

SECTION VII, CHAPTER VIII - Contractor Licenses

Sec. 8-7-1. Intent.

The intent and purpose of this Section is to ensure that contractors doing business within the Town have the minimum qualifications and maintain adequate liability insurance to perform construction by issuance of a contractor's license as set forth herein.

Sec. 8-7-2. General.

Except as delegated to the Town Administrator herein, the Building Official shall administer the provisions of this Section. The Building Official may, with approval of the Town Administrator, adopt reasonable rules and procedures for such purposes.

Sec. 8-7-3. Definitions.

For the purposes of this Section, the following terms shall have the following meanings:

Building Code means the codes adopted by the Town in Chapter VI of the Code by reference to regulate the construction and maintenance of buildings, structures and systems, including the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, International Fire Code, International Energy Conservation Code, International Property Maintenance Code, International Existing Building Code, National Electrical Code, and International Swimming Pool and Spa Code, as amended from time to time.

Building Official means the Building Official appointed by the Town Administrator or, upon approval of the Town Administrator, the Building Official's designee.

Building permit means the permit required by the Building Code.

Code means the Eaton Municipal Code.

Construction means the work, including the erection, alteration, demolition, movement, repair or remodeling, of any building or structure, or portion thereof, requiring a building permit pursuant to the Building Code and any work within the public ways or on any public facility in the Town.

Contractor means any person, firm, partnership, corporation, association, other organization or any combination thereof performing construction work within the Town, unless otherwise specified in this Section.

Contractor's license means the license issued to a contractor performing construction work within the Town.

Employee means a person who is employed by a contractor to perform construction work that is paid a wage or salary and is eligible for Colorado workers' compensation insurance and unemployment insurance benefits. A worker who qualifies as an independent contractor under Colorado law is not considered an employee of a contractor.

Sec. 8-7-4. License Required.

- (a) Prior to performing construction work in the Town, a contractor shall obtain a contractor's license, except as otherwise permitted in this Section.
- (b) For any construction requiring a contractor's license, building permits shall only be issued to a property owner or to a contractor holding a contractor's license.

Sec. 8-7-5. Exemptions.

A contractor's license shall not be required for the following:

- (a) Construction that does not require a building permit;
- (b) Construction undertaken by the owner of a detached single-family dwelling and associated accessory buildings who personally performs construction on the dwelling and associated accessory buildings;
- (c) Construction undertaken by a person performing work as a contractor's employee on behalf of and in the name of the contractor holding a contractor's license; or
- (d) Construction undertaken by a person performing work without pay or compensation of any kind who is supervised directly by a contractor holding a contractor's license.

Sec. 8-7-6. Building Official issuance of contractor license; variance by Town Administrator.

- (a) The Building Official shall have the authority to issue contractor's licenses and, except as otherwise set forth herein, determine all matters related to the suspension or revocation of any contractor's license.
- (b) The Town Administrator, in his or her discretion, is authorized to grant a variance from the terms of this Section in specific cases where the strict application of any provision of this Section would result in extraordinary practical difficulties or cause undue hardship or where, upon any other substantial reasonable basis, the Town Administrator determines that a variance is warranted.

Sec. 8-7-7. Forms; fees; validity.

- (a) The Building Official shall prepare a contractor licensing application, which shall contain, among other potential requirements, the items required in Section 8-7-8, and is subject to approval of the Town Administrator. The Building Official shall prepare any and all other forms necessary to satisfy the provisions of this Section, which are subject to approval of the Town Administrator.
- (b) Prior to issuance of a contractor's license, the applicant shall complete the contractor licensing application.
- (c) The contractor shall pay a non-refundable fee in the amount set forth by resolution of the Town Board, due and payable with the submission of the contractor licensing application, which fee shall be applied to offset the Town's costs associated with regulating the Building Code and administering the contractor licensing program.
- (d) A contractor's license is valid for a period of one year from the date of issuance, and may be renewed by payment of a renewal fee in the amount set forth by resolution of the Town Board.
- (e) A contractor who performs construction prior to obtaining a contractor's license shall, in addition to the other remedies set forth in this Section, be required to pay an investigation fee in an amount equal to, and in addition to, the license fee, which fee shall be paid before a contractor's license may be issued.

Sec. 8-7-8. Application for contractor's license.

Prior to being issued a contractor's license, the applicant shall complete a contractor licensing application containing, among other potential requirements, the following information:

- (a) The applicant's business name, the names of all principals of the contractor, a current mailing address and telephone number;
- (b) A written summary documenting the applicant's relevant experience and identifying the last three construction projects with references, if requested by the Building Official;
- (c) A copy of all licenses issued to the applicant by the State of Colorado;
- (d) Certificates of insurance setting forth the insurance maintained by the applicant for work performed within the Town, including, but not limited to, workers' compensation, builder's risk insurance, if any, and general liability coverage; and
- (e) A signed statement by the applicant acknowledging the obligations associated with the contractor's license.

Sec. 8-7-9. Responsibilities of contractor.

The contractor shall observe the following standards:

- (a) The contractor shall obey all notices and orders issued by the Town Administrator or the Building Official;
- (b) The contractor shall observe generally accepted safety standards;
- (c) The contractor shall maintain liability insurance and workers' compensation insurance as set forth in the contractor's application, proof of which shall be provided to the Town Administrator or the Building Official upon request;
- (d) The contractor shall identify all subcontractors performing construction and contracting with the contractor upon request of the Town Administrator or Building Official;
- (e) The contractor shall maintain a current address and contact telephone number with the Town and the Building Official;
- (f) The contractor shall not proceed with construction until after the issuance of a building permit and any other required permits, and shall obtain the required inspections and authorizations to proceed with the work authorized under the permit(s); and
- (g) If a contractor is released from or abandons construction, the contractor shall immediately notify the Building Official in writing. No further work shall be done on a construction project until the Building Official is notified in writing of the intended resumption by an owner or a different contractor entitled to obtain a building permit and a contractor's license.

Sec. 8-7-10. Disciplinary procedures, violations and penalties.

- (a) Building Official. When the Building Official determines that a contractor has committed a violation of this Section, the Building Code or the Code, the Building Official may order a suspension or revocation of the contractor's license and the contractor shall thereafter cease performing construction in the Town until the license is reinstated, if at all. Notification of the suspension or revocation shall be in writing and shall be delivered to the contractor by certified mail to the contractor's last known address, as contained on the contractor's application or as set forth in a written notice submitted subsequent to submission of the contractor's application, or by personal delivery to the contractor or to the contractor's representative at a construction project, and shall be effective within three days of mailing or upon personal delivery. The notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the contractor of the right to submit a written appeal to the Town Administrator within fifteen (15) days, setting forth in detail the basis of the appeal.
- (b) Town Administrator. The Town Administrator may, in his or her discretion, conduct a hearing or take any reasonable action to investigate the facts and circumstances giving rise to

the Building Official's suspension or revocation of the contractor's license. The Town Administrator shall have the power to affirm the suspension or revocation and take any other disciplinary action when the Town Administrator determines that the contractor has committed any of the following:

- (1) Knowing or deliberate disregard of this Section, the Building Code or the Code;
- (2) Failure to comply with any lawful requirement of the Building Official;
- (3) Misrepresentation of a material fact in obtaining a building permit or a contractor's license;
- (4) Employing subcontractors to perform construction for which a contractor's license is required under this Section when such workers are neither employees nor exempt as defined under this Section; or
- (5) Requesting repeated inspections when such inspections reveal that the work performed by the contractor fails to comply with the Building Code and such repeated noncompliance occurs in a manner or to an extent that demonstrates that the contractor either is negligent, not providing adequate supervision or not qualified to perform or supervise the work.

Within thirty (30) days of receipt of an appeal, the Town Administrator shall provide notification to the contractor of the Town Administrator's order. The notification shall be in writing and shall be delivered to the contractor by certified mail to the contractor's last known address, as contained on the contractor's application or as set forth in a written notice submitted subsequent to submission of the contractor's application, or by personal delivery to the contractor or to the contractor's representative, and shall be effective within three days of mailing or upon personal delivery. If the Town Administrator affirms the suspension or revocation of the contractor's license, the notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the contractor of the right to submit a written appeal to the Town Board within fifteen (15) days, setting forth in detail the basis of the appeal.

- (c) Town Board. An appeal to the Town Board shall be in writing, filed with the Town Clerk and allege with particularity the errors and omissions contained in the Town Administrator's order. The contractor shall, at that time of making such appeal, pay to the Town Treasurer a docket fee in the amount set forth by resolution of the Town Board. Written notice of the hearing shall be given to the contractor and to any other parties concerned at least five (5) days prior to the hearing. The contractor shall have the burden of proof on appeal. Within thirty (30) days of the hearing, the Town Board shall make its final determination and affirm, modify or reverse the Town Administrator's order. The decision of the Town Board shall be final and conclusive, except as provided by the laws of the State of Colorado.
- (d) Effect of Revocation. When the contractor's license is revoked as set forth herein, the contractor shall not be granted another contractor's license without approval of the Town Administrator. The Town Administrator, in deciding whether to approve a new contractor's license, shall determine whether the contractor has demonstrated that any previous governmental disciplinary action has resulted in the rehabilitation of the contractor to good and disciplined character for lawful conduct as a contractor.
- (e) Enforcement. In addition to the suspension or revocation of a contractor's license as provided herein, any person violating any of the provisions of this Section shall be subject to the penalties set forth in Section III of Chapter I of the Code.