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*Marilyn Calhoun*  
 Marilyn Calhoun, Register of Deeds

## ORDINANCE NO. 4407

### AN ORDINANCE REGULATING THE BUILDING TRADES LICENSING

*Be it ordained by the Governing Body of the City of Independence, Kansas:*

#### Section 1.

Pursuant to the authority granted to the City by K.S.A. 12-1508 et seq., as amended, the regulation of building trades as set forth in those statutes is hereby adopted and is incorporated by reference as if fully set forth herein subject to the further provisions of this ordinance.

#### Section 2. Deletions, modifications, supplements or amendments.

##### DIVISION 1. – Generally

#### Section 3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a) "Apprentice" means a person who is not authorized to supervise or direct work of others and works under the direct supervision of a journeyman or master.
- b) "Board of appeals" (board) means the Building Code Board of Appeals.
- c) "Building sewer" means the part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
- d) "Certificate of competency" ("certificate of qualification") means a document which certifies the holder has met or exceeded the standards as provided in this article and has obtained a passing score on a written examination based on nationally recognized codes and standards for the classification applied for.
- e) "Department" means the building services division of the Public Works Department.

- f) "Examination agency" means any person that has been designated to prepare and publish the standard examination for determining the qualifications of persons seeking licensure pursuant to K.S.A. Ch. 12, art. 15 (K.S.A. 12-1501 et seq.).
- g) "Journeyman" means a person who has been issued a certificate as a journeyman, is employed by a licensed building trades contractor, works under the supervision of a master, and can direct the work of an apprentice in the absence of the master.
- h) "Licensed trades contractor" means any person that is engaged in the business of plumbing, electrical, mechanical or sewer work and either holds a master certificate or employs personnel who have been issued a certificate as a master and sometimes referred to in this article as "the licensee."
- i) "Master" means a person who has been issued a certificate as a master and who may engage in business as a licensed building trades contractor.
- j) "Sewer contractor" means any person that is engaged in the business of installing, repairing and removing of building public or private sewers and private sewage disposal systems and has been issued a certificate as a sewer contractor or employs personnel who are certified as a sewer contractor.
- k) "Vocational school" means an accredited school or institution, the curriculum of which is designed to educate and train the participant as a plumbing, electrical or mechanical practitioner, including Plumbers and Steam Fitters Local 664.

#### **Section 4.            Scope of article.**

The provisions of this article shall not apply to:

- i. Maintenance, operation or repair of equipment and accessories used for production or processing by manufacturing or processing plants, or public utilities, or commercial enterprises or governmental agencies.
- ii. 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.
- iii. Routine maintenance and repair of a building, including the mechanical, plumbing and electrical systems thereof, by any entity mentioned in subsection (1) of this Section, if such maintenance or repair is minor, does not require the issuance of a building permit, and is done by a person regularly employed by the public utility to perform the work of that type.
- iv. Work performed upon a one-family or two-family dwelling, including usual accessory buildings or quarters, in compliance with all of the following:
  - The person performing the work is the owner of such a dwelling;

- The person occupies the dwelling;
- The owner personally purchases all materials and performs the labor in connection with such work; and
- The owner certifies that he will occupy the dwelling for one year from the date the work is completed.

### **Section 5. Right of entry; inspection.**

a) In addition to any other right of entry or inspection provided for elsewhere in the ordinances or regulations of the City, the Building Official or representative shall be authorized to enter upon and inspect the premises of any person, governmental agency, manufacturing or processing plant, public utility or other commercial enterprise identified in for the purpose of ascertaining whether maintenance thereof and additions or improvements thereto have been or are being performed in accordance with the building regulations of the City. The entry and inspection may be made at any reasonable time. The Building Official may apply to any court of competent jurisdiction for the purpose of enforcing this right of entry and inspection if the same is denied.

b) Nothing in this Section shall be construed to relieve any person of any duty, provided elsewhere in the City's building regulations, to secure a building permit, perform the work in accordance with standards established by the City, and procure the required inspections.

## **DIVISION 2. – Trade Licenses**

### **Section 6. Generally.**

- a) *Required.* Trade licenses shall be required for all types of work classified and described in this ordinance.
- b) *Application. Required annuallying.* Accompanying the application, each contractor shall have certificates of competency, certificates of insurance, and federal employer I.D. number where required elsewhere in this ordinance or proof of qualification to meet the requirements described.

## **Section 7. Classification.**

The license types authorized for contractors are outlined herein:

- a) *Class A: General Contractor.* Class A license shall entitle the holder thereof to construct, remodel, repair, and/or demolish any structure, commercial, industrial or residential.
- b) *Class B: Residential Contractor.* Class B license shall entitle the holder thereof to construct, remodel, repair, and/or demolish any residential structure.
- c) *Class C: mechanical, plumbing, roofing, Fire Protection and electrical contractors.* Class C license shall entitle the holder thereof to perform HVAC, plumbing, sewer, fire sprinklers, roofing, or electrical services. A "class A or B" license shall not entitle the license holder to perform any of the services designated as Class C.
  - i. CE: Electrical Contractor
  - ii. CF: Fire Protection Contractor
  - iii. CM: Mechanical Contractor
  - iv. CP: Plumbing Contractor
  - v. CR: Roofing Contractor
- d) *Class D: Other Specialty Contractors.*
  - i. DD: Demolition
  - ii. DE: Earthwork
  - iii. DL: Landscaping, fencing & Lawn Sprinkler
  - iv. DS: Swimming Pool
  - v. DT: Tree Removal

## **Section 8. Contractors license requirements.**

Contractor applicants shall be licensed by satisfying one or more of the following provisions, with the exception of "Class A & B":

- a) Class A & B license holders shall be required to hold a certificate of competency or proof of good standing in the industry and provide proof of insurance. If no insurance is provided, the city will note an uninsured status on your license issued.
- b) Class C licenses must present proof of insurance in addition to certifications listed below.
  - i. CE: Electrical Contractor (Master Electrician)
    - 1. Certificate of passage from Nationally recognized testing for electrical standards, K.S.A. 12-1525 – electrical.
  - ii. CF: Fire Protection Contractor
    - 1. Certificate of Certified Installer status
  - iii. CM: Mechanical Contractor
    - 1. Certificate of passage from Nationally recognized testing for HVAC standards, K.S.A. 12-1541, or Certified Installer certificate by the

- product manufacturing company
  - iv. CP: Plumbing Contractor (Master Plumber)
    - 1. Certificate of passage from Nationally recognized testing for plumbing standards, K.S.A. 12-1508 – plumbing.
  - v. CR: Roofing Contractor
    - 1. State of Kansas Roofing License Certificate
- c) Class D license holders shall be required to hold a certificate of competency or proof of good standing in the industry and provide proof of insurance. If no insurance is provided, the city will note an uninsured status on your license issued.

## **Section 9. Insurance levels required.**

Every contractor who applies for and holds a license shall keep in force a policy of general liability insurance including completed operations coverage. Such insurance coverage shall be:

1. Class A - \$500,000/& \$1,000,000.00
2. Class B - \$300,000.00/\$500,000.00
3. Class C - \$500,000/\$1,000,000.00
4. Class D - \$500,000/\$1,000,000.00

The insurance policy shall be written with an insurance company licensed to do business in the State of Kansas. In addition, every such contractor shall maintain and procure worker's compensation insurance as required by law. At the time of licensing, a contractor shall provide the Building Department with a certificate of insurance or other satisfactory evidence of insurance coverage required by this Section.

- Contractors shall also provide a federal employer I.D. number to accompany their application. A copy shall be filed with the City Clerk.

## **Section 10. Change of Supervisor for Class CE and CP Licenses.**

- The trade contractor's license shall be valid only as long as the named master remains in the employment of the licensed trade contractor in an active capacity.
- If any changes occur to the individual holding the Master License Certification (such as change of company/termination, death, or revocation) the business entity, must notify the city in writing immediately, or within 30 days of such event.
- Failure to notify of disassociation or change of the master licensee shall cause the trade license to be suspended. To replace the master, a licensee shall file a new application with the department to certify designating another individual who is qualified as required by this article.

## **Section 11. Fees.**

The annual contractor's license fees shall be obtained prior to operating in the City. The amount shall be as follows:

Class A:	General Contractor Commercial, Industrial, residential	\$200.00 / year
Class B:	General Contractor Residential Only	\$100.00 / year
Class C:	Specialty – Electrical/HVAC/Plumbing	\$200.00 / year
Class D:	Other Specialty	\$100.00 / year

## **Section 12. Term.**

All trade contractor licenses issued pursuant to this article shall expire at the end of the calendar year for which they are issued. Building Trade Licenses fees will not be issued on a pro rata basis.

## **Section 13. Licensee responsibility.**

Contractor licensees shall be responsible for all their work under the provisions of this article, and without limitation for the following enumerated duties:

1. To use safety measures and equipment to protect workers and the public in accordance with generally accepted industry practice and as prescribed by City ordinances and regulations or by state and federal statutes and regulations;
2. To obtain a permit when such is required;
3. To faithfully perform all work without substantial departure from the drawings and specifications filed with the City;
4. To complete all work authorized by the permit issued under the authority of the building regulations;
5. To obtain such inspections as are required by the building regulations;
6. To pay all fees imposed pursuant to the building regulations;
7. To obey all federal and state laws and ordinances of the City and orders issued under authority of the building regulations; and
8. In all respects, comply with the requirements of the City Engineer, or agent acting as the City Engineer, and the Director of Public Works in making excavations upon any street, sidewalk, alley, curb or other public property. In connection with any such excavation, a licensee shall: Indemnify the City and hold it harmless from all claims, losses, damages and expenses arising out of any injury or damage to persons or property, which injury or damage is attributable to an excavation made by the licensee or any employee, agent or subcontractor;
  - a. Be solely responsible for properly safeguarding any such excavation, from commencement of the work to completion of filing or resurfacing, unless specifically relieved of such responsibility by the City Engineer, or agent acting as the City Engineer, or Director of Public Works.

### **Division 3. – Certificate of Competency**

#### **Section 14. Qualification Standards Established.**

There are hereby established the following standards to be followed:

- a. *Journeyman.* To be eligible to take the journeyman examination, the applicant shall have a minimum two years' experience in the trade as an apprentice, having worked with the City building regulations, or regulations comparable to those in effect within the City. Exception: Successful completion of two years of vocational school can be substituted for one year of apprentice experience.
- b. *Master.* To be eligible to take the master examination, an applicant must provide documented proof of meeting the requirements as set forth in subsection € and (f) of K.S.A. 12- 1509, 12-1526, and 12-1542 and having worked with the City building regulations or regulations comparable to those in effect within the City.
- c. *Master sewer contractor.* To be eligible to take the master sewer contractor examination, an applicant must have two years' experience installing, repairing, removing and maintaining building sewers and private disposal systems.

#### **Section 15. Qualification standards review.**

- a. Each candidate must have documented proof of experience pursuant to K.S.A 12-1508, 12-1509, 12-526 and 12-1542. For the purpose of evaluating the education and experience of candidates in accordance with standards established by this article, the Building Inspection Department shall act as the inspector. The inspector shall review documentation on the qualifications of all candidates for certificates issued pursuant to this article.
- b. The Building official shall validate the applicant's experience.

#### **Section 16. Reciprocal certification.**

- a. Notwithstanding any other provision of this article, the Building Official shall verify an applicant to work within the City if:
- b. The applicant holds a comparable certificate issued by any governmental entity pursuant to K.S.A. 12-1508, 12-1525, and 12-1541; and
- c. Has paid all fees and furnished such bonds as are otherwise required by the provisions of this article.

#### **Section 17. Annual fees.**

The annual fees required for maintenance of a certificate of competency pursuant to this article shall be paid and kept current.

## **Section 18. Terms.**

All certificates issued pursuant to this article shall, unless sooner renewed, expire at the end of the calendar year for which they are issued. Upon renewal, each license and certificate holder shall meet the requirements enacted by this article and pursuant to subsection (a)(4) of K.S.A. 12-1509, 12-1526, and 12-1542.

## **Section 19. Holder's Responsibility**

All certificate holders shall be responsible for the work they assume in accordance with the requirements of this article, without limitation, and subject to the following conditions:

- a. To have a certificate on his/her person at all times.
- b. To present certificate when requested by any members of the Division of Building Services.
- c. To faithfully perform the work without departure from or disregard of approved drawings and specifications.
- d. To obey any order issued under the authority of this article.
- e. In addition to the foregoing, the certificate holder shall maintain supervision of the workers under his direction on a day-to-day basis during normal working hours of the licensee or the certificate holder.
- f. Pursuant to K.S.A. 12-1509, 12-1526, and 12-1542 all licensees shall obtain annually at least six hours of continuing education approved by such local governing body.



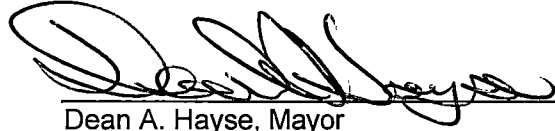
## **Section 20.                   Violations, Suspension, or revocation**

- a. *Authority.* The Governing Body may issue citations for violations, suspend or revoke a certificate issued under the provisions of this article, or terminate reciprocal recognition of a certificate issued by another governmental entity, for any one or more of the following acts or omissions.
  - a. Incompetence;
  - b. Misuse of the certificate;
  - c. Violation of any provisions of this article or the building regulations; or
  - d. Failure to comply with any of the certificate holder's responsibilities as outlined in this article.
  
- b. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Ordinance. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, punishable as prescribed by the Sec. 1-14 of the City Code, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continue or permitted and, upon conviction of any such violation, such person shall be guilty of an offense.
  
- c. *Procedure.* When any of the acts or omissions as enumerated in this Section are committed by a certificate holder, and the Governing Body deems there is sufficient evidence to believe such certificate should be issued a citation, suspended or revoked:
  - i. The certificate holder shall be issued a citation to appear in municipal court for the violation(s).
  - ii. The certificate holder shall be notified of the Governing Body's intent to suspend or revoke such certificate. Such notice shall be in writing, and sent by certified mail to the address listed on the holder's certificate.
  - iii. The certificate holder may request a hearing before the Governing Body. Such request shall be made in writing to the City Clerk within seven days of the receipt of the notice.
    - a. If a request is received, the City Clerk shall set the hearing date within 30 days of the written request.
    - b. If no request for a hearing is received, the Governing Body may suspend or revoke the holder's personal service within ten days of the Governing Body's action.
    - c. The City Clerk shall notify the certificate holder of the Governing Body's action by certified mail or personal service within ten days of the Governing Body's action.

**Section 21.**

This Ordinance shall take effect upon its publication in the official city newspaper.

*Adopted by the Governing Body of the City of Independence, Kansas, on the 25<sup>th</sup> day of August, 2022.*



Dean A. Hayse, Mayor

ATTEST:



David Schwenker, City Clerk

