

Posted at the City Clerk Public Notice Board
July 6, 2000. Effective July 10, 2000.

City of Grand Junction
Public Works Department
ADMINISTRATIVE REGULATION NO. 04-00
Contractor's Licensing

Topic:

Wall paper, carpet, vinyl, and wood tile installers are not "contractors."

Background and Purpose:

The purpose of this Administrative Regulation is to interpret and clarify the City's Contractor's Licensing Ordinance, specifically §10-81(a), which defines "contractor."

For many years carpet layers, wall paper hangers, and installers of vinyl and wood tile for floors have been licensed as contractors under the City's Contractor's Ordinance, codified at §§10-81 through 10-95 of the City Code. Recent enforcement efforts led to carpet layers asking that the City reexamine this long-standing policy.

Among other things, the City's Contractor's Licensing Ordinance is a method to increase the likelihood that structures are built safely and efficiently, by requiring compliance with adopted building codes, and to make minimal verification of insurance coverage and financial capabilities.¹ The recent argument is that even if carpeting, wall paper, floor vinyl and floor wooden tile are improperly installed, there is no significant danger to persons or risk of damage to the structure. The Uniform Building Code supports this analysis in that floor coverings are not required before a residence can be lawfully occupied.

A related question must also be addressed: if carpet layers are not "contractors," then what about painters, wood trimmers, concrete floor installers, dry wall finishers, stucco finishers, window installers, ceramic tile installers and other crafts not mentioned? The answer is that each of the crafts not mentioned can be more risky or there are other reasons to continue to require licensing.

For example, even though interior painting may be no more dangerous than installation of wall paper, typically painters do not specialize on just interior work. Thus, a painter doing interior work will also paint the exterior of a structure, and outside painting is UBC regulated (weatherproofing). Another example: We agree that a concrete floor which is only 1/2 " thick may very well be easily supported by the standard floor support system and arguably should be able to be installed by anyone. However, a too thick concrete floor can easily over load a "standard" load bearing system,

¹ No private or other duty or cause of action is being created or assumed by the City's Contractor's Licensing Ordinance or this regulation. The statements about purpose are for background only and should never be construed as a basis to make the City, or its employees, agents, and assigns liable for failure to enforce or failure to properly enforce any provision of any ordinance or City requirement.

thus licensure makes sense. Like painters, ceramic tile installers do not specialize in only one part of the industry, such as flooring; normally one person contracts for the flooring and also installation of bathroom and kitchen tile. Thus other than wood and vinyl tile, other tile installation will continue to be regulated since bathroom and kitchen tile work is UBC regulated. Similar arguments support my conclusion to limit the exception to only those persons installing commercially made carpeting, vinyl (tile or sheet), manufactured wood floor tile, and wall paper hangers.

Any date this new regulation is effective will be unfair to someone. For those craftsmen who have been ordered to desist until they obtain a license, this regulation will seem to have unfairly penalized them. In a way this is true. However, I see no alternative other than making the new rule effective some significant time in the future, such as the next January 1st. I decline to follow that logic since I have already concluded that the central purpose of the Contractor's Licensing Ordinance is not served by licensure of carpet layers and the others specifically mentioned; delaying this decision does not serve the regulated industry or the public.

As the Director of Public Works and Utilities, I am authorized to adopt this regulation, and interpret this Code section, because part of my duties are to supervise the implementation of the City's building codes, via a contract with Mesa County. It is this contract that appoints the County's Building Department as the City's building department, including enforcement of the Contractor's Licensing Ordinance. While I am designated as the "official" City Chief Building Official, the County's Building Official acts as the City's Building Official on a day-to-day basis, pursuant to the City-County contract.

Administrative Regulation and Interpretation.

Based on the rationale and logic stated above, the definition of contractor, I interpret Section 10-81 (a) of the City Code to exclude from the definition of "contractor" carpet layers, installers of vinyl flooring, installers of wood tile flooring, and wallpaper hangers.

This regulation is effective as of 12:01 a.m., July 10th, 2000. Enforcement efforts shall remain unchanged until then. No refunds, partial or whole, of any fees, charges or other money paid for licensing as a contractor are authorized or contemplated by this regulation.

City of Grand Junction

/s/ Mark Relph

Mark Relph

Director of Public Works and Utilities

July 6, 2000.