three (3) years as a journeyman plumber and has passed a creditable examination as a master plumber or has a master plumber in his or her employ. A Class E License shall entitle the holder thereof to perform services such as the installing and servicing of plumbing systems.

ELECTRICAL CONTRACTOR. A Class E Electrical Contractor shall be a certified master electrician or a firm employing a certified master electrician or a person licensed as a contractor prior to July 1, 1986. A Class E License shall entitle the holder thereof to perform electrical services such as the installation and servicing of electrical systems.

FIREPLACE CONTRACTOR. A Class E Mechanical Fireplace Contractor shall be a licensed Master or have as his or her employee a licensed Mechanical Fireplace Master on a full-time employment basis. Before the issuance of a contractor's license, the applicant shall submit the address of his place of business, business telephone number, the name of the designated master and other information as may be required on forms provided by the Code Enforcement Division and shall pay all relevant fees. A Class E Mechanical Fireplace Contractor License shall entitle the holder thereof to perform work such as installation, service, and maintenance of factory-built fireplace systems. Mechanical Fireplace Contractor work shall be limited to contracting, installation, service, and maintenance of factory-built fireplace systems.

5-1212

APPLICATION FORM.

The City of Lawrence Codes Enforcement Division shall receive and process contractor license applications. License fees shall be paid without proration. No contractor license may be transferred or assigned. (Ord. 7870)

5-1213

RENEWAL OR REINSTATEMENT OF LICENSE.

a. Every contractor license shall be issued on a calendar year basis to expire on December 31st of each year. A contractor shall be entitled to renew such contractor's license upon

satisfaction of the requirements of this Article. A license renewal application may be submitted to the City of Lawrence Codes Enforcement Division beginning on December first through and including the last day of January without a late fee. Thereafter, a \$75 late fee shall be collected to off set administrative costs incurred as a result of such later renewal. Unless an expired license is renewed within one year of its expiration, the contractor shall be required to make a new application and satisfy all the then-existing contractor licensing requirements. License renewal applications shall be mailed by the City of Lawrence Codes Enforcement Division no later than November first of each year to every licensed contractor at the address provided by the contractor. The failure to receive an application shall not excuse untimely license renewal. (Ord. 7870)

- b. During the annual renewal period, a licensed contractor that has completed the annual requirement for continuing education may, upon the payment of a fee sufficient to cover the expense of the annual continuing education, have the contractor's license declared inactive. No building permit shall be issued to a contractor with an inactive license. The holder of an inactive license may annually renew the inactive license upon the completion of all continuing education requirements and the payment of the annual renewal fee. The holder of an inactive license may obtain an active contractor's license at any time upon the payment of the required license fee. (Ord. 7870)
- c. Any contractor whose license is suspended for any Code-related violation must provide satisfactory evidence to the Contractor Licensing Board ("CLB") that the violation has been corrected in accordance with the applicable Code. Failure to provide such evidence may result in the revocation of the contractor's license. (Ord. 7870)
- d. When a contractor's license is revoked, a new license shall not be granted until the contractor has first passed an examination as required by Chapter 5, Article 12, Section 1215, and has provided the CLB with satisfactory evidence that a new license should be issued. If the contractor's license was revoked as the result of a Code-related violation, such contractor may not be re-licensed unless the CLB determines that the violation has been corrected.
- e. Any contractor with delinquent fees shall make full payment to the City of Lawrence prior to the issuance or renewal of a contractor license.

5-1214

EXAMINATIONS, LICENSE APPROVAL, AND ISSUANCE.

Contractor applicants shall be licensed by satisfying one or more of the following provisions (a-d) (Ord. 7870, Ord. 7988)

- a. Obtain a certificate of competence from a nationally-recognized testing institution as contemplated by K.S.A. 12-1508, and amendments thereto (plumbing contractors), K.S.A. 12-1525, and amendments thereto (electrical contractors), K.S.A. 12-1541 (Heating, Ventilation and Air Conditioning contractors), and K.S.A. 12-1556 (building and residential contractors); or
- b. Until December 31, 2006 provide verifiable evidence that the applicant or a firm's designated representative has the required number of years of full-time experience in the building construction industry for that license:
 - i. Class A License – 15 years or more experience
 - ii. Class B License – 10 years or more experience;
 - iii. Class C License – 5 years or more experience;
 - iv. Class D License – 5 years or more experience.

- c. Hold a bachelor's degree in engineering, architecture, or construction science from an accredited college or university;
- d. Hold a provisional license (General, Building and Residential contractor only) and complete not less than 32 hours of codes-related education prior to the expiration of such provisional license.
- e. Reciprocity. To the extent that other jurisdictions or states which provide for the licensing of general contractors provide for similar action, the Neighborhood Resources Department Director may grant licenses of the same or equivalent classification to general contractors licensed by other municipalities or states, without written examination, upon satisfactory proof furnished to the director that the qualifications of such applicants are equal to the qualifications of holders of similar licenses in the City of Lawrence and upon payment of the required fee.
- f. The contractor-applicant shall disclose, at the time of application, any current or previous contractor license held in Kansas or any other state and any disciplinary actions taken against such contractor-applicant. If the contractor-applicant is employed by or a principal of a firm, the application shall disclose whether the firm or the firm's employees or principals have had any contractor-related disciplinary action taken against them in Kansas or any other state. No license shall be issued to any contractor-applicant who has had a license suspended or revoked for disciplinary reasons, or who has surrendered a license during any disciplinary proceeding or investigation, within the immediately preceding five years. Any contractor-applicant denied a license under the provisions of this section may appeal such denial to the CLB.

5-1215

PROVISIONAL LICENSE.

Until July 1, 2006, any person or firm that has obtained a building permit during 2004 may obtain a provisional contractor's license if all of the following conditions are met: (Ord. 7870)

- a. At the time of the license application, the applicant, if an individual, or the designated representative, if a firm, is working full-time in the construction industry for the license Class requested; and
- b. The applicant for a Class A license shall have not less than 7 years of full-time experience in planning, supervising, and undertaking Class A type construction;
- c. The applicant for a Class B license shall have not less than 5 years of full-time experience in planning, supervising, and undertaking Class B type construction;
- d. The applicant for a Class C license shall have not less than 3 years of full-time experience in planning, supervising, and undertaking Class C type construction;
- e. The applicant provides evidence of insurance coverage as required by Chapter 5, Article 12, Section 1206; and
- f. All application and license fees are paid.

- g. For purposes of this section, 24 credit hours of post-secondary education in the courses of engineering, architecture, or building trades shall be deemed equivalent to one year of full-time experience. "Full-time" means a minimum of thirty hours a week carrying out the work of a contractor.

5-1216 **RENEWAL OF PROVISIONAL LICENSE.**

The holder of a provisional license may renew the provisional license for an additional 365 days following its expiration. Upon the expiration of a provisional license, a contractor licensed under the provisional licensing provisions of this Article shall be required to satisfy the licensing requirements of Section 5-1214, Examinations, license approval, and issuance. (Ord. 7870)

5-1217 **FIRMS/QUALIFYING PARTY.**

Under this Article, a firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one full-time employee who is designated by the firm as its qualifying party. The qualifying party must spend a minimum of thirty hours a week carrying out the work of the firm. Whenever a building permit is issued in the name of a firm, the firm shall be subject to these regulations and the jurisdiction of the CLB. The qualifying party shall be the legal representative for the contractor relative to the provisions of this Article. The designated qualifying party shall satisfy the requirements this Article. A designated qualifying party shall not be a qualifying party for more than one company, unless the companies have a common owner. When the qualifying party terminates employment with the licensee, the Codes Enforcement Division shall be notified in writing within thirty days of the disassociation and another qualifying party must qualify within sixty days. The qualifying party or parties are: (Ord. 7870)

- a. Any individual contractor or copartner.
- b. Any employee of the contractor, applicant so long as said employee spends a minimum of thirty (30) hours a week carrying out the work of the firm.
- c. Any stockholder of a corporation who was an original incorporator or original stockholder as shown in the articles of incorporation.

A contractor, including firms, may appoint, on forms provided by the City of Lawrence Codes Enforcement Division, one or more individuals who shall be authorized to obtain building permits on behalf of the contractor. Such individuals are not required to be a licensed contractor.

5-1218 **CONTINUING EDUCATION.**

The Neighborhood Resources Department may establish continuing education requirements, rules, and regulations for contractors licensed under this Article. Every qualifying party shall complete at least (eight) 8 hours of continuing education each calendar year. The Neighborhood Resources Department shall identify courses and education programs provided by governmental entities, trade associations, contractor education providers, and others on the codes adopted by the City of Lawrence which satisfy the continuing education requirements of this Section. (Ord. 7870)

5-1219 **CONTRACTOR DISCIPLINE.**

The CLB shall have the authority to admonish, reprimand, and otherwise discipline any contractor subject to the requirements of this Article including the suspension or revocation of the contractor's license issued under the provisions of this Article in accordance with the procedures set forth in Chapter 5, Article 13 as adopted in Ordinance No. 7871. The CLB may suspend or revoke a contractor's license if the CLB concludes, following a hearing, that the contractor's action or inaction is: (Ord. 7870)

- a. A serious or repeated violation of the provisions of this Article, any applicable Code, or the failure to comply within a reasonable time to any lawful written order of a building code official;
- b. A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor's license or a building permit;
- c. A fraudulent or deceitful use of a contractor's license to obtain a building permit;
- d. A failure to obtain a building permit or to obtain a required inspection of an ongoing project as required by any applicable Code;
- e. A failure to exercise regular, routine control and supervision over an on-going project for which the contractor has obtained a building permit;
- f. A failure to timely obtain a certificate of occupancy or Required Final Inspection for a completed structure as required by the applicable code.
- g. A failure to hire a licensed Building Specialty, electrical, plumbing, or HVAC contractor to supervise any electrical, plumbing, HVAC or specialty work on the job site for which the contractor obtained a building permit; or
- h. A failure to pay any required application or licensing fees for a building permit, contractor license, or inspection fee.
- i. A violation of any one or more of the above items.

5-1220

BOARD ACTION.

Upon finding by a majority of the members present at the hearing that a contractor has violated one or more of the provisions of Article 5, Article 12, Section 1219, the CLB may admonish, reprimand, or take other appropriate disciplinary action against such contractor including, but not limited to: (Ord. 7870)

- a. Suspension of the contractor's license for a fixed period not to exceed ninety days.
- b. Suspension of the contractor's license for a fixed period exceeding 90 days, provided, however, the contractor shall have the right to have the suspension and the terms thereof reconsidered by the CLB at the expiration of the first 90- days and every 90 days thereafter to determine if just cause exists to modify or terminate the suspension.
- c. Such reconsideration may, at the Board's option, include a hearing.
- d. Revocation of the contractor's license for a period not less than 12 months from the date of revocation. A contractor's license shall be revoked if the contractor has been suspended two times during any 36 month period.

Any decision of the CLB shall be made in writing and mailed to the contractor. A contractor whose license is the subject of a CLB action may appeal any decision of the CLB to the Lawrence City Commission by filing a notice of appeal with the CLB within 30 days following the third day after the Contractor Licensing Board's written decision was mailed to the contractor as evidenced by a certificate of mailing which shall be included with the decision. When an appeal is filed, the secretary

of the CLB shall forward the appeal and the CLB decision to the Lawrence City Commission together with the CLB record. Appeals to the City Commission shall be *de novo* and no action shall be taken by the CLB during a pending appeal.

5-1221 **SAFE HARBOR PROVISIONS.**

A contractor shall not be found in violation of this Article, nor disciplined by the CLB for a violation of an applicable building safety code provision if the contractor performs the work in accordance with and reliance upon duly certified plans and specifications prepared or approved by an architect or engineer licensed in Kansas without knowledge by the contractor that such plans and specifications, or pertinent parts thereof, are in violation of applicable codes. (Ord. 7870)

5-1222 **HEARINGS.**

All contested matters pertaining to the suspension or revocation of licenses shall be heard by the CLB. (Ord. 7870)

5-1223 **RULES AND REGULATIONS.**

The CLB may adopt rules, regulations, and procedures consistent with the provisions of this Article and Chapter 5, Article 13, as adopted in Ordinance No. 7871. (Ord. 7870)

5-1224 **CONTRACTOR LICENSING REGULATIONS.**

This Article may be referred to as the "Contractor Licensing Regulations." (Ord. 7870)