

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1590

SPONSOR: COUNCIL MEMBER

TITLE: A BILL FOR AN ORDINANCE REGULATING THE LICENSING OF
CONTRACTORS

PURPOSE:

The purpose of this Bill is to regulate the qualifications of building contractors within the City of Northglenn to ensure that all work performed is of satisfactory quality.

ADDITIONAL EXPLANATORY REMARKS:

DRAFT

SPONSORED BY:

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1590
Series of 2006

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A BILL FOR AN ORDINANCE REGULATING THE LICENSING OF CONTRACTORS

WHEREAS, the City Council desires to regulate the qualifications of building contractors within the City of Northglenn to ensure that all work performed is of sufficient quality to protect the health, safety and welfare of the public; and

WHEREAS, the licensing of building contractors shall be codified in Chapter 10 of the Northglenn Municipal Code (Building Regulations) and not Chapter 18 (Licensing), because the licensing of building contractors is inextricably related to the City's building regulations.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

SECTION 1. CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE IS HEREBY AMENDED BY THE ADDITION OF A NEW ARTICLE 18, CONTRACTOR LICENSES, WHICH SHALL READ AS FOLLOWS:

SECTION 10-18-1. CONTRACTOR LICENSE GENERAL REQUIREMENTS.

(A) ANY CONTRACTOR PERFORMING IN A BUSINESS INVOLVING THE BUILDING, CONSTRUCTION, ALTERATION, REMODELING, REPAIRING, EQUIPPING, MOVING, OR WRECKING OF BUILDINGS AND OTHER STRUCTURES SHALL BE LICENSED AS A CONTRACTOR, AS REQUIRED IN THIS ARTICLE.

(B) ANY BUILDING PERMIT(S) ISSUED SHALL BE SUSPENDED IF THERE ARE NO CURRENT CONTRACTOR LICENSES.

(C) INVESTIGATION FEE: WORK WITHOUT A LICENSE OR WITH AN EXPIRED LICENSE. WHENEVER ANY WORK FOR WHICH A LICENSE IS REQUIRED BY THIS ARTICLE IS COMMENCED WITHOUT FIRST OBTAINING SAID LICENSE, OR WHEN WORK IS DONE AND THE LICENSE IS EXPIRED, A SPECIAL INVESTIGATION SHALL BE MADE BEFORE A LICENSE MAY BE ISSUED OR RENEWED FOR SUCH WORK AND AN INVESTIGATION FEE, IN AN AMOUNT EQUAL TO THE LICENSE FEE, SHALL BE COLLECTED WHETHER OR NOT A LICENSE IS THEN OR SUBSEQUENTLY ISSUED. THE INVESTIGATION FEE SHALL BE IN ADDITION TO THE LICENSE FEE REQUIRED BY THIS CODE, AND SHALL BE AS SET FORTH IN SECTION 10-18-3.

(D) WORKMANSHIP. THE LICENSEE SHALL BE HELD

RESPONSIBLE FOR PERFORMING THE ACTIVITY AUTHORIZED BY THE LICENSE IN A PROFICIENT, WORKMANLIKE MANNER CONSISTENT WITH ACCEPTABLE BUILDING PRACTICE; THE FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL BE CAUSE FOR THE DENIAL, SUSPENSION, REVOCATION, OR RESTRICTION OF THE LICENSE OR FUTURE LICENSES.

(E) INCOMPLETE WORK. IN THE EVENT A STRUCTURE IS NOT PURSUED TO COMPLETION AND WORK IS STOPPED FOR ANY PERIOD EXCEEDING ONE HUNDRED EIGHTY (180) DAYS, THE LICENSEE SHALL NOTIFY THE BUILDING OFFICIAL IN WRITING OF SUCH STOPPAGE AND SHALL TAKE REASONABLE STEPS TO PROTECT AND TO PREVENT THE STRUCTURE FROM DETERIORATING TO THE CONDITION OF A DANGEROUS OR UNSAFE BUILDING.

SECTION 10-18-2. CONTRACTOR DEFINED.

(A) 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, MOVE, OR WRECK 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 ANY OTHER COMPENSATION;

(2) BUILDS, CONSTRUCTS, ALTERS, OR ADDS TO ANOTHER BUILDING OR STRUCTURE EITHER UPON HIS OR HER OWN OR ANOTHER'S PROPERTY;

(3) HOLDS HIMSELF OR HERSELF OUT TO PERFORM HOUSEMOVING OR THE MOVING OF BUILDINGS OR STRUCTURES FROM ONE LOCATION TO ANOTHER;

(4) HOLDS HIMSELF OR HERSELF OUT TO PERFORM THE SERVICE OF WRECKING A BUILDING OR OTHER STRUCTURE.

(B) THE FOLLOWING PERSONS SHALL NOT FALL WITHIN THE DEFINITION OF CONTRACTOR:

(1) EMPLOYEES WORKING FOR AND UNDER THE SUPERVISION OF A CONTRACTOR;

(2) HOMEOWNERS SHALL NOT BE REQUIRED TO OBTAIN A CITY CONTRACTOR'S LICENSE FOR THE PURPOSES OF REMODELING, ENLARGING, ALTERING, REPAIRING, OR IN ANY OTHER WAY IMPROVING ANY BUILDING REGULATED BY THE INTERNATIONAL RESIDENTIAL CODE, OR ACCESSORY THERETO, WHICH THEY OWN. HOMEOWNERS WILL BE REQUIRED TO OBTAIN THE NECESSARY BUILDING PERMITS FOR THE PROPOSED WORK PRIOR TO CONSTRUCTION.

(3) A HOMEOWNER WHO CONSTRUCTS HIS OR HER OWN RESIDENCE, OR A BUILDING OR STRUCTURE ACCESSORY THERETO, WHICH IS INTENDED FOR HIS OR HER OWN PERSONAL USE; HOWEVER, THIS WILL BE PERMITTED AT ONLY ONE RESIDENCE WITHIN A PERIOD OF A YEAR, OR SUCH HOMEOWNER WILL BE DEEMED A CONTRACTOR.

(4) PUBLIC UTILITY COMPANIES SHALL NOT BE REQUIRED TO OBTAIN THE LICENSES DESCRIBED IN THIS ARTICLE WHEN ENGAGED IN THE INSTALLATION, OPERATION, AND MAINTENANCE OF THEIR EQUIPMENT USED FOR THE PRODUCTION, GENERATION, OR DISTRIBUTION OF THE UTILITY PRODUCT OR SERVICE THROUGH THE FACILITIES OWNED OR OPERATED BY THE UTILITY COMPANY TO THE POINT OF CONSUMER SERVICE.

SECTION 10-18-3. CLASSIFICATION; FEES.

(A) NO PERSON SHALL PERFORM ANY WORK AS A CONTRACTOR WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED A LICENSE AS PROVIDED IN THIS ARTICLE. NO PERMITS SHALL BE ISSUED FOR WORK TO BE DONE BY A CONTRACTOR WHO DOES NOT HAVE A VALID LICENSE AS REQUIRED IN THIS ARTICLE. NO WORK SHALL BE DONE DURING THE PERIOD A PERMITTEE'S LICENSE IS SUSPENDED OR REVOKED.

(B) THE FOLLOWING CLASSES OF CONTRACTORS' LICENSE ARE ESTABLISHED AND THE INDICATED FEES SHALL BE REQUIRED OF CONTRACTORS WITHIN THE CITY:

(1) CLASS A. THIS CLASS LICENSE SHALL ENTITLE THE HOLDER TO CONTRACT FOR THE CONSTRUCTION, ALTERATION, OR REPAIR OF ANY TYPE OF STRUCTURE PERMITTED BY THIS ARTICLE. THE ANNUAL FEE SHALL BE \$150.00. A CLASS "A" LICENSE IS REQUIRED FOR ALL

WORK REQUIRING THE SUPERVISION OF AN ARCHITECT OR STRUCTURAL ENGINEER. POSSESSION OF A CLASS "A" LICENSE PERMITS THE ACTIVITIES AUTHORIZED BY CLASS "B" OR "C" LICENSE.

(2) CLASS B. THIS LICENSE SHALL ENTITLE THE HOLDER TO CONTRACT FOR THE CONSTRUCTION, ALTERATION, OR REPAIR OF ONE-FAMILY AND TWO-FAMILY RESIDENCES OF TWO STORIES OR LESS. THIS CONTRACTOR MAY NOT CONTRACT FOR PUBLIC BUILDINGS OR PLACES OF PUBLIC ASSEMBLY. THE AFOREMENTIONED LIMITATIONS SHALL NOT APPLY TO REPAIRS ON BUILDINGS NOT INVOLVING STRUCTURAL MEMBERS. THE ANNUAL FEE SHALL BE \$100.00. POSSESSION OF A CLASS "B" LICENSE PERMITS THE ACTIVITIES AUTHORIZED BY A CLASS "C" LICENSE.

(3) CLASS C. THIS LICENSE SHALL BE ISSUED TO THOSE ENGAGED IN CONTRACTING FOR LABOR OR FOR LABOR AND MATERIAL INVOLVING SPECIALIZED TRADES, SUCH AS BRICK, PLASTERING, FRAMING, DRYWALLING, GLAZING, IRRIGATION SYSTEMS, BURGLAR ALARMS, SWIMMING POOLS, SHEDS, AND FENCE CONTRACTORS. SUCH LICENSE MAY INCLUDE MORE THAN ONE SUCH TRADE CARRIED ON BY THE LICENSEE. THE ANNUAL FEE SHALL BE \$75.00. THIS LICENSE SHALL BE ISSUED TO WRECKING CONTRACTORS, MOVING CONTRACTORS, AND MOBILE HOME SET-UP CONTRACTORS. NO WRECKING SHALL BE DONE EXCEPT BY A LICENSED WRECKING CONTRACTOR, EXCEPT THAT A LICENSED GENERAL CONTRACTOR OF THE CLASS "A" OR "B" CATEGORY MAY WRECK MINOR BUILDINGS OR REMOVE PORTIONS OF A BUILDING WHERE SUCH WRECKING IS A PORTION OF A PROGRAM OF ALTERATION OR REMODELING.

(4) MECHANICAL CONTRACTOR LICENSE. THIS LICENSE SHALL BE ISSUED TO THOSE ENGAGED IN CONTRACTING TO ERECT, INSTALL OR CONSTRUCT ALL MECHANICAL SYSTEMS, INCLUDING HOT WATER HEATING SYSTEMS, AIR CONDITIONING SYSTEMS, REFRIGERATION SYSTEMS, OR INSTALL BOILERS, EVAPORATIVE COOLERS, AND SHEET METAL WORK. THIS LICENSE SHALL ENTITLE THE HOLDER TO REPLACE EXISTING DOMESTIC WATER HEATERS AND ALL CONNECTIONS THERETO. ANY CONNECTIONS TO THE POTABLE WATER SYSTEM MUST BE PERFORMED

BY LICENSED PLUMBING CONTRACTOR. LINE VOLTAGE ELECTRICAL WORK MUST BE DONE BY A LICENSED ELECTRICAL CONTRACTOR. THE ANNUAL FEE SHALL BE \$50.00.

(5) PLUMBING CONTRACTOR LICENSE. THIS LICENSE SHALL BE ISSUED TO THOSE ENGAGED IN CONTRACTING TO INSTALL, ALTER, REPAIR, RENOVATE, OR ADD TO ANY PLUMBING FIXTURES, GAS OR DRAINAGE PIPING, WATER HEATING OR TREATING EQUIPMENT CONNECTED TO A PUBLIC OR PRIVATE POTABLE WATER DISTRIBUTION SYSTEM OR ANY PUBLIC OR PRIVATE SEWER SYSTEM, AND WHO POSSESS VALID STATE OF COLORADO MASTER PLUMBER LICENSE. THE ANNUAL FEE SHALL BE \$50.00.

(6) ELECTRICAL CONTRACTOR LICENSE. THIS LICENSE SHALL BE ISSUED TO THOSE ENGAGED IN CONTRACTING TO INSTALL, ALTER, REPAIR, RENOVATE, OR ADD TO ELECTRICAL WIRING, APPLIANCES, OR APPARATUS FOR THE PURPOSE OF ELECTRICAL LIGHT, HEAT, POWER, OR SIGNAL SYSTEMS OR OTHER SIMILAR PURPOSES WITHIN OR AFFIXED TO ANY BUILDING OR STRUCTURE, AND WHO POSSESS VALID STATE OF COLORADO MASTER ELECTRICIAN LICENSE. THERE SHALL BE NO ANNUAL FEE FOR ELECTRICAL CONTRACTOR LICENSE.

SECTION 10-18-4. INSURANCE REQUIREMENTS.

(A) PROOF OF INSURANCE REQUIRED: EVERY APPLICANT FOR ANY LICENSE OR SHALL SUBMIT PROOF OF CURRENT WORKMAN'S COMPENSATION INSURANCE. FURTHER, THE APPLICANT SHALL SUBMIT PROOF OF LIABILITY INSURANCE, WHICH SHALL REMAIN IN EFFECT DURING THE PERIOD OF THE LICENSE IN THE MINIMUM AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR A SINGLE OCCURRENCE FOR CLASS "A" AND "B", AND THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) FOR SINGLE OCCURRENCE FOR CLASS "C" LICENSES, ELECTRICAL CONTRACTOR, PLUMBING CONTRACTOR AND MECHANICAL CONTRACTOR LICENSES. CERTIFICATES OF SAID INSURANCE COVERAGES SHALL BE SUPPLIED TO THE BUILDING OFFICIAL AT THE TIME OF APPLICATION. FULFILLMENT OF THE INSURANCE REQUIREMENTS HEREIN DESCRIBED MAY BE MADE BY SUBMITTING PROOF OF SUCH INSURANCE CARRIED BY THE APPLICANT'S EMPLOYER.

(1) THE INSURANCE POLICY SUBMITTED BY THE APPLICANT IN COMPLIANCE WITH THIS SECTION MUST BE APPROVED BY THE BUILDING OFFICIAL PRIOR TO THE ISSUANCE OF THE REQUESTED. SUCH INSURANCE POLICY, ALONG WITH WRITTEN EVIDENCE OF PAYMENT OF REQUIRED PREMIUMS, SHALL BE FILED AND MAINTAINED WITH THE BUILDING DEPARTMENT DURING THE TERM OF THE LICENSE OR REGISTRATION CERTIFICATE.

(2) ALL INSURANCE POLICIES AND INSURANCE CERTIFICATES MAINTAINED PURSUANT TO THIS SECTION SHALL CONTAIN THE FOLLOWING ENDORSEMENT:

“IT IS HEREBY UNDERSTOOD AND AGREED THAT THIS INSURANCE POLICY MAY NOT BE CANCELED NOR THE INTENTION NOT TO RENEW BE STATED EXCEPT UPON THIRTY (30) DAYS' WRITTEN NOTICE TO THE CITY OF NORTHGLENN, COLORADO, BUILDING DEPARTMENT.”

(B) IF YOU ARE A SOLE PROPRIETOR, YOU MAY WAIVE YOUR WORKMAN'S COMPENSATION INSURANCE REQUIREMENTS. YOU SHALL BE REQUIRED COMPLETE THE WAIVER FOR WORKMAN'S COMPENSATION INSURANCE ON SUCH FORMS AND SHALL CONTAIN SUCH INFORMATION AS MAY BE REQUIRED BY THE BUILDING OFFICIAL.

SECTION 10-18-5. REQUIREMENTS.

(A) THE BUILDING OFFICIAL SHALL HAVE THE AUTHORITY IN ACCORDANCE WITH THE TERMS OF THIS ARTICLE, TO APPROVE, DENY, SUSPEND, OR REVOKE ANY LICENSE PROVIDED FOR IN THIS ARTICLE.

(B) EXAMINING PROCEDURES. THE CHIEF BUILDING OFFICIAL SHALL ESTABLISH SUCH REASONABLE EXAMINING PROCEDURES FOR THE ISSUANCE OF LICENSES AS SHALL, FROM TIME TO TIME, BECOME NECESSARY. THESE EXAMINING PROCEDURES SHALL BE IMPLEMENTED SO AS TO ENSURE THE CITY THAT THE APPLICANT DOES INDEED HAVE THE KNOWLEDGE AND CAPABILITY TO PERFORM WORK IN ACCORDANCE WITH THE REGULATIONS OF THE BUILDING CODE, AND THE CITY SHALL NOT DENY A LICENSE TO ANY PERSON CAPABLE AND WILLING TO PERFORM IN SUCH FASHION.

(C) APPLICATION FORM AND PROCEDURE. APPLICATIONS FOR CONTRACTOR'S LICENSE SHALL BE ON SUCH FORMS AND SHALL CONTAIN SUCH INFORMATION AS MAY BE REQUIRED BY THE BUILDING OFFICIAL. APPLICANTS MAY AT ANY TIME, OR FROM TIME TO TIME, BE REQUIRED TO FURNISH ADDITIONAL INFORMATION WITH RESPECT TO THEIR QUALIFICATIONS AND FINANCIAL STATUS, OR OTHER MATTERS RELATING TO OR AFFECTING THEIR LICENSE, AS MAY BE DEEMED NECESSARY OR DESIRABLE BY THE BUILDING OFFICIAL OR THE BOARD OF ADJUSTMENT. FAILURE TO FURNISH SUCH INFORMATION WITHIN A REASONABLE TIME, OR TO FURNISH SUPPLEMENTAL INFORMATION AS MAY BE REQUIRED BY THE BUILDING OFFICIAL OR THE , SHALL BE GROUNDS FOR DENIAL OR REVOCATION OF LICENSE.

(1) PROOF OF STATE LICENSE REQUIRED: EVERY APPLICANT FOR A PLUMBING CONTRACTOR LICENSE OR ELECTRICAL CONTRACTOR LICENSE SHALL BE REQUIRED TO PRESENT WITH THE APPLICATION HIS OR HER VALID STATE OF COLORADO MASTER ELECTRICIANS' OR ELECTRICAL LICENSE OR A MASTER PLUMBERS' LICENSE ISSUED BY THE STATE OF COLORADO.

(D) LICENSE WITHOUT EXAMINATION. THE BUILDING OFFICIAL MAY LICENSE, WITHOUT EXAMINATION, UPON THE PAYMENT OF THE REQUIRED FEES, APPLICANTS WHO ARE DULY LICENSED UNDER THE LAWS OF THE STATE AND/OR CITIES AND/OR COUNTIES HAVING REQUIREMENTS FOR THE LICENSING AND REGULATING OF THE PLUMBING TRADE, MECHANICAL TRADE, BUILDING TRADE, ETC., DEEMED BY THE BUILDING OFFICIAL TO BE EQUIVALENT TO THE REQUIREMENTS OF THIS BUILDING CODE AND THIS STATE.

SECTION 10-18-6. QUALIFIED SUPERVISORS.

(A) WHEN REQUIRED. THE RESPECTIVE LICENSEES, WHETHER INDIVIDUALS, FIRMS OR CORPORATIONS, SHALL NOT BE REQUIRED TO POSSESS THOSE SKILLS AND QUALIFYING EXPERIENCE RECORDS REQUIRED FOR THE WORK THEY ARE PERMITTED TO DO UNDER THE TERMS AND PROVISIONS OF THEIR RESPECTIVE LICENSES, PROVIDED THAT THEY RETAIN IN THEIR BUSINESS A SUPERVISOR WHOSE SKILLS AND QUALIFYING EXPERIENCE RECORDS ARE SUCH THAT HE WOULD BE QUALIFIED TO SUPERVISE ALL WORK IN HIS PRINCIPAL'S LICENSE CATEGORY. THE RESPECTIVE LICENSEES' RIGHTS TO DO BUSINESS SHALL BE DEPENDENT UPON THE CONTINUED RETENTION OF THE DESIGNATED SUPERVISORS IN ACTIVE, FULL-TIME CAPACITY.

(B) TERMINATION OF SUPERVISOR. WHENEVER A DESIGNATED SUPERVISOR TERMINATES HIS ASSOCIATION WITH A LICENSEE OR OTHERWISE BECOMES INACTIVE, THE LICENSEE SHALL IMMEDIATELY NOTIFY THE BUILDING DEPARTMENT. IN SUCH EVENT, THE LICENSE SHALL BE DEEMED TO BE SUSPENDED AND THERE SHALL BE A THIRTY (30) DAY GRACE PERIOD FROM THE DATE OF TERMINATION OF THE SUPERVISOR IN ORDER TO ACQUIRE A PROPER SUPERVISOR BEFORE COMPLETE TERMINATION OF THE LICENSE. SHOULD THE SUPERVISOR BE REPLACED, SUCH FACT SHALL BE MADE KNOWN TO THE BUILDING DEPARTMENT. IF THE PROPOSED REPLACEMENT IS FOUND TO MEET THE REQUIRED QUALIFICATIONS, THE LICENSE SHALL AGAIN BE DEEMED IN FULL FORCE AND EFFECT WITHOUT IMPOSITION OF AN ADDITIONAL LICENSE FEE FOR THE LICENSE PERIOD.

(C) QUALIFICATIONS OF SUPERVISOR. EACH INDIVIDUAL WHO IS TO ACT AS A SUPERVISOR SHALL BE REVIEWED IN ACCORDANCE WITH THE PROVISIONS OF THE BUILDING OFFICIAL FOR THE WORK PROPOSED TO BE DONE. EACH INDIVIDUAL WHO IS TO ACT AS A SUPERVISOR SHALL BE DESIGNATED AS SUCH IN EACH APPLICATION FOR A LICENSE.

SECTION 10-18-7. CLASSIFICATION UPGRADING.

(A) LICENSEES WISHING TO UPGRADE THEIR LICENSE TO A HIGHER CLASSIFICATION MUST SUBMIT A NEW APPLICATION AND THE TOTAL FEE FOR THE NEW CLASSIFICATION. NO CREDIT SHALL ACCRUE TOWARD THE NEW CLASSIFICATION FEE FOR THE UNUSED TERM OF THE ORIGINAL LICENSE.

SECTION 10-18-8. EXPIRATION AND RENEWAL.

(A) ALL LICENSES REQUIRED UNDER THIS ARTICLE SHALL BE VALID FOR THE CURRENT YEAR OF ISSUANCE, AND ALL SUCH LICENSES SHALL EXPIRE ON DECEMBER 31ST OF EACH YEAR.

(B) THE FEE FOR THE RENEWAL OF A LICENSE SHALL BE THE SAME AS THE FEE FOR ISSUING SUCH LICENSE AS SET FORTH IN SECTION 10-18-3.

SECTION 10-18-9. FEES; NO REFUND.

(A) LICENSE FEES SHALL NOT BE REFUNDED. HOWEVER, ANY FEE PAID BY AN APPLICANT WHO IS DENIED A LICENSE SHALL BE REFUNDED.

SECTION 10-18-10. VALIDITY.

(A) A CHANGE OF NAME, BUSINESS DESIGNATION, OR ADDRESS MUST BE REPORTED TO THE BUILDING INSPECTION OFFICE WITHIN TEN (10) DAYS AFTER MAKING SUCH A CHANGE.

FAILURE OF THE LICENSEE TO REPORT SUCH CHANGE WITHIN THE TIME LIMIT SHALL CAUSE THE LICENSE TO EXPIRE BY FORCE OF LAW AND BECOME INVALID AT THE EXPIRATION OF THE TEN (10) DAY PERIOD.

(B) INCORPORATION OR CHANGE IN INCORPORATION CREATING A NEW LEGAL ENTITY SHALL REQUIRE A NEW LICENSE FOR SUCH ENTITY, EVEN THOUGH ONE OR MORE STOCKHOLDERS OR DIRECTORS HAVE A LICENSE.

(C) THE ORGANIZATION OF A PARTNERSHIP OR THE CHANGE IN A PARTNERSHIP CREATING A NEW LEGAL ENTITY SHALL REQUIRE A NEW LICENSE, EVEN THOUGH ONE OR MORE OF THE PARTNERS ARE LICENSED.

(D) THE DISSOLUTION OF A CORPORATION OR PARTNERSHIP WHICH HAS BEEN LICENSED TERMINATES THE LICENSE AND NO INDIVIDUAL OR FIRM MAY OPERATE UNDER SUCH LICENSE.

(E) LICENSE ARE NOT TRANSFERABLE.

SECTION 10-18-11. LICENSEE RESPONSIBILITY.

(A) ALL LICENSEES SHALL BE RESPONSIBLE FOR WORK REQUIRING A PERMIT UNDER THE PROVISIONS OF THIS ARTICLE, WITHOUT LIMITATION, AND FOR THE ITEMS LISTED IN THIS SECTION:

(1) TO REPORT IN WRITING TO THE BUILDING OFFICIAL ANY ACCIDENT OCCURRING IN ANY CONSTRUCTION OR UNDERTAKING WHICH HAS RESULTED IN LOST TIME, INJURY, OR DEATH TO ANY PERSON, OR DAMAGE TO ANY BUILDING OR STRUCTURE WITHIN SEVENTY-TWO HOURS AFTER SUCH ACCIDENT;

(2) TO PROVIDE MINIMUM SAFETY MEASURES AND EQUIPMENT TO PROTECT WORKMEN AND THE PUBLIC, AS PRESCRIBED BY THIS ARTICLE;

(3) TO OBSERVE ANY OTHER CITY ORDINANCES PRESCRIBING MEASURES FOR THE SAFETY OF WORKMEN AND OF THE PUBLIC;

(4) TO PRESENT HIS OR HER LICENSE CARD WHEN REQUESTED BY THE BUILDING OFFICIAL OR HIS OR HER AUTHORIZED REPRESENTATIVE;

(5) TO EMPLOY A QUALIFIED SUPERVISOR AND TO PROVIDE THE NAME OF SUCH SUPERVISOR ON THE PERMIT INSPECTION CARD;

(6) TO OBTAIN A PERMIT WHEN THE SAME IS REQUIRED;

(7) PROVIDE HONEST AND FACTUAL INFORMATION ON ALL APPLICATIONS FOR PERMITS.

(8) TO FAITHFULLY CONSTRUCT, WITHOUT SUBSTANTIAL DEPARTURE FROM OR DISREGARD OF DRAWINGS AND SPECIFICATIONS, WHEN SUCH DRAWINGS AND SPECIFICATIONS HAVE BEEN FILED AND APPROVED BY THE BUILDING OFFICIAL AND A PERMIT ISSUED FOR SAME, UNLESS SUCH CHANGES ARE APPROVED BY THE BUILDING OFFICIAL;

(9) TO COMPLETE ALL WORK AUTHORIZED ON THE PERMIT ISSUED UNDER THE AUTHORITY OF THIS ARTICLE, UNLESS GOOD CAUSE IS SHOWN;

(10) TO OBTAIN INSPECTION SERVICES WHEN THE SAME ARE REQUIRED BY THIS ARTICLE;

(11) TO FAITHFULLY CONFORM TO THE REQUIREMENTS OF THE SPECIAL INSPECTION PROGRAM AS PRESCRIBED BY ARTICLE 17 OF THE INTERNATIONAL BUILDING CODE, WHEN REQUIRED;

(12) TO PAY ANY FEE ASSESSED UNDER AUTHORITY OF THIS ARTICLE;

(13) TO OBEY ANY ORDER ISSUED UNDER AUTHORITY OF THIS ARTICLE;

(14) TO PROVIDE TOILET FACILITIES PRIOR TO AND DURING CONSTRUCTION OR DEMOLITION;

(15) TO OBTAIN A CERTIFICATE OF OCCUPANCY, WHEN REQUIRED, UPON COMPLETION OF THE WORK AUTHORIZED BY THE LICENSEE'S PERMIT;

(16) TO KEEP STREETS AND SIDEWALKS THAT ARE ADJACENT TO CONSTRUCTION-SITES AND OPEN TO THE PUBLIC TRAFFIC FREE OF OBSTRUCTIONS, CONSTRUCTION MATERIALS, EQUIPMENT, DEBRIS, MUD, DIRT OR ANY OTHER MATERIAL THAT MAY BE A

HINDRANCE OR HAZARD TO VEHICULAR OR PEDESTRIAN TRAFFIC;

(17) TO OBSERVE AND CONFORM TO ALL OF THE RULES AND REGULATIONS GOVERNING CONSTRUCTION AND LAND USE IN THE CITY.

SECTION 10-18-12. SUSPENSION, REVOCATION, OR DENIAL.

(A) THE BUILDING OFFICIAL MAY SUSPEND, REVOKE, OR DENY A LICENSE WHEN THE LICENSEE OR APPLICANT, INCLUDING PARTNERS OF A PARTNERSHIP, MEMBERS OF A JOINT VENTURE, OR OFFICERS, DIRECTORS, OR HOLDERS OF TEN PERCENT OR MORE OF THE STOCK OF A CORPORATE LICENSEE OR APPLICANT, IS RESPONSIBLE FOR ONE OR MORE OF THE FOLLOWING ACTS OR OMISSIONS:

(1) FAILURE TO COMPLY WITH ANY OF THE LICENSEE RESPONSIBILITIES, AS OUTLINED IN SECTION 10-18-10, IF SUCH FAILURE IS NOT CORRECTED WITHIN TEN (10) DAYS OF WRITTEN NOTIFICATION OF SUCH FAILURE BY THE BUILDING OFFICIAL;

(2) KNOWINGLY COMBINING OR CONSPIRING WITH ANY OTHER PERSON TO PERMIT OR ALLOW THE LICENSEE'S LICENSE TO BE USED BY SUCH OTHER PERSON;

(3) BY ACTING AS PRINCIPAL AGENT, PARTNER, ASSOCIATE, OR IN ANY OTHER CAPACITY WITH PERSONS, TO EVADE ANY PROVISIONS OF THIS ARTICLE;

(4) VIOLATION OF ANY PROVISION OF THIS ARTICLE, CHAPTER 5-3 OF THE NORTHGLENN MUNICIPAL CODE, OR ANY VIOLATION OF THE LAWS OF THE UNITED STATES, THE STATE OF COLORADO, OR THE ORDINANCES OF THE CITY HAVING ANY BEARING UPON OR RELATION TO THE WORK OR SERVICES PERFORMED UNDER THE LICENSE, OR ABILITY TO PERFORM THE WORK OR SERVICES UNDER THE LICENSE, IF SUCH VIOLATION IS NOT CORRECTED WITHIN TEN (10) DAYS OF BEING NOTIFIED OF SUCH FAILURE BY THE BUILDING OFFICIAL.

(5) ANY CONDUCT CONSTITUTING FRAUD OR MISREPRESENTATION IN OR CONNECTED WITH ANY ACTIVITY OR ACTIVITIES RELATING TO BUILDING, OR

WHICH ARE LICENSED OR GOVERNED BY THIS ARTICLE.

(6) FAILURE TO KEEP AND MAINTAIN NECESSARY INSURANCE OR NECESSARY STATE LICENSE.

(B) WITH REGARD TO THE ACTS OR OMISSIONS LISTED IN SECTION 10-18-12:

(1) THE FIRST ACT OR OMISSION DURING A TERM OF A LICENSE ISSUED UNDER THIS ARTICLE SHALL CAUSE THE LICENSE TO BE SUSPENDED FOR A PERIOD OF TWENTY (20) DAYS.

(2) THE SECOND ACT OR OMISSION DURING A TERM OF A LICENSE ISSUED UNDER THIS ARTICLE SHALL CAUSE THE LICENSE TO BE SUSPENDED FOR A PERIOD OF FORTY (40) DAYS.

(3) THE THIRD ACT OR OMISSION DURING THE TERM OF A LICENSE ISSUED UNDER THIS ARTICLE SHALL CAUSE THE LICENSE TO BE REVOKED.

(4) THREE OR MORE ACTS OR OMISSIONS DURING THE PRECEDING YEAR SHALL BE CAUSE FOR THE DENIAL OF A LICENSE.

SECTION 10-18-13. SUSPENSION, REVOCATION, OR DENIAL PROCEDURES.

(A) WHEN ANY OF THE ACTS OR OMISSIONS AS ENUMERATED IN SECTION 10-18-12 ARE COMMITTED BY A LICENSEE AND THE BUILDING OFFICIAL DEEMS THAT SUCH LICENSE WOULD BE SUSPENDED, REVOKED, OR DENIED, THE PROCEDURE SHALL BE AS FOLLOWS:

(1) THE LICENSEE SHALL BE NOTIFIED, IN WRITING, BY CERTIFIED MAIL, MAILED TO THE LICENSEE'S ADDRESS OF RECORD WITH THE BUILDING OFFICIAL, AT LEAST TEN (10) DAYS PRIOR TO SUSPENSION, REVOCATION, OR DENIAL.

(2) UPON RECEIPT OF THE NOTICE, THE LICENSEE MAY REQUEST A HEARING. SUCH REQUEST SHALL BE IN WRITING TO THE BUILDING OFFICIAL WITHIN TEN (10) DAYS OF MAILING OF THE NOTICE.

(3) IF A HEARING IS REQUESTED BY THE LICENSEE,

IN WRITING, WITHIN THE TIME LIMIT DESIGNATED ABOVE, THE BUILDING OFFICIAL SHALL SET A TIME, DATE, AND PLACE FOR THE HEARING WITHIN FIVE DAYS OF RECEIPT OF THE REQUEST FOR A HEARING, AND SO NOTIFY THE LICENSEE.

(4) WHEN A HEARING IS CONDUCTED, THE LICENSEE AND OTHER INTERESTED PARTIES MAY BE IN ATTENDANCE. UPON COMPLETION OF THE HEARING, THE BUILDING OFFICIAL MAY TAKE ALL THE EVIDENCE ADMITTED UNDER ADVISEMENT, AND SHALL WITHIN TEN (10) DAYS, NOTIFY THE LICENSEE OF HIS OR HER FINDINGS AND RULING, IN WRITING, BY CERTIFIED MAIL. NO SUSPENSION OR REVOCATION SHALL BE EFFECTIVE WHILE THE MATTER IS UNDER ADVISEMENT, EXCEPT FOR EMERGENCY SUSPENSIONS UNDER SECTION 10-18-15.

(5) IF THE DECISION RENDERED BY THE BUILDING OFFICIAL IS ADVERSE TO THE LICENSEE, THE LICENSEE MAY APPEAL TO THE BOARD OF ADJUSTMENT AS AN "AGGRIEVED" PERSON, AND SHALL FILE AN APPLICATION FOR REVIEW BY THE BOARD OF ADJUSTMENT WITHIN THIRTY (30) DAYS AFTER MAILING OF NOTICE OF THE RULING OF THE BUILDING OFFICIAL.

SECTION 10-18-14. BOARD OF ADJUSTMENT; HEARING AND REVIEW DUTIES.

(A) APPEALS TO THE BOARD OF ADJUSTMENT SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 11-42 OF THE NORTHGLENN MUNICIPAL CODE.

(B) THE BOARD OF ADJUSTMENT MAY, AFTER A FULL HEARING ON THE CHARGES, SUSPEND ANY LICENSE OR REGISTRATION FOR A PERIOD NOT TO EXCEED SIXTY (60) DAYS. THE BOARD OF ADJUSTMENT MAY ALSO RECOMMEND TO CITY COUNCIL THAT THE LICENSE IN QUESTION BE SUSPENDED FOR MORE THAN SIXTY (60) DAYS OR THAT THE LICENSE BE REVOKED. THE CITY COUNCIL, AFTER A FULL HEARING ON THE CHARGES, MAY REVOKE OR SUSPEND ANY LICENSE OR REGISTRATION ISSUED PURSUANT TO THIS ARTICLE.

SECTION 10-18-15. EMERGENCY SUSPENSION.

(A) IF THE BUILDING OFFICIAL FINDS THAT EMERGENCY CAUSE EXISTS FOR SUSPENSION OR REVOCATION OF A LICENSE, HE

OR SHE MAY ENTER AN ORDER FOR IMMEDIATE SUSPENSION OF SUCH LICENSE, PENDING FURTHER INVESTIGATION AND PROCEEDINGS FOR SUSPENSION OR REVOCATION, AS PROVIDED IN THIS ARTICLE. THE LICENSEE MAY, UPON NOTICE OF SUCH SUSPENSION, REQUEST AN IMMEDIATE HEARING BEFORE THE BUILDING OFFICIAL. THE PROCEDURE SHALL THEREAFTER BE AS PROVIDED IN THIS ARTICLE.

SECTION 10-18-16. DENIAL OR REVOCATION; REAPPLICATION.

(A) IF A LICENSE IS DENIED OR REVOKED BY THE BUILDING OFFICIAL, AND IN CASE OF AN APPEAL, IF THE DENIAL OR REVOCATION HAS BEEN AFFIRMED BY THE BOARD OF ADJUSTMENT, THE APPLICANT MAY REAPPLY, BUT NOT SOONER THAN NINETY (90) DAYS AFTER THE DENIAL OR REVOCATION, OR IN THE CASE OF AN APPEAL, NINETY (90) DAYS AFTER THE ORDER OF THE BOARD OF ADJUSTMENT AFFIRMING THE DENIAL OR REVOCATION.

SECTION 10-18-17. TRANSITIONAL PROVISIONS.

(A) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREIN, THE BUILDING CODE SHALL NOT BE CONSTRUED TO REQUIRE THE DUPLICATION OR REISSUANCE OF ANY LICENSE WITHIN THE SAME CALENDAR YEAR, THE DUPLICATION OF ANY EXAMINATION OR THE DUPLICATION OF ANY PAYMENT OF ANY LICENSE FEE FOR A PARTICULAR GRADE OF LICENSE WITHIN THE SAME CALENDAR YEAR. ALL PERSONS IN THE BUILDING AND CONSTRUCTION INDUSTRIES LICENSED AS OF THE EFFECTIVE DATE OF THE ORDINANCE FROM WHICH THIS SECTION DERIVES UNDER FORMER CODES AND ORDINANCES SHALL BE DEEMED TO BE APPROPRIATELY LICENSED UNDER THIS ARTICLE. ANY SUCH LICENSEE UNDER A FORMER CODE OR ORDINANCE WHO FAILS TO REAPPLY FOR A LICENSE AT THE CONCLUSION OF THE CALENDAR YEAR SHALL SURRENDER THE LICENSE, AND THE LICENSE SHALL BE DEEMED TO BE NULL AND VOID.

SECTION 10-18-18. VIOLATIONS.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THIS ORDINANCE.

(B) ANY VIOLATION OF THE PROVISIONS OF THIS ORDINANCE SHALL, UPON CONVICTION, BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF THIS CODE.

SECTION 10-18-19. SEVERABILITY CLAUSE.

(A) IF ANY ARTICLE, SECTION, PARAGRAPH, SENTENCE,
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CLAUSE OR PHRASE OF THIS ORDINANCE IS HELD TO BE UNCONSTITUTIONAL OR INVALID FOR ANY REASON, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OR CONSTITUTIONALITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE CITY COUNCIL HEREBY DECLARES THAT IT WOULD HAVE PASSED THIS ORDINANCE AND EACH PART OR PARTS THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE PART OR PARTS BE DECLARED INVALID OR UNCONSTITUTIONAL.

SECTION 10-18-20. SAFETY CLAUSE.

(A) THE CITY COUNCIL HEREBY FINDS, DETERMINES, AND DECLARES THAT THIS ORDINANCE IS NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.

SECTION 10-18-21. CONFLICTS.

(A) IF THE PROVISIONS OF THIS ARTICLE CONFLICT WITH ANY OTHER PROVISIONS OF THE MUNICIPAL CODE THEN THE MORE RESTRICTIVE OF THE TWO SHALL GOVERN. WHERE THERE IS A CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL BE APPLICABLE.

SECTION 10-18-22. EFFECTIVE DATE.

(A) THIS ORDINANCE SHALL BECOME EFFECTIVE JANUARY 1, 2007.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

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