

<b>Title:</b> Administrative Policy Building Contractor Licensing	<b>Policy No.</b> Part 3, Regulations Chapter 8, Property Section 2
	<b>Effective Date</b> January 1, 2020
<b>Policy Custodian</b> Building Safety	<b>Adoption/Revision Date</b> September 10, 2019

**Adopting Resolution(s):** CC19-316

**References (Statutes /Resos/Policies):** §30-11-125 C.R.S.; CC13-300

**Purpose:** To establish a building contractor licensing program within unincorporated Jefferson County.

**Policy:** Building Contractor Licensing

A. Definitions

1. Board of Review (BoR): The appellate Board appointed by the Board of County Commissioners (BCC) to hear and decide appeals of orders, decisions or determinations made by the Building Official.
2. Building Code: All of the currently active Jefferson County building codes, as adopted by the BCC and as may be amended by the BCC from time to time.
3. Building Contractor / Contractor: A person who for compensation directs, supervises, or undertakes any work for which a County building permit is required under the Building Code with the exception of the following:
  - a. A person whose sole function in the work is to perform labor under the supervision or direction of a building contractor.
  - b. An individual performing Repair or Maintenance Work on that individual’s own property.
  - c. An individual whom a person employs full-time or part-time to perform Repair or Maintenance Work on that individual's own property.
  - d. Contractors required to be licensed or registered by the State of Colorado who are performing work within the scope of their License, such as electricians, plumbers, conveyance installers and manufactured home installers.
  - e. A property owner who is acting as the contractor of a residential dwelling or accessory buildings intended for the property owner’s own personal use and occupancy. A Person may secure building permits on only one residential dwelling in any twenty (24) month period under this exception. Any person who obtains building permits for two or more residences in unincorporated Jefferson County in any twenty-four month period shall be deemed to be a Contractor, who must then comply with Section B below.
4. Building Official: The head of the Jefferson County Division of Building Safety or designated agent.
5. License: Any type of Contractor License identified in Section D below.
6. Person: Any individual, corporation, limited liability company, partnership, association, or other legal entity.

7. Repair or Maintenance Work: Minor work to repair or maintain structures including but not limited to interior decorating and minor exterior maintenance (painting, window covering installation, drywall patching, masonry repair, and the like); the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; the replacement of any minor part of a portable gas heating appliance that does not alter approval of equipment or make such equipment unsafe; the stopping of leaks in drains, water, soil, waste or vent pipes (but not the removal and replacement of any concealed trap, drain pipe, water, soil, waste or vent pipe); the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and installation of water closets (provided such work does not involve the replacement or rearrangement of valves, pipes or fixtures); and emergency equipment replacement and repairs for which any required building permit is applied for within the next business day.

Repair or Maintenance Work does not include the cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or load bearing support; the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; the addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or safety; or any other work requiring a County building permit.

#### B. Building Contractor License Requirement

Any person who engages in the business of being a Building Contractor in unincorporated Jefferson County must, prior to engaging in such business, obtain and hold a valid License from the Jefferson County Division of Building Safety as required in this Policy. Contractor Licenses are not transferable.

#### C. Administration of License Requirement

The Building Official shall be the County official responsible for administering the provisions of this Policy. Appeals of the Building Official's decisions may be made to the BoR as further provided in Section K below.

#### D. Types of Licenses

The following types of Contractor Licenses are established, and must be obtained as specified below:

1. Class A Contractor License: This License entitles the holder to engage in the construction, alteration, tenant finish or repair of any type of structure as permitted by the Building Code.
2. Class B Contractor License: This License entitles the holder to engage in the construction, alteration, or repair of commercial buildings and single- or multi-dwelling buildings not exceeding three stories in height as permitted by the Building Code.
3. Class C Contractor License: This License entitles the holder to engage in the construction, alteration, or repair of one- and -two family dwellings and accessory buildings as permitted by the Building Code.
4. Roofing Contractor License: This License entitles the holder to perform roofing, re-roofing or siding work as permitted by the Building Code.
5. Class A Mechanical Contractor License: This License entitles the holder to perform any work in the heating, ventilation, and air-conditioning fields as permitted by the Building Code.
6. Class B Mechanical Contractor License: This License entitles the holder to perform any work in the heating, ventilation, and air-conditioning fields in commercial buildings and single- or multi-dwelling buildings not exceeding three stories in height as permitted by the Building Code.

7. Class C Mechanical Contractor License: This License entitles the holder to perform any work in the heating, ventilation, and air-conditioning fields in one- and two-family dwellings and accessory buildings as permitted by the Building Code.
8. Specialty Contractor License: This License entitles the holder to perform work as determined by the Building Official.

E. Conditions for Issuance of a License

The Building Official shall not issue any License unless the following requirements have been met:

1. The Contractor has paid the administrative licensing fee established pursuant to Section H below.
2. The Contractor has demonstrated that he or she has achieved a passing grade on the applicable International Code Council ("ICC") exam related to the particular License type being applied for (or its nationally recognized equivalent as determined and approved by the Building Official), as follows:
  - a. Class A Contractors License ICC Exam: National Standard General Building Contractor (A)
  - b. Class B Contractors License ICC Exam: National Standard Building Contractor (B)
  - c. Class C Contractors License ICC Exam: National Standard Residential Building Contractor (C)
  - d. Roofing Contractors License ICC Exam: National Standard Roofing Contractor / Subcontractor
  - e. Class A Mechanical License ICC Exam: National Standard Master Mechanical (A)
  - f. Class B Mechanical License ICC Exam: National Standard Journeyman Mechanical (B)
  - g. Class C Mechanical License ICC Exam: National Standard Residential Mechanical (C)

The foregoing exam requirement shall not apply to any applicant who has demonstrated that he or she holds a valid License issued by another county or municipality in the State of Colorado if such License required the applicant to achieve a passing grade on the applicable ICC exam specified above (or equivalent nationally recognized exam approved by the Building Official).

3. The Contractor has demonstrated proof of lawful presence in the United States by sworn affidavit stating that the Contractor is a U.S. citizen or legal permanent resident or is otherwise lawfully present in the U.S. pursuant to federal law, accompanied by a valid form of identification (current Colorado Driver's License or Colorado Identification Card issued under Article 2 of Title 42, C.R.S., U.S. Military I.D. card, U.S. Coast Guard Merchant Mariner card, Native American Travel Documents, or such other valid form of identification recognized by the current lawful presence rules of the Colorado Department of Revenue). If the Contractor is a corporation, limited liability company, partnership, association, or other artificial entity, the president or principal of the Contractor must demonstrate proof of lawful presence in the United States and must certify as part of the license application process that the Contractor will only employ or engage employees and subcontractors who have demonstrated to the Contractor their lawful presence in the United States.
4. The Building Official has determined, based on the application materials and other reliable information known to the Building Official, that the Contractor has the basic competence to perform the work for which the License is being sought. At the discretion of the Building Official, past or existing violations of this Policy as set forth in Section I below may be a basis for the Building Official to determine that a Contractor lacks the competence to perform the work for which the License is being sought.
5. The procedural requirements set forth in Section F below have been met.

#### F. Process for Issuance of License

The following procedural requirements shall apply to the issuance of Licenses under this Policy:

1. Contractors must submit a complete License application to the Division of Building Safety on the form provided by the Division, including (a) payment of the required License fee; (b) submission of all of the documentation required by Section E above; and (c) submission of all other required supporting documentation.
2. Within seven (7) business days after a complete application for a License is submitted, the Division of Building Safety shall issue a License or a written statement of License denial. Inadvertent failure of the Division to act within seven business days shall not entitle the Contractor to engage in building contracting work in the unincorporated County without a License.
  - a. The Building Official shall issue a License if the Building Official determines, based on the submitted complete application, that the conditions for License issuance set forth in Section E above have been met.
  - b. The Building Official shall issue a written statement of License denial if the Building Official determines that any of the conditions for License issuance set forth in Section E above have not been met. A statement of License denial shall specify the reason(s) for denial based on Section E.
3. Any issued License may contain reasonable terms or conditions that the Building Official deems necessary to carry out the purposes of this Policy. All such terms and conditions must be complied with.

#### G. License Term and Expiration / Reapplication

Licenses shall be effective for twelve (12) calendar months after their date of issuance and shall expire at the end of this term. Contractors holding Licenses may apply for a new License as early as three (3) calendar months prior to the expiration of their existing License. Contractors holding a valid County License who apply to renew a License or for a new License must not have any unresolved building code violations older than 90 days or must meet all the conditions for issuance of a License as set forth in Section E above.

#### H. License Fees

1. The Building Official shall assess reasonable License fees for the purpose of covering the Building Division's administrative costs associated with processing License applications and issuing Licenses under this Policy.
2. Table 1 below sets forth the current schedule of License fees as of the date of the adoption of this Policy. The schedule of License fees may be adjusted as the Building Official deems appropriate and necessary to reflect the reasonable costs of administering Licenses under this Policy, which fee adjustments shall become effective upon their approval by the BCC at an open meeting.

TABLE 1

<b>Contractor License Fee Schedule</b>	
<b>Type</b>	<b>Fee</b>
<b>Class A Contractor</b>	<b>\$50.00</b>
<b>Class B Contractor</b>	<b>\$50.00</b>
<b>Class C Contractor</b>	<b>\$50.00</b>
<b>Roofing Contractor</b>	<b>\$50.00</b>
<b>Class A Mechanical</b>	<b>\$50.00</b>
<b>Class B Mechanical</b>	<b>\$50.00</b>
<b>Class C Mechanical</b>	<b>\$50.00</b>
<b>Specialty Contractor</b>	<b>\$50.00</b>

I. Violations

It shall be a violation of this Policy for any Building Contractor to:

1. Provide any materially false, misleading, or incomplete information on a License application.
2. Fail to have or maintain a lawful presence in the United States.
3. Fail to obtain a required building permit or to follow any other applicable requirements of the Building Code, as amended.
4. Perform work outside the scope of an issued License or transfer a License to another Person.
5. Fail to resolve any outstanding (older than 90 calendar days) Building Code violation.
6. Fail to pay the difference in the building permit fee when the original building valuation is below the actual building cost.
7. Fail to properly close out a permit within the time allowed for a valid permit.
8. Commit any other violation or adverse conduct related to the License which, in the sound discretion of the Building Official exercised in light of the requirements of the Building Code, indicates that the Contractor lacks the competence to perform the work for which the License has been issued.

J. Enforcement

1. The Building Official may take the following actions for violations of this Policy:
  - a. The Building Official may assess a fine equal to the current License fee for failure to obtain the required License prior to engaging in work for which a License is required under this Policy.
  - b. The Building Official may give a warning notice to the public.
  - c. The Building Official may revoke or suspend the Building Contractor's License.
  - d. The Building Official may stop/suspend work under an issued building permit; may stop work on a project that requires but does not have an issued building permit, may refuse to issue a certificate of occupancy or perform a final inspection under an issued building permit, or may revoke an issued building permit.
  - e. The Building Official may pursue any other remedy allowed in law or equity.

## 2. Process for enforcement

- a. Prior to taking any of the actions specified in this Section J, the Building Official shall serve a notice of violation on the Contractor by delivering the notice personally to the Contractor or by mailing the notice by certified mail, return receipt requested to the Contractor's address on the Contractor's License application or renewal application and last known address if different from the address on the Contractor's application. The notice shall specify the nature of the violation in reasonable detail. In addition, if the Building Official stops or suspends work under an issued building permit, refuses to issue a certificate of occupancy or perform a final inspection, or revokes an issued building permit, a copy of the notice of violation shall also be sent to the attention of the building permit holder/applicant of record, if different from the licensee, and the building permit holder shall have the same rights to request and participate in a hearing before the Building Official and to receive notice of the Building Official's decision as the licensee under this Section.
- b. The Contractor shall have ten (10) calendar days after the date on which the notice is personally delivered or deposited in the mail to cure the violation or to request a meeting with the Building Official.
- c. If the Contractor makes a timely request for a meeting with the Building Official, the Building Official shall notify the Contractor of the date, time and place of the meeting. The meeting shall occur no later than seven (7) business days after receipt of the meeting request.
- d. The Contractor and other interested parties may attend the meeting, and the Building Official shall record the meeting. Upon completion of the meeting, the Building Official shall take all the evidence presented under advisement and shall notify the Contractor in writing within ten (10) days after the meeting of the Building Official's findings. No suspension or revocation of a License shall be effective while the matter is under advisement, except for emergency suspensions made pursuant to Section J.3 below.
- e. The decision of the Building Official may be appealed to the BoR pursuant to Section K below.
- f. Stop work orders issued for violations of the Building Code and not for violations of this Policy shall not be subject to the procedures set forth in this Policy.

## 3. Emergency Enforcement

- a. If the Building Official finds that emergency cause endangering the public health and safety exists as a result of an apparent violation of this Policy which warrants the Building Official taking immediate action, the Building Official may enter an order for immediate suspension of a Contractor's License and may impose an immediate stop work order against the affected property pending a hearing before the BoR. The Building Official shall notify the Contractor of the immediate suspension of his/her License, the stop work order, the nature of the violation and the date, time and place of the hearing before the BoR. The notice shall be served by personally delivering the notice to the Contractor, by posting the notice at a prominent location on a property which has been issued an active building permit on which the Contractor is known to be working, or by transmitting the notice to the Contractor by same-day or next-day mail or courier at the Contractor's address of record on file with the Building Official. The Building Official shall post the stop work order at a prominent location on the affected property.
  - b. Any hearing before the BoR regarding an emergency enforcement action taken by the Building Official pursuant to this Section shall be conducted in accordance with Section K. below.
4. The building permit remedies in this Section J are in addition to, and do not limit, any remedies related to building permits specified in the Building Code and any other code, ordinance, regulation, policy or resolution adopted by the BCC.

K. Appeals from Decision of the Building Official

1. Appeals to the BoR may be made by any Person aggrieved by the following final decisions made by the Building Official in the course of administering this Policy:
  - a. Denial of a License application.
  - b. Suspension or revocation of a License.
  - c. Issuance of a stop work/suspension order or revocation of a building permit.
  - d. Refusal to issue of certificate of occupancy.
  - e. Issuance of a written determination that a Person is required to obtain a License or a certain class of License under this Policy.
2. Appeals to the BoR challenging a decision made by the Building Official in the course of administering this Policy must be received by the Building Official no later than fourteen (14) calendar days after the date of the decision being appealed. If the decision being appealed was sent by regular U.S. mail, three (3) additional days shall be added to the 14-day appeal deadline.
3. Appeals to the BoR are governed by the terms of the Jefferson County Board of Review Policy and Board of Review Bylaws. Any Person appealing a decision made by the Building Official in the course of administering this Policy must comply with all requirements of the Jefferson County Board of Review Policy and Board of Review Bylaws, including all filing and hearing procedures contained therein.

L. Reapplication for Denied or Revoked License.

If a License is denied or revoked under this Policy, the applicant may reapply for a License, but not sooner than 90 calendar days after the final decision of the Building Official or the BoR, as applicable.

M. Principles of Interpretation.

In the case of conflicting or ambiguous provisions in this Policy, the interpretation taken shall be the more restrictive one, or the one that otherwise best protects the public health and safety in the sound discretion of the Building Official.