

ORDINANCE NO. 2616

WHEREAS, the City Council has for a number of years regulated and licensed contractors, the building and construction of, and additions to, structures in the City, pursuant to City Code Sections 7-30 et. seq.; and

WHEREAS, the staff of the Building Department and the regulated community have recommended that the licensing process be streamlined and that objective guidelines be adopted by ordinance, for the guidance of all concerned; and

WHEREAS, the City Council determines that the public's safety and welfare is protected and promoted by an effective contractors licensing process which contains less subjectivity.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION;

1. City Code Section 7-33 is repealed and reenacted to read as follows: "Appeals from administrative decisions made by the Building Official shall be heard by the Building Board of Appeals which is established pursuant to the ordinance adopting the 1988 Edition of the Uniform Building Code. An appeal to said Board shall be initiated by an applicant for a license by submitting a completed appeal on an approved form to the Building Official within five days of mailing of notice of denial or other adverse decision."

2. City Code Section 7-34 is repealed and reenacted to read as follows: "The Building Board of Appeals, when meeting as the Contractors' Licensing Appeal Board, shall be governed by the rules applicable to the Building Board of Appeals insofar as applicable. The Building Board of Appeals shall be governed by such rules as will afford due process and fairness, as determined by said Board."

3. City Code Section 7-37 is repealed and reenacted to read as follows:

a. "The Building Official shall receive and consider license applications, hold examinations for licenses, and issue new licenses as appropriate. Each applicant shall submit in writing, on forms made available by the Building Official, a completed application for license, information establishing the applicant's net worth, assets and liabilities, additional personal information and such fees as are required by ordinance. The Building Official shall review the license application and shall issue the license if: he finds the application to be complete and proper; if the required examinations have been successfully completed; and appropriate fees and charges have been tendered."

Prior to issuing a license, the Building Official shall see that the following conditions are met:

(1) No general or special contractor license shall issue unless the applicant establishes that the applicant's net worth is equal to at least twenty-five percent (25%) of the stated dollar amounts in Section 7-32. An applicant for a "general contractor-unlimited" license shall establish that the applicant's net worth is at least twenty-five percent (25%) of \$750,000;

(2) The Building Official shall obtain a credit report, from a credit reporting agency approved by him, which establishes that

(a) There are no unsatisfied judgments against the applicant(s); and

(b) There are no overdue accounts. For the purpose of this subsection (b), overdue shall mean not having been paid within sixty (60) days of the due date;

(3) As an alternative to satisfying (a) and (b), above, the applicant may provide written evidence, from a surety company licensed to do business in Colorado, that the applicant is entitled, upon payment of the required fees, to obtain a bond at least equal to the dollar amount in the category for which the license is requested;

(4) With respect to partnerships, joint ventures and limited liability companies, the applicant(s) shall submit the necessary financial information or proof for the partnership, joint venture or company, as well as for each individual comprising the partnership, joint venture or company;

(5) The Building Official may require additional information, and may investigate at any time that a license is in effect, in order to determine if a licensee is acting pursuant to the requirements of this Chapter Seven. Failure or refusal of the licensee to supply such information shall constitute grounds for suspension or revocation of the license, which suspension or revocation shall be referred to the Building Board of Appeals for action by it;

(6) If an owner of a structure for which a building permit is required pays wages to a person, and such owner purchases such owner's own building materials, the Building Official may require of the owner that either the person performing the work and being paid wages or the owner provide proof that the owner is purchasing directly from the supplier;

(7) At any time that the Building Official has reasonable grounds to believe that a license's net worth is not sufficient to satisfy the standards of an applicant for such license, the Building Official may require that said licensee submit additional and/or updated information to evaluate whether or not to suspend or revoke said license. A licensee's failure to supply such information, or evidence of inadequate net worth shall be grounds for suspension or revocation by the Building Board of Appeals.

b. The Building Board of Appeals shall have the powers and duties set forth below:

(1) To consider appeals of license applications or rejections;

(2) Decide appealed issues concerning examinations and other administrative tasks assigned to the Building Official and to revoke/suspend any license, as well as to adopt reasonable rules and regulations for the conduct of its business;

(3) Render all decisions and findings in writing to the Building Official, with a copy to the City Clerk and a copy to the licensee or the applicant for the license.

c. In the event that undue hardship has arisen which results in an unfair application on the terms of this article, the Board may, in a specific case, by unanimous action, vary the application of the regulations herein so long as consistent with the general purpose and intent to protect the public and to maintain equal treatment among all licensees.

4. City Code Section 7-45 is amended to read as follows: "The Board may reinstate a revoked license if sufficient evidence is presented to the Board."

5. The adoption of this ordinance, and the several provisions hereof, shall not create, nor be construed to create, any duty or duties of care which did not otherwise exist.

Introduced this 4th day of November, 1992.

Passed and adopted this 18th day of November, 1992.

NAME

President of the City Council

ATTEST:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2616, 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 4th day of November, 1992, 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 19th day of November, 1992.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Published: November 6, 1992

Published: November 20, 1992

Effective: December 20, 1992