

ORDINANCE NO. 4076-20

AN ORDINANCE FOR THE LICENSING AND FEE PROCEDURES FOR GENERAL CONTRACTORS, ELECTRICIANS, PLUMBERS & HVAC MECHANICS AND REPEALING ORDINANCE 4045-19; AND AMENDING CHAPTER 6, ARTICLE XI OF THE MUNICIPAL CODE OF THE CITY OF OTTAWA, KANSAS,

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS

**ARTICLE XI
DEFINING THE LICENSING AND FEE PROCEDURES FOR
GENERAL, SPECIALTY AND TRADE CONTRACTORS**

Sec. 6-1101 PURPOSE.

The purpose of this Article is to ensure that all persons desiring to perform contracting work in the 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/or non-compliant.

Sec. 6-1102 DEFINITIONS.

Chief Building Official: The designated authority charged with the administration and enforcement of this code, or the Chief Building Official's authorized representative.

Building Inspector: The Chief 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, limited liability company, or combination thereof, who engages in the business or trade of general contracting, plumbing, electrical or heating, ventilation and air conditioning mechanic (HVAC), or other specialty fields, 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 contractor engaging in an activity for which a Class A, Class B, or Class C license is required under this code.

Specialty Contractor: The term "specialty contractor" shall mean any contractor engaging in an activity for which a Class R, or Class S license is required under this code.

Trades Contractor: The term "trades contractor" shall mean any contractor engaging in an activity for which a electrical, plumbing, or heating, ventilation and air conditioning mechanic (HVAC) licensed is required under this code.

Class A Contractor: The term "Class A Contractor" shall mean a contractor 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. A Class A license does not entitle the holder to perform heating, ventilation and air conditioning mechanic, plumbing, or electrical work.

Class B Contractor: The term “Class B Contractor” shall mean a contractor 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. A Class B license does not entitle the license holder to perform heating, ventilation and air conditioning mechanic, plumbing, or electrical work.

Class C Contractor: The term “Class C Contractor” shall mean a contractor 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 and two-family residential dwellings, accessory buildings, and decks. A Class C license does not entitle the license holder to perform heating, ventilation and air conditioning mechanic, plumbing, or electrical work.

Class R Contractor: The term “Class R Contractor” (Roofing) shall mean a contractor 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. A roofing contractor may do structural repairs limited to replacement of rafters and overhangs in kind. A roofing contractor must have obtained a State roofing certificate and provide it to the City.

Class S Contractor: The term “Class S 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 entitle the holder to install vinyl, metal, or wood siding and windows.

Demolition shall entitle the holder thereof to demolish any building.

Concrete/foundation 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, such as footings, basement walls, or other structural building elements, pavement, flat and other concrete work.

Framing shall entitle the holder thereof 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 obtain permits to construct residential decks, accessory structures, and install siding and windows. A framing contractor may not contract for or install, maintain, repair or alter any concrete masonry, roofing, or other work not specifically mentioned above. Further the framing contractor may not act as a Class A, B, or C general contractor.

Contractor licenses are not required for the installation of fences, signs, excavation/grading, landscaping, dog pens, irrigation sprinkler systems, swimming pools, and towers.

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

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.

Master Plumber: The term “Master Plumber” 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 layout, plan and supervise the installation, repair, maintenance, and extension of any plumbing systems, 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.

Journeyman Plumber: The term “Journeyman Plumber” 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.

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, perform 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.

Apprentice/Laborer: The term “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. 6-1103 GENERAL PROVISIONS.

- A. It shall be unlawful for any contractor to carry on or engage in the business of General, Specialty, or Trades Contracting, as regulated by any City code or act in the capacity of

a General, Specialty, or Trades 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 a City 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 Construction Board of Appeals. 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 City occupational 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 the business of General, Specialty Contracting, or any Trade shall have at all times a qualified individual employed, who shall be in charge of and responsible for all installations by said contractor. Trades Contractors in said business shall have at all times a qualified master employed, who shall be in charge of and responsible for all installations by said trades contractor.
- D. Any Trades Contractor must have a licensed person on the job site.
- E. Any person employed with the licensed company may apply and sign for general building and trade permits. Community Development employees may require proof of employment at time of payment. Building permit applications may be mailed, emailed, faxed or secured in person to Community Development for permit processing.
- F. A license issued pursuant to the provisions of these regulations shall be nontransferable.
- G. Upon issuance of a building permit to a General Contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents, subcontractors (i.e. concrete, framing, roofing, etc.).
 - a. A Specialty contractor shall not have to obtain an occupational license from the City of Ottawa while working under a General Contractor.
 - b. All Trades Contractors working under a General Contractor will need to have an occupational license from the City of Ottawa.
- H. Reciprocity. The Community Development Department may, in its sole discretion, grant licenses of the same or equivalent classification to contractors licensed by other municipalities or states without written examination. Upon satisfactory proof furnished to the Chief Building Official or designee that: the qualifications of such applicant is equal to the qualification of holders of similar licenses in the City of Ottawa, verification that the applicant is in good standing with the jurisdiction in which they are licensed, and upon payment of the required fees an occupational license may be issued.
- I. 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.

- J. Notwithstanding the foregoing, any homeowner who undertakes the construction of a new residence for their personal occupancy more than once in any three (3) year period shall be deemed to be a “contractor” and must obtain a license.
- K. The license for any contractor which is not an individual shall show the name of the owner of the entity which holds the license, d.b.a. (company name).

All trades contractor license issued to individuals will show:

- a. Type (master, journeyman)
- b. Individual's Name
- c. Company or Employer Name

Sec. 6-1104 EXEMPTIONS.

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

- A. Routine maintenance or repair of equipment used within manufacturing and industrial plants where a building permit is not required. Persons performing such work shall be regularly employed by the plant to work only in the technical field of the maintenance taking place, i.e. electrical, mechanical, or plumbing.
- 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. Public entities such as school districts and counties are exempt from licensing when no permit is required, and the maintenance work is routine in the daily function of the governmental agency.
- D. Anyone who wishes to work on their own residential property must meet the following criteria:
 - 1. Such person is the owner.
 - 2. The residential property is a single-family dwelling occupied by the owner, or to

be occupied by the owner.

3. Plans have been submitted and approved by the Chief Building Official.
 4. Permission is granted to the owner of the dwelling, provided owner shows evidence of knowledge in the area of work the permit is applied for.
 5. The homeowner is prohibited from work taking place on any utility connection port or equipment associated with the utility. Only licensed contractors may perform such work.
 6. Owner shall apply for the permit.
 7. Homeowner is responsible for compliance with all adopted building codes.
 8. Owner requests inspections.
 9. Notwithstanding the foregoing, the privilege of performing all the work on said dwelling may be revoked by the Chief Building Official when there is evidence that work is deficient in workmanship or code compliance.
- E. Work performed by students enrolled in CTEC program, which 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.
- F. 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 general contractor, may do general contractor supervision work on a single-family dwelling owned by such organization. The construction of decks, ramps and roof repairs for those who would receive such aid from such organizations on single-family dwellings. 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.
- G. 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.
- H. Work performed by the building owner of a single-family structure where a building permit is not required.

Sec. 6-1105 CONTINUING EDUCATION.

All General Contractors, Class R Contractor, and all Trades Contractors receiving a master's or journeyman's license annually, are required to obtain not less than six (6) hours of continuing education annually. At least three (3) of the hours are to be code related or code based.

Individuals carrying multiple licenses, are required to obtain at least three (3) hours of continuing education annually, for each additional license. Such hours to be code related or code based.

Continuing education can be provided by nationally recognized trade associations, accredited community college, technical school / college, university, or other providers approved by the Community Development Department.

Sec. 6-1106 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.

For Class A, B, C, Electricians, Plumbers, and Heating, Ventilation and Air Conditioning Mechanical (HVAC) Contractors to become licensed they must comply with one of the options below:

- A. Obtain a certificate of competence from a nationally recognized testing institution as set forth in K.S.A. 12-1556; 12-1508; 12-1525; 12-1541, (building and residential contractors, plumbing contractors, electrical contractors, HVAC contractors) as amended. Nationally recognized test (Experior, Block & Associates, Prometric, ICC, IAMPO) with a score of 75% or above. If testing was done prior to July 1, 1989 a score of 70% or above shall be accepted as per state statute.
- B. For Class A, B, C, General Contractors Only, hold a bachelor's degree in (construction related) engineering, architecture, or construction science from an accredited college or university and provide your degree and transcripts.

For Class R contractors to become licensed, they must comply with both of the options below:

- A. Possess a current State of Kansas Roofing Certificate.
- B. The City's Chief Building Official and the Department Director, upon reviewing evidence of working in the field as a, Class R, Roofing, may approve the issuance of an occupational license based on the following:
 - a. Person applying for a license can show proof of five (5) years of experience in said field; and,
 - b. Person applying for a license must show proof of six (6) hours of continuing education for the prior year.

For Class S Contractors - (Siding, Demolition, Concrete/Foundation, & Framing) to become licensed, they must comply with the option below:

- A. Person applying for a license can show proof of three (3) years of experience in said field.

Sec. 6-1107 APPLICATION.

Every person desiring to make application for an occupational license shall fill out an application furnished by the Community Development Department.

- A. The Community Development Department shall receive and process all license applications.
- B. No contractor's occupational license may be transferred or assigned.
- C. An individual may be licensed in more than one trade.
 - 1. For Class A, B, C license the owner of the company must fill out the Company Application.
 - a. The qualified individual must complete the Individual Contractor License Application.
 - 2. Each company applying for a Trades license must fill out the Company Application.
 - a. Each Master and Journeyman must complete the Individual Contractor License Application.
 - b. Each Trades company must have a Master licensed as the qualified individual at all times.
 - 3. Each company applying for a Specialty contractor must fill out the Company Application.
 - a. The qualified individual must complete the Individual Contractor License Application.

Sec. 6-1108 INSURANCE.

Every contractor shall keep a policy of commercial general liability coverage and workers compensation as required by law. 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 all General Contractors, 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 all Specialty and Trades Contractors 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. 6-1109 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 occupational license upon satisfaction of the requirements of this Article by February 1st of the next year without penalty. The license fee shall be deemed delinquent after February 1st, after which the license shall automatically be revoked. Therefore, a new application will be required to secure a license and all requirements for renewing a license must be satisfied, plus a \$75.00 reinstatement fee will be charged.
- B. Those who held a valid occupational license with the City of Ottawa and let their license lapse for less than one (1) year may renew their occupational license.
1. The applicant will need to submit:
 - a. A new application as required in Section 6-1107.
 - b. A certificate of insurance.
 - c. Continuing education hours for the year prior to renewing the license.
 2. A \$75.00 reinstatement fee will also be charged.
 3. If the license has lapsed for 1 year or longer, the applicant will be required to satisfy one of the requirements in Section 6-1106 and the requirements in Section 6-1107.

Sec. 6-1110 FEES.

- A. The license fees are as follows:

Class A Contractor - Company	\$225.00
Class B Contractor - Company	\$210.00
Class C Contractor - Company	\$190.00
Class R, Roofing Contractor - Company	\$125.00
Class S, Specialty Contractor - Company	\$100.00
Electrical Company	\$175.00
Master Electrician	\$ 20.00
Journeyman Electrician	\$ 20.00
Plumbing Company	\$175.00
Master Plumber	\$ 20.00
Journeyman Plumber	\$ 20.00
HVAC Mechanic Company	\$175.00
Master HVAC Mechanic	\$ 20.00
Journeyman HVAC Mechanic	\$ 20.00

- B. License fees shall be paid without being prorated.
- C. For contractors holding multiple classifications of license, (i.e. Electrical, Plumbing, HVAC, Class A B or C):

If a contractor carries more than one type of contractor licensing type, the first license fee is the full fee, each additional contractor licensing type will be a \$75.00 fee.

Sec. 6-1111 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 Chief Building 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 fee required for an application, building permit, contractor occupational license, re-inspection, Temporary Certificate of Occupancy, or any other city associated fees.

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 6-1111, 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 90 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 Community Development Department within 20 days following the fifth day after the CBA’s written decision was mailed to the contractor as evidenced by 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. 6-1112 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.

Section 1. City of Ottawa Ordinance Number 4045-19 is hereby repealed. Chapter 6, Article XI of the Municipal Code is repealed and replaced with the above.

Section 2. EFFECTIVE DATE; PUBLICATION. This ordinance shall take effect and be in force after its publication in the official City newspaper.

PASSED AND ADOPTED by the governing body of the City of Ottawa, Kansas, this 16th day of December 2020.

Attest: /s/ Sara Caylor
Mayor pro tem

/s/ Misty Kems
Acting City Clerk