

ORDINANCE NO. 996

AN ORDINANCE AMENDING AND REPLACING ARTICLE 1 OF CHAPTER IV, OF THE CODE OF THE CITY OF CHAPMAN REGARDING THE LICENSING OF CERTAIN BUILDING TRADES.

WHEREAS it is the responsibility of the governing body to maintain a licensing system for certain building trades which assures the community that certain industry standards are followed and liability protections are in place.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHAPMAN, KANSAS:

SECTION 1. That Chapter 4, Article 1, of the Code of the City of Chapman is hereby repealed and replaced by the following language, to read as follows:

ARTICLE 1. SKILLED TRADES AND CONTRACTOR LICENSING

4-101. Definitions.

For the purposes of this article the following definitions shall apply:

"Electrical work" shall include the installation, replacement, repair or alteration of disconnect, service or control equipment or of permanent premises electrical wiring, lighting, fixtures and/or utilization equipment or devices not otherwise connected by approved attachment cord and cap.

"Electrical work" shall not include circuits and equipment operating at less than 50 volts, communication wiring or devices, or the repair of motors or utilization equipment.

"Employee" shall mean a person working for a licensed contractor in a relationship of employee/employer as described by federal tax definition. Employee shall not mean independent contractor or subcontractor as described by federal tax definition.

"HVAC mechanical work" shall include the installation, replacement, repair or alteration of any ventilation or exhaust system, chilled water system, hydronic, refrigerant, fuel gas or condensate piping, water heaters and boilers for both domestic hot water and space heating, refrigeration systems including electrical disconnecting means immediately adjacent to remote condensers, incinerators or other miscellaneous heat producing appliances or warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation, or by radiation.

"HV AC work" shall not include the installation or repair of cooking or clothes drying equipment, fully self-contained permanently electrical heating and/or cooling appliances

such as but not limited to, ice machines, ice cream machines, walk-in coolers and freezers without remote condensers and other similar appliances which require only electrical and/or water hookups.

"Licensed contractor" shall mean the holder of a contracting license as described in this article.

"Person" shall mean an individual, corporation, limited liability company, or partnership.

"Plumbing work" shall include the installation, replacement, repair or alteration of water, wastewater, vent, hydronic and fuel gas piping, water heaters and boilers for both domestic potable water and environmental heating and their vents, medical gas systems, plumbing fixtures and appliances.

"Plumbing work" shall not include the clearing of stoppages or the repair of plumbing appliances such as but not limited to dishwashers, garbage disposals, water softeners or ice machines.

"Residential carpentry" shall mean the performance of carpentry for hire or to rehabilitate a residence which is not bought for a primary residence of the buyer, but for resale or investment.

"Roofer" shall have the same meaning as "roofing services" as defined by K.A.R. 16-8-1(f) under the Kansas Roofing Registration Act K.S.A. 50-6,121 *et seq.*

"Roofing services" shall include the following services on any type of roof:

- (1) Installation or repair of any roofing material;
- (2) installation or repair of roof sheathing;
- (3) installation, application, or repair of roof damp proofing or weatherproofing, roof insulation panels, or other roof insulation systems, including work incidental to the installation or application;
- (4) repair of structural damage to an existing roof-support system; and
- (5) installation or repair of skylights.

Said roofing services include when done for any type of remuneration to include on a flat fee basis, contract, cash basis, in trade for anything of value, for rental expenses, or any other type of transaction, however informal.

"Skilled trades" shall mean any person performing any of the following types of trade or work for any type of wage, price, contract, fee, economic gain or remuneration: Electrician, plumber, HVAC, residential carpentry, tree trimmer, and roofer.

"Tree trimmer" shall mean a person who cuts, trims, removes trees, woody vegetation, and their parts or stumps for hire.

4-102. License required.

It shall be unlawful for any person to perform electrical work, plumbing work or HVAC mechanical work, residential carpentry, roofing, or tree trimming or cause the same to be done, unless such person possesses or is employed by the possessor of a valid electrical, plumbing, HVAC mechanical, residential carpentry, roofing, or tree trimming license issued by the city for the type of work being done.

4-103. License Requirements and Contents.

Applications for any license defined by this Chapter shall be made to the City Clerk. The City Clerk shall be responsible for verifying that the license requirements, verifications, and payment of fees are made.

The following items and documentation shall be provided on such forms as the City Clerk provides before a license shall be issued:

- 1) Type of license sought
- 2) Name of applicant
- 3) Name of business, if any
- 4) Chapman License Number
- 5) Applicant mailing address
- 6) Telephone Number
- 7) Cell Phone Number
- 8) Email Address
- 9) Documentation of any insurance required by Chapman City Ordinance or the State of Kansas, to include the carrier, expiration, and amount of coverage.
- 10) Documentation of current registration if required to be registered by the State of Kansas.
- 11) If the application is for roofing services, the license shall also show the state registration number, which shall be verified by the city clerk before issuance of license.
- 12) Date of issuance
- 13) Documentation of successful passage of testing as required by the Chapman City Ordinances.
- 14) Signature of applicant verifying that the information provided is true.

4-104. Requirements for contracting license.

(a) Applicants for a contracting license must be licensed in a skilled trade as described in sections 11-403 through 11-405 of this article for the applicable trade, or employ a person so licensed. For purposes of this requirement, a licensee cannot be employed by more than one licensed contractor.

(b) Each licensee, unless covered by the insurance of a contractor for whom they are working, shall procure and maintain in full force, for the duration of the license, liability insurance, within the limits of not less than \$1,000,000.00. Each contractor shall also procure and maintain in full force for the duration of such license, worker's compensation

insurance as required by the State of Kansas. Proof of coverage for all required insurance shall be on file with the city at all times. Each licensee shall give notice to the City of Chapman upon revocation, reduction in coverage, restriction, or cancellation of insurance.

4-105. Skilled trade license; required.

It shall be unlawful for any person to engage in the trade or otherwise perform plumbing work, electrical work or HVAC mechanical work, residential carpentry, roofer, or tree trimmer as defined in section 4-101 within or on any building or premises within the city without first having secured a license for the trade at which they are laboring and being in the employ of a licensed contractor.

4-106. Same; examination requirements.

(a) All skilled trade licensees who have been licensed by the City of Chapman prior to January 1, 2018, shall be eligible to renew their existing licenses without providing written certification of passage of a standard trade examination.

(b) All applicants for a skilled trade license, who have not been licensed as such by the City of Chapman prior to January 1, 2018, must provide written certification of passage of the applicable standard trade examination with a minimum score of 75 percent or documentation of licensing for that particular trade in another Kansas municipality.

(c) Persons whose license has been revoked must provide written certification of passage of the applicable standard trade examination with a minimum score of 75 percent, prior to any reinstatement, for their particular license, if education is required for that particular trade.

(d) The following tests are accepted for licensure by the City of Chapman:

- 1) Heating, Air Conditioning, Refrigeration and Ventilation test as administered by Prometrics Inc. or other comparable testing program.
- 2) Journeyman Plumbing with Gas test as administered by Prometrics Inc. or other comparable testing program.
- 3) Residential Construction test as administered by Prometrics Inc. or other comparable testing program.
- 4) Journeyman Residential Electrical test as administered by Prometrics Inc. or other comparable testing program.

4-107. Exceptions to education and testing requirements.

Any person required to have a city license for Tree Trimming or as a roofer shall be exempt from any testing requirement.

4-108. Compliance with Kansas Roofing Registration Act Mandatory.

A. Any person performing any work as a roofer shall in addition to the requirements for a city license be fully compliant with the Kansas Roofer Registration Act, K.S.A. 50-6,121 et seq. Any person seeking a license to work as a roofer shall provide a copy of their registration from the State of Kansas which includes their state registration number. Any permit issued by the City of Chapman for roofing projects shall include the State issued registration number on the application and any permit issued by the city.

B. Any violation of the Kansas Roofing Registration Act, K.S.A. 50-6,121 et seq. or any Kansas Administrative Regulation promulgated thereunder shall in addition to being a violation of state law, shall also be considered a city code violation and punishable as a Class B misdemeanor. Each day of non-compliance shall constitute a separate violation of law.

C. Persons roofing on their own residence or outbuildings shall be exempt unless hiring someone to help them for remuneration of any type. The person hired shall be in compliance with 4-108 A & B.

4-109. Exemptions.

No license defined by this Chapter is required for:

(1) Work performed by an owner of a single family dwelling being constructed or occupied exclusively as the owner's dwelling, including the usual accessory buildings, provided the said owner personally purchases and installs all the material used in the construction, and adheres to all other city requirements for permits and inspections. This exemption does not apply if any owner of the dwelling has been issued another permit under this exemption for a different address within the preceding 12 months. All paid subcontractors hired by the owner must be licensed.

(2) Any person operating a public utility under franchise with the city, or any employee thereof, in connection with providing services for said utility on equipment or property owned by the utility.

(3) Work performed by any person working in or upon any building or premises owned and occupied by an agency of the state or federal government.

4-110. Expiration and renewal.

- 1) All contractor's licenses or skilled trade's licenses shall expire on the 31st day of December of the year in which it was issued.
- 2) All license fees shall be due and payable before the commencement of a trade, occupation, business or profession for which fees are required.
- 3) No license shall be issued until the fee is paid.
- 4) Licenses shall be renewed on or before the first day of January each year.

4-111. Transfer prohibited.

No licensee shall allow their license, by name or other identification, to be transferred, assigned, or used in any manner directly or indirectly, or for any purpose, by any person other than the licensee.

4-112. License to be Displayed or Produced upon Request.

Each licensee must post or display the license in the public reception area of their place of business, if any, or must have their license certification readily available at all times at the location at which the work is being performed. Said license shall be produced upon request by any official of the City of Chapman or by any person owning or leasing property upon which work is being done.

4-113. Fees.

- 1) The fee for a contractor's license shall be \$100.00
- 2) The fee for a Skilled Trades, except tree trimmer or roofer, license shall be \$100.00
- 3) The fee for a Tree Trimmer or Roofer license shall be..... \$10.00

4-114. Suspension of license.

(a) Any license defined in this Chapter may be suspended by the city building inspector for:

- (1) Failure to pay the license fee required by section 4-113, or
- (2) Failure to maintain insurance as required by subsection 4-104(b).

(b) Any such suspension of a license will remain in effect until the failure is remedied.

(c) A person whose license has been suspended may not work in the applicable trade in any capacity while the suspension is in effect.

4-115. Suspension of skilled trade license.

A skilled trade license may be suspended by the city building inspector for a period of not more than 30 days for failure to do trade work in accordance with city codes.

4-116. Revocation.

(a) Any license defined in this Chapter may be revoked by the city for any of the following:

- (1) Misrepresentation of a material fact in obtaining a license, or
- (2) Fraudulent use of a license, or

(3) A willful violation or repeated violations of the technical codes and other related ordinances,

or

(4) Failure to comply with any lawful order of the building official,

(5) Negligence in providing reasonable safety measures for the protection of workers and the public, or

(6) Bad faith or unreasonable delay in the performance of work.

(b) Any licensee whose license has been revoked shall be ineligible to apply for a license of the same kind for a period of one year after the date of revocation. A licensee whose license is revoked a second time shall be ineligible to apply for a license of the same kind.

(c) A person whose license has been revoked may not work in the applicable trade in any capacity while the revocation is in effect.

4-117. Appeal.

- 1) Any suspension or revocation of a license may be appealed to the governing body by filing a written notice of appeal with the city clerk within 20 days of the date of written notice of suspension or revocation.
- 2) The appeal shall be heard by the governing body at their next regularly scheduled meeting.
- 3) The governing body may amend, ratify, or nullify the suspension or revocation.

4-118. Penalties.


Violation of any provision of this article is a Class C misdemeanor in addition to any other possible penalty or civil action.

SECTION 2. This ordinance shall take effect and be in force as of the date of its passage, approval and publication in the official City newspaper as provided by law.

SECTION 3. All prior versions of Chapter 4, Article 1, of the Code of the City of Chapman are hereby repealed in their entirety.


PASSED AND APPROVED by the Governing Body of the City of Chapman, Kansas, a majority being in favor thereof, this 9th day of August, 2017.

APPROVED AND SIGNED.



Jeff Blyt, Mayor

ATTEST:



Erin Tilton
City Clerk