

**ARTICLE VIII
DEFINING THE LICENSING AND FEE PROCEDURES FOR
GENERAL CONTRACTORS, ELECTRICIANS, PLUMBERS, & HVAC MECHANICS**

Sec. 6-801 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. This article will also provide protection of the public and provide recourse if work is incomplete and non compliant.

Sec. 6-802 DEFINITIONS.

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

Occupational License: A privilege granted by the City to engage in a building trade, which by law has specific requirements that must be met.

Contractor: The term "contractor" shall mean any person, firm, co-partnership, corporation, association, or combination thereof, who engages in the business or trade of general contracting, plumbing, electrical or heating, ventilation and air conditioning mechanic, and employs others certified in general contracting, plumbing, electrical or heating, ventilation and air conditioning mechanics for the purpose of the business.

General Contractor: The term "general contractor" shall mean any person engaging in a Class A, Class B, Class C, Class R, Class S, or Class SP trade.

CBA: Construction Board of Appeals (Ordinance No. 3473-04).

Class A, General Contractor. The term "Class A, General Contractor" shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to construct, remodel, repair, and demolish any structure. Also shall entitle the license holder to perform remodeling, tenant-finish, and repairs of all structures.

Class B, Building Contractor. The term "Class B, Building Contractor" shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to construct, remodel, repair, and demolish all structures not exceeding three stories in height. Shall also entitle the license holder to perform non-structural remodeling, tenant finish, and repairs to all structures.

Class C, Residential Contractor. The term "Class C Residential Contractor" shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to construct, remodel, repair, and demolish single family or duplex residences, accessory buildings, and decks over 36" above ground.

Class R, Roofing Contractor. The term "Class R, Roofing Contractor" shall mean a person who can show qualifications, training, experience, and technical knowledge and shall entitle the holder thereof

to install, maintain, repair, replace, and remove the roof assembly of any structure, including the roof deck, vapor retarder, substrate, thermal barrier, insulation, and roof coverings of all types.

Class S, Specialty Contractor. The term “Class S, Specialty Contractor” shall mean a person who can show qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to a specified area of work which may include, but not limited to:

Siding shall mean a person who installs vinyl, metal, or wood siding.

Demolition shall entitle the holder thereof to demolish any building.

Concrete/foundation repair 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.

Framing shall entitle the holder to fabricate and install any wood product in a structure including, but not limited to rough framing, structural and nonstructural work, trusses, sheathing, paneling trim, cabinetry, doors and windows and all hardware incidental thereto. A framing contractor may not contract for or install, maintain, repair or alter any concrete masonry, roofing dry wall or other work not specifically mentioned above. Further the framing contractor may not act as a residential or commercial contractor Class A, B, or C or secure permits to build any structure; however, a framing contractor may obtain permits to construct decks and accessory structures.

Items that do not require a Class S license are fences, signs, excavation/grading, landscaping, dog pens, irrigation sprinkler systems, and towers .

Class SP, Swimming Pool Contractor. The term “Class SP, Swimming Pool Contractor” shall mean a person who can show qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to contract for and to excavate, construct, fabricate, install and equip all outdoor, indoor, above ground & below ground swimming pools, spas, or hot tubs, including pumps, pool heaters, solar pool heaters and appurtenant equipment associated with such construction, filters and chlorinators and that piping incidental to the recirculation systems. This does not include direct connections to a sanitary sewer system or to potable water lines, nor the grounding and bonding of metal surfaces, nor the making of any electrical connections.

Master Electrician: The term “Master Electrician” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of the lay out, plan, installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power.

Master Residential Electrician: The term “Master Residential Electrician” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of the design, plan, installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power in one and two-family residences, and multiple single-family dwellings (townhouses) not more than three stories in height.

Journeyman Electrician: The term “Journeyman Electrician” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical

knowledge of installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power.

Journeyman Residential Electrician: The term “Journeyman Residential Electrician” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge of, installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power. The holder of this occupational license shall perform work specifically for one and two-family residences, also multiple single-family dwellings (townhouses) not more than three stories in height.

Master Plumber with Gas: The term “Master Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge to be qualified and equipped to lay out, plan and supervise the installation, repair, maintenance, and extension of any plumbing system, including drains, waste, sanitary vents, water supply, fixtures, and indirect wastes; installation, repair, and maintenance of gas piping systems, including gas piping, appliances, vents, flues, tanks, and other related appurtenances.

Master Residential Plumber with Gas: The term “Master Residential Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of the design, installation, repair, maintenance, and extension of a plumbing system, including drains, waste, sanitary vents, water supply, fixtures; design, installation, maintenance, and repair of a gas system, including piping, appliances, vents, flues, tanks, and related appurtenances as it applies to one and two family residences, also multiple single-family dwellings (townhouses) not more than three stories in height.

Journeyman Plumber with gas: The term “Journeyman Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, repair, maintenance, and extension of any plumbing systems, including drains, waste, sanitary vents, water supply, and fixtures, and indirect wastes; installation, repair, and maintenance of gas piping systems, including gas piping, appliances, vents, flues, tanks, and related appurtenances.

Journeyman Residential Plumber with Gas: The term “Journeyman Residential Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, repair, maintenance, and extension of plumbing systems, including drains, waste, sanitary vents, water supply, and fixtures; installation maintenance, and repair of gas systems, including piping, appliances, vents, flues, tanks, and related appurtenances. The holder of this occupational license shall perform work specifically for one and two-family residences, also multiple single-family dwellings (townhouses) not more than three stories in height.

Master Heating, Ventilation and Air Conditioning Mechanic: The term “Master Heating, Ventilation and Air Conditioning Mechanic” shall mean any person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge to be qualified and equipped to lay out, plan and supervise the installation, maintenance, repair, fabrication, alteration, and extension of air conditioning, refrigeration, warm air heating, low and high pressure boilers, ventilation systems, duct systems, unfired pressure vessels, fuel transmission lines, and related appurtenances.

Journeyman Heating, Ventilation and Air Conditioning Mechanic: The term “Journeyman Heating, Ventilation and Air conditioning Mechanic” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, maintenance, repair, fabrication, alteration, and extension of air conditioning, refrigeration, piping vessels, warm air heating, low pressure boilers, ventilation systems, duct systems, insulation, and related appurtenances within a complete system unlimited in horsepower or tonnage.

Journeyman Residential Air Conditioning Mechanic: The term “Journeyman Residential Air Conditioning Mechanic” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, maintenance, repair, alteration, and extension of residential air conditioning systems, related to warm air heating, ventilation and duct systems, not to exceed five tons cooling capacity per unit. The holder of this occupational license shall perform work specifically for one and two-family residences, also multiple single-family dwellings (townhouses) not more than three stories in height.

Apprentice/Laborer: An “apprentice/laborer” shall mean any electrician, plumber or heating, ventilation and air conditioning mechanic who cannot qualify or has qualified but has not obtained a journeyman occupational license.

Sec. 6-803 URBAN GROWTH AREA.

All contractors who engage in the business of general contracting, plumbing, electrical or heating, ventilation and air conditioning, within the Urban Growth Area as defined in the Interlocal Agreement dated June 30, 2006, and perform work, for which a permit is required, must be licensed in accordance with these regulations.

Sec. 6-804 GENERAL PROVISIONS.

- A. It shall be unlawful for any contractor to carry on or engage in the business of general contracting, plumbing, electrical or heating, ventilation and air conditioning mechanic as regulated by any city code or act in the capacity of a general contractor, plumber, electrician, heating, ventilation and air conditioning mechanic contractor, without first having been issued a valid city occupational license.
- B. No permit shall be issued to any contractor who has not first obtained an occupational license or who is delinquent in payment of his annual license fee, or whose license has been suspended or revoked by action of the CBA. 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.
- C. Any contractor in order to carry on or engage in the business of general contracting shall have at all times a qualified individual employed, who shall be in charge of and responsible for all installations by said contractor.

Any plumbing, electrical, or heating, ventilation and air conditioning mechanic contractor in order to carry on or engage in said business shall be/or at all times keep employed, a qualified

master, who shall be in charge of and responsible for all installations by said contractor. The name of the master shall appear on the license with “doing business as” (d.b.a.) indication.

- D. The holder of a city masters electrical, plumbing, and HVAC occupational license shall ensure an apprentice/laborer is under the direct supervision and immediate presence of a master or journeyman. You may have two (2) apprentice/laborers to one (1) licensed master or journeyman on the job site.
- E. The holder of a city masters electrician, plumber, and HVAC occupational license shall be fully responsible for works and acts of such journeyman employees. A master and journeyman residential electrician, plumber, and journeyman HVAC shall work within the scope of an apprentice/laborer when not working on systems as defined in definitions.
- F. Any plumbing, electrical or HVAC contractor must have a qualified licensed person on the job site at all times.
- G. Any contractor shall at all times have the master or a specified journeyman sign the permit. The permit may be faxed, dropped off in the drop box, or brought in by a representative of the company obtaining the permit.
- H. A license issue pursuant to the provisions of these regulations shall be nontransferable.
- I. Upon issuance of a building permit to a Class A, B, or C 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.
- J. Reciprocity. To the extent that other jurisdictions or states which provide for the licensing of Class B, C, R, or S general contractors provide for similar action, the planning department 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 or designee that the qualifications of such applicants are equal to the qualification of holders of similar licenses in the City of Ottawa, verification they are in good standing with the jurisdiction they are licensed with, and upon payment of the required fees.
- K. Disclaimer. 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 proceedings or investigation, within the immediately preceding five (5) years. Any contractor-applicant denied a license under the provisions of this section may appeal such denial to the Construction Board of Appeals.
- L. An individual who undertakes the construction, alteration, repair or maintenance of a residence owned, but not used as a residence by the individual, with the intention of selling the improved residence to a third party is considered a residential contractor and subject to licensing under this code. It shall be conclusive evidence of intent to sell if the subject property is sold within

six months following the final inspection. If an individual under this section undertakes two such improvements within a 24 month period without obtaining and maintaining a license, then the individual will be deemed to be in violation of this ordinance. Sales shall include traditional third party financing sales and contract for deed arrangements and shall be counted under this ordinance on the date the contract for deed is executed. Landlords making improvements to properties they own but intend only to rent shall be exempted from this section.

Sec. 6-805 EXEMPTIONS:

The provisions of this chapter, insofar as they require employment of licensed contractors or certified mechanics, shall not apply to:

- A. Maintenance, operation or repair of equipment and accessories used for production or processing by governmental agencies, manufacturing or processing plants or commercial enterprises.
- B. Routine maintenance and repair of a building, including the mechanical, plumbing and electrical systems thereof, by any such agency, plant, enterprise, or utility, if such maintenance or repair is (a) minor, not requiring issuance of a building permit, and (b) is done by a person regularly employed by such utility, agency, plant or enterprise to perform work of that type.
- C. Installation, operation and maintenance of equipment used for the production, generation, transmission or generation of a product or service by a public utility, when such work is done by employees of a public utility upon equipment owned or controlled by such utility.
- D. Work performed by any person upon such person's own dwelling including usual accessory buildings and quarters, if (a) such person is the owner of such dwelling; (b) the dwelling is not occupied by anyone other than the owners; (c) such owner purchases all materials and performs all labor in connection with such work; (d) special permission granted by city inspector provided homeowner shows evidence of knowledge in the area for which a permit is applied for; (e) said applicant shall apply to the inspection department for a permit, call for an inspection before its covered, and call when the work is completed; and (g) the homeowner will be responsible for complying with all building codes, and obtaining necessary building permits. 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 (2) times in any five (5) year period shall be deemed to be a "contractor" under this article.
- E. Landlords who own commercial property may act only as a Class B Contractor on properties they own and those landlords who own residential property may act only as a Class C Contractor on properties they own. Landlords may perform work on the property they own if (a) such person is the owner of such structure; (b) the owner applies to the inspection department for a permit and call for an inspection before its covered and call when the work is completed; (c) the owner will be responsible for complying with all building codes; (d) and all mechanical, electrical, and plumbing work must be performed by City licensed contractors.
- F. Work performed by students enrolled in CTEC program, which such students are engaged in construction of a residential structure as part of the curriculum of such program; provided, that all such work shall be performed by such students with the advice of duly licensed members of

the various construction trades who obtained permits on said project, and inspected by the city building inspector as otherwise required.

- G. Work performed by a non-profit organization, as defined in Section 501(c)(3) of the United States Internal Revenue Code of 1986 (or corresponding provisions of any future U.S. Internal Revenue Law) and are not licensed as a building contractor, may do building construction general contractor supervision work on a single-family dwelling owned by such organization. Such organization shall in every other respect, conform to the provisions of these regulations and other codes of the city including the procurement of permits and inspections.
- H. Nothing herein shall be construed to relieve any person of any duty, provided elsewhere in the City's building regulations, to secure a building permit, perform work in accordance with standards established by the City and schedule required inspections.

Sec. 6-806 CONTINUING EDUCATION.

All Class A, B, C, and R contractors, and all plumbing, electrical, and HVAC contractors receiving a master's or journeyman's license annually are required to obtain not less than six (6) hours of continuing education annually. Continuing education may be provided by governmental entities, accredited institutions, nationally recognized trade association, or contractor education providers.

Sec. 6-807 IMPLEMENTATION OF CLASS A, B, C, R, S, & SP CONTRACTOR OCCUAPTIONAL LICENSE.

Class A General Contractor can obtain an occupational license by adhering to options one (1) or two (2).

Class B, C, R, S, & SP contractors can obtain an occupational license for the year of 2010 by one of the options below.

- 1. Obtaining a certificate of competence from a nationally recognized testing institution as contemplated by K.S.A. 12-1556 (building and residential contractors). Nationally recognized test (Experior, Block & Associates, Prometric, ICC, IAMPO) with a score of 75% or above.
- 2. Hold a bachelor's degree in (construction related) engineering, architecture, or construction science from an accredited college or university.
- 3. Evidence of working in the field you are applying for:
 - a. Class B 10 years and evidence of 5 years commercial experience
 - b. Class C, R, S, & SP 5 years

Any new contractors who apply for a contractor's occupational license on or after January 1, 2011 must adhere to the regulations in Sec. 6-808.

Sec. 6-808 LICENSE APPROVAL, AND ISSUANCE.

Each contractor applying for an occupational license must satisfy the following provision. A contractor

who is not currently licensed with the city comes in on or after December 1st can obtain a license that will expire December 31st of the next year.

- A. Obtaining a certificate of competence from a nationally recognized testing institution as contemplated by K.S.A. 12-1556 (building and residential contractors). Nationally recognized test (Exterior, Block & Associates, Prometric, and ICC,) with a score of 75% or above.
- B. 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), or ICC and must score a 75% or above.
- C. Hold a bachelor's degree in (construction related) engineering, architecture, or construction science from an accredited college or university.

Sec. 6-809 APPLICATION.

Every person desiring to make application for an occupational license shall fill out an application furnished by the Planning & Codes Department. The Planning & Codes Department shall receive and process all license applications. No contractor's occupational license may be transferred or assigned. Apprentices/Laborers must fill out an application. An individual may be certified in more than one trade, but the firm must be licensed for each trade license.

Sec. 6-810 INSURANCE.

Every contractor shall keep a policy of commercial general liability coverage and workers compensation. Such insurance policy shall be written with an insurance company licensed as an admitted insurance company in the State of Kansas. It will be the responsibility of the contractor to make sure the city receives a current copy of the certificate of insurance. The City of Ottawa 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 Ottawa in writing of any changes in coverage or canceling of such policy at least ten (10) days prior to such changes. If the insurance expires, the license will be null and void until a current insurance certificate is received. The insurance policy shall stay in force for a period of one year from the completion of such work. Further the city, or any other person who may deem himself/herself injured by the principal's failure to comply with such regulations, may sue on the insurance policy to recover his/her damage.

For Class A, B, and C general liability coverage in an amount not less than \$1,000,000 per single occurrence limit for bodily injury and property damage and finished product, in addition every contractor shall procure and maintain workers' compensation insurance, as required by law.

For Class S, R, SP, Electricians, Plumbers, and HVAC Mechanics general liability coverage in an amount not less than \$500,000 per single occurrence limit for bodily injury and property damage and finished product, in addition every contractor shall procure and maintain workers' compensation insurance, as required by law.

Sec. 6-811 RENEWAL OF LICENSE.

- A. Every contractor who holds an occupational license shall be issued on a calendar year basis to

expire on December 31st each year. A contractor shall be entitled to renew such contractor's occupational license upon satisfaction of the requirements of this Article. The license fee shall be deemed delinquent after January 31st, after which the license shall automatically be revoked and a new application will be required to secure a license. Unless an expired occupational license is renewed within one year of its expiration, the contractor shall be required to make a new application and satisfy all of the then existing contractor-licensing requirements.

- B. Those who held a valid occupational license with the City of Ottawa and let their license lapse for less than three (3) years may renew their occupational license by meeting all other regulations in this article. If their occupational license has been lapsed for three (3) or more years, they will be required to take the current examination required for their trade.

Sec. 6-812 FEES.

- A. The license fees are as follows:

	For 2010	For 2011
Class A, General Contractor	\$100.00	\$175.00
Each Additional License	\$20.00	\$20.00
Class B, Building Contractor	\$100.00	\$175.00
Each Additional License	\$20.00	\$20.00
Class C, Residential Contractor	\$100.00	\$175.00
Each Additional License	\$20.00	\$20.00
Class R, Roofing Contractor	\$50.00	\$75.00
Class S, Specialty Contractor	\$50.00	\$75.00
Class SP, Swimming Pool Contractor	\$50.00	\$75.00
Master Electrician with Company	\$75.00	\$125.00
Each Additional Master or Journeyman	\$15.00	\$20.00
Master Plumber with Company	\$75.00	\$125.00
Each Additional Master or Journeyman	\$15.00	\$20.00
Master HVAC Mechanic with Company	\$75.00	\$125.00
Each Additional Master or Journeyman	\$15.00	\$20.00

- B. License fees shall be paid without being prorated.
- C. For contractors holding multiple classifications of license, (i.e. electrical, plumbing, class b or c, the first, which ever is greater, shall be at the full license amount, with additional license for same licensee being \$50.00 per license.

Sec. 6-813 REVOCATION OF OCCUPATIONAL LICENSE.

The Construction Board of Appeals (CBA) shall have the authority in accordance with Kansas law and the authority granted in this ordinance to admonish, reprimand, and otherwise discipline any contractor who holds an occupational license and is subject to the requirements of this Article including the suspension or revocation of the contractor's occupational license issued under the provisions of this Article. The CBA may suspend or revoke a contractor's occupational license if the CBA concludes, following a hearing, that the contractor's action or inaction is:

- 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 the building code official;
- B. A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor's occupational license or a building permit;
- C. A fraudulent or deceitful use of a contractor's occupational license to obtain a building permit;
- D. 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 pay any required application or licensing fees for a building permit, contractor occupational license, or inspection fee.

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 in Section 6-810, the CBA may admonish, reprimand, or take other appropriate disciplinary action against such contractor including, but not limited to:

- A. Suspension of the Contractor's occupational license for a fixed period not to exceed ninety days.
- B. Suspension of the contractor's occupational 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 CBA 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. Such reconsideration may, at the board's option, include a hearing.
- C. Revocation of the contractor's occupational 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 CBA shall be made in writing and mailed to the contractor. A contractor whose occupational license is the subject of a CBA action may appeal any decision of the CBA to the Ottawa City Commission by filing a notice of appeal with the Planning & Codes Department within 20 days following the fifth day after the CBA's written decision was mailed to the contractor as evidenced by a certified mail which shall be included with the decision. When an appeal is filed, city staff will forward the appeal and the CBA decision to the Ottawa City Commission along with the CBA record. Appeals

to the City Commission shall be de novo and no action shall be taken by the CBA during a pending appeal.

Sec. 6-814 REINSTATEMENT OF LICENSE:

- A. Any contractor whose occupational license is suspended for any code related violation must provide satisfactory evidence to the CBA that the violation has been corrected in accordance with the applicable code.
- B. When a contractor's occupational license is revoked a new occupational license shall not be granted until the contractor has provided the CBA with satisfactory evidence that a new occupational license should be issued. If the contractor's occupational license was revoked as the result of code-related violation, such contractor may not be re-licensed unless the CBA determines that the violation has been corrected.