

ORDINANCE NO. BG2014 - 3

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS), SUBCHAPTER 6-13 (CONTRACTOR LICENSING) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS REQUESTED BY THE CONTRACTORS LICENSING BOARD

WHEREAS, the Contractors Licensing Board is proposing amendments to Chapter 6 (Building Regulations), Subchapter 6-13 (Contractor Licensing) of the City's Code of Ordinances to align provisions with state law and to remove any obsolete language; and,

WHEREAS, it is in the best interests of the City to approve these amendments as requested.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 6 (Building Regulations) is hereby amended as follows:

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6-13 CONTRACTOR LICENSING.

6-13.01 Definitions.

As used in this Subchapter:

"Appurtenance" shall mean any accessory improvement to real estate associated with a structure, including but not limited to garages, barns, storage or work buildings, and in-ground swimming pools.

"Dishonest or fraudulent conduct injurious to the welfare of the Public" shall mean, but is not limited to, the following:

- (1) Acting in a manner that, because of a wrongful or fraudulent act by the applicant or registrant as a contractor, has resulted in injury or damage to another person; or,
- (2) Failing to pay monies when due for materials or services rendered in connection with the applicant's or registrant's operations as a contractor when the applicant or

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registrant has received sufficient funds as payment for the particular construction work project or operation for which the services or materials were rendered or purchased; or,

(3) Accepting payment in advance on a contract or agreement and failing to perform work or provide services required by the contract or agreement and failing to return the payment; or,

(4) Giving false, misleading or deceptive advertising whereby a reasonable person could be misled or injured; or,

(5) Submitting an application for registration that includes false or misleading information.

“General Contractor” shall mean and include any person who performs or subcontracts with two or more distinct trades for the construction, remodeling, repair, or improvement of commercial, industrial and residential buildings, including accessory structures, or as a general building contractor, and any person engaged in the construction, alteration or repair of buildings or other structures, or sidewalk or street pavements. Coverage includes, but is not limited to, general contractors, construction managers, home builders, and remodelers and individuals applying for a building permit. A homeowner building, ~~or remodeling, or applying for a permit on a project a~~ structure for that person’s private residential use is not a general contractor unless that person secures ~~three or more building permits~~ for more than one residential site in a twelve (12) month period of two years or less. A property owner applying for building permits for more than one site for that person’s private residential use in a twelve (12) month period or a property owner or lessee applying for a building permit on any other project other than the owner’s or lessee’s private residential use is a general contractor.

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"Work as a Contractor" includes, but is not limited to:

(1) construction, alteration, repair, improvement, inspection, set-up,

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erection, moving or demolition of a structure or any other improvement to real estate;

(2) excavation, backfill, grading and trenching for the structure or its appurtenances, or to accomplish proper drainage ~~and not for landscaping~~;

(3) pest control ~~if in the course of that work any structural modifications are performed~~;

(4) sandblasting, pressure washing or chemical treatment for new construction, remodeling, repair and improvement;

(5) labor only, regardless of whether compensated by the hour or by the job;

(6) improvement of lots as a developer with the intent of selling lots or structure(s), which may include contracting with a primary contractor to construct, alter or improve structures on land owned by the developer;

(7) preparation, detailing and/or cleaning of new structures prior to occupancy;

(8) scaffolding, shoring and other construction site specialty work; and,

(9) construction management.

"Work as a contractor" does not include:

(1) sign painting, unless the total area of all signs is more than sixty (60) square feet;

(2) work performed by persons engaged in creating objects that exist exclusively for aesthetic reasons and have no other function, such as murals, sculptures, etc., if said work by such person does not incorporate electrical or plumbing;

(3) work performed by government agencies, as long as the work is performed by an employee of the government agency ~~except a school district~~;

(4) work performed in setting, placing, removing or repairing grave markers or monuments in cemeteries;

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- (5) utility connections when the connection is owned by the utility; and,
- (6) installation or repair of stand-alone industrial equipment.

6-13.02 License Required.

On or after January 1, 1992, any person engaging in the business of a general contractor or specialty contractor within Warren County shall first obtain a contractor's license from the Contractors Licensing Board.

6-13.03 Contractors Licensing Board.

There is hereby created the Bowling Green-Warren County Contractors Licensing Board consisting of nine members to be appointed by the Mayor and County Judge Executive, jointly, with approval of their respective legislative bodies in the following manner:

- a. one member to be appointed by the Mayor with the approval of the Board of Commissioners;
- b. one member from the Warren County Fiscal Court to be appointed by the County Judge Executive with the approval of the Fiscal Court;
- c. one member from a list submitted by the Builders Association of Bowling Green;
- d. one member from a list submitted by the Associated Builders and Contractors, Inc.;
- e. one general contractor at large and one specialty contractor at large;
- f. two representatives from a local trade or specialty associations; and,
- g. one representative from a craft committee at the Bowling Green State Vocational Southcentral Kentucky Community and Technical School College.

Board appointees shall serve for a period of three (3) years. ~~For the initial Board, three (3) members shall serve for three (3) years; three shall serve for two (2) years and three shall serve for one (1) year with the terms decided by blind draw at the first meeting.~~ Members shall serve without compensation. Any vacancy on the Board shall be filled in the same manner that the original appointments are made.

6-13.04 Duties of Board.

The Contractors Licensing Board shall meet monthly at a time and place to be determined by the Board. The members shall elect one of its members as the chairperson, one as a vice-chairperson, and one as a secretary.

The Board shall establish regulations, subject to approval by the Board of Commissioners and the Fiscal Court, for the administration and enforcement of this Subchapter, including but not limited to: employment of staff to consist of a full-time director and secretary and the execution of contracts to administer and enforce this Subchapter; preparation of the Board budget; review and issuance of contractors licenses; suspension and revocation of licenses; development and supervision of a program of consumer and contractor education on contractor licensing and building codes; development of a system of periodic site inspections to ensure compliance with this Subchapter; and any other duties assigned by the Board of Commissioners and the Fiscal Court. The Board, through its director, shall be responsible for determining which applicants need a general contractor's license and which applicants need specialty contractor's license.

6-13.05 Requirements for License.

a. Before the Board may issue a contractor's license, the Board may require the applicant to provide information in a form suitable to the Board, including but not limited to: proof of liability insurance in an amount established by the Board; proof of the applicant's social security number or tax identification number; proof of compliance with Kentucky's unemployment insurance and workers' compensation laws; and proof of compliance with other specialty craft laws and regulations; local, state and federal tax numbers; and compliance with local, state and federal laws and regulations, such as a city or county business license and similar requirements.

b. Compliance and Certification for General Contractors.

1. Each educational year every general contractor licensed by the Bowling Green-Warren County Contractors Licensing Board shall complete a minimum of three (3.0) credit

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hours of continuing contractor education activity approved by the Contractors Licensing Board. All continuing contractor education activities shall be completed no later than the end of each educational year. Failure to ~~complete~~ complete the minimum educational requirements will result in a contractor's license being revoked.

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6-13.08 Application for Registration.

a. The application required under this Subchapter, together with the fee required, shall be on file with the Board before a certificate of registration may be issued, except as provided herein below.

b. An applicant for registration or renewal shall certify to the Board that:

1. The applicant has procured ~~public~~ general commercial liability insurance in a sum not less than ~~\$50,000 per person,~~ one hundred thousand dollars (\$100,000) per general aggregate occurrence, and ~~property damage insurance in the sum of \$25,000~~ from an insurance company authorized to do business in Kentucky, and will continue to meet those insurance requirements so long as the applicant is registered. Certification shall include the name of the insurance company, policy number and coverage amount, and may also include the agent's name and agent's telephone number;

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6-13.09 Fees.

The annual fee for a general contractors license shall be two hundred and fifty dollars (\$250.00) and for a specialty contractor's license one hundred dollars (\$100.00). The fees of the Contractor's Licensing Board shall be deposited in banks to be used by the Board in the manner prescribed by law, similar to the accounts of other examining and licensing boards of this state and shall be audited under the rules and regulations prescribed by law.

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6-13.11 Suspension or Revocation of License.

The Board may suspend or revoke a contractor's license for violation of this Subchapter or any other ordinance relating to contractor requirement for the violation of any state or federal law or regulation, or for the commission of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice of contracting. Any contractor whose license has been suspended or revoked by the Board may appeal such revocation to the appropriate Warren County court within thirty (30) days of the suspension or revocation.

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6-13.14 Enforcement.

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g. Proof of Valid License. At the request of the Director, and after the issuance of the citation, or a cease and desist order, the County, City, or authority of the State may cause work on a residential or commercial construction project practice to cease or be suspended on that project until there is compliance with the licensee requirements of these regulations by those contractors employed on that project.

h. Duty to Provide List of Subcontractors. Any licensed contractor shall provide to the Contractors Licensing Board Director, upon his request, a current written list of all subcontractors on a particular ~~construction project or job~~.

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j. Complaint and Investigations: Disciplinary Actions.

1. Complaints ~~a~~And Investigations.

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(c) If it appears from the investigation that a licensee may have committed dishonest or fraudulent conduct injurious to the welfare of the public, the Director may:

- (1) request the licensee orally or through a warning letter to take

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corrective action;

(2) request the licensee to meet informally with the Board's staff and the complainant; or,

(3) require the licensee to appear before the Board and show cause why disciplinary action should not be taken against him.

2. Notice of Contemplated Action.

(a) The Board will presume that the address of an applicant or licensee which is on file with the Board is his correct address.

(b) Before taking disciplinary action against a licensee, the Board will provide reasonable notice of the action contemplated.

3. Disciplinary Procedure; Hearings.

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(d) Based on evidence received at the hearing, the Board will prepare findings of fact and conclusions, and issue an order for a specific violation or a final order dismissing the matter;.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on February 18, 2014, and given final reading on March 4, 2014, and said Ordinance shall be in full force and effect, upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: March 4, 2014

APPROVED: Bruce Wilkerson  
Mayor, Chairman of Board of Commissioners

ATTEST: Katie Schaller  
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 02/12/2014, 8:45 a.m.