



Community Development & Neighborhood Services

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BUILDING REVIEW BOARD

August 30, 2012

1:00 pm – 3:00 pm

City Council Chambers

300 LaPorte Avenue

AGENDA

1. Approve minutes from the July 26, 2012 Meeting

2. Contractor Licensing Ordinance Changes

3. Follow-Up Reports:
 - 312 E. Pitkin; Tonya Zook

4. Other Business
 - Community Score Card
 - 2012 I-Code Review Update

FORT COLLINS BUILDING REVIEW BOARD Regular Meeting – July 26, 2012 1:00 p.m.	
Council Liaison: Kelly Ohlson	Staff Liaison: Mike Gebo (416-2618)
Chairperson: Alan Cram	

A regular meeting of the Building Review Board was held on Thursday, July 26, 2012 at 1:00 p.m. in the Council Chambers of the Fort Collins Municipal Building at 300 Laporte Avenue, Fort Collins, Colorado.

BOARD MEMBERS PRESENT:

Alan Cram
 Andrea Dunlap
 Justin Montgomery
 Torey Lench
 Rick Reider
 Jeffrey Schneider
 George Smith

EXCUSED ABSENCES:

None

STAFF MEMBERS PRESENT:

Delynn Coldiron, Customer & Administrative Services Manager
 Mike Gebo, Chief Building Official
 Paul Eckman, Deputy City Attorney

ROLL CALL

The meeting was called to order and roll call was taken.

1. APPROVAL OF JANUARY 26 AND FEBRUARY 23, 2012 MINUTES:

A motion was made by Schneider to approve the January 26, 2012 minutes as written. The motion was seconded by Dunlap.

Vote:

Yeas: Smith, Dunlap, Schneider, Cram, Reider, Lench, Montgomery

Nays: None

Abstain: None

A motion was made by Dunlap to approve the February 23, 2012 minutes as written. The motion was seconded by Smith.

Vote:

Yeas: Dunlap, Schneider, Cram, Reider, Lench, Montgomery

Nays: None

Abstain: Smith

2. CODE APPEAL – 312 ½ EAST PITKIN, Appellant: Tonya Zook

Chairman Cram described the rules for hearing an appeal.

STAFF PRESENTATION:

Mike Gebo, Chief Building Official, presented an exhibit from the tenant at the property in question who was unable to attend the hearing. David Zook, attorney representing the appellant, objected to the exhibit on the grounds that it is hearsay. Paul Eckman, Deputy City Attorney, stated the exhibit is hearsay as the witness is not present. However, he noted that the City has allowed hearsay in the City's administrative hearing process.

Gebo discussed some specifics of this rental property and stated that the appeal resulted from the results of a rental investigation called for by the tenant, Annie Maggard. He stated that the appellant was requesting a review of a Code Official's order to correct on the grounds that the intent of the Code has been incorrectly interpreted and the provisions of the Code do not apply. The Code used for this type of inspection is the International Property Maintenance Code (IMPC), as adopted.

Gebo stated that an inspection of the property occurred on February 29, 2012. A results letter was sent on March 28, 2012 to the property manager, Kevco Property Management Company, and the property owner, Tonya Zook. Certain items were identified as needing repairs; the repairs were not made in the appropriate timeframe, and a second letter was sent April 28, 2012, which moved the status of the case to a violation.

Gebo noted the items which were found to be in violation of the IMPC and the related Code sections. Violations included exposed insulation in kitchen cabinets, electrical issues, bathroom issues, and a lack of egress windows. Gebo stated staff's contention is that the Code was properly interpreted with respect to the violations.

APPELLANT PRESENTATION:

Mr. Zook stated that the window requirement is met and noted the size of the windows in the unit. He questioned the credibility of the tenant and stated the unit has not been well kept. Mr. Zook stated the wiring in the unit complies with the Code in place at the time it was installed and built, which is the requirement. However, he stated that the electrical items mentioned in the letter would be addressed. He submitted exhibits including photographs of the kitchen cabinets and shower.

Delynn Coldiron, Customer and Administrative Services Manager, discussed the exhibits and listed them as follows:

- Exhibit 1 is a letter to the Building Review Board from Annie Maggard, the tenant;
- Exhibit 2 is a list of minimum habitability requirements;
- Exhibit 3 is appellants exhibit S-1, a photograph of the shower
- Exhibit 4 is appellants exhibit S-2, a photograph of the bathroom;
- Exhibit 5 is appellants exhibit S-3, a photograph of the shower;
- Exhibit 6 is appellants exhibit S-4, a photograph of the shower;
- Exhibit 7 is appellants exhibit C-1, a photograph of the kitchen;
- Exhibit 8 is appellants exhibit C-2, a photograph of the kitchen;
- Exhibit 9 is appellants exhibit C-3, a photograph of a cabinet;
- Exhibit 10 is appellants exhibit C-4, a photograph of a cabinet;
- Exhibit 11 is appellants exhibit C-5, a photograph of a cabinet;

- Exhibit 12 is appellants exhibit C-6, a photograph of a cabinet;
- Exhibit 13 is appellants exhibit W-1, a photograph of a window;
- Exhibit 14 is appellants exhibit W-2, a photograph of a window;
- Exhibit 15 is appellants exhibit W-3;
- Exhibit 16 is appellants exhibit L-1, a copy of the rental lease;
- Exhibit 17 is appellants exhibit 2, a listing for the address at 312 ½ East Pitkin of various Code sections, a drawing, and various measurements.

Mr. Zook described the photos and stated the lease calls for the tenant to keep the residence clean. He argued that the shower basin does not pose any potential risk to health or safety and stated there are no regulations that the shower basin not be made of concrete. Mr. Zook stated the tenant agreed to rent the property as is, per the lease. He went on to discuss the regulations relating to outlets and GFI outlets. He stated there are two windows large enough to meet both the old and new Code requirements and reiterated that there are no substandard or dangerous conditions in the unit.

AUDIENCE PARTICIPATION:

Fred Ward, Building Inspector, stated the tenant originally called the City Building Department with concerns about installing a new refrigerator. He added that whenever the department receives such a call, a full inspection is done on the rental unit. He confirmed that there are two windows; however, noted that they are inadequately sized and partially inoperable. Ward explained that the Code requires that a shower pan be sloped, have a liner, and be able to drain. He stated that the shower basin in question did not have any type of impervious surface and water is getting into the wall cavity. Ward also noted that property maintenance is the responsibility of the owner, not the tenant.

According to Ward, outlets in areas where there is water nearby are required to be GFI protected and new three-pronged outlets replacing two-pronged outlets need to be grounded. He expressed that this was an area of concern for this rental unit. Additionally, Ward noted that the cabinet below the kitchen sink had exposed insulation which was contaminating the tenant's pots/pans and dishes.

APPELLANT REBUTTAL:

Mr. Zook noted that the tenant rented the unit as is and stated a cabinet not made for food or dish storage should not be used as such. He stated the outlet issue would be resolved and disagreed that the windows are inadequately sized. He argued that the City has not made an adequate case, explaining that the City could not provide room dimensions in order to develop the standards for window sizing. He also mentioned that the reason the existing window was inoperable was because the tenant had installed an air conditioner unit.

STAFF COMMENTS:

Gebo stated that the Zook appeal is quite specific and appeals the City's order to make corrections based on the grounds that the intent of the Code was incorrectly interpreted and that the Code did not apply. He stated rental property is looked at differently than owner-occupied property as renters have no ability to make changes for property maintenance.

Deputy City Attorney Eckman asked about the City's failure to provide room dimensions. Gebo confirmed that staff did not have the exact dimensions of the bedroom; however, mentioned that the bedroom is required to have its own separate egress window, which it does not.

Deputy City Attorney Eckman asked about the Code requirements for egress windows. Gebo replied that current Code requires an egress window to be five square feet in size. He added that if the existing window did not meet the 1/8 floor area requirement, as required by the Code in place at the time the structure was built, a new window, meeting current Code must be installed.

There was some discussion around the legality of enforcing IPMC requirements solely on non-owner occupied housing. Deputy City Attorney Eckman noted Mr. Zook mentioned the Equal Protection Clause and stated laws have to be applied equally to each different class of persons. Eckman explained that a rational basis must exist in order to carve out a specific population for different treatment; in this case, that population is renters. The rational basis is that tenants typically don't have the ability to make changes to the property they are renting. It was his opinion that the rational basis would pass equal protection arguments as being a legitimate population to protect.

BOARD DISCUSSION:

There was discussion about the requirement that windows equal 1/8 of the floor space and whether the requirement was solely for light or if that amount of window space needed to be operable. Gebo replied that the Code in place at the time this home was built required windows, for both light and ventilation purposes, to occupy 1/8 of the floor area of the room. He explained that half of that space needed to be operable.

Dimensions of the apartment were requested. Ward replied that the entire apartment is approximately 400 square feet. He estimated the bedroom to be ten feet by twelve feet.

Schneider asked if there was a door between the bedroom and the living room. Ward replied that there was a doorway; however, he could not recall if there was a physical door.

Dunlap asked about the window air conditioner unit mentioned by Mr. Zook. Ward replied there was no air conditioner unit existing when he inspected the property in February. Mr. Zook stated that this would prove that the window in question was not fixed.

There was a question as to whether there was a way to open and close the window without having to physically remove the pane. Mr. Zook replied that the window can be pushed out and lifted off.

There was a question as to whether a screen exists on the window. Mr. Zook stated that he did not believe there was a screen and mentioned that an air conditioner now occupies the space.

There was a question as to which room the appellant's exhibit W-3 was taken as it clearly shows a double-hung window. Mr. Zook replied it was taken in the living room and clarified the two windows referenced are in the bedroom; there are several windows throughout the unit.

Reider asked if a 25" by 29" awning-style window would meet egress requirements, and if that window is within 48" above the floor deck. Ward replied there is a sill height requirement and a net clear area requirement. Mr. Zook stated the window would meet egress requirements.

Montgomery asked if the property would have needed to meet current codes at the time it was converted to a rental unit. Gebo confirmed that this would normally be the case; however, stated that there is no date recorded as to when the unit became a rental.

Mr. Zook noted the definition of substandard is that the building is in such disrepair as to pose a potential risk to life, health, property, or safety of the public or occupant. He added that, based on this definition, he did not feel that this unit could be classified as substandard and, therefore, should not be subject to corrections being requested. There was further discussion on this item.

Further discussion occurred on egress requirements. Gebo stated the 25" by 29" window is not large enough to meet requirements unless the room is only 36 square feet in size. He stated if the one window is hinged such that it drops off, the windows would meet light and ventilation requirements of the 1928 Code and would meet the intent of the egress requirement.

Reider asked if the bedroom door would also meet egress requirements. Gebo replied the bedroom can be considered part of the living room if 25% of the common wall is open with no obstructions. Reider asked if a French door would suffice. Gebo replied in the negative. He stated he is unsure if a door exists between the bedroom and the living room and is unsure of the size of the common wall.

Reider asked how Gebo would like the Board to proceed with a ruling given the lack of information. Gebo replied he could change his recommendation as he was unaware there were two windows in the bedroom. He said he would rescind the egress window portion of this case if it can be shown that there are two windows with openings for ventilation in the bedroom.

Deputy City Attorney Eckman and Gebo agreed they are ready to rescind that portion. Mr. Zook committed to ensuring the window is properly hinged.

Schneider asked if it is the Board's desire to address the appeal as written, or to address each specific item. Dunlap noted Mr. Zook has already agreed to fix the electrical and window issues.

A question was posed as to whether the Board had the right and responsibility to make a motion that might address specific aspects of the appeal. Deputy City Attorney Eckman replied the appeal requests a stay and review of the Code Official's order to correct in its entirety. Mr. Zook stated his argument is that today's Codes cannot be applied to this structure as it was compliant when built.

Deputy City Attorney Eckman asked Mr. Zook if he wanted answers to the question of whether or not the IPMC Code applies to this building and the question of whether or not the conditions are substandard. Mr. Zook confirmed this and added that he did not believe the Code would support an order to do anything with the shower or the cabinets because they are not substandard.

Schneider asked if the referenced Code is the 2006 International Property Maintenance Code, or the Rental Housing Code within the City. Gebo replied, prior to the IPMC, the City had building codes and rental housing codes. The old non-owner occupied housing standards were incorporated with the IPMC to create the new standards.

Schneider asked if landlords are required, per the IPMC, to change or modify without making property improvements prior to a unit being rented. Gebo replied there is nothing required to rent out a structure; however, a unit which is a rental needs to comply with the IPMC, per the text of the Code. Gebo noted the use of the word substandard applies to the unsanitary nature of the conditions.

Deputy City Attorney Eckman suggested the Board first address the issue as to whether or not the Code applies, then address whether or not these are substandard conditions, then go item by item.

Schneider asked if the structure must comply with current egress requirements regardless of when it was built. Gebo read a Code section stating that the minimum net clear opening size shall comply with the City building code that was in effect at the time of the construction, or shall provide a minimum net clear opening no less than 720 square inches.

Mr. Zook offered to clean up the cabinets, repair the shower, and install GFI outlets.

Montgomery made a motion that the 2006 International Property Maintenance Code is applicable to this property. Dunlap seconded the motion.

Vote:

Yeas: Smith, Dunlap, Schneider, Cram, Reider, Lenoach, Montgomery

Nays: None.

Abstain: None.

Cram suggested that each item be separately addressed. Mr. Zook stated that if the Board were to do this, he would rescind his offer to fix the items as his opinion is that the City does not have the authority to order that this work be done.

It was asked if Mr. Zook would be willing to stipulate to specific repairs and whether staff would be willing to accept that offer. Mr. Zook replied he is willing to offer repairs; however, he is not willing to agree that the City can order the repairs.

Deputy City Attorney Eckman stated that if Mr. Zook's offer satisfies the staff and Board, the recording of these proceedings could be enough to place the items on record. Mr. Zook replied he is not willing to be ordered to make the changes.

Gebo stated he would be willing to accept this arrangements. He added that had the items been repaired initially, this hearing would not have been necessary.

Cram asked if the unit could be inspected prior to the next tenant moving in. Mr. Zook agreed.

Deputy City Attorney Eckman stated the Board could continue the matter to the next hearing, at which point, the repairs should be done.

Mr. Zook stated the insulation would be covered in the kitchen cabinets, the shower would be repaired, GFI plugs would be installed where needed, the extension cord yard light would be removed, the air conditioner would be removed and the window repaired to operate in an acceptable fashion.

Schneider made a motion that Case #03-2012, 312 ½ East Pitkin Street, be tabled for one month to allow fix and re-inspection to occur. Dunlap seconded the motion.

Vote:

Yeas: Smith, Dunlap, Schneider, Cram, Reider, Lenocho, Montgomery

Nays: None.

Abstain: None.

3. CONTRACTOR APPEAL – RANDY DIONNE D/B/A WORK-A-HAULICS

STAFF PRESENTATION:

Coldiron stated the appellant obtained a Class E license with the City in 1993 and was granted an exam waiver from the Building Review Board at that time. The license remained in good standing through March 1, 2012, at which time the license expired due to non-renewal. She explained that the Code requires that licenses be renewed within 60 days, after which time applicants are considered new and are subject to current testing and experience requirements. The applicant maintains he was travelling from January through April and therefore did not see the renewal notice in the mail. Coldiron noted that the applicant has an arborist license and a City demolition license which are in good standing. She added that staff was recommending denial of this request as staff could find no peculiar hardship that exists in this case, as the applicant does not possess current testing or other training over current codes and because staff is unsure that approval of the request could be granted without substantial detriment to public good and without substantially impairing the intent and purposes of the Article.

APPELLANT PRESENTATION:

Mr. Randy Dionne, President of Work-a-Haulics, Inc., stated the license for which he applied in 1993 was a Class A license, for which he failed the testing due to the fact that he was using the current code book and the test was based on an older version. He noted that he would have passed had the test been updated to the newer book he was working from. Dionne explained that at that time, he went to the Board to receive approval for his license due to the mix-up. He stated he was given a Class E license based on the projects that were submitted for experience, and has worked with that over the years. Mr. Dionne stated that granting the renewal of his license would not pose any risk to the public and he requested an exam waiver from the Board for this purpose. He stated the City has his renewal funds and noted insurance issues have been remedied.

STAFF REBUTTAL:

Coldiron clarified that the 60 day expiration period has been in effect for more than twelve years. She stated insurance is not required as part of the license renewal process and had no bearing on his license getting renewed. She added that insurance is required prior to a permit being issued.

Coldiron explained that the appellant had attended both the 2003 IRC class and the 2006 IBC class and asked Dionne if he has attended any 2009 code classes. Mr. Dionne replied he has not attended any City classes and relies on internet research and other contractors.

Coldiron stated the City does have a videotaped class for the 2009 codes but it only pertains to the City amendments; the test would not cover the full code. Gebo stated there is no significant

difference between the 2006 and 2009 codes; however, the City amendments are significantly different. He added that for exam purposes, they would likely be quite similar.

APPELLANT REBUTTAL:

Mr. Dionne stated he operates with integrity and noted a license does not necessarily equate to safe operation.

Coldiron noted the Building Official used to be able to make decisions as to testing waivers; however, the Board is now charged with that decision in order to ensure a more fair and equitable process. She stated it is important that everyone be tested on current codes.

Mr. Dionne stated he would be agreeable to attending the 2009 amendments class.

BOARD DISCUSSION:

A question was posed as to whether the license would have been renewed had Mr. Dionne come in within the 60 day grace period. Coldiron replied it would have been renewed with the requirement that he take the next available 2009 code class.

A question was posed as to when the license officially expired. Coldiron replied she believed it expired March 1st, with the 60 day grace period beginning after that.

A question was posed as to the number of times the 2009 code class had been offered since March 1st. Coldiron replied it was offered twice since March as it is offered quarterly.

Mr. Dionne was asked if he had done any work since March 1st that would have required the license. Mr. Dionne stated he had not.

Mr. Dionne was asked if he was aware he would need to take the 2009 class. Mr. Dionne stated that he was aware of this.

Montgomery requested information regarding the difference between license classes and asked if the 2009 test is required for all licenses. Coldiron replied the Class E license is for commercial tenant finish work and the ICC exams are different based on the different license classes.

Montgomery asked if there is a class offered that would cover the 2009 codes as well as the Fort Collins amendments. Coldiron replied courses may be offered at Front Range Community College and there is a Construction Exam Center in Denver that will help people train for and pass tests.

Schneider asked if City staff is still proctoring testing. Coldiron replied City staff only proctors the Fort Collins amendments exam; all other tests, except framing, are being done with ICC.

Gebo stated the local amendments exam has not yet been updated to include the green building codes. He added that the videotaped class does include those codes.

Schneider asked Mr. Dionne if he was out of the state entirely between January and April. Mr. Dionne replied he was back and forth between Colorado and other states and had no one

checking his mail. He stated he called the Building Department and brought in necessary funds as soon as he realized the license had expired, which was near the end of May.

Chairman Cram asked if Mr. Dionne has any pending contracts which would necessitate immediate license renewal. Mr. Dionne stated that he did not. He noted a disability that makes testing challenging for him.

Coldiron noted there is a process through ICC for individuals with learning disabilities.

Montgomery made a motion to deny the request for an exam waiver. Schneider seconded the motion.

Vote:

Yeas: Dunlap, Schneider, Cram, Reider, Leno

Nays: Smith

Abstain: Montgomery

4. FOLLOW-UP REPORTS:

None.

5. OTHER BUSINESS:

Gebo distributed the proposed contractor licensing ordinance and stated he would make a presentation on the issue next month.

Coldiron provided a budget update. Reider added that he was appreciative of his opportunity to be involved, had a new perspective about the City's budgeting process and that City staff members are excellent stewards of the City's public funds.

Meeting adjourned at 3:56 p.m.

Mike Gebo, Chief Building Official

Alan Cram, Chair

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Municipal Code Chapter 15, Article V, Contractors

Sec. 15-151. Intent.

The intent and purpose of this Article is to establish minimum qualification, liability insurance and conduct standards for persons engaged in construction, alteration or repair of buildings or portions thereof and for persons performing specialized trades as regulated under this Article on such buildings, through the issuance of contractor licenses and supervisor certificates as provided hereunder.

(Ord. No. 36, 2001, 3-6-01)

Sec. 15-152. General.

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

(Ord. No. 36, 2001, 3-6-01)

Sec. 15-153. Definitions.

For the purpose of this Article, the following terms shall have the meanings indicated:

Board shall mean the Building Review Board of the City of Fort Collins.

Building code shall mean the building code adopted by the City as specified in Chapter 5, Article II, Division 2 of the Code.

Building Official shall mean the duly appointed City official as specified in the building code adopted by the City.

Construction shall mean the erection, alteration, repair or remodeling of any building or structure or portion thereof regulated by Chapter 5, Article II, Division 2 of the Code; and work regulated under the City mechanical code as adopted in Chapter 5, Article IV of the Code.

Construction value shall mean the total replacement costs, as defined in the building code, for a particular construction project.

Contractor, unless specifically exempted in the Article, shall mean any person, firm, partnership, corporation, association, other organization or any combination thereof, that undertakes with or for another on any property within the City any construction, demolition, or specialized trade for which a license as named in this Article is required and for which said construction or demolition a fixed fee, trade-in-kind or other compensation is made.

Deconstruction shall mean the systematic total removal of building components for the purpose of recycling or re-use.

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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.

Exempt specialized trade subcontractor shall mean any person, firm, partnership, corporation, association, other organization or any combination thereof **who is registered with the City as an Exempt Specialized Trade Sub-contractor**, which subcontractor is not an employee as defined in this Section, and which subcontractor is paid or otherwise compensated to perform construction or a trade for which a specialized trade contractor license as specified in this Article is required, except that any such subcontractor may perform such work without obtaining a license when such work is exclusively performed pursuant to a direct subcontract with a licensed specialized trade contractor. No subcontractor shall be exempt from the licensing requirements of this Article as an *exempt specialized trade subcontractor* when such subcontractor works pursuant to a direct subcontract with any of the Classes A, B, C-1, C-2, D-1, D-2 or E general contractors to perform construction regulated under this Article.

Significant structural alteration shall mean the structural modification of any building or portion thereof which entails the construction, alteration, replacement or repair of load-bearing elements including, without limitation, the foundation system, the bearing walls, the structural frame (as defined in the building code), the roof framing members or the floor framing members. Notching and boring of holes in such members for the passage of piping and wiring as permitted in the building code does not constitute *significant structural alteration*.

Supervisor shall mean a person who holds a supervisor certificate as specified in this Article and who is actively working exclusively for a licensed contractor expressly to provide direct, personal and ongoing on-site construction supervision of a construction project undertaken by the contractor. Such person must be an employee, an owner, or other person having substantial ownership interest in the contracting firm of said licensed contractor.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 2, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Editor's note—Definitions and rules of construction generally, § 1-2.

Sec. 15-154. License and registration required.

(A) Except as otherwise permitted in this Article, no person may perform construction work or trade as a contractor, **including deconstruction work**, named in this Article within the City without first obtaining a license and designating an approved supervisor, **or register** as specified in this Article. No building permits shall be issued to any contractor who has not obtained a license, does not have valid insurance as set forth herein, is delinquent in the payment of the biennial license fee or whose license is expired or has been suspended or revoked.

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- (B) For any construction requiring a licensed contractor, permits shall be issued only to the property owner, or to a licensed contractor or the contractor's authorized representative. ~~Or to an authorized representative of such owner or contractor.~~ Should a contractor be released from or abandon such construction project, said contractor shall immediately notify the Building Official, in writing, of such action. No further work shall be done on such project until the Building Official is notified in writing of such intended resumption of work by a licensed contractor.
- (C) No person shall engage in the business of contracting for the installation of electrical work in the City without registering as an electrical contractor with the Department of Community Development and Neighborhood Services. In order to register as required herein, the person must perform the following:
- (1) Be licensed as a master electrician by the State Electrical Board or have an employee so licensed. The registration required herein shall be valid only as long as the registrant is licensed or employs a person so licensed;
 - ~~(2) Observe all laws relating to safety of employees and the public at all times. Every such contractor shall maintain workers' compensation insurance as required by state law, and public liability insurance in the minimum amounts as follows: One hundred fifty thousand dollars (\$150,000.) per person, four hundred thousand dollars (\$400,000.) per accident, and four hundred thousand dollars (\$400,000.) per accident involving public property.~~
 - (2) Provide worker's compensation and general liability insurance as specified in Section 15-163;
 - (3) Pay a registration fee of fifty dollars (\$50.) to the City, valid for a period of one (1) year from the date of payment;
 - (4) Provide supervision and maintain licenses as required by the State Electrical Board for all apprentice and journeyman electricians.
- (D) No person shall engage in the trade, business or calling of a plumber or plumbing in the City until he or she shall register with the Department of Community Development and Neighborhood Services as a plumber. For the purpose of this Section, *plumbing contractor* means any person, firm, partnership, corporation, association or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs to potable water supply and distribution pipes and piping, plumbing fixtures, drainage and vent pipes and building drains, including their respective joints and connections, devices, receptacles and appurtenances. A registered professional engineer who plans or designs plumbing installations shall not be classified as a *plumbing contractor*.

No person shall engage in the business of a plumbing contractor in the City without registering as a plumbing contractor with the Department of Community Development and Neighborhood Services. In order to register as a plumbing contractor, the person desiring to engage in such business must do the following:

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(1) Be licensed as a master plumber by the State Examining Board of Plumbers or have an employee so licensed and registered. The registration as a plumbing contractor shall be valid only so long as the person registered is so licensed and registered or employs a person so licensed and registered;

(2) Observe all laws relating to safety of employees and the public at all times. Every such contractor shall maintain workers' compensation insurance as required by state law and public liability insurance in the minimum amounts as follows: One hundred fifty thousand dollars (\$150,000.) per person, four hundred thousand dollars (\$400,000.) per accident, and four hundred thousand dollars (\$400,000.) per accident involving public property;

(2) Provide worker's compensation and general liability insurance as specified in Section 15-163;

(3) Pay a registration fee of fifty dollars (\$50.) to the City, valid for a period of one (1) year from the date of payment;

(4) Provide supervision and maintain licenses as required by the State Examining Board of Plumbers for all apprentice and journeyman plumbers.

(E) No person shall engage in the business of an Exempt Specialized Trade Contractor in the City without registering as an Exempt Specialized Trade Contractor with the Department of Community Development and Neighborhood Services. In order to register as an Exempt Specialized Trade Contractor, the person(s) desiring to engage in such business must do the following:

(1) Register as an individual or as a company listing all employees to be recognized by the registration.

(2) List all Specialized Trade Contractors that are under contract with the Exempt Specialized Trade Contractor.

(3) Pay a registration fee of fifty dollars (\$50.) per individual or two hundred (\$200.) per company to the City, valid for a period of one (1) year from the date of payment.

(4) Provide worker's compensation and general liability insurance as specified in Section 15-163;

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 5, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-155. Exemptions.

The parties and conditions described herein shall be exempt from the general requirements specified in this Article:

(A) A building owner and any unpaid volunteers or paid workers employed by said owner who perform only minor alterations and repairs to such building, provided that all such work is under the continuous

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personal supervision of said owner. ~~For the purposes of this Section, minor alterations and repairs shall not include:~~

- (B) A building owner and any unpaid volunteers or paid workers employed by said owner may not engage in the following types of work without obtaining the appropriate contractor license:
- (1). ~~Significant structural alterations~~ Alterations to the primary or secondary structural frame work (except for the repair and replacement of existing windows and doors, provided that such repair or replacement does not create larger openings or greater spans for headers);
 - (2). Alterations to fire-resistive assemblies as defined in the building code;
 - (3). Alterations to or the installation of electrical, plumbing or mechanical systems, except for fixture replacement and emergency repairs: ~~;~~ and except as otherwise permitted in this Article;
 - (4). Replacement of more than a total of one (1) square (100 square feet) of roofing;
 - (5). ~~Any~~ Nonstructural construction, alterations or repairs to a building ~~or buildings~~ performed by the building owner(s), any unpaid volunteers, or paid workers employed by said owner and which alterations or repairs are otherwise exempted pursuant to this Section and which involve such elements as concrete slab on grade floors, masonry walls that are seventy two (72) ~~sixty nine (69)~~ inches or less in height, wood or steel frame systems, and wallboard; when the total construction value of all work (including the related work done on the project by licensed specialized trade contractors), within any twelve month period exceeds five ~~(\$5,000.)~~ two thousand dollars (\$2,000). for any one (1) such building or collectively exceeds ten thousand dollars (\$10,000.) for all such buildings combined.
- (C) An owner of a detached single-family dwelling, which is the owner's personal primary residence including any ~~and~~ associated accessory buildings, or any unpaid volunteer under the continuous personal supervision of the owner ~~of such buildings~~ who personally performs any construction, demolition, or deconstruction on the owner's personal residence and associated accessory buildings, provided that the owner commences construction of no more than one (1) such new dwelling within any twenty-four-month period. In the event such dwelling is destroyed or damaged, reconstruction thereof shall be exempt from the foregoing time period. Prior to performing any such construction, demolition, or deconstruction, the owner must demonstrate sufficient knowledge and proficiency required to perform said construction as determined by the Building Official.
- ~~(3) An owner or any unpaid volunteer under the continuous personal supervision of the owner of such building who personally demolishes any detached building housing an R-3 occupancy, as defined in the building code, or any building no larger than one thousand (1,000) square feet.~~
- (D) An employee of a contractor who is not otherwise regulated under this Article.

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- (E) A partner, owner, or other company official of a licensed contractor who performs on-site construction under the direction of a qualified supervisor.
- (F) An exempt specialized trade subcontractor **registered with the City and under a direct contract with a licensed specialized trade subcontractor** as defined in this Article.
- (G) Any person, firm, partnership, **or corporation, association, other organization or any combination thereof performing specialized construction related to a particular trade which is not otherwise regulated by this Article, including any such trade engaged in one (1) of the following types of construction or installations: plumbing and electrical work regulated elsewhere in this Code;** wallboard; **nonstructural** masonry; nonstructural wood frame systems; finish and trim carpentry; nonstructural concrete floors, sidewalks, stairs, landings, and drives; **structural and** nonstructural steel **frame** systems; siding; ceramic and synthetic tile; counter surfaces and cabinets; flooring and carpet; wall and ceiling finishes; insulation; glazing; windows and doors and associated hardware; rain gutters; fences; **above ground manufactured** swimming pools and spas; entertainment, data, and communication systems within any building including related wiring supplying not more than fifty (50) volts and which does not require a state electrical license; excavation and grading; landscaping; irrigation systems excluding back-flow prevention devices; sewer lines downstream of any building drain as defined in the Colorado Plumbing Code; elevators and escalators; and radon piping systems.
- (H) Any person who is, without pay or compensation of any kind, performing construction **or a specialized trade regulated under this Article** and who is supervised directly by a licensed contractor and supervisor as specified in this Article. **to ensure that such work conforms to the applicable code(s).**

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 3, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-156. Duties of Building Review Board.

The Building Review Board shall have the duties and perform the functions as set forth in § 2-119 of the Code, which duties and functions include, without limitation, hearing all matters related to the suspension or revocation of any supervisor certificate or license or registration of any plumber or electrician as provided in the Code. The Building Review 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 has determined qualifies the applicant to perform in a competent manner any construction authorized under the license or certificate sought, and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Article.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 4, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

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Sec. 15-157. Supervisor certificate; fees; examinations; renewals.

- (A) No contractor as defined in this Article shall perform construction, **demolition or deconstruction** that requires a permit without designating a supervisor to supervise such construction, **demolition or deconstruction** pursuant to this Article.
- (B) Prior to issuance of a building permit to the holder of any contractor license specified in this Article, the holder of said license shall possess a supervisor certificate or shall have employed at least one (1) supervisor who has obtained a certificate for the specific class or specialized trade specified in this Article required to perform the scope of construction described on said permit. A supervisor certificate is valid for a period of two (2) years from the date of issuance and the biennial fee for such certificate is twenty-five dollars (\$25.). Supervisors shall observe reasonable standards of attendance on construction sites as necessary to perform adequate supervision of such construction as further specified in § 15-161 of this Article.
- (C) Prior to obtaining a supervisor certificate, except as provided otherwise in this Article, an applicant for such certificate shall have passed a written examination administered **or approved** by the City or the equivalent of such examination as **specified herein, determined by the Building Official**. Every applicant who undergoes a written examination administered by the City shall pay a nonrefundable examination fee of seventy-five dollars (\$75.) prior to such examination. Any applicant who fails to achieve a minimum score of seventy-five (75) percent shall be entitled to another examination covering the same license class or specialized trade, provided that the applicant shall not be permitted more than two (2) such examinations within any six-month period unless otherwise approved by the Board. Alternatively, an applicant may be granted a third such examination within any six-month period upon the applicant demonstrating to the satisfaction of the Building Official adequate preparation for the examination by successfully completing a class or coursework covering the building code or other code as applicable, or the equivalent thereof as approved by the Building Official. The applicant shall pay a nonrefundable re-examination fee of fifty dollars (\$50.) for each subsequent examination covering the same license class or specialized trade. Examinations shall be given at a time and place designated by the Building Official. The written examination for a supervisor certificate may be waived by the Building Official provided that the applicant can prove that he or she has passed a satisfactory written examination equivalent in scope to that administered by the City.
- (D) A supervisor certificate may be renewed provided that the biennial fee is paid and renewal occurs within sixty (60) days following the anniversary date such certificate was issued, and further provided that the adopted building code or other applicable code over which an examination was administered remains in effect at the time of renewal. When such adopted code over which the renewing certificate holder passed an examination has been substantially revised prior to the time of such renewal, the certificate holder must **either pass a renewal examination administered by the Building Official for which no fee shall be assessed for such examination, or provide proof of having successfully completed training covering the current adopted applicable code or the equivalent thereof as approved by the Building Official.** **attest and certify, on a form provided by the City, that he has received and reviewed a copy of the City's latest amendments, or attends a City provided training class.** The holder of an expired certificate may be reissued such certificate by submitting a new application and paying all

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applicable fees as set forth in § 15-158. Such applicant shall not be required to pass an examination as prescribed in Subsection (c) above, provided that the adopted building code or other applicable code over which such applicant passed an examination remains in effect at the time the renewed certificate is obtained.

- (E) The Building Official may grant a temporary supervisor certificate valid for thirty (30) days without an examination based upon individual extraordinary circumstances and upon finding that any petitioner for such certificate is otherwise qualified. Any person seeking such temporary certificate must submit a written request describing in detail the justification for such certificate and a completed application for a supervisor certificate, including all necessary fees as provided in § 15-158.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 6, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-158. Applications; review; issuance.

- (A) Prior to being issued any license or certificate specified in this Article, all applicants for such license or certificate shall complete and submit to the Building Official an application containing the following information:
- (1) The individual applicant's name, the contractor's business name under which license the applicant is associated or will be working, a current mailing address and telephone number, **email address** and one (1) form of photographic identification of the applicant;
 - (2) Documents verifying that the applicant has acted in the principal role of contractor **project supervisor** or **other** primary **project** supervisory **role** on no less than three (3) separate completed building construction or specialized trade projects. A person other than the applicant must sign such documents; **one person can not be the signatory on all three (3) documents**. Said signatory shall be a project owner, a contractor, an architect, **or** a professional engineer **or other person** directly involved in the construction of said project, and said person shall have worked directly with the applicant. Additionally, said documents shall contain the following information where applicable to the license or contractor certificate sought:
 - a. The total floor area and number of stories (as defined in the building code) of each building in the project;
 - b. The building construction type as defined in the building code;
 - c. The building occupancy classification as defined in the building code;
 - d. The date the project was completed;
 - e. The address, contractor of record, and permit number (when applicable) for the project;

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- f. A description of the project which the applicant directly supervised or for which the applicant was the contractor of record, whichever is applicable, in sufficient detail to fully describe the extent of the construction or alteration or specialized trade work. Such description must describe all relevant work, such as that involving the foundation, the exterior structural elements, the interior bearing walls, the nonbearing walls and elements, the electrical systems, the plumbing systems, the mechanical systems, roofing, and any other specialized trade work that may be applicable to the license or certificate sought;
- g. A complete description of the applicant's position and responsibilities on the project; and
- h. The signatory's role in the project.

~~(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, or 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 the City or any other **contractor licensing agency or** jurisdiction) taken against **any contractor** **the applicant or against any** licenses currently or previously held by the applicant; and

(4) A signed statement by the applicant acknowledging the obligations associated with such license or certificate.

(B) All such applications shall be accompanied by a nonrefundable processing fee of seventy-five dollars (\$75.) for each such application.

(C) Subject to the qualification requirements of § 15-159 and subject to any applicable variances which may have been granted by the Board pursuant to § 15-156 and provided further that the applicant has not committed any acts described in § 15-162 of this Article without the Board having first conducted a hearing and having made a determination regarding the applicant's fitness to be granted a license or supervisor certificate, the Building Official shall issue to the applicant the license or supervisor certificate applied for upon receipt of all of the following:

(1) Evidence of a passing score on the applicable written examination or equivalent as specified in this Article;

(2) Payment of the applicable fee;

(3) Written proof of general liability and workers' compensation insurance as required in this Article; and

(4) **All documents required to be provided in (A) above.**

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(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 7, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-159. Minimum experience qualifications.

(A) Minimum experience requirements for Classes A, **A-DR**, B, **B-DR**, C-1, **C-1-DR**, C-2, **C-2-DR**, D-1, D-2, **D-DR**, E, **ER**, and **MM** general contractor licenses, specialized trade contractor licenses, and associated supervisor certificates as described in § 15-160 are as hereafter provided in this Section. In order to qualify for such minimum experience, all construction and specialized trade installation projects are subject to the Building Official's review and approval for sufficient variety and complexity. All such projects shall have been constructed or installed primarily by the applicant or under the applicant's direct control. The particular license type and respective required minimum documented experience are described as follows:

- (1) To qualify for a Class A license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of ~~two (2)~~ **three (3)** entire buildings ~~for which a minimum of a Class A license or contractor supervisor certificate is required, and not less than one (1) entire building for which a minimum of a Class A or a Class B license or contractor supervisor certificate is required.~~ **each over five (5) stories in height.**
- (2) To qualify for a Class A-DR license or supervisor certificate, the applicant must have acted principally in the role of supervisor for the significant structural repair construction on **three (3) buildings each over five (5) stories in height.**
- (3) To qualify for a Class B license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of **three (3) entire buildings for which a minimum of a Class A or Class B license or supervisor certificate is required. At least one (1) such building described herein shall be classified under the building code as Type I, Type II, or Type III construction.** **each over three (3) stories in height.**
- (4) To qualify for a Class B-DR license or supervisor certificate, the applicant must have acted principally in the role of supervisor for the significant structural repair construction on **three (3) buildings each over three (3) stories in height.**
- (5) To qualify for a Class C-1 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of **three (3) entire buildings of type III, IV, or V construction for which a minimum of a Class A, Class B or Class C-1 license or supervisor certificate is required. At least one (1) such building described herein shall be classified under the building code as Type I, Type II or Type III construction.** **with one or more buildings being at least three (3) stories in height.**
- (6) To qualify for a Class C-1-DR license or supervisor certificate, the applicant must have acted principally in the role of supervisor for the significant structural repair construction on **three (3)**

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buildings of type III, IV, or V construction with one or more buildings being at least three (3) stories in height.

- (7) To qualify for a Class C-2 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) entire buildings classified as Type V construction and of Group R occupancy. ~~for which a minimum of a Class A, Class B, Class C-1, or Class C-2 license or supervisor certificate is required.~~ At least one (1) such building described herein shall not be less than three (3) stories in height as defined in the building code. ~~or at least one (1) such building shall contain not less than sixteen (16) dwelling units.~~
- (8) To qualify for a Class C-2-DR license or supervisor certificate, the applicant must have acted principally in the role of supervisor for the significant structural repair construction on three (3) buildings of Type V Construction with one building being at least three (3) stories in height.
- (9) To qualify for a Class D-1 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) ~~completed new~~ entire buildings classified as R-3 Occupancies (single-family or townhomes). ~~homes or the equivalent thereof as determined by the Building Official.~~
- (10) To qualify for a Class D-2 license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) completed projects classified as additions or alterations to R-3 Occupancies (single-family or townhomes) each project being at least 1,000 square feet. ~~each with a construction value of not less than fifteen thousand dollars (\$15,000.) and each of which entails the significant structural alteration of or the addition to a single family home or equivalent structure as determined by the Building Official.~~
- (11) To qualify for a Class D-DR license or supervisor certificate, the applicant must have acted principally in the role of supervisor for the significant structural repair construction on three (3) buildings of Type V Construction classified as R-3 Occupancy (single-family or townhome).
- (12) To qualify for a Class E (commercial) license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the ~~construction~~ non-structural alteration of three (3) entire projects, each of which shall be non-residential in use. ~~entail, at a minimum, the nonstructural alteration of a building classified by the building code as other than a "Group R or Group U occupancy."~~ Each such project shall exceed twenty thousand dollars (\$20,000.) in total construction value and at least one (1) such project shall exceed fifty thousand dollars (\$50,000.) in total construction value.
- (13) To qualify for a Class ER (residential) license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the non-structural alteration of three (3) entire projects, each of which shall be residential in use. Each such project shall exceed fifteen thousand dollars (\$15,000.) in total construction value and at least one (1) such project shall exceed thirty thousand dollars (\$30,000.) in total construction value.

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- (14) To qualify for a Class MM license or supervisor certificate, the applicant must have constructed or acted principally in the role of supervisor for the construction of three (3) entire projects, such as storage sheds, playhouses, greenhouses, gazebos; unenclosed structures such as carports and patio covers, open porches and decks, each of which are associated with a detached single-family dwelling.
- (15) To qualify for any of the specialized trade contractor licenses or certificates regulated under this Article, the applicant must submit to the Building Official written verification describing experience in such specialized trade as prescribed hereunder:
- a. An applicant must submit written verification to the Building Official describing not less than ~~five (5)~~ **three (3)** completed projects which demonstrate that the applicant possesses at least ~~three (3)~~ **two (2)** years of supervisor experience in the specialized trade applicable to the particular license or contractor supervisor certificate sought. ~~for the following specialized trade contractor licenses or certificates: roofing, HVAC, refrigeration, fire sprinkler systems, special fire extinguishing, flammable fuel facilities, alarm systems, wood frame construction and cast in-place concrete.~~
 - b. ~~An applicant must submit written verification to the Building Official describing not less than five (5) completed projects which demonstrate that the applicant possesses at least one (1) year of supervisor experience in the specialized trade applicable to the particular license or contractor supervisor certificate sought for the following specialized trade contractor licenses or certificates: demolition, solar energy, gas piping, signs, WTS, awnings, miscellaneous and minor structures and fireplace appliances.~~

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 7, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-160. License classifications; fees; renewals.

- (A) The particular contractor license required and corresponding maximum scope of construction authorized under each license is described hereunder. All licenses are valid for a period of two (2) years from the date of issuance and the fee for each license is two hundred dollars (\$200.). A license may be renewed provided said biennial fee is paid within sixty (60) days following the anniversary date such license was issued. When the license fee is not paid within such sixty-day period, the license shall expire and is not eligible for renewal. The holder of an expired license may be reissued such license by submitting a new application and paying all applicable fees as set forth in § 15-158.
- (B) **Electricians, Plumbers and Exempt Specialty Trade contractors shall pay registration fees in accordance with § 15-154.**
- (C) **The Class A, A-DR, B, B-DR, C-1, C-1-DR, C-2, C-2-DR, D-1, D-2, D-DR, E, ER, and MM general contractor licenses described in this Section and their employees may perform Specialty Contractor work such as roofing, demolition or deconstruction, framing, and awnings on projects permitted to the general contractor. The listed licenses do not authorize the holders thereof or their employees to perform**

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Specialty Contractor work described to the following specialized construction trades: electric, plumbing, HVAC, refrigeration, solar energy, alarms, fire-sprinkler systems, special fire extinguishing, gas piping, WTS, and flammable fuel facilities.

- (1) A Class A general contractor license holder shall be authorized to construct, demolish, or deconstruct any building or structure in the City that is regulated under the building code ~~except as otherwise limited by this Article, including the installation of sidewalk, driveway, curb and gutter, provided that for said work in the public right-of-way, other requirements prescribed in this Code are met, and~~ including all work authorized by license types below this level.
- (2) A Class A-DR Structural Damage Repair/Restoration license holder shall be authorized to make repairs or restoration to structural damage to any building or structure in the City regulated under the building code including all work authorized by damage repair and restoration license types below this level.
- (3) A Class B general contractor license holder shall be authorized to construct demolish, or deconstruct any building or structure in the City regulated under the building code up to and including five (5) stories in height. ~~A Class B license holder is authorized to perform alterations on buildings over five (5) stories in height, provided that such alterations do not involve the structural frame as defined in the building code~~ and including all work authorized by license types below this level.
- (4) A Class B-DR Structural Damage Repair/Restoration license holder shall be authorized to make repairs or restoration to structural damage to any building in the City regulated under the building code up to and including five (5) stories in height and including all work authorized by damage repair and restoration license types below this level.
- (5) A Class C-1 general contractor license holder shall be authorized to construct, demolish, or deconstruct any building or structure in the City that is regulated under the building code and which does not exceed ~~two (2)~~ three (3) stories in height ~~nor more than ten thousand five hundred (10,500) square feet in total floor area. When any such building is classified by the building code as Type VN construction, the maximum allowable area may be that which is specified by the building code. A Class C-1 license holder is authorized to perform alterations on buildings over two (2) stories in height, when such alterations do not involve the structural frame as defined in the building code.~~ of construction types III, IV, and V, and including all work authorized by license types below this level.
- (6) A Class C-1DR Structural Damage Repair/Restoration license holder shall be authorized to make repairs or restoration to structural damage to any building or structure in the City regulated under the building code which does not exceed three (3) stories in height and limited to construction types III, IV, and V and including all work authorized by damage repair and restoration license types below this level.
- (7) A Class C-2 general contractor license holder shall be authorized to construct, demolish, or deconstruct any building or structure in the City classified by the building code as Type V construction and a Group R or a Group U, Division 1 occupancy which does not exceed three (3) stories in height and

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including all work authorized by license types below this level. A Class C-2 license holder is authorized to perform any work allowed under a miscellaneous and minor structure specialized trade contractor license and to construct other ancillary Type V buildings or structures not exceeding five thousand (5,000) square feet in total floor area that are associated with a particular multiple-unit housing project to be constructed by the license holder, provided that such other buildings are limited to functions such as management offices, community and recreation buildings, maintenance buildings and similar uses, and including other ancillary Type V buildings or structures that are associated with a particular multi-family housing project, such as management offices, community and recreation buildings, maintenance buildings and similar uses.

- (8) A Class C-2DR Structural Damage Repair/Restoration license holder shall be authorized to make repairs or restoration to structural damage to any building or structure in the City regulated under the building code classified as Type V construction and a Group R or a Group U, Division 1 occupancy which does not exceed three (3) stories in height and including repairs or restoration to structural damage to other ancillary Type V buildings or structures that are associated with a particular multiple-unit housing project and including all work authorized by damage repair and restoration license types below this level.
- (9) A Class D-1 general contractor license holder shall be authorized to construct, alter, repair or demolish or deconstruct any building or structure in the City classified by the building code as a Group R, Division 3 occupancy housing not more than two (2) dwelling units, or a Group U, Division 1 occupancy or townhomes (aka single-family attached) as regulated by the International Residential Code, including all work authorized by residential license types below this level. A Class D-1 general contractor license holder is authorized to perform any work allowed under a miscellaneous and minor structure specialized trade contractor license and to perform alterations and/or repairs to any building or structure in the City classified by the building code as a Group R, Division 1 occupancy and Type V construction, provided that any such work does not alter the structural frame as defined in the building code.
- (10) A Class D-2 general contractor license holder shall be authorized to construct, demolish or deconstruct residential garages of Group U, Division 1 occupancies up to 1,000 square feet; construct, demolish or deconstruct additions to detached single family dwellings; not exceeding one thousand (1,000) square feet in total floor area; to construct additions which do not exceed one thousand (1,000) square feet of floor area; and to perform any structural alterations demolitions and/or repairs, to any building or structure in the City classified by the building code as a Group R, Division 3 occupancy housing not more than two (2) dwelling units, or a Group U, Division 1 occupancy; and to construct or repair exterior decks of any size associated with single-family and/or multi-family projects, and including all work authorized by residential license types below this level. A Class D-2 general contractor license holder shall be authorized to perform any work allowed under a miscellaneous and minor structure specialized trade contractor license and to perform alterations and/or repairs to any building or structure in the City classified by the building code as a Group R, Division 1 occupancy and Type V construction, provided that any such work does not alter the structural frame as defined in the building code.

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- (11) A Class D-DR Structural Damage Repair/Restoration license holder shall be authorized to make repairs or restoration to structural damage to any building or structure in the City regulated under the building code as a Group R, Division 3 occupancy housing not more than two (2) dwelling units, or a Group U, Division 1 occupancy or townhomes (aka single-family attached) as regulated by the International Residential Code.
- (12) A Class E (commercial) general contractor license holder shall be authorized to perform any non-structural alteration work to any building or structure in the City including work authorized by license types below this level. ~~allowed under a miscellaneous and minor structure specialized trade contractor license and to perform alterations to any building or structure in the City, when such alterations do not include modifications to the structural frame as defined in the building code.~~
- (13) A Class ER (residential) general contractor license holder shall be authorized to perform any non-structural alteration work to any residential building or structure in the City regulated under the International Residential Code including single-family, duplex, and townhomes (aka attached single-family) including work authorized by Class MM (Miscellaneous and Minor Structures).
- (14) A Class MM (Miscellaneous and Minor Structures) general contractor license holder shall be authorized to construct, demolish or deconstruct the following projects associated with detached single family dwellings: detached structures such as shelters, storage sheds, playhouses, greenhouses, and gazebos, unenclosed structures such as open carports, patio covers, open porches, and decks. All such projects shall be limited to one-story buildings or structures not exceeding three hundred (300) square feet in floor area.
- (D) A Specialized Trade Contractor license and a Specialized Trade Contractor supervisor certificate shall be required for any contractor performing any specialized trade listed herein. Prior to any specialized trade supervisor being issued a supervisor certificate, the applicant for such certificate shall successfully complete a written examination as provided in § 15-157, or the applicant shall provide proof of equivalent technical qualification as determined by the Building Official. Applicants for a Specialized Trade Contractor license or a Specialized Trade Contractor supervisor certificate shall submit an application and documents verifying that the applicant has acted in the principal role of contractor or primary project supervisor on no less than three (3) separate completed specialized trade projects, as set forth under § 15-158 of this Article. Each specialized trade contractor license regulated under this Article is listed and described hereunder with respect to the scope of work authorized by each such license as follows:
- (1) *Roofing* authorizes the application of nonstructural roof covering and materials as regulated by the building code, including the replacement or repair of sheathing on existing roofs of slopes 2 inch in 12 inch or steeper.
- (2) *Roofing Plus* authorizes the application of nonstructural roof covering and materials as regulated by the building code, including the replacement or repair of sheathing on existing roofs of slopes less than 2 inch in 12 inch.

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- (3) *Demolition* authorizes the ~~dismantling or~~ razing of entire buildings and other structures regulated by the building code, excluding such work as **deconstruction**, partial, or interior demolition work associated with alterations.
- (4) *HVAC-C (commercial)* authorizes the installation of environmental non-portable heating, ventilation, air conditioning systems **including commercial boilers** and the related piping, ducts, venting, appliances, controls and electrical wiring (supplying not more than fifty [50] volts), **including all work authorized by HVAC-R and HVAC-RR. therefor as regulated under the mechanical code adopted by the City, excluding all other electrical and plumbing work requiring a state license.**
- (5) *HVAC-R (residential)* authorizes the installation of environmental non-portable heating, ventilation, air conditioning systems including residential boilers and replacement of equipment, for single-family dwelling units including duplex, multi-family and townhomes (aka single-family attached) and the related piping, ducts, venting, appliances, controls and electrical wiring (supplying not more than fifty [50] volts).
- (6) *HVAC-RR (repair and replacement)* authorizes the replacement installation of environmental non-portable heating, ventilation, air conditioning equipment and the related piping, ducts, venting, appliances, controls and electrical wiring (supplying not more than fifty [50] volts) associated with the repair or replacement.
- (7) *Refrigeration* authorizes the installation of non-portable evaporative, absorption and mechanically operated refrigeration equipment, including piping, vessels, controls and electrical wiring (supplying not more than fifty [50] volts). **therefor as regulated under the mechanical code adopted by the City, excluding all other electrical and plumbing work requiring a state license.**
- (8) *Solar energy PV* authorizes the installation of **solar heat and** photovoltaic collectors, **storage tanks and related piping,** and related electrical wiring supplying stand alone or utility grid systems. **not more than fifty (50) volts and nonpotable water piping, excluding all other electrical and plumbing work requiring a state license.**
- (9) *Solar energy hydronic* authorizes the installation of solar heat collectors, storage tanks and related piping, and related electrical wiring supplying not more than fifty (50) volts.
- (10) *Gas piping* authorizes the installation of piping and fittings for supplying fuel-gas, and the replacement of water heaters **as regulated under the mechanical code adopted by the City,** when such water heater replacement does not involve alteration of water supply piping or appliance venting.
- (11) *Signs* authorizes the installation and erection of permanent signs requiring a sign permit from the City, excluding electrical work regulated by the City electrical code requiring a state license.
- (12) *Fire sprinkler system* authorizes the installation of automatic fire suppression systems, including standpipes that use pressurized water as the primary extinguishing agent, and which are designed to

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protect entire buildings, rooms or areas and processes, other than **combination potable water/residential fire sprinkler systems** regulated under the **City fire International Residential Code**.

~~(9) *Special fire extinguishing* authorizes the installation of fire suppression systems for the protection of specialized hazards such as commercial kitchen equipment, paint booths, flammable liquid facilities and other special applications~~

(13) *Flammable fuel facilities* authorizes the installation, alteration or removal of tanks, piping and dispensing equipment for petroleum fuels or other fuels as regulated by the City fire code, including related electrical wiring supplying not more than fifty (50) volts.

(14) *Alarm systems* authorizes the installation, testing, maintenance, and servicing of fire **and security** alarms as specified in the applicable provisions of the National Fire Alarm Code, NFPA 72 and the National Electrical Code, NFPA 70; including related wiring supplying not more than fifty (50) volts that does not require a state electrical license.

(15) *Wood frame construction (framing)* authorizes the construction of Type IV and Type V structural framing systems as regulated under the building code, including the application of sheathing and siding.

(16) *WTS* authorizes the installation of outdoor wireless telecommunication systems, including related equipment, towers, antennas and the construction of unoccupied minor related buildings housing only equipment, and associated cables and electrical wiring supplying not more than fifty (50) volts that does not require a state electrical license.

(17) *Awnings* authorizes the erection and attachment of awnings to buildings as regulated under the building code, including such awnings incorporating signage or graphics requiring a sign permit from the City.

~~(15) *Miscellaneous and minor structures* authorizes the construction, repair or demolition of (a) detached structures such as shelters, storage sheds, playhouses, greenhouses, and gazebos; and (b) unenclosed structures such as open carports, patio covers, open porches, and decks. Any such work is further limited to one-story buildings or structures not exceeding two hundred (200) square feet in floor area and which contain occupancies limited to those classified by the building code as Group R, Division 3; Group S, Divisions 1 and 2; and Group U other than private garages.~~

(18) *Fireplace appliances* authorizes the installation of non-portable listed manufactured fuel-burning fireplace appliances and associated chimneys or vents **as regulated under the mechanical code adopted by the City**, excluding equipment for industrial processes or for providing primary space heating, ventilation, cooling or water heating; and excluding any building modifications, alterations or additions.

~~(17) *Cast in place concrete* authorizes the on-site forming and placement of structural, permanently cast in place concrete and reinforcement therein.~~

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(19) *Electricians* authorizes the installation of electrical systems as regulated by the State of Colorado.

(20) *Plumbers* authorizes the installation of plumbing systems as regulated by the State of Colorado.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 8, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-161. Responsibilities of contractor; supervisor.

- (A) The contractor of record as authorized by a building permit, shall be responsible for all work performed under said permit without substantial departure from the drawings and specifications filed and approved by the City as specified on the permit issued for said construction, unless changes are approved by the City, and shall observe the following standards:
- (1) The contractor of record shall obey any order or notice issued pursuant to **adopted codes of the City.** ~~this Article.~~
 - (2) The contractor of record shall observe generally accepted safety standards.
 - (3) The contractor of record shall employ an approved on-site supervisor as specified in this Article.
 - (4) The contractor of record shall maintain liability insurance and workers' compensation insurance as specified in this Article and provide proof of such insurance to the Building Official.
 - (5) The contractor of record shall provide proof of employment for employees who are performing construction work that is regulated under this Article by providing to the Building Official a copy of the signed Internal Revenue Service "Employee's Withholding Allowance Certificate (Form W-4)" for each such employee.
 - (6) The contractor of record shall identify all exempt specialized trade subcontractors under the contractor's supervision. ~~when so requested by the Building Official.~~
 - (7) When the contractor of record is a specialized trade contractor that directly subcontracts work to an exempt specialized trade subcontractor, the specialized trade contractor shall employ a supervisor who, ~~in addition to any other on-site attendance requirements of this Article,~~ shall be **readily available and** present full-time on the project site where such subcontracted work is being performed. ~~to ensure that when completed such work fully conforms to the applicable code(s).~~
 - (8) The contractor of record shall maintain a current mailing address, ~~and~~ a telephone number, **and email address** with the Building Official.
 - (9) The contractor of record may proceed with work only after all required permits have been obtained and shall obtain required inspections and authorization to proceed with the work authorized under the permit.

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(B) All supervisors shall be responsible for the supervision of construction in accordance with the requirements of this Article, and shall observe the following standards:

(1) All supervisors shall be on-site ~~and in person~~ on a regular basis throughout the entire construction or installation process to supervise the construction or installation work under the responsibility of a licensed contractor without substantial departure from the drawings and specifications filed and approved by the City as specified on the permit issued for said construction, unless changes are approved by the City.

~~Additionally,~~ When the contractor of record is a specialized trade contractor that directly subcontracts work to an exempt specialized trade subcontractor, a supervisor employed by such specialized trade contractor shall be ~~readily available and~~ present full-time on the project site where such subcontracted work is being performed. ~~to ensure that when completed such work fully conforms to the applicable code(s).~~ **A specialized trade contractor shall directly contract with only one level of exempt specialized trade sub-contractor. Exempt specialized trade sub-contractors shall not contract with another exempt specialized trade sub-contractor.**

(2) All supervisors shall obey any order or notice issued pursuant to **adopted codes of the City.** ~~this Article.~~

(3) All supervisors shall observe generally accepted safety standards.

(4) All supervisors shall present the supervisor certificate, or proof thereof, during the supervision of a project for which said certificate is required when so requested by the Building Official.

(5) All supervisors shall maintain a current mailing address, ~~and~~ a telephone number, **and email address** with the Building Official.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 9, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-162. Disciplinary procedures; violations and penalties.

(A) When the Building Official determines that a license holder or supervisor described in this Article has committed any of the acts outlined in Subsection (d) herein, or when a supervisor fails to provide adequate personal supervision on the work site, 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)~~ **forty-five (45)** days following the first commission of any such act and shall become effective immediately or when otherwise determined by the Building Official. Such ~~fifteen-day~~ **forty-five (45)** 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 or email** 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 affected license holder or supervisor of

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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 affected license holder or supervisor. Failure of any such person to receive such notification of suspension shall not invalidate any suspension imposed hereunder.

- (B) The Building Official shall, upon the verified complaint in writing of any person alleging any of the acts outlined in Subsection (d), convene the Board for the purpose of determining the verity of such complaint and taking appropriate action thereon. Notification shall be served to the affected license or certificate holder as prescribed in Subsection (a) above.
- (C) In the absence of a personal appearance on behalf of the licensee or certificate holder, ~~or the licensee's or certificate holder's representative,~~ the Board may take action on the matter based on the record. Any member of the City staff or any other party in interest may appear at such meeting and present evidence to the Board.
- (D) 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 the building code or any other code adopted by the City related to a specific construction project under the responsibility of the supervisor or license holder; ~~set forth in this Article;~~
 - (2) Failure to comply with any provision of the Code related to a specific construction project under the responsibility of the supervisor certificate holder or license holder; ~~as set forth in this Article;~~
 - (3) Failure to comply with any lawful order of the Building Official;
 - (4) Misrepresentation of a material fact in obtaining a building permit, license or supervisor certificate;
 - (5) The authorized holder of a license or supervisor certificate lending of or consenting to the use of such credential by persons other than the holder thereof;
 - (6) Failure to obtain any required permit for the work performed or to be performed;
 - (7) Commitment of any act of negligence, incompetence or misconduct in the performance of the contractor's specific trade which results in posing a threat to public health and safety;
 - (8) Performance of work for which a license or supervisor certificate is required without a valid, current license or supervisor certificate;
 - (9) The act of employing compensated workers who are performing construction or who are working in a trade for which a license or certificate is otherwise required under this Article when such workers are neither employees nor exempt specialized trade subcontractors as defined under this Article; or

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(10) The act of requesting of repeated inspections by a license holder or supervisor when such inspections are related to construction or trade regulated under this Article and which reveal that the work performed or supervised by said license holder or certificate holder failed to comply with the building code or other applicable code; and such repeated noncompliance occurs in a manner or to an extent that demonstrates that the license holder or supervisor is either negligent, is not providing adequate supervision or is not qualified to perform or supervise the work.

(E) When a license or supervisor certificate is revoked, the holder thereof shall not be granted another license or supervisor certificate under this Article without approval of the Board. In deciding whether to approve a new such license or supervisor certificate, the Board shall determine whether the applicant has demonstrated that any disciplinary actions that have been taken against any contractor license or supervisor certificate currently or previously held by the applicant (whether with the City or any other contractor licensing agency or jurisdiction) have resulted in the rehabilitation of the applicant to good and disciplined character for lawful conduct as a licensed contractor or certified supervisor (as applicable). When the Board suspends a license or supervisor certificate, the Board shall state the period and conditions of the suspension.

(F) In addition to the suspension or revocation of a license or supervisor certificate 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 § 1-15 of the Code.

(G) Owners who obtain permits for work on their primary residence and hire un-licensed contractors for work which requires a licensed contractor or licensed specialty trade contractors shall violate the provisions of this Article and shall be deemed guilty of a misdemeanor and subject to the penalties set forth in § 1-15 of the Code.

(H) 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 to be performed construction or a trade for which a contractor license as specified in this Article is required without first obtaining the required license. Such fee shall be equal and in addition to the license fee and shall be paid before the applicable license may be issued.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 108, 1992, § 10, 11-3-92; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Cross-reference—General penalty, § 1-15.

Sec. 15-163. Safety and insurance requirements.

All laws relating to safety of employees and the public shall be observed at all times by any contractor or exempt specialized trade subcontractor. Every such contractor or exempt specialized trade subcontractor shall maintain workers' compensation insurance as required by state law, and public general liability insurance in the minimum amounts as follows: ~~three hundred thousand dollars (\$300,000.)~~ one million dollars (\$1,000,000) per

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person, ~~five hundred thousand dollars (\$500,000.)~~ two million dollars (\$2,000,000) per accident and ~~five hundred thousand dollars (\$500,000.)~~ two million dollars (\$2,000,000) per accident involving public property.

(Ord. No. 75, 1987, § 1, 5-5-87; Ord. No. 120, 1995, 10-3-95; Ord. No. 36, 2001, 3-6-01)

Sec. 15-164. Transition provisions.

- (A) Any holder of a valid contractor license or supervisor certificate prior to the effective date of this Article shall be eligible to maintain the same such license or certificate without additional application fees or examination provided that such license or certificate remains valid throughout the current annual term of such license or certificate. Thereafter, any such contractor license or supervisor certificate shall be subject to renewal provisions as prescribed in this Article.
- (B) Any person holding a valid specialized trade contractor license prior to the effective date of this Article shall be eligible for the applicable specialized trade supervisor certificate without additional application fees or further written examination, provided that such person is performing the duties of a supervisor and is verified as having passed a written examination or the equivalent as approved by the Building Official. Failure of the license holder by July 1, 2001, to obtain either such supervisor certificate or employ a person who holds such supervisor certificate authorizing the performance of such specialized trades in the City, shall be grounds for imposing the penalties as prescribed under this Article.
- ~~(c) Any person, firm, partnership, or other organization that holds a current valid home improvement license prior to the effective date of this Article shall be eligible for a miscellaneous and minor structures license and supervisor certificate without additional application fees or written examination throughout the current annual term of such home improvement license. Thereafter, all such licenses and supervisor certificates shall be issued as prescribed in this Article.~~
- ~~(d) Any person, firm, partnership, or other organization that is performing one (1) of the specialized trades described under this Article as cast in place concrete, fireplace appliances, or awnings in the City shall obtain such applicable license and supervisor certificate by July 1, 2001, or be subject to the penalties prescribed under this Article.~~

(Ord. No. 36, 2001, 3-6-01)