

ORDINANCE NO. 2019-04-4486

AN ORDINANCE MODIFYING MUNICIPAL CODE PART II, CHAPTER 14, CONCERNING CONTRACTOR LICENSURE, CONTRACTOR EXAMINATION AND THE BUILDING TRADES BOARD, AND MODIFYING MUNICIPAL CODE TO SO REFLECT.

WHEREAS, City staff proposes to provide alternate processes for contractor licensure that would waive testing requirements for contractors who can produce an equivalent out-of-state license or provide sufficient documentation and references so as to satisfy the building official of their qualifications; and

WHEREAS, this proposal is intended to promote commercial development by removing potentially unnecessary testing requirements that could delay or otherwise undermine such development; and

WHEREAS, City staff seek to clarify the official name of the Building Trades Board, also known as the Board of Building Appeals, and thus propose to further amend Municipal Code to achieve this end; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, desires to amend Arkansas City Municipal Code to accomplish all of these aforestated goals.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS, KANSAS, AS FOLLOWS:

SECTION ONE: AMENDMENT TO MUNICIPAL CODE SECTION 14-195.

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-195 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

Sec. 14-195. - Licensing.

- (a) *Generally.* All contractors described in Sections 14-196 and 14-197 shall obtain a license and may require certification or examination prior to working in the city.
 - (1) An application shall be made in writing to the code enforcement officer, on the form on file with that office, with the required fee as set by the board of city commissioners.
 - (2) A separate contractor's license is required for contractors engaged in more than one building trade. However, the bonding and insurance requirements are met for all building trades under one contractor's license.
 - (3) All licenses shall ~~be issued for a period of two years and shall~~ expire on December 31 of even-numbered years.
 - (4) *Renewal.* Renewal fees are due and payable by the date of expiration of the license. Failure to renew the license by the date of expiration shall require the applicant to apply for a new license. Persons not renewing by January 31 of each odd-numbered year shall have their certificate canceled and shall be regarded as new applicants for certification and/or examination.
- (b) *Bond requirements.* Every electrical, plumbing, mechanical, private sewage disposal, general, building, residential, and limited contractor shall furnish to the city a good and sufficient surety bond in the sum of \$4,000.00, conditioned that the principal and his or her employees, agents, and servants will comply with all of the ordinances of the city, and will hold the city harmless and free from all loss or damage to persons or property resulting out of negligence or failure of such

persons to use due care in performing any work for which such license is required. Such bond shall be kept in full force and effect at all times the contractor performs work in the city.

(c) *Insurance requirements.* Contractors must purchase and maintain such insurance as will protect them from claims under workers compensation laws, disability benefit laws or other similar employee benefit laws; from claims for damages because of bodily injury, occupational sickness or disease, or death of employees, and claims insured by usual personal injury liability coverage; from claims for damages because of bodily injury, sickness or death of any person other than employees, including claims insured by usual personal injury liability coverage; and from claims for injury to or destruction of property, including loss of use resulting therefrom, any or all of which may arise out of or result from contractor's operations, whether such operations be by the contractor or by any subcontractor, or anyone directly or indirectly employed by any of them, or for whose acts any of them be legally liable. The insurance shall be written for not less than:

(1) All electrical, plumbing, mechanical and private sewage disposal contractors shall be required to carry insurance policies with minimum limitations of coverage as follow:

- a. \$300,000.00 — Personal injury*
- b. \$600,000.00 — Aggregate coverage*

(2) All general and building contractors shall be required to carry insurance policies with minimum limitations of coverage as follow:

- a. \$1,000,000.00 — Personal injury*
- b. \$2,000,000.00 — Aggregate coverage*

(3) All residential contractors shall be required to carry insurance policies with minimum limitations of coverage as follow:

- a. \$500,000.00 — Personal injury*
- b. \$1,000,000.00 — Aggregate coverage*

(4) All limited contractors shall be required to carry insurance policies with minimum limitations of coverage as follow:

- a. \$300,000.00 — Personal injury*
- b. \$600,000.00 — Aggregate coverage*

*or any equivalent thereto.

(5) All contractors must provide workers compensation (as required by law) and shall include contractual liability insurance. The contractor will file with the city certificates of such insurance, on a form acceptable to the city. These certificates shall contain a provision that the coverage afforded under the policies shall not be canceled or materially changed until at least 15 days' prior written notice has been provided to the city.

(d) *Continuing education.* All mechanical, electrical and plumbing contractors must obtain not less than 12 hours biennially or six hours annually of continuing education, as required by K.S.A. 12-1526(a), in order to maintain a city-issued license. Proof of obtaining such education must be timely provided to the city.

- (3) *Revocation.* The building trades board, upon information received or upon request of the code enforcement officer, shall have the power and is directed to suspend for a definite time or to revoke at its discretion any certificate granted pursuant to this article, if after notice and opportunity to be heard, the person holding such certificate is found guilty by the board of violating the terms and conditions of this article or this code, provided such aggrieved person may have ten days before having such certificate revoked to appeal to the board of city commissioners for a review of the facts, conditions and circumstances prompting the building trades board to revoke such license.

SECTION TWO: AMENDMENT TO MUNICIPAL CODE SECTION 14-196.

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-196 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

Sec. 14-196. - Contractors subject to licensure ~~and examination.~~

- (a) Prior to performing any work within this city, any contractor described below shall be licensed by the city after:
- (1) *establishing the contractor is qualified through one of the following means:*
 - a. providing proof of passing by at least 75 percent the test designated by K.S.A. 12-1501 *et seq.*, or the applicable examination issued by the International Code Council;
 - b. *demonstrating to the building official's satisfaction that said contractor is qualified to perform the work, as specified below, by providing an equivalent license issued by another state or municipality; or*
 - c. *demonstrating to the building official's satisfaction that said contractor is qualified to perform the work, as specified below, including by providing proof of obtaining a bachelor's degree in engineering, architecture, construction management or construction science from an accredited university (which will qualify the contractor to obtain only one permit per license per calendar year);*
 - (2) providing the bond required by this article;
 - (3) providing public liability and property damage insurance certificates required by this article; and
 - (4) paying the applicable fee set by the board of city commissioners.
- (b) *The following contractors shall be licensed under this section prior to performing any of the work described below:*
- (1) *Electrical contractor* means any person, firm, or corporation that employs or oversees others who install, repair, construct, alter, add to, remove, restore, replace, remodel and/or maintain (hereafter collectively "alter(s)") electrical wiring; and/or advertises or represents to others as having the capacity and/or ability to undertake or submit a bid or offer to alter electrical wiring. An electrical contractor must either be a master electrician or employ a master electrician.

- a. *Master electrician* means any person who lays out, plans, and/or alters electrical wiring, appliances, fixtures, motors or other apparatus requiring electrical current; or who supervises a journeyman electrician.
 - b. *Journeyman electrician* means any person who alters electrical wiring, or in any way works as an electrician, under the direction of a city-licensed master electrician.
- (2) *Plumbing contractor* means any person, firm, or corporation that (a) employs or oversees others who (i) alter plumbing pipes, fixtures and appurtenances thereof (collectively “plumbing”), (ii) make any connection with the mains or laterals of the city plumbing, sewer and/or water systems, (iii) have a state certification for backflow prevention, and/or (iv) perform any plumbing repairs or maintenance; and/or (b) advertises or represents to the public as having the capacity and/or ability to undertake or submit a bid or offer to alter plumbing. A plumbing contractor must either be a master plumber or employ a master plumber.
- a. *Master plumber* means any person who lays out, plans, and/or alters any plumbing; makes any connection with the mains or laterals of the city plumbing, sewer and/or water systems; connects a lawn sprinkler system to the service line on commercial property; performs backflow prevention services if certified by the state; and/or supervises a journeyman plumber.
 - b. *Journeyman plumber* means any person who alters plumbing, makes any connection with the mains or laterals of the city plumbing, sewer and/or water systems; performs backflow prevention services, if certified by the state; and/or connects a lawn sprinkler system to the service line on commercial property, under the direction of a city-licensed master plumber.
- (3) *Mechanical contractor* means any person, firm, or corporation that employs or oversees others who alter mechanical systems or have a state certification for backflow prevention; and/or advertises or represents to others as having the capacity and/or ability to undertake or submit a bid or offer to alter mechanical systems. A mechanical contractor must either be a master mechanical specialist or employ a master mechanical specialist.
- a. *Master mechanical specialist* means any person who lays out, plans, and/or alters any mechanical system; performs backflow prevention services, if certified by the state; and/or supervises a journeyman mechanical specialist.
 - b. *Journeyman mechanical specialist* means any person who alters mechanical systems and/or performs backflow prevention services, if certified by the state, under the direction of a city-licensed master mechanical specialist.
- (4) *Private sewage disposal contractor* means any person, firm, or corporation that lays out, plans and/or alters private sewage disposal systems.
- (5) *General contractor* means any person, firm, or corporation that alters any building or structure, or a portion thereof, for which a permit is required. A general contractor also may perform all work described in Sections 14-196(f-h), and Sections 14-197(b-d) and (f-g).
- (6) *Building contractor* means any person, firm, or corporation that alters the following buildings or structures, for which a permit is required: commercial buildings, industrial buildings, and single- and multiple-family dwellings not to exceed three stories in height. A building contractor may repair or remodel an existing structure in excess of three

stories in height. A building contractor also may perform all work described in Sections 14-196(g-h), and Sections 14-197(b-d) and (f-g), on structures described in this subsection.

- (7) *Residential contractor* means any person, firm, or corporation that, in exchange for any compensation, alters the following buildings or structures, for which a permit is required: one-, two- or three-family residential dwellings not exceeding three stories in height, including all structural alterations, and the construction of carports. A residential contractor also may perform all work described in Sections 14-196(h)(1)(2) and (4), and Sections 14-197(b-d) and (g), on structures described in this subsection.
- (8) *Limited contractor* means any person, firm or corporation that performs the following specific tasks:
- a. *Concrete contractor* means any person, firm, or corporation that, in exchange for any compensation, constructs, pours, places, and/or finishes driveways, sidewalks and other similar flatwork using concrete or asphaltic materials; or constructs forms and/or framework for the casting and shaping of concrete and/or placing of reinforcing steel.
 - b. *Drywall and plastering contractor* means any person, firm, or corporation that, in exchange for any compensation, coats surfaces with a mixture of sand or other aggregate, gypsum, plaster or Portland cement, quick lime and water, or other combinations of materials to create a permanent surface coating; installs wire mesh or necessary elements to hold the coating; and/or installs gypsum drywall products or finishes preparation of drywall systems.
 - c. *Masonry contractor* means any person, firm, or corporation that constructs or repairs walls, footings, or other structures by the laying of bricks, blocks, or stone.
 - d. *Roofing contractor* means any person, firm, or corporation that, in exchange for any compensation, installs, repairs or replaces roof-covering systems, including roof decking insulation, roof coating, the use of sheet metal and/or metal products incidental to roofing work, nonstructural decking, asphalt and fiberglass shingles, tile roofing systems, slate and wood shingles, or any other roofing product. If required to be registered under state law, a roofing contractor shall provide to the city their state roofing registration number before receiving a roofing contractor's license.

SECTION THREE: AMENDMENT TO MUNICIPAL CODE SECTION 14-200.

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-200 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through):

Sec. 14-200. - Building trades ~~advisory~~ board.

- (a) *Authority.* The board of building appeals, also referred to as the building trades ~~advisory~~ board, shall hear and decide appeals of orders, decisions or determinations made by the code enforcement officer relative to the application and interpretation of the city-adopted building codes and regulations, and the city's contractor license laws.
- (b) *Membership.* The board shall consist of nine voting members:

- (1) Two electricians (either two master electricians or one master electrician and one journeyman electrician);
 - (2) Two plumbers (either two master plumbers or one master plumber and one journeyman plumber);
 - (3) Two mechanical specialists (either two master mechanical specialists or one master mechanical specialist and one journeyman mechanical specialist); and
 - (4) Three at-large members, consisting of general, building, residential or limited contractors and/or citizens or laymen familiar with the requirements of this code.
- (c) *Conflict of interest.* No two electricians, plumbers, mechanical specialists, or at-large members of the board may be employed by the same person, firm or corporation, or otherwise have any kind of professional partnership or financial interest with each other.
- (d) *Ex officio membership.* The building official and the fire chief or fire marshal of the city, or their designees, shall serve as ex officio members of the board without voting privileges. The code enforcement officer, or his or her designee, shall serve as secretary to the board.
- (e) *Appointment and terms.* Appointments of electricians, plumbers and mechanical specialists shall be for a period of two years. Appointments of at-large members shall be for a period of three years. Terms shall be staggered in such a way that the term of no more than one electrician, plumber, mechanical specialist or at-large member shall expire in any given year.
- (f) *Rules of procedure.* The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant, with duplicate copies provided to the code enforcement officer and city manager.
- (g) *Meetings.* The board shall hold meetings at regularly scheduled intervals, but shall meet a minimum of four times a year.
- (h) *Limitations of authority.* The board shall have no authority relative to interpretation of the administrative provisions of the code adopted by the city, nor shall the board be empowered to waive requirements of this code.

SECTION FOUR: The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and/or City Manager of the City of Arkansas City to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

SECTION FIVE: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas, on this 16th day of April, 2019.

Jay Warren, Mayor

ATTEST:
Lesley Shook, City Clerk

APPROVED AS TO FORM:
Tamara L. Niles, City Attorney