



Gunnison County, CO
Community Development Department
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To: Planning Commission

From: **Staff**

Date: December 13, 2019

Included in your packet for the Planning Packet: December 20, 2019
Agenda-December 20, 2019
Minutes- Draft December 6, 2019
LUC-19-00041 -Iglesia Rios DeAqua De Gunnison – <ul style="list-style-type: none">• Draft Decision
LUC-19-00012-Roper Subdivision- <ul style="list-style-type: none">• Draft Recommendation• Draft Plat
LUC-19-00037- Shady Island River Park – 2nd work session <ul style="list-style-type: none">• Response from Sheriff and Response to Busse comments
Contractor Licensing- Work Session <ul style="list-style-type: none">• Building Official's Memo

The applications can be viewed on gunnisoncounty.org, link to <http://204.132.78.100/citizenaccess/>

- Public access
- Projects
- Application # LUC-
- **LUC-19-00012**
- **LUC-19-000418034**
- **LUC-19-00037**
- Attachments
- View

Building official's memo attached



Gunnison County Community
 Development Department
 Offices of Planning, Building and Environmental Health
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 Phone: (970) 641-0360 Fax: (970)641-8585
 December 20, 2019

TO: Planning Commission
FROM: Crystal Lambert, Building & Environmental Health Official
SUBJECT: Building Contractor Licensing Program

Purpose:

The purpose of this item is to continue the discussion, from the May 17, 2019 meeting, of a contractor licensing program for Building General Contractors providing construction services for which a Gunnison County building permit is required.

Background:

At the Planning Commission meeting on May 17, 2019, staff proposed a Contractor Licensing program and provided a sketch plan of components of a program, such as knowledge testing and proof of insurance. The Planning Commission requested more detailed information on a proposed program, including testing and continuing education requirements and enforcement.

A General Contractor Stakeholder meeting was held on January 16, 2019 to discuss the potential contractor licensing program. Feedback from the group was favorable towards a licensing program with both an insurance requirement and competency testing.

A trades and sub-contractor Stakeholder meeting was held on April 17, 2019 to discuss including trades in a potential licensing program. At the meeting were professionals from the mechanical, insulation, and concrete industries. The feedback was mixed. Some saw value in a program through ensuring everyone was at the same level when competing for work. The general consensus was to implement a program for Building Contractors only at this time.

Proposed Contractor Licensing Program:

Staff is proposing the following details for contractor licensing that includes passing of an exam provided by the International Code Council's Contractor/Trades examination program and proof of insurance, with details addressing issuance of a license, terms of a license, license renewal, and enforcement of the terms of a license.

Type of License	License Fee	Minimum Insurance	Single Limit
Class A	\$250	\$1,000,000	
Class B	\$200	\$1,000,000	
Class C	\$150	\$1,000,000	
License Term: Licenses are effective for thirty-six months after the date of issuance.			
License Re-application: Contractors holding licenses may apply for a new license within three months prior to the expiration of the license.			

Definitions:

Contractor: A person who for compensation directs, supervises, or undertakes any work for which a County building permit is required under the County Building Code or the County Land Use Resolution, with exception of the following:

- A person who acts as the contractor for the construction of a new residential dwelling on that person's own property no more than once within any four-year period, or any additions or alterations of a residential dwelling or accessory structure on that person's own property.
- A person whose sole function in the work is to perform labor under the supervision or direction of a building contractor.
- A person performing repair or maintenance work on property owned by that person.
- An employee performing repair or maintenance work on their employer's own property.
- A person required to be licensed by the State of Colorado who is performing work within the scope of their license, such as:
 - Electricians pursuant to Article 23, Title 12, C.R.S.,
 - Plumbers pursuant to Article 58, Title 12, C.R.S.,
 - Elevator and Conveyance Installers pursuant to Article 5.5, Title 9, C.R.S.,
 - Manufactured Home Installers pursuant to 24-32-3301 et sec C.R.S.

Building Official: The person directed and authorized to enforce the provisions of the building code in Gunnison County as the Building Official, who works under the direction of the Director of Community and Economic Development Department.

Board of Appeals: The Board appointed by the Board of County Commissioners of Gunnison County to hear and decide appeals of orders, decisions, or determinations made by the Building Official.

Types of Licenses: The following types of building contractor licenses are established and must be obtained as specified below:

- **Class A Contractors License**-This license entitles the holder to contract for the construction, alteration, tenant finish or repair of any type of structure permitted by the International Building Code or the International Residential Code.
- **Class B Contractors License**-This license entitles the holder to contract for the construction, alteration, tenant finish or repair of commercial buildings and single- or multi dwelling buildings not exceeding three stories in height as permitted by the International Building Code or the International Residential Code.
- **Class C Contractors License**-This license entitles the holder to contract for the construction, alteration, or repair of one- and two- family dwellings and accessory buildings as permitted by the International Building Code or the International Residential Code.

Conditions for Issuance of a License:

1. Submits a complete license application form along with the required administrative licensing fee.
2. Achieves a passing grade on the applicable International Code Council (ICC) exam related to the particular license type being applied for 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)
3. Proof of three (3) successfully completed projects or show proof of two years experience in their contractor's field.
4. Provides proof of current insurance coverage, including:
 - a. Worker's Compensation Insurance as required by the State of Colorado.
 - b. General Liability Insurance with a minimum combined single limit for each occurrence of \$1,000,000.00.
 - c. Certificate of Insurance issued to the County as a Certificate Holder requiring a ten day notice for Non-payment of Premium and providing 30 days advance written notice for all other reasons to the Gunnison County Building Official (at Gunnison County Community Development Department, 221 N. Wisconsin St., STE D, Gunnison, CO 81230) signed by an authorized agent of the issuing company. In the event the required insurance is revoked, the contractor license is revoked upon such notice.

License Term and Expiration/Reapplication:

Licenses shall be effective for thirty-six (36) months after their date of issuance. Licenses shall expire at the end of this term. Contractors holding licenses may apply for a new license within three (3) months prior to the expiration of their existing license. Contractors holding a valid County license who apply for a new license shall not have any unresolved building code violations.

Exams Administered by the International Code Council:

The International Code Council's Contractor/Trades examination program is an independent testing program designed to provide licensing agencies with information regarding qualified contractors.

The tests can be taken at testing centers or online through a proctored online testing option that requires a computer with an internet connection, a webcam and working audio. The three exams, for Class A, B, and C licenses, are open book and have a four hour time limit. The Class A exam is 90 Questions and the Class B and C exams are 80 questions.

The ICC provides outlines for each exam that can be used as a study reference, for example, the Class A exam is approximately 15% on Administration General Requirements, including code definitions and terms, and plan reading. 25% on Building Planning and Life Safety, including fire and smoke alarms, occupancy needs and the interior environment, exiting and means of egress, and accessibility. 45% on Structural Systems, including footings and foundation, concrete, floors, wall framing and stairs, roof ceiling construction. 15% on Building Envelope, which includes interior finishes, glass and glazing, and exterior finishes and roof coverings.

Certifications need to be renewed every three years and requires that a certain amount of

Continuing Education Units (CEUs) have been earned. The ICC provides links to and lists of ways to earn CEUs that includes seminars, courses and trainings, many of which are available on-line. One certification requires 1.5 CEUs (15 hours of course duration) to renew. Two through five certifications required 3.0 CEUs (30 hours of course duration) to renew.

Proposed Enforcement:

Violations of the Licensing Program:

It shall be a violation for any Building Contractor to:

1. Provide any false or misleading information on a license application.
2. Fail to have or maintain adequate insurance as required.
3. Fail to obtain a required building or land-use permit or to follow any other applicable requirements of the Gunnison County Building Code and Land Use Resolution.
4. Perform work outside of the scope of an issued license, transfer a license to a person other than the licensee, or employ person in work under a County building permit who are required to be licensed.

Actions that may be taken for violation of the Licensing Program:

1. A fine equal to the license fee for failure to obtain the required license prior to engaging in the business of being a building contractor.
2. The Building Official may revoke or suspend the Contractor's license.
3. The Building Official may stop/suspend work under an issued building or land-use permit; may stop work on a project that requires but does not have an issued building or land-use permit, may refuse to issue a Certificate of Occupancy or Completion or perform a final inspection under an issued building or land-use permit.
4. The Building Official may issue a written determination that a person is a building contractor required to obtain a license.
5. The County may pursue any other remedy allowed in law or equity.

Reapplication for Revoked License:

If a license is revoked, the applicant may reapply for a license, but not sooner than 90 days after the final decision of the Building Official or the Board of Appeals, as applicable.

Appeals to the Board of Appeals:

The decision may be appealed to the Gunnison County Board of Appeals.

- A. Appeals to the Board of Appeals may be made by any person aggrieved by the following final decisions made in the course of administering the licensing program, including:
 1. Denial of a license application;
 2. Suspension or revocation of a license;
 3. Issuance of a stop work/suspension order or revocation of a building or land-use permit;
 4. Written determination that a person is a building contractor required to obtain a license.
- B. Appeals to the Board of Appeals shall be in writing, state in reasonable detail the basis for the appeal and shall be received no later than 14 calendar days after the date of the decision.
- C. Upon receipt of a complete and timely appeal the Building Official shall schedule a hearing with the Board of Appeals. The hearing shall be held as soon as practical after receipt of the appeal.

Recommendation:

Staff is recommending that the draft building contractor licensing program be implemented for the unincorporated areas of Gunnison County. The licensing process would require that building contractors demonstrate they are competent in the general construction trades and that they maintain current insurance coverage.