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ORDINANCE NO 2021 - 11

AN ORDINANCE AMENDING SECTION 21-107 BUILDING CONTRACTOR LICENSE & LIMITED CONTRACTOR REGISTRATION REQUIRED OF CHAPTER 21. BUILDING REGULATIONS OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS:

Section 1. That Section 21-107 Building Contractor License & Limited Contractor Registration Required of Chapter 21 of the Code of the City of Hutchinson be amended to read as follows:

Sec. 21-107 Building Contractor License & Limited Contractor Registration Required.

It shall be unlawful for any person to construct, remodel, install, repair, or otherwise perform or cause to be performed for hire unless such person holds a classification of building contractor license or is registered with the city as a limited contractor subject to the exclusions set forth in section 21-103.

Building contractors and limited building contractors that are licensed or registered shall not entitle the holder to perform mechanical, plumbing or electrical services.

a. Classifications.

Licensed contractors and limited contractor shall be classified as follows:

1. **“Class A Contractor License” – Unlimited Commercial or Residential.** A Class A license shall entitle the licensee to build unlimited commercial buildings and structures and shall entitle the licensee to those privileges held by holders of Class B and C in addition thereto that is permitted by this code. The annual class A license fee shall be \$150.00.
2. **“Class B Contractor License” – Three Story or Less.** A Class B license shall entitle the licensee to contract to build structures of three stories or less in height, whether commercial or residential, and to contract to perform non-structural remodels of buildings exceeding three stories in height, and shall entitle the licensee to those privileges held by holders of Class C in addition thereto that is permitted by this code. The annual class B license fee shall be \$150.00.

3. **“Class C Contractor License” – 1 & 2 Family Residential and Accessory Structures.** Class C licenses shall entitle the licensee to contract to build 1 & 2 family residential structures and accessory buildings to such residential structures, and to perform residential remodeling. The annual class C license fee shall be \$150.00.
4. **Class A, B and C Contractor License holders** are exempt from retaining the services of the following licensed and/or registered holders:
 - Class L Limited Contractor Registration holder (Section 21-107(a)(5))
 - Class S Specialty License – Framing Contractors (Commercial and Residential) holder only. (Section 21-107(a)(6)(c))
5. **“Class L Limited Contractor Registration”.** Limited contractors shall entitle the holder thereof to contract for and to perform such work as installing windows, doors and siding; drywall or sheetrock; ceiling; millwork; structural concrete; masonry; fencing; unless such person is a licensed A, B or C building contractor. The annual limited contractor registration shall be \$100.00.
6. **“Class S Specialty License.** Class S license shall entitle the licensee to contract to perform any one of the following according to the sub-class of Specialty license obtained:
 - (a) **“Roofing Contractors (Commercial & Residential)”.** Roofing contractor's license shall entitle the holder thereof to contract for and to install, repair and replace roofs on commercial and residential buildings. Work may include roof deck insulation, roof coating, painting and covering, and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof. The annual license fee shall be \$150.00.
 - (b) **“Roofing Contractors (Residential)”.** Roofing contractor's license shall entitle the holder thereof to contract for and to install, repair and replace roofs on residential buildings as defined in the International Residential Code. Work may include roof deck insulation, roof coating, painting and covering, and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof. The annual license fee shall be \$100.00.
 - (c) **“Framing Contractors (Commercial and Residential)”.** Rough framing of structural and non-structural building components such as walls, floors and roofs using wood or metal. The annual license fee shall be \$150.00.
 - (d) **“Swimming Pool Contractors”.** Installation and repair of permanent in-ground or above-ground swimming pools as defined by city code. The annual license fee shall be \$150.00.
 - (e) **“Fire Sprinkler Contractors”.** Installation, maintenance, alteration and repair of fire sprinkler/suppression systems and related fire protection equipment. The annual license fee shall be \$150.00.
 - (f) **“Demolition Contractors”.** Demolition and removal of any building or structure or portion thereof. The annual license fee shall be \$100.00.

A separate Class S license shall be required for each and every sub-class and a separate license fee shall be collected thereof.

b. **General Licensing and Registration Requirements.**

1. **Application form and fee.**

Any person, firm or corporation desiring to engage in or work as a contractor shall submit the prescribed application form to the Building Inspection department along with required documentation. All application and license fees shall be paid without proration. No contractor's license may be transferred or assigned.

2. **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. All contractors shall maintain general liability coverage in an amount not less than \$500,000 per occurrence. A contractor, at the time of licensing under this article, shall provide the inspection department with a certificate of insurance or other satisfactory evidence of the insurance coverage required by this section. The certificate of insurance shall name the City as an additional insured, and the policy shall be so endorsed, that the company shall notify the City in writing of any change or cancellation at least ten days prior thereto.

3. **Firms designated representatives.**

(a) Under this article, a firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one fulltime employee who is designated by the firm as its qualified representative and such representative satisfies one of the requirements of Section 21-107, c.

(b) The person qualifying on behalf of an individual, firm or corporation shall be responsible for exercising direct supervision and control of his employer's or principal's construction operations as is necessary to ensure full compliance with the provisions of the various rules and regulations of the city.

4. **Change in status of qualified representative.**

When the qualified representative becomes no longer associated with or employed by the licensee for any reason (the "date of disassociation"), the licensed contractor shall immediately notify the building official in writing of the date of disassociation and another qualified representative must be designated within thirty days. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new qualified representative has been designated. If a qualified representative is not designated within thirty days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a new qualified representative has been designated.

c. **Qualifications.**

1. Contractor applicants for Class A, Class B, Class C and Class S (excluding Demolition) shall be licensed if the firms designated representative has satisfied one or more of the following provisions:
 - (a) Submit or obtain a certificate of competency from a nationally recognized testing institution. Applicants shall provide proof of test score of the appropriate exam from International Conference of Building Officials, Block & Associates, Thompson Prometric, International Code Council (ICC) or other nationally recognized examination with a minimum score of seventy-five (75%) in compliance with Kansas Statutes Annotated 12-1556 and 12-1567.
 - (b) Hold a bachelor's degree in engineering, architecture, or construction science from an accredited college or university.
 - (c) Until July 1, 2016, a license may be obtained upon verification that a person or a firm's designated representative has the required number of years of fulltime experience in the building construction industry for that license:
 - (1) Class A license: fifteen (15) years or more experience.
 - (2) Class B license: ten (10) years or more experience.
 - (3) Class C license: five (5) years or more experience.
 - (4) Class S license (excluding demolition): five (5) years or more experience.After July 1, 2016, applicants shall be required to qualify by certification (a) or education (b) only.
2. Any contractor installing commercial or residential roofing must also provide proof of State of Kansas Roofing Contractor registration certificate.

d. **Provisional License.**

1. Until January 1, 2017, any person or firm that is unable to meet the qualifications for a contractor's license as described in Section 21-108, c., and secured a building permit in the previous year, may apply for a provisional contractor's license if all of the following conditions are met:
 - (a) At the time of the license application, the applicant, if an individual, or the designated representative, if a firm, is working fulltime in the construction industry for the license class requested.
 - (b) The applicant for a Class A license shall have not less than seven (7) years of fulltime experience in planning, supervising, and undertaking Class A type construction.
 - (c) The applicant for a Class B license shall have not less than five (5) years of fulltime experience in planning, supervising, and undertaking Class B type construction.
 - (d) The applicant for a Class C and Class S (excluding Demolition) license shall have not less than three (3) years of fulltime experience in planning, supervising, and undertaking Class C and Class S type construction.
 - (e) The applicant provides evidence of insurance coverage as required by Section 21-107, b.
 - (f) All application and license fees are paid.

2. For the purposes of this section, twenty-four (24) credit hours of post-secondary education in the courses of engineering, architecture, or building trades shall be deemed equivalent to one year of fulltime experience.
 3. The holder of a provisional license may renew the provisional license for an additional three hundred sixty five (365) days following its expiration with the approval by the building official. Upon the expiration of a provisional license, a contractor licensed under the provisional licensing provisions of the article shall be required to satisfy the licensing requirements of Section 21-107, c.
- e. **Renewal or Reinstatement of License.**
1. Every contractor's license/registration shall be issued on a calendar year basis to expire on December 31 of each year. A contractor shall be entitled to renew such contractor's license/registration upon satisfaction of the requirements of this article. A license/registration renewal application may be submitted to the city beginning on December 1. 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 of the then-existing contractor licensing requirements.
 2. Every Class A, Class B, Class C and Class S (excluding demolition) contractor shall complete at least three (3) hours of continuing education as required each calendar year to meet the requirements for renewal of such contractor's license. The board shall provide for the recognition of code-related education provided by governmental entities, trade associations, contractor education providers, and others for courses and instruction directly related to those codes adopted by the city.
 3. Any contractor whose license/registration is suspended during the year for any violation(s) of the code must provide satisfactory evidence to the Building Trades Board that the violation(s) has been corrected in accordance with the applicable code. Failure to provide such evidence may result in the revocation of the contractor's license/registration.
 4. When a contractor's license/registration is revoked, a new license/registration shall not be granted until the contractor has first passed an examination as required by Section 21-107, c, (a), and has provided the board with satisfactory evidence that a new license should be issued. If the contractor's license/registration was revoked as the result of a code-related violation, such contractor may not be relicensed/registered unless the board determines that the violation has been corrected.

Section 2. That all other sections of Chapter 27 shall remain in full force and effect.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY, this 15th day of June, 2021, for the City of Hutchinson, Kansas.

Steven Garza, Mayor

ATTEST:

Karen Weltmer, City Clerk