

# ORDINANCE NO. 4263

## AN ORDINANCE REGULATING THE BUILDING TRADES

*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:

a) 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.

b) 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.

c) 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.

d) Work performed by any person upon a one-family or two-family dwelling, including usual accessory buildings or quarters, in compliance with all of the following: \

1. The person is the owner of such a dwelling;
2. The person occupies the dwelling;
3. The owner personally purchases all materials and performs the labor in connection with such work; and
4. 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 not 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 shall be at a reasonable time and with the consent of the occupant or owner. In the event that the occupant or owner does not give consent, the Building Official may apply to any Court of competent jurisdiction for an Administrative Search Warrant for the purpose of enforcing this right of entry and inspection.

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 section.

b) *Application.* Accompanying the application, each contractor shall have certificates of competency, certificates of insurance, and federal employer I.D. number where required elsewhere in this Section or proof of qualification to meet the requirements described.

## **Section 7. Classification.**

There shall be five separate classes of licenses authorized for contractors as provided by this section:

a) *Class A: general contractor.* A "class A" license shall entitle the holder thereof to construct, remodel, repair, and/or demolish any structure.

b) *Class B: building contractor.* A "class B" license shall entitle the holder thereof to construct, remodel, repair and demolish all structures not exceeding two stories in height. A class B license shall also entitle the license holder to perform nonstructural remodeling, tenant-finishing and repairs of all structures.

c) *Class C: residential contractor.* A "class C" license shall entitle the holder thereof to construct, remodel, repair and demolish single-family or duplex residences and buildings accessory thereto.

d) *Class D: mechanical, plumbing and electrical contractors.* A "class D" license shall entitle the holder thereof to perform HVAC, plumbing/sewer, fire sprinklers, or electrical services. A "class a" through "class C" license shall not entitle the license holder to perform HVAC, plumbing, and electrical services.

e) *Class E: specialty contractors.* A "class E" license shall entitle the holder thereof to perform roofing (commercial and residential), siding, demolition, maintenance and remodeling, signage, masonry, landscaping and lawn sprinkler systems and other work that require a building permit. A class E license shall also entitle the holder thereof to perform remodeling and maintenance and any other work that does not require a building permit. A "class E" license shall not entitle the license holder to perform "class a" through "class D" services.

## **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":

a) Obtain a certificate of competency from a nationally recognized testing institution as allowed by K.S.A. 12-1508 (plumbing contractors); K.S.A. 12-1525 (electrical contractors); K.S.A. 12-1541 (HVAC contractors), or general contractors licensed in approved localities.

b) A license may be obtained upon verification that a person or a firm's designated representative has the required number of documented years of experience in the building construction industry for the license as follows:

1. Class A license - Ten years or more of experience;
2. Class B license - Ten years or more documented experience;
3. Class C license - Three years or more of experience in the trade for which the license is being applied;
4. Class D license - Five years or more experience in the trade for which the license is being applied.

c) Class "A" contractors have at least one member of the company that holds a bachelor's degree in engineering, architecture, or construction science from an accredited college or university. A degree from an accredited university shall count as three years' experience.

d) Class "B" contractors shall have at least one member of the company that holds a bachelor's degree or vocational school degree in construction science, engineering, or architecture.

e) Class D license holders shall be required to have a master who holds a certificate of competency as follows:

License	Certificate
Electrical contractor	Master electrician
Plumbing contractor	Master plumber
Mechanical contractor	Master mechanic
Sewer contractor	Master sewer contractor

**Section 9. Insurance required.**

a) 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 - \$500,000.00/\$1,000,000.00
3. Class C - \$300,000/\$600,000.00
4. Class D - \$300,000.00
5. Class E - \$300,000.00

b) 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 workers 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. The certificate of insurance shall be written to the City with a copy to the City Clerk.

c) 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.**

a) 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.

b) If the individual qualifying for the license ceases, for any reason whatsoever, to be employed by individual, firm, corporation or organization to whom the license is issued, the licensed trade contractor or the responsible managing officer or responsible managing employee qualifying for such license shall notify the department in writing within 30 days of such cessation.

c) Failure to notify of disassociation of the master shall cause the trade license to be suspended. To replace the master, a licensee shall file with the department an application, 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 .... \$150.00/year

Class B - Building contractor .... \$100.00/year

Class C - Residential .... \$75.00/year

Class D - Mechanical, Plumbing and Electrical .... \$75.00/year

Class E - Specialty ... \$50.00/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.

**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:

- a) 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;
- b) To post with the City Clerk certificates of liability insurance, workers compensation insurance and a federal employer I.D. number;
- c) To employ a qualified master certified in accordance with the requirements of this article;
- d) To obtain a permit when such is required;
- e) To faithfully perform all work without substantial departure from the drawings and specifications filed with the City;
- f) To complete all work authorized by the permit issued under the authority of the building regulations;
- g) To obtain such inspections as are required by the building regulations;
- h) To pay all fees imposed pursuant to the building regulations;
- i) To obey all federal and state laws and ordinances of the City and orders issued under authority of the building regulations; and
- j) 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:
  - 1. 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;

2. 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.**

Notwithstanding any other provision of this article, the Building Official shall verify an applicant to work within the City if:



a) The applicant holds a comparable certificate issued by any governmental entity pursuant to K.S.A. 12-1508, 12-1525, and 12-1541; and

b) 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 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. Suspension or revocation**

a) *Authority.* The Governing Body may 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.

1. Incompetence;
2. Misuse of the certificate;
3. Violation of any provisions of this article or the building regulations; or
4. Failure to comply with any of the certificate holder's responsibilities as outlined in this article.

b) *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 suspended or revoked:

1. 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.
2. 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.

- i) If a request is received, the City Clerk shall set the hearing date within 30 days of the written request.
- ii) 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.
- iii) 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 14<sup>th</sup> day of December, 2017.*



*Fred D. Meier*

Fred D. Meier, Mayor

ATTEST:

*Michael A. Borovetz*

Michael A. Borovetz, City Clerk