

ORDINANCE NO. 2478

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE III OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH REGULATES THE LICENSING AND REGISTRATION OF CONTRACTORS IN THE CITY

WHEREAS, the purpose of this and related ordinances is to update the city's building code, adopt changes made in the various 2021 editions of the International Codes, apply city-specific revisions to the adopted codes, and to simplify, consolidate, and clarify the city's building code support functions such as appeals, violations, contractor licenses, fees and third-party services; and

WHEREAS, Article III, entitled "Licensing or Registration of Contractors," outlines the various classes of contractors and the requirements for licensure in the city. This article has been updated to align with state requirements and to differentiate between contractors that are licensed by Community Development and Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Chapter 5 Article III of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A, with a redlined version attached as Exhibit B.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF APRIL, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF MAY, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A to Ordinance 2478
(Clean Version)

CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE III. LICENSING OR REGISTRATION OF CONTRACTORS

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Sec. 5-36. - Licensing or registration required.

- (a) It shall be unlawful for any person to engage in any of the trades, business or occupations enumerated below in the city, or in any construction work pursuant to such trades, businesses or occupations in the city, without having first obtained a license from the city for the work authorized by such license:
- (1) General building contractor for the following classes:
 - a. Class A, for construction of any and all types of structures;
 - b. Class B, for construction of structures up to and including three (3) stories;
 - c. Class C, for construction of one- or two-family dwellings;
 - (2) Mechanical contractor;
 - (3) Excavation contractor;
 - (4) Roofing contractor;
 - (5) Sign contractor;
 - (6) Elevator contractor;
 - (7) Fire protection contractor;
 - (8) Fence contractor;
 - (9) Lawn sprinkler contractor;
 - (10) Right-of-way construction contractor;
 - (11) Asbestos abatement contractor;
 - (12) Alarm system contractor (registered electrical contractors are not required to obtain a separate alarm system contractor's license);
 - (13) Drywall contractor.
- (b) It shall be unlawful for any person to engage in the trade, business or occupation of construction work in the city as an electrical or plumbing contractor, without having first registered as a contractor with the city.

Sec. 5-37. - Application.

Application for license or registration pursuant to this article for the occupations, trades and businesses enumerated in section 5-36 shall be made to the director of the applicable department. The application for every license and registration required by this article shall contain:

- (1) The name of the person desiring such license or registration, as the case may be;
- (2) The residence of each applicant, or of each of the individual members of the firm if a sole proprietorship or partnership, and of each of the directors if a corporation,

and the principal place of business of the applicant;

- (3) The kind of license or registration desired;
- (4) The address of the place of business of the applicant;
- (5) Any other relevant information required by the director of the applicable department pertaining to the license or registration sought.

Sec. 5-38. - Fees established.

The annual license fee and registration fee for conducting any of the trades, businesses or occupations enumerated in section 5-36 shall be set by resolution of the city council and shall remain in effect until such resolution is amended by action of the city council.

Sec. 5-39. - Partial payment of fee.

No partial payment shall be received by the director the applicable department for any license or registration fee, and the director of the applicable department is hereby prohibited from receiving any less sum than the amount required by the terms of the provisions pertaining to the particular license or registration applied for.

Sec. 5-40. - Insurance.

All applicants pursuant to this article shall, along with the application for the license or registration herein authorized, submit proof of general liability insurance in an amount not less than three hundred thousand dollars (\$300,000.00) per accident. Such proof of insurance shall be in the form of a certificate of insurance, which names the City of Commerce City as a co-insured thereon.

Sec. 5-41. - Proof of applicant's ability.

The director of the applicable department shall have the right to require an applicant to show proof of ability to perform satisfactorily in the business, trade or occupation for which the license or registration is applied for. Such proof of ability may be required to be evidenced in a fair and impartial manner by approved tests or by certification.

Sec. 5-42. - Exhibition of license or registration upon request.

It shall be the duty of every person receiving a license or registration pursuant to this article to exhibit any such license or registration upon request of a law enforcement officer or a duly appointed representative of the city.

Sec. 5-43. - Suspension or revocation.

- (a) The director of the applicable department may, for unskillfulness, carelessness, willful violation of any lawful directions or orders or for any violation of the ordinances of the city, recommend to the board of building code appeals the suspension of a license or registration required by this article.
- (b) In emergency cases, as determined by the director of the applicable department, and with probable cause to suspect that the person licensed or registered pursuant to this chapter is not qualified to perform the work authorized by such license or registration, may summarily suspend any license or registration required by this article for a period not to exceed thirty (30) days. During this thirty-day period, the director of the applicable department shall forward notification of the suspension to the board of building code appeals for a hearing of the matter. The board of building code appeals may, after a full hearing on the charges, suspend any license or registration.

- (c) Notice of the hearing to be held pursuant to this section shall be given to the holder of such license or registration, as the case may be, at least seven (7) days before the hearing is held. Such notice shall be given in writing either personally or by certified mail, return receipt requested, at the last known address of the person holding such license or registration as shown by the records of the city.

Sec. 5-44. - Expiration.

All licenses and registrations required by this article shall expire with the calendar year in which the same are issued, and all licenses and registrations shall be issued on a calendar year basis only.

****END OF EHIBIT A****

Exhibit B to Ordinance 2478

(Additions are indicated in blue text, deletions are indicated in red, strikethrough text)

CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE III. LICENSING OR REGISTRATION OF CONTRACTORS

Sec. 5-36. - Licensing or registration required.

(c) It shall be unlawful for any person to engage in any of the trades, business or occupations enumerated below in the city, or in any construction work pursuant to such trades, businesses or occupations in the city, without having first obtained a license from the city for the work authorized by such license:

(1) General building contractor for the following classes:

- a. Class A, for construction of any and all types of structures;
- b. Class B, for construction of structures up to and including three (3) stories;
- c. Class C, for construction of one- or two-family dwellings;
- d. ~~Class D, for construction of residential remodeling or additions to residential structures, for construction of garages, siding and similar type work;~~

~~(2) — Plumbing Contractor;~~

~~(3)~~(2) Mechanical contractor;

~~(4)~~(3) Excavation contractor;

~~(5)~~(4) Roofing contractor;

~~(6)~~(5) Sign contractor;

~~(7)~~(6) Elevator contractor;

~~(8)~~(7) Fire protection contractor;

~~(9)~~(8) Fence contractor;

~~(10)~~(9) Lawn sprinkler contractor;

~~(11)~~(10) Right-of-way construction contractor;

~~(12)~~(11) Asbestos abatement contractor;

~~(13)~~(12) Alarm system contractor (registered electrical contractors are not required to obtain a separate alarm system contractor's license);

~~(14) — Concrete flatwork contractor;~~

~~(15)~~(13) Drywall contractor.

(d) It shall be unlawful for any person to engage in the trade, business or occupation of construction work in the city as an electrical or plumbing contractor, without having first registered as an ~~electrical~~ contractor with the city.

Sec. 5-37. - Application.

Application for license or registration pursuant to this article for the occupations, trades and businesses enumerated in section 5-36 shall be made to the director of ~~community development~~ the applicable department. The application for every license and registration required by this article shall contain:

- (1) The name of the person desiring such license or registration, as the case may be;
- (2) The residence of each applicant, or of each of the individual members of the firm if a sole proprietorship or partnership, and of each of the directors if a corporation, and the principal place of business of the applicant;
- (3) The kind of license or registration desired;
- (4) The address of the place of business of the applicant;
- ~~(5) The year for which the license or registration is sought;~~
- ~~(6)~~(5) Any other relevant information required by the director of ~~community development~~ the applicable department pertaining to the license or registration sought.

Sec. 5-38. - Fees established.

The annual license fee and registration fee for conducting any of the trades, businesses or occupations enumerated in section 5-36 shall be set by resolution of the city council and shall remain in effect until such resolution is amended by action of the city council.

Sec. 5-39. - Partial payment of fee.

No partial payment shall be received by the director of ~~community development~~ the applicable department for any license or registration fee, and the director of ~~community development~~ the applicable department is hereby prohibited from receiving any less sum than the amount required by the terms of the provisions pertaining to the particular license or registration applied for.

Sec. 5-40. - Insurance.

All applicants pursuant to this article shall, along with the application for the license or registration herein authorized, submit proof of general liability insurance in an amount not less than three hundred thousand dollars (\$300,000.00) per accident. Such proof of insurance shall be in the form of a certificate of insurance, which names the City of Commerce City as a co-insured thereon.

Sec. 5-41. - Proof of applicant's ability.

The director of ~~community development~~ the applicable department shall have the right to require an applicant to show proof of ability to perform satisfactorily in the business, trade or occupation for which the license or registration is applied for. Such proof of ability may be required to be evidenced in a fair and impartial manner by approved tests or by certification.

Sec. 5-42. - Exhibition of license or registration upon request.

It shall be the duty of every person receiving a license or registration pursuant to this article to exhibit any such license or registration upon request of a law enforcement officer or a duly appointed representative of the city.

Sec. 5-43. - Suspension or revocation.

- (d) The director of the applicable department ~~building official~~ may, ~~or~~ for unskillfulness, carelessness, willful violation of any lawful directions or orders ~~issued by the building official~~ or for any violation of the ordinances of the city, recommend to the board of building code

appeals the suspension of a license or registration required by this article.

- (e) In emergency cases, as determined by the ~~building-official~~ director of the applicable department, and with probable cause to suspect that the person licensed or registered pursuant to this chapter is not qualified to perform the work authorized by such license or registration, may summarily suspend any license or registration required by this article for a period not to exceed thirty (30) days. During this thirty-day period, the ~~building-official~~ director of the applicable department shall forward notification of the suspension to the board of building code appeals for a hearing of the matter. The board of building code appeals may, after a full hearing on the charges, suspend any license or registration ~~for a period not to exceed sixty (60) days. The board of appeals may also recommend to city council that the license or registration in question be suspended for more than sixty (60) days or that the license or registration be revoked. The city council, after a full hearing on the charges, may revoke or suspend any license or registration issued pursuant to this article.~~
- (f) Notice of the hearing to be held pursuant to this section shall be given to the holder of such license or registration, as the case may be, at least seven (7) days before the hearing is held. Such notice shall be given in writing either personally or by certified mail, return receipt requested, at the last known address of the person holding such license or registration as shown by the records of the city.

Sec. 5-44. - Expiration.

All licenses and registrations required by this article shall expire with the calendar year in which the same are issued, and all licenses and registrations shall be issued on a calendar year basis only.

****END OF EXHIBIT B****