

**ORDINANCE NO. 1000**

**AN ORDINANCE REGULATING THE LICENSING OF CONTRACTORS AND PROVIDING PENALTIES FOR VIOLATION OF ITS PROVISIONS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

Section 1. CREATION OF BOARD:

A. There is hereby created a Building and Contractor's Licensing Board consisting of seven (7) members, viz: The City Engineer; the Director of Public Works; the Building Inspector, who shall be secretary of the Board; a licensed, practicing architect, or a Civil or Structural Engineer; and three (3) contractors.

B. The City Engineer, the Director of Public Works and the Building Inspector shall occupy positions on the Board during their terms of appointment or of office. The other members of the Board shall be appointed by the City Council for two (2) year terms each, except that upon the initial appointment two (2) shall be appointed with terms to expire on January 1, 1958, and two (2) with terms to expire on January 1, 1959. If vacancies occur on the Board for any cause, the same shall be filled by appointment in the categories as the original composition of the Board. Each member shall hold over after expiration of his term until his successor has been appointed. No member shall be appointed to succeed himself.

C. Regular meetings of the Board shall be held on the fourth Thursday in the months of January, April, July and October. Special meetings shall be called at other times by the Building Inspector in his capacity as secretary of the Board in order to give proper service to applicants for licensing hereunder. A majority of the members of the Board shall also have the power to call a special meeting upon their own motion. Five (5) members shall constitute a quorum and a majority. Continued absence of any member from regular meetings of the Board shall, at the discretion of the City Council, render any such member liable to immediate removal from the Board. No Board member shall act in a case in which he has a personal interest.

D. At the first regular meeting in each year, the Board shall elect officers to serve for a term of one (1) year. These officers shall consist of a chairman and vice chairman, and the Building Inspector shall act as secretary.

Section 2. POWERS AND DUTIES OF THE BOARD. The Board shall have the following powers and duties:

A. To consider license applications, hold examinations for licenses, revoke licenses and do such other matters as pertain to the proper administration of this ordinance.

B. To adopt reasonable rules and regulations for the conduct of its business, and to render all decisions and findings in writing to the City Clerk with a duplicate copy to the applicant for license.

C. To recommend to the City Council such new legislation as is consistent herewith.

D. In the event of practical difficulties or undue hardships in carrying out the strict letter of this ordinance, the Board, in a specific case, by unanimous action, may vary the application of the regulations herein established in harmony with their general purpose and intent.

### Section 3. DEFINITIONS:

A. A "contractor", within the meaning of this ordinance, is any person, firm, co-partnership, corporation, association, or other organization, or any combination thereof:

1. Who undertakes with or for another, within the City of Grand Junction, to build, construct, alter, repair, add to, move, or wreck any building or structure or any portion thereof, or who undertakes the improvement of any building or structure for which improvement a permit is required and for which a charge is made, either by a fixed sum, price, fee, percentage, or other combination besides wages, or any combination thereof. Such definition shall include those normally denominated in the building trades as "sub-contractors."
2. Who builds, constructs, alters, adds to, moves, or wrecks any building or structure either on his own or other property for purpose of resale, except residence buildings, and buildings or structures accessory thereto, intended for his own personal use and occupancy. A home owner may secure a permit on only one residence in any twelve month period, and the construction of more than one residence by a person in any one year shall be construed to mean that such extra construction will be for resale purposes, and that such party is to be classified as a contractor.
3. The definition "contractor" shall not include:
  - a. A person who is paid wages by a home owner, as defined in Section 3-A-2 hereof, if the owner of the building or structure buys his own building material.
  - b. Plumbers, electricians or other specialized trades for which special licenses are required.

- c. Owners making ordinary maintenance repairs to any building, which repairs do not involve the structure of the building and on which a contractor is not employed.

B. For the purposes of this ordinance, contractors shall be divided into the following classifications for definition:

1. Contractor Unlimited: A contractor on an unlimited type or size of structure, as may by ordinance be permitted, shall be known as a "contractor unlimited."
2. Contractor Not to Exceed \$100,000.00: A contractor on a type or size of structure, as may by ordinance be permitted, on which the total value of all labor and materials used shall not exceed One Hundred Thousand (\$100,000.00) Dollars, shall be known as a "contractor not to exceed \$100,000.00."
3. Contractor Not to Exceed \$50,000.00: A contractor on a type or size of structure, as may by ordinance be permitted, on which the total value of all labor and materials used shall not exceed Fifty Thousand (\$50,000.00) Dollars, shall be known as a "Contractor not to exceed \$50,000.00."
4. Contractor Not to Exceed \$25,000.00: A contractor on a type or size of structure, as may by ordinance be permitted, on which the total value of all labor and materials used shall not exceed Twenty Five Thousand (\$25,000.00) Dollars, shall be known as a "contractor not to exceed \$25,000.00."
5. Special Contractor: A person who contracts for labor or for labor and material involving but one trade or one particular kind of work with the building industry, shall be known as a "special contractor."

C. The "Chief Building Official," within the meaning of this ordinance is the Building Inspector. The words "building official" shall be used in this ordinance to mean either the Chief Building Official or one of his deputies.

Section 4. LICENSES. No person shall engage in the business of a contractor as defined in this ordinance within the city limits of Grand Junction without having first obtained license from the City of Grand Junction. No building permits shall be issued to, nor any work performed by, any contractor who has not first obtained a license, or is delinquent in the payment of his annual fee, or whose license has been suspended or revoked by action of the Building and Contractor's Licensing Board. On any work requiring a licensed contractor, permits shall be issued only to the contractor or to his authorized representative. If any portion of the work be excluded from the contract, the application for permit shall state the portions so excluded. Should the contractor be discharged, or abandon the work, he shall notify the Chief Building Official in writing of

the fact. No further work shall be done until a new licensed contractor has been selected, who shall notify the Chief Building Official in writing of his selection to complete the work.

Section 5. CLASSES OF CONTRACTORS AND ANNUAL LICENSE FEE THEREFOR. For the purpose of providing for the regulation and licensing of contractors, such contractors are divided into the following classifications and shall pay as an annual license fee the amounts indicated.

A. Contractor Unlimited: Contractor unlimited shall pay an annual license fee of One Hundred (\$100) Dollars.

B. Contractor Not to Exceed \$100,000.00: Contractor not to exceed \$100,000.00 shall pay an annual license fee of Seventy Five (\$75) Dollars.

C. Contractor Not to Exceed \$50,000.00: Contractor not to exceed \$50,000.00 shall pay an annual license fee of Sixty (\$60) Dollars.

D. Contractor Not to Exceed \$25,000.00: Contractor not to exceed \$25,000.00 shall pay an annual license fee of Fifty (\$50) Dollars.

E. Wrecker: A "wrecking contractor" shall pay an annual license fee of Fifty (\$50) Dollars.

F. Special Contractor: Special contractor shall pay an annual license fee of Twenty Five (\$25) Dollars.

A person licensed as a special contractor shall be limited to the trade or particular kind of work specified in such license and such other work as may be incidental thereto, but shall not contract to do any work other than that so specified in his license. Nothing contained herein shall prohibit the issuance of one or more licenses for different trades or particular kinds of work to the same individual; provided, however, that such person shall be first duly examined and qualified by the Board as to each trade or particular kind of work.

#### Section 6. ISSUANCE OF LICENSES:

A. The determination of eligibility for licenses, all hearings for suspension or revocation of licenses, or other matters pertaining thereto shall be by the Building and Contractor's Licensing Board. Applications for contractor's licenses shall be on such forms, and the applicant shall furnish such information, as the Board may prescribe; and such applications shall be accompanied by an examination fee of Ten (\$10.00) Dollars. Examinations shall be given at reasonable intervals and if, in the opinion of a majority of the Board, the applicant is qualified by training and/or experience and is financially and morally responsible to fulfill the obligations of a contractor, it shall direct

the City Clerk to issue the applicant a license upon payment of the annual license fee herein prescribed.

B. Licenses may be renewed annually without further examination upon payment of the annual license fee on or before the 31st day of January of each successive year. Licenses which are one year or more in arrears may be renewed by the City Clerk only upon re-examination and payment of all fees as set forth above. License fees shall not be prorated for any portion of a year.

Section 7. REVOCATION OF LICENSE. A contractor shall be responsible for all work included in his contract, whether or not such work is done by him directly or by sub-contractor. He shall be responsible for all funds or property received by him for prosecution or completion of a specific contract or for a specific purpose. The Chief Building Official may, upon his own motion, and shall upon the verified complaint in writing of any person, require any contractor to appear before the Board for hearing upon five (5) days notice in writing, mailed to his last known post office address, and the Board shall have the power to temporarily suspend or permanently revoke a license if the holder thereof is found guilty of, or commits, any one or more of the following acts or omissions:

A. Abandonment of any contract without legal cause.

B. Diversion of funds or property received for performance or completion of a specific contract, or for a specified purpose in the performance or completion of any contract, and their application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of said contract.

C. Fraudulent departure from, or disregard of, plans or specifications in any material respect without consent of the owner or his duly authorized representative and the Building Inspector.

D. Willful and deliberate disregard and violation of the building code of the City of Grand Junction or failure to comply with any lawful order of the Building Inspector.

E. Failure to keep records showing all receipts and disbursements of the licensee in all of his transactions as a contractor as the term is defined in this ordinance, and to produce the same for examination by the Board when so required.

F. Misrepresentation of a material fact by applicant in obtaining a license.

G. The doing of any willful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured.

H. Fraudulent use of license to obtain building permits for another.

I. Carelessness or negligence in providing reasonable safety measures for the protection of workmen and the public.

J. Failure to obtain a building permit for any work as required by this code.

The Board may reinstate a license to any contractor whose license has been revoked, provided five (5) or more members of the Board vote in favor of such reinstatement for the reasons the Board may deem sufficient.

#### Section 8. SAFETY MEASURES AND INSURANCE COVERAGE.

A. All state laws and municipal ordinances dealing with measures for the safety of workmen and of the public shall be observed in addition to any requirements contained within this ordinance. Every contractor granted a license under the terms of this ordinance shall be required to maintain at all times Employees Liability, or Workmen's Compensation Insurance, Public Liability Insurance with minimum limits of not less than Fifteen Thousand (\$15,000) Dollars for one person and Thirty Thousand (\$30,000) Dollars for any one accident, and Property Damage Insurance with a minimum limit of not less than Ten Thousand (\$10,000) Dollars for any one accident.

B. At any time application is made for examination, and before a license can be issued, the contractor shall file with the City Clerk certificates of insurance for Employees Liability or Workmen's Compensation Insurance and Public Liability and Property Damage Insurance, showing the required minimum limits as set out above, the policy number or numbers, the name or names of the companies writing said insurance, the effective date of each policy, the expiration date of each policy, together with a statement and a copy of an endorsement placed on each policy or policies requiring ten (10) days notice in writing by registered mail to the City Clerk in the event of cancellation of the policy or policies for any reason. In the event of a cancellation of a policy, the City Clerk shall immediately notify the licensee and the Building Inspector, in his capacity as secretary of the Building and Contractor's Licensing Board, and the licensee shall be required to furnish a new certificate in full compliance with the terms of this ordinance within the ten-day period; otherwise, the license shall automatically be revoked. The license shall be reinstated by the Board when the licensee has furnished a certificate of insurance in compliance with this ordinance, unless such license is suspended for reasons other than the failure to file a proper certificate of insurance.

Section 9. BOND. Before any license, as provided by this ordinance, shall be issued for engaging in business as a contractor, such applicant shall file with the City Clerk a good and sufficient surety bond in the sum of Five Thousand (\$5,000) Dollars, payable to the City of Grand Junction, to be approved by the City Council, conditioned that he will save and keep harmless the City of Grand Junction and all persons therein of and from all damages on account of the failure of such contractor properly to build, construct, alter, repair, remodel or demolish any size or type of structure within the City of Grand Junction in a manner provided by the uniform building code or any

amendments thereto which have been or may be adopted by the City of Grand Junction.

Liability shall not extend to the contractor where plans and specifications are prepared by others, are approved by the Building Inspector and stamped or marked to show such approval, and the contractor conforms to such plans in his work, even though the building code is thereby violated.

Section 10. PENALTIES. In addition to suspension or revocation of licenses by the Board as provided by this ordinance, any person, firm, or corporation violating any of the provisions of this ordinance or any lawful rule or regulation of the Building and Contractor's Licensing Board, or any lawful order of the Building Inspector in his capacity of Chief Building Official, shall be deemed guilty of a violation of this ordinance 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 are committed, continued or permitted, and upon the conviction of any such violation such person shall be punished by a fine of not more than Three Hundred (\$300.00) Dollars or by imprisonment in the City Jail for not more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court.

Section 11. SEPARABILITY CLAUSE. If any section, sub-section or provision of this ordinance or the application thereof to any person or circumstance is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, sub-sections, provisions, or applications of this ordinance if they can be given effect without the invalid section, sub-section, provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 12. TITLE. This Ordinance shall be designated and known as Chapter 89, Contractor's Licensing Ordinance, appended to the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, and may be cited as such.

PASSED AND ADOPTED this sixth day of March, 1957.

/s/ W. D. Lowe  
President of the City Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1000 was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 6th day of March,

1957, and that the same was published in The Daily Sentinel a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 7th day of March, 1957.

/s/ Helen C. Tomlinson  
City Clerk

Proof of Publication March 11, 1957