

ORDINANCE NO. 3834-12

AN ORDINANCE FOR THE LICENSING AND FEE PROCEDURES FOR GENERAL CONTRACTORS, ELECTRICIANS, PLUMBERS & HVAC MECHANICS AND REPEALING ORDINANCE 3739-09; AND CHAPTER 6, ARTICLE VIII OF THE MUNICIPAL CODE OF THE CITY OF OTTAWA, KANSAS, 1997 WILL BE REPLACED IN ITS ENTIRETY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS

**ARTICLE VIII
DEFINING THE LICENSING AND FEE PROCEDURES FOR
GENERAL, SPECIALTY AND TRADE CONTRACTORS**

Sec. 6-801 PURPOSE.

The purpose of this Article is to ensure that all persons desiring to perform contracting work in this City be duly licensed to ensure capable and skilled craftsmanship. This article will also provide protection of the public and provide recourse if work is incomplete and non compliant.

Sec. 6-802 DEFINITIONS.

Building Official: The officer(s) or other designated authority charged with the administration and enforcement of this code, or the building official's authorized representative.

Code Inspector: The building official's authorized representative.

Occupational License: A privilege granted by the City to engage in a building trade, which by law has specific requirements that must be met.

Contractor: The term "contractor" shall mean any person, firm, co-partnership, corporation, association, or combination thereof, who engages in the business or trade of general contracting, plumbing, electrical or heating, ventilation and air conditioning mechanic (HVAC), and employs others certified in general contracting, plumbing, electrical or heating, ventilation and air conditioning mechanics for the purpose of the business.

General Contractor: The term "general contractor" shall mean any person engaging in a Class A, Class B, Class C.

Specialty Contractor: The term "specialty contractor" shall mean any person engaging in a Class R, Class S, or Class SP.

Trades Contractor: The term "trades contractor" shall mean any person engaging in electrical, plumbing, or heating, ventilation and air conditioning mechanic (HVAC).

Class A Contractor: The term "Class A Contractor" shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to construct, remodel, repair, and demolish any structure. Also shall entitle the license holder to perform remodeling, tenant finish, and repairs of all structures. A

Class A license does not entitle the licensed company to perform heating, ventilation and air conditioning mechanic, plumbing, or electrical work.

Class B Contractor: The term “Class B Contractor” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to construct, remodel, repair, and demolish all structures not exceeding three stories in height. Shall also entitle the license holder to perform non-structural remodeling, tenant finish, and repairs to all structures. A Class B license does not entitle the licensed company to perform heating, ventilation and air conditioning mechanic, plumbing, or electrical work.

Class C Contractor: The term “Class C Contractor” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to construct, remodel, repair, and demolish **single and two family** residences, accessory buildings, and decks. A Class C license does not entitle the licensed company to perform heating, ventilation and air conditioning mechanic, plumbing, or electrical work.

Class R Contractor: The term “Class R Contractor” (Roofing) shall mean a person who can show qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to install, maintain, repair, replace, and remove the roof assembly of any structure, including the roof deck, vapor retarder, substrate, thermal barrier, insulation, and roof coverings of all types. A roofing contractor may do structural repairs limited to replacement of rafters and overhangs in kind.

Class S Contractor: The term “Class S Contractor” shall mean a person who can show qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to a specified area of work which may include, but not limited to:

Siding shall entitle the holder to install vinyl, metal, or wood siding.

Demolition shall entitle the holder thereof to demolish any building.

Concrete/foundation shall entitle the holder thereof to perform general concrete work to include the placing and erecting of steel or bars for the reinforcing of mass, such as footings, basement walls, or other structural building elements, pavement, flat and other concrete work.

Framing shall entitle the holder thereof to fabricate and install any wood product in a structure including, but not limited to rough framing, structural and nonstructural work, trusses, sheathing, paneling trim, cabinetry, doors and windows and all hardware incidental thereto. A framing contractor may obtain permits to construct residential decks and accessory structures. A framing contractor may not contract for or install, maintain, repair or alter any concrete masonry, roofing, or other work not specifically mentioned above. Further the framing contractor may not act as a Class A, B, or C general contractor.

Items that do not require a Specialty Contractor license are fences, signs, excavation/grading, landscaping, dog pens, irrigation sprinkler systems, and towers.

Class SP Contractor: The term “Class SP Contractor” (Swimming Pool) shall mean a person who can show qualifications, training, experience, and technical knowledge and shall entitle the holder thereof to contract for and to excavate, construct, fabricate, install and equip all outdoor, indoor, above

ground & below ground swimming pools, spas, or hot tubs, including pumps, pool heaters, solar pool heaters and appurtenant equipment associated with such construction, filters and chlorinators and that piping incidental to the recirculation systems. This does not include direct connections to a sanitary sewer system or to potable water lines, nor the grounding and bonding of metal surfaces, nor the making of any electrical connections.

Master Electrician: The term “Master Electrician” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of the layout, plan, installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power.

Master Residential Electrician: The term “Master Residential Electrician” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of the design, plan, installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power in one and two-family residences, and multiple single-family dwellings (townhouses) not more than three stories in height.

Journeyman Electrician: The term “Journeyman Electrician” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power.

Journeyman Residential Electrician: The term “Journeyman Residential Electrician” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power. The holder of this occupational license shall perform work specifically for one and two-family residences, and multiple single-family dwellings (townhouses) not more than three stories in height.

Master Plumber with Gas: The term “Master Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge to be qualified and equipped to layout, plan and supervise the installation, repair, maintenance, and extension of any plumbing systems, including drains, waste, sanitary vents, water supply, fixtures, and indirect wastes; installation, repair, and maintenance of gas piping systems, including gas piping, appliances, vents, flues, tanks, and other related appurtenances.

Master Residential Plumber with Gas: The term “Master Residential Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge of the design, installation, repair, maintenance, and extension of the plumbing system, including drains, waste, sanitary vents, water supply, fixtures; design, installation, maintenance, and repair of a gas system, including piping, appliances, vents, flues, tanks, and other related appurtenances as it applies to one and two family residences, and multiple single-family dwellings (townhouses) not more than three stories in height.

Journeyman Plumber with Gas: The term “Journeyman Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, repair, maintenance, and extension of any plumbing systems, including drains, waste, sanitary vents, water supply, and fixtures, and indirect wastes; installation, repair, and

maintenance of gas piping systems, including gas piping, appliances, vents, flues, tanks, and related appurtenances.

Journeyman Residential Plumber with Gas: The term “Journeyman Residential Plumber with Gas” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, repair, maintenance, and extension of the plumbing system, including drains, waste, sanitary vents, water supply, and fixtures; installation maintenance, and repair of gas systems, including piping, appliances, vents, flues, tanks, and related appurtenances. The holder of this occupational license shall perform work specifically for one and two-family residences, and multiple single-family dwellings (townhouses) not more than three stories in height.

Master Heating, Ventilation and Air Conditioning Mechanic: The term “Master Heating, Ventilation and Air Conditioning Mechanic” shall mean any person who holds a certificate issued pursuant to this code, showing qualifications, training, experience, and technical knowledge to be qualified and equipped to lay out, plan and supervise the installation, maintenance, repair, fabrication, alteration, and extension of air conditioning, refrigeration, warm air heating, low and high pressure boilers, ventilation systems, duct systems, unfired pressure vessels, fuel transmission lines, and related appurtenances.

Journeyman Heating, Ventilation and Air Conditioning Mechanic: The term “Journeyman Heating, Ventilation and Air conditioning Mechanic” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, maintenance, repair, fabrication, alteration, and extension of air conditioning, refrigeration, piping vessels, warm air heating, low pressure boilers, ventilation systems, duct systems, insulation, and related appurtenances within a complete system unlimited in horsepower or tonnage.

Journeyman Residential Air Conditioning Mechanic: The term “Journeyman Residential Air Conditioning Mechanic” shall mean a person who holds a certificate issued pursuant to this code showing qualifications, training, experience, and technical knowledge to install, maintenance, repair, alteration, and extension of residential air conditioning systems, related to warm air heating, ventilation and duct systems, not to exceed five tons cooling capacity per unit. The holder of this occupational license shall perform work specifically for one and two-family residences, and multiple single-family dwellings (townhouses) not more than three stories in height.

Apprentice/Laborer: The term “Apprentice/Laborer” shall mean any electrician, plumber or heating, ventilation and air conditioning mechanic who cannot qualify or has qualified but has not obtained a journeyman occupational license.

Sec. 6-803 URBAN GROWTH AREA.

All contractors who engage in the business of General, Specialty, or Trades Contracting, within the Urban Growth Area as defined in the Interlocal Agreement dated June 30, 2006, and perform work, for which a permit is required, must be licensed in accordance with these regulations.

Sec. 6-804 GENERAL PROVISIONS.

A. It shall be unlawful for any contractor to carry on or engage in the business of General,

Specialty, or Trades Contracting, as regulated by any City code or act in the capacity of a General, Specialty, or Trades Contractor, without first having been issued a valid City occupational license.

- B. No permit shall be issued to any contractor who has not first obtained an occupational license or who is delinquent in payment of his annual license fee, or whose license has been suspended or revoked by action of the CBA. It is further unlawful for any person to enter into a contract with another so as to bring himself under the classification of a contractor as defined in this Article, or to perform any work as a contractor, or any work under a contract, without having first obtained a contractor's license. It is unlawful for any person issued a license as required by this Article to contract for any work other than specified by such license.
- C. Any contractor in order to carry on or engage in the business of General, Specialty, Contracting shall have at all times a qualified individual employed, who shall be in charge of and responsible for all installations by said contractor.

Any Trades Contractor in order to carry on or engage in said business shall have at all times keep employed, a qualified master, who shall be in charge of and responsible for all installations by said contractor. The name of the master shall appear on the license with "doing business as" (d.b.a.) indication.

- D. The holder of a City Masters Trades occupational license shall ensure an apprentice/laborer is under the direct supervision and immediate presence of a master or journeyman. You may have two (2) apprentice/laborers to one (1) licensed master or journeyman on the job site.
- E. The holder of a City Masters Trades occupational license shall be fully responsible for work and acts of such journeyman, apprentice and laborer employees. A Master Trades Contractor shall work within the scope of an apprentice/laborer when not working on systems as defined in definitions.
- F. Any Trades Contractor must have a qualified licensed person on the job site at all times.
- G. All General and Specialty Contractors must have the person who is licensed with the City of Ottawa sign the permits. The Master Trades Contractor who is licensed with the City or a designated journeyman must sign the permits. The permits may be faxed, dropped off in the drop box, or brought in by a representative of the company obtaining the permit.
- H. A license issue pursuant to the provisions of these regulations shall be nontransferable.
- I. Upon issuance of a building permit to a General Contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents, subcontractors (i.e. concrete, framing, roofing, etc.).
 - a. A Specialty contractor shall not have to obtain a occupational license from the City of Ottawa while working under a General Contractor.
 - b. All Trades Contractors working under a General Contractor will need to have an occupational license from the City of Ottawa.

- J. Reciprocity. To the extent that other jurisdictions or states which provide for the licensing of Class B, C, R, or S contractors the planning department may grant licenses of the same or equivalent classification to contractors licensed by other municipalities or states, without written examination. Upon satisfactory proof furnished to the director or designee that the qualifications of such applicants are equal to the qualification of holders of similar licenses in the City of Ottawa, verification they are in good standing with the jurisdiction they are licensed with, and upon payment of the required fees.
- K. Disclaimer. The contractor-applicant shall disclose, at the time of application, any current or previous contractor license held in Kansas or any other state and any disciplinary actions taken against such contractor-applicant. If the contractor-applicant is employed by or a principal of a firm, the application shall disclose whether the firm or the firm's employees or principals have had any contractor-related disciplinary action taken against them in Kansas or any other state. No license shall be issued to any contractor-applicant who has had a license suspended or revoked for disciplinary reasons, or who has surrendered a license during any disciplinary proceedings or investigation, within the immediately preceding five (5) years. Any contractor-applicant denied a license under the provisions of this section may appeal such denial to the Construction Board of Appeals.
- L. An individual who undertakes the construction, alteration, repair or maintenance of a residence owned, but not used as a residence by the individual, with the intention of selling the improved residence to a third party is considered a Class C contractor and subject to licensing under this code. It shall be conclusive evidence of intent to sell if the subject property is sold within six months following the final inspection. If an individual under this section undertakes more than two such improvements within a two (2) year period without obtaining and maintaining a license, then the individual will be deemed to be in violation of this ordinance and subject to licensing requirements of this article. Sales shall include traditional third party financing sales and contract for deed arrangements and shall be counted under this ordinance on the date the contract for deed is executed.

Sec. 6-805 EXEMPTIONS.

The provisions of this chapter, insofar as they require employment of licensed contractors or certified mechanics, shall not apply to:

- A. Maintenance, operation or repair of equipment and accessories used for production or processing by governmental agencies, manufacturing or processing plants or commercial enterprises.
- B. Routine maintenance and repair of a building, including the mechanical, plumbing and electrical systems thereof, by any such agency, plant, enterprise, or utility, if such maintenance or repair is (a) minor, not requiring issuance of a building permit, and (b) is done by a person regularly employed by such utility, agency, plant or enterprise to perform work of that type.
- C. Installation, operation and maintenance of equipment used for the production, generation, transmission or generation of a product or service by a public utility, when such work is done by employees of a public utility upon equipment owned or controlled by such utility.

D. Anyone who wishes to work on their own property residential or commercial must meet the following criteria:

1. Such person is the owner.
2. The dwelling or commercial building is occupied by the owner.
3. Plans have been submitted and approved by the City Codes Inspector.
4. Special permission is granted to the owner of the dwelling to do the work, provided owner shows evidence of knowledge in the area for which a permit is applied for.
5. Special permission is granted to the owner of the commercial building to do the work, provided owner shows evidence of knowledge in the area for which a permit is applied for. All electrical, plumbing, and heating, ventilation and air conditioning mechanical work must be done by City licensed contractors.
6. Owner shall apply for the building permit.
7. Owner will be responsible for complying with all building codes.
8. Owner calls for all required inspections.

Landlords: any person who is the owner of the dwelling or commercial building and uses the property for rentals must meet the following criteria:

1. May perform limited work on said dwelling or commercial building if special permission is granted to the owner to do the work, provided owner shows evidence of knowledge in the area for which a permit is applied for. All electrical, plumbing, and heating, ventilation and air conditioning mechanical work must be done by City licensed contractors.
2. Plans have been submitted and approved by the City Codes Inspector.
3. Owner shall apply for the building permit.
4. Owner will be responsible for complying with all building codes.
5. Owner calls for all required inspections.
6. Owner will call for a final inspection before occupancy is allowed.

Notwithstanding the foregoing:

1. Privilege of doing all the work on said dwelling or commercial building may be revoked by the City Codes Inspector when there is evidence that work is deficient in workmanship or code compliance.
2. Any owner who remodels their dwelling or commercial building for occupancy or for re-sale more than two (2) times in any five (5) year period shall be deemed to be a "contractor" and subject to licensing requirements in this article.

E. Work performed by students enrolled in CTEC program, which students are engaged in construction of a residential structure as part of the curriculum of such program; provided, that all such work shall be performed by such students with the advice of duly licensed members of the various construction trades who obtained permits on said project, and inspected by the City building inspector as otherwise required.

F. Work performed by a non-profit organization, as defined in Section 501(c)(3) of the United States Internal Revenue Code of 1986 (or corresponding provisions of any future U.S. Internal Revenue Law) and are not licensed as a general contractor, may do general contractor supervision work on a single-family dwelling owned by such organization. The construction of

decks, ramps and roof repairs for those who would receive such aid from such organizations on single-family dwellings. Such organization shall in every other respect, conform to the provisions of these regulations and other codes of the City including the procurement of permits and inspections.

- G. Nothing herein shall be construed to relieve any person of any duty, provided elsewhere in the City's building regulations, to secure a building permit, perform work in accordance with standards established by the City and schedule required inspections.

Sec. 6-806 CONTINUING EDUCATION.

All General Contractors, Class R Contractor, and all Trades Contractors receiving a master's or journeyman's license annually, are required to obtain not less than six (6) hours of continuing education annually. Individuals carrying multiple license, are required to obtain at least three (3) hours of continuing education in each field annually. Continuing education can be provided by nationally recognized trade associations, accredited community college, technical school / college, university, or other providers approved by the Planning & Codes Department.

Sec. 6-807 IMPLEMENTATION OF CLASS A, B, C, R, S, & SP CONTRACTOR OCCUAPTIONAL LICENSE. This was implemented in 2010. For full details see Ordinance 3739-09.

Sec. 6-808 LICENSE APPROVAL, AND ISSUANCE.

Each contractor applying for an occupational license must satisfy the following provision. A contractor who is not currently licensed with the City comes in on or after December 1st can obtain a license that will expire December 31st of the next year.

For Class A, B, and C Contractors to become licensed, must comply with one of the options below:

- A. Obtain a certificate of competence from a nationally recognized testing institution as contemplated by K.S.A. 12-1556 (building and residential contractors). Nationally recognized test (Experior, Block & Associates, Prometric, ICC, IAMPO) with a score of 75% or above. If testing was done prior to July 1, 1989 a score of 70% or above shall be accepted as per state statue.
- B. Hold a bachelor's degree in (construction related) engineering, architecture, or construction science from an accredited college or university.

For Class R, & SP to become licensed, one must comply with one of the options below:

- A. Obtain a certificate of competence from a nationally recognized testing institution as contemplated by K.S.A. 12-1556 (building and residential contractors). Nationally recognized test (Experior, Block & Associates, Prometric, and ICC,) with a score of 75% or above.
- B. Hold a bachelor's degree in (construction related) engineering, architecture, or construction science from an accredited college or university.

C. The City's Codes Inspector and the Department Director, upon reviewing evidence of working in the field as a:

1. Class R, Roofing.
2. Class SP, Swimming Pool Contractor.

may approve the issuance of an occupational license based on the following:

- a. Person applying for a license can show proof of five (5) years of experience in said field; and,
- b. Person applying for a license must show proof of six (6) hours of continuing education for the prior year.

For Class S - (Siding, Demolition, Concrete/Foundation, & Framing) to become licensed, must comply with the option below:

A. Person applying for a license can show proof of three (3) years of experience in said field.

For Electricians, Plumbers & Heating, Ventilation and Air Conditioning Mechanical to become licensed, one must comply with one of the options below:

A. Obtain a certificate of competence from a nationally recognized testing institution as contemplated by K.S.A. 12-1508, and amendments thereto (plumbing contractors), K.S.A. 12-1525, and amendments thereto (electrical contractors), K.S.A. 12-1541 (heating, ventilation and air conditioning contractors), or ICC and must score a 75% or above.

B. Hold a bachelor's degree in (construction related) engineering, architecture, or construction science from an accredited college or university.

Sec. 6-809 APPLICATION.

Every person desiring to make application for an occupational license shall fill out an application furnished by the Planning & Codes Department. The Planning & Codes Department shall receive and process all license applications. No contractor's occupational license may be transferred or assigned. An individual may be licensed in more than one trade but must fill out an application for each trade with the name of the company/firm on each application.

Sec. 6-810 INSURANCE.

Every contractor shall keep a policy of commercial general liability coverage and workers compensation as required by law. Such insurance policy shall be written with an insurance company licensed as an admitted insurance company in the State of Kansas. It will be the responsibility of the contractor to make sure the City receives a current copy of the certificate of insurance. The City of Ottawa shall be added as a "Certificate Holder" to the insurance policy by the insurance company issuing the certificate of insurance, requiring the insurance company to notify the City of Ottawa in writing of any changes in coverage or canceling of such policy at least ten (10) days prior to such changes. If the insurance expires, the license will be null and void until a current insurance certificate

is received. The insurance policy shall stay in force for a period of one year from the completion of such work. Further the City, or any other person who may deem himself/herself injured by the principal's failure to comply with such regulations, may sue on the insurance policy to recover his/her damage.

For all General Contractors, general liability coverage in an amount not less than \$1,000,000 per single occurrence limit for bodily injury and property damage and finished product, in addition every contractor shall procure and maintain workers' compensation insurance, as required by law.

For all Specialty and Trades Contractors general liability coverage in an amount not less than \$500,000 per single occurrence limit for bodily injury and property damage and finished product, in addition every contractor shall procure and maintain workers' compensation insurance, as required by law.

Sec. 6-811 RENEWAL OF LICENSE.

- A. Every contractor who holds an occupational license shall be issued on a calendar year basis to expire on December 31st each year. A contractor shall be entitled to renew such contractor's occupational license upon satisfaction of the requirements of this Article by February 15th of the next year without penalty. The license fee shall be deemed delinquent after February 15th, after which the license shall automatically be revoked. Therefore a new application will be required to secure a license and all requirements for renewing a license must be satisfied, plus a \$50.00 reinstatement fee will be charged.
- B. Those who held a valid occupational license with the City of Ottawa and let their license lapse for less than three (3) years may renew their occupational license. The applicant will need to submit a new application, certificate of insurance, and continuing education hours for the year prior to renewing the license. A \$50.00 reinstatement fee will also be charged. If their occupational license has been lapsed for three (3) or more years, they will be required to satisfy one of the requirements in Section 6-808.

Sec. 6-812 FEES.

A. The license fees are as follows:

Class A Contractor	\$175.00
Each Additional License	\$20.00
Class B Contractor	\$175.00
Each Additional License	\$20.00
Class C Contractor	\$175.00
Each Additional License	\$20.00
Class R, Roofing Contractor	\$75.00
Each Additional License	\$20.00
Class S, Specialty Contractor	\$75.00

Each Additional License	\$20.00
Class SP, Swimming Pool Contractor	\$75.00
Each Additional License	\$20.00
Master Electrician with Company	\$125.00
Each Additional Master or Journeyman	\$20.00
Master Plumber with Company	\$125.00
Each Additional Master or Journeyman	\$20.00
Master HVAC Mechanic with Company	\$125.00
Each Additional Master or Journeyman	\$20.00

- B. License fees shall be paid without being prorated.
- C. For contractors holding multiple classifications of license, (i.e. Electrical, Plumbing, Class B or C), the first, whichever is greater, shall be at the full license amount, with additional license for same licensee being \$50.00 per license.

Sec. 6-813 REVOCATION OF OCCUPATIONAL LICENSE.

The Construction Board of Appeals (CBA) shall have the authority in accordance with Kansas law and the authority granted in this ordinance to admonish, reprimand, and otherwise discipline any contractor who holds an occupational license and is subject to the requirements of this Article including the suspension or revocation of the contractor’s occupational license issued under the provisions of this Article. The CBA may suspend or revoke a contractor’s occupational license if the CBA concludes, following a hearing, that the contractor’s action or inaction is:

- A. A serious or repeated violation of the provisions of this Article, any applicable Code, or the failure to comply within a reasonable time to any lawful written order of the Building Code Official or Codes Inspector;
- B. A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor’s occupational license or a building permit;
- C. A fraudulent or deceitful use of a contractor’s occupational license to obtain a building permit;
- D. Failure to obtain a building permit or to obtain a required inspection of an ongoing project as required by any applicable Code;
- E. A failure to pay any required application or licensing fees for a building permit, contractor occupational license, or inspection fee.

BOARD ACTION.

Upon finding by a majority of the members present at the hearing that a contractor has violated one or more of the provisions in Section 6-813, the CBA may admonish, reprimand, or take other appropriate

disciplinary action against such contractor including, but not limited to:

- A. Suspension of the Contractor's occupational license for a fixed period not to exceed 90 days.
- B. Suspension of the contractor's occupational license for a fixed period exceeding 90 days, provided, however, the contractor shall have the right to have the suspension and the terms thereof reconsidered by the CBA at the expiration of the first 90 days and every 90 days thereafter to determine if just cause exists to modify or terminate the suspension. Such reconsideration may, at the board's option, include a hearing.
- C. Revocation of the contractor's occupational license for a period not less than 12 months from the date of revocation. A contractor's license shall be revoked if the contractor has been suspended two times during any 36 month period.

Any decision of the CBA shall be made in writing and mailed to the contractor. A contractor whose occupational license is the subject of a CBA action may appeal any decision of the CBA to the Ottawa City Commission by filing a notice of appeal with the Planning & Codes Department within 20 days following the fifth day after the CBA's written decision was mailed to the contractor as evidenced by certified mail which shall be included with the decision. When an appeal is filed, City staff will forward the appeal and the CBA decision to the Ottawa City Commission along with the CBA record. Appeals to the City Commission shall be de novo and no action shall be taken by the CBA during a pending appeal.

Sec. 6-814 REINSTATEMENT OF LICENSE.

- A. Any contractor whose occupational license is suspended for any code related violation must provide satisfactory evidence to the CBA that the violation has been corrected in accordance with the applicable code.
- B. When a contractor's occupational license is revoked a new occupational license shall not be granted until the contractor has provided the CBA with satisfactory evidence that a new occupational license should be issued. If the contractor's occupational license was revoked as the result of code-related violation, such contractor may not be re-licensed unless the CBA determines that the violation has been corrected.

Section 1. City of Ottawa Ordinance Numbers 3739-09 is hereby repealed. Chapter 6, Article VIII of the Municipal Code 1997 will be replaced in its entirety.

Section 2. EFFECTIVE DATE; PUBLICATION. This ordinance shall take effect and be in force after its publication in the official City newspaper.

PASSED AND ADOPTED by the governing body of the City of Ottawa, Kansas, this 19th day of December, 2012.

Blake Jorgensen, Mayor

Attest:
Carolyn S. Snethen, City Clerk