

COPY

TOWN OF TIMNATH

ORDINANCE NO. 11-2005

**An ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
TIMNATH, COLORADO CREATING CONTRACTOR LICENSING
REQUIREMENTS**

WHEREAS, substantial building is anticipated within the Town of Timnath, Colorado (the "Town") based upon numerous subdivisions which have been approved by the Board of Trustees of the Town; and

WHEREAS, in order to ensure that building activities are conducted in a responsible manner, the Timnath Board of Trustees has determined that the Town should maintain a licensing registration for building contractors to ensure the availability of information to the Public related to Contractor activities and business practices; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH:

Section 1. Intent. The intent and purpose of this Article is to ensure that Contractors doing business within the Town of Timnath, Colorado have minimum qualifications and maintain adequate liability by issuance of Contractor licenses as provided for by this Article.

Section 2. General. The Building Official shall administer the provisions of this Article and may adopt reasonable rules and procedures for such purposes.

Section 3. Definitions. For the purpose of this Article, the following terms shall have the meanings indicated:

Board shall mean the Board of Trustees of the Town of Timnath, Colorado.

Building Code for purposes of this Article shall mean the Building Code and all related Codes including but not necessarily limited to the Fire, Plumbing and Electrical Codes as adopted by the Town.

Building Permit shall mean the permit required by the Building Code as defined by this Article.

Building Official shall mean the building official appointed by the Town.

Construction shall mean the work, including erection, alteration, demolition, movement, repair, or remodeling of any building or structure, or portion thereof requiring a building permit by the Building Code and any work within the public ways or on any public facility in the Town.

Contractor, unless specifically exempted in the Article, shall mean any person, firm, partnership, corporation, association, other organization or any combination thereof, that performs Construction within the Town.

Contractor's License shall mean the license to be issued to Contractors operating within the Town.

Employee shall mean a person who is eligible for Colorado Workers' Compensation insurance and unemployment insurance benefits, is employed by a Contractor to perform construction work, to which person a wage or salary is directly paid as an individual. For purposes of this Article, any worker who qualifies as an "independent contractor" under state law is not considered an employee of a contractor.

Section 4. License required.

(a) Except as otherwise permitted in this Article, no person may perform Construction or operate as a Contractor within the Town unless such Contractor holds a valid Contractor's License issued by the Town.

(b) For any construction requiring a Contractor's License, permits shall be issued only to a property owner or to a Contractor holding a Contractor's License. If a Contractor is released from or abandons Construction, the Contractor shall immediately notify the Building Official, in writing. No further work shall be done on such Construction until the Building Official is notified in writing of the intended resumption by an owner or Contractor entitled to obtain an original Building permit under this Article.

Section 5. Exemptions. A Contractor's License shall not be required for the following:

(1) Work performed that does not require a building permit;

(2) An owner of a detached single-family dwelling and associated accessory buildings or any unpaid volunteer under the continuous personal supervision of the owner of such buildings who personally performs Construction on the owner's personal residence and associated accessory buildings, provided that the owner commences construction of no more than one (1) such dwelling within any twenty-four-month period or is replacing a building destroyed or damaged. Prior to performing any such construction, the owner must demonstrate sufficient knowledge and proficiency required to perform said construction as determined by the Building Official;

(3) An employee, Owner, or Contractor performing work as the Contractor's employee or owner on behalf of and in the name of the Contractor holding a Contractor's License; or

(4) Any person who is, without pay or compensation of any kind, performing Construction and who is supervised directly by a Contractor holding a Contractor's License to ensure that such work conforms to the Building Code.

Section 6. Duties of Building Official. The Building Official shall prepare licensing forms and, subject to the right of appeal of any decision of the Building Official to the Board, shall determine all matters related to the suspension or revocation of any Contractor's License. The Board is authorized, upon appeal in specific cases, to grant variances from the terms of this Article, where the strict application of any provision of this Article would result in peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person or applicant regulated; or, when such applicant can demonstrate to the satisfaction of the Board that the applicant possesses other qualifications not specifically listed in this Article, such as specialized training, education or additional experience, which the Board determines qualifies the applicant to perform in a competent manner any Construction.

Section 7. Fees; qualifications; renewals.

(a) Prior to issuance of a Building Permit to any Contractor holding a Contractor's License, the licensee shall complete all application forms required by the Building official and shall establish that the Contractor has a valid Contractor's License issued by another municipality or the State of Colorado and demonstrates sufficient knowledge and proficiency required to perform Construction as determined by the Building Official.

(b) A Contractor's License is valid for a period of one (1) year from the date of issuance. The Contractor shall pay a fee of \$100.00 to obtain a Contractor's License, which fee shall be applied to offset the Town's costs associated with regulating the Building Code and administering the licensing program.

(c) The Building Official may grant a temporary Contractor's License to be valid for a period of thirty (30) days to any Contractor whom the Building Official determines may have sufficient knowledge and proficiency required to perform Construction but whom the Building official reasonably feels should be supervised in order to establish such knowledge and proficiency. A temporary licensee shall pay a fee of \$25.00 to obtain a temporary Contractor's License.

Section 8. Applications; review; issuance. Prior to being issued any Contractor's License the applicant shall pay the required fee and shall complete and submit to the Building Official an application including, but not limited to, the following information:

(1) The Contractor's business name and the names of all principals of the Contractor, including the names of all employees and sub-contractors which the Contractor is associated with or will be working with, a current mailing address and telephone number, and one (1) form of photographic identification of the applicant;

(2) A written summary documenting the applicant's relevant experience with at least three (3) separate construction projects and identifying an owner, general contractor, architect, professional engineer or other person involved in each particular construction project who has personal

knowledge of the applicant's responsibilities on said projects;

(3) The applicant's disclosure of any disciplinary action (whether by any other governmental licensing authority) taken against any Contractor's License currently or previously held by the applicant;

(4) A copy statement setting forth all other Contractor's Licenses issued by any other governmental authority related to Construction which the Contractor is licensed to perform, which statement shall be accompanied by copies of such licenses;

(5) A signed statement by the applicant acknowledging the obligations associated with the Contractor's License; and

(6) Certificates of insurance setting forth insurance maintained by the Contractor for work performed within the Town, including but not limited to workers' compensation, builder's risk and general liability coverage maintained by the Contractor. Any modifications in coverage shall immediately be reported to the Building Official.

The Building Official shall issue a Contractor's License to a Contractor upon the Contractor providing information required by this Article or upon the Town Board authorizing a Contractor's License on appeal.

Section 9. Responsibilities of Contractor. The Contractor shall be responsible for all work performed, which work will be completed without substantial departure from the drawings, and specifications filed and approved by the Town as specified on any Building permit, subject to approved changes, and shall observe the following standards:

(1) The Contractor of record shall obey all legal orders or notices issued by the Town or the Building Official;

(2) The Contractor of record shall observe generally accepted safety standards;

(3) The Contractor of record shall maintain liability insurance and workers' compensation insurance as set forth in the Contractor's application; and such application may be amended and proof of such insurance be provided to the Building Official on request;

(4) The Contractor shall provide proof of employment for employees who are performing Construction by providing the Building Official a copy of the signed Internal Revenue Service "Employee's Withholding Allowance Certificate (Form W-4)" for each such employee on request;

(5) The Contractor shall identify all sub-contractors performing Construction and contracting with Contractor, when so requested by the Building Official;

(6) The Contractor shall maintain a contract representative, current mailing address and a telephone number with the Building Official; and

(7) The Contractor may proceed with work only after all required permits have been obtained and Contractor shall obtain required inspections and authorization to proceed with the work authorized under the permit.

Section 10. Disciplinary procedures; violations and penalties.

When the Building Official determines that a Contractor has committed any of the violation of this Article, the Building Official may order a suspension of all privileges granted under such license or certificate pending a hearing by the Board. Such suspension shall not exceed a period of fifteen (15) days following the first commission of any such act and shall become effective immediately or when otherwise determined by the Building Official. Such fifteen (15) day suspension limitation shall not apply to any subsequent commission of any such act. Notification of said suspension shall be in writing and shall be promptly delivered to the certificate holder or an authorized person listed on such license application by certified mail to the last known address or by personal delivery. The notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the Contractor of the right to appeal the decision of the Building Official to the Board. A copy of any such suspension shall be placed in the public record of the Contractor. Failure of any such person to receive such notification of suspension shall not invalidate any suspension imposed hereunder.

The Board shall have the power to suspend or revoke (or take other disciplinary action on) any license or certificate when the Board determines that a holder thereof has committed any of the following:

(1) Knowing or deliberate disregard of this Article or the Building Code or any other Code adopted by the Town related to a specific construction project under the responsibility of the Contractor;

(2) Failure to comply with any lawful order of the Building Official;

(3) Misrepresentation of a material fact in obtaining a Building Permit or Contractor's License;

(4) Employing subcontractors to perform Construction which a Contractor's License is required under this Article when such workers are neither employees nor exempt as defined under this Article; or

(5) Requesting of repeated inspections when such inspections reveal that the work performed by the Contractor fails to comply with the Building; and such repeated noncompliance occurs in a manner or to an extent that demonstrates that the Contractor is either negligent, is not providing adequate supervision, or is not qualified to perform or supervise the work.

When a Contractor's License is revoked, the holder shall not be granted another Contractor's License without approval of the Board. After revocation, the Board, in deciding whether to approve a new Contractor's License, shall determine whether the applicant has demonstrated that any governmental disciplinary actions that have been taken against any Contractor's License currently or previously held by the applicant have resulted in the rehabilitation of the applicant to good and disciplined character for lawful conduct as a Contractor. When the Board suspends a Contractor's License, the Board shall state the period and conditions of the suspension.

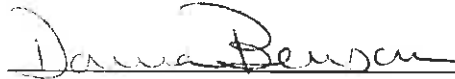
In addition to the suspension or revocation of a Contractor's License by the Board as provided herein, any person, firm, or corporation violating any of the provisions of this Article or any lawful rule or regulation of the Board, or any lawful order of the Building Official, shall be deemed guilty of a misdemeanor and subject to the penalties set forth in this Code.

Any person, firm, partnership, corporation, association, other organization or any combination thereof shall pay an

investigation fee to the Building Official when such party performs or causes Construction to be performed for which a Contractor's License is required without first obtaining the required license. The fee shall be equal to and in addition to the license fee and shall be paid before the applicable license may be issued.

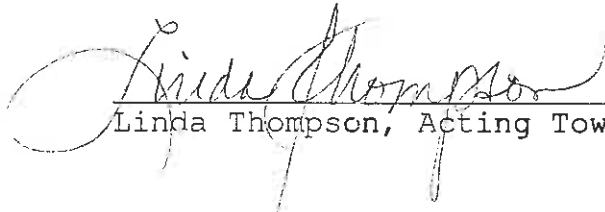
INTRODUCED, READ, PASSED AND ADOPTED BY A VOTE OF THREE FOURTHS OF ALL THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH AS AN ORDINANCE AND ORDERED PUBLISHED THIS 16TH DAY OF NOVEMBER, 2005.

TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Linda Thompson, Acting Town Clerk