

## **INSTRUCTIONS FOR AN APPLICANT FOR A CONTRACTOR'S LICENSE**

1. Applications to the Glendale Building Board of Appeals shall be made on the appropriate form, as provided in this packet.
2. Each application shall be accompanied by an application fee of Twenty Dollars (\$20) and the required license fee.
3. An applicant shall be at least eighteen (18) years of age.
4. An examination has been included in this packet. It is an open-book, take-home exam. It should be completed and returned with the application. A total of 14 questions must be answered correctly for a passing score.
5. Whenever the laws of the State of Colorado require that a particular trade be licensed, then such license shall be a prerequisite for applicants for licensing by the City of Glendale. A copy of said license shall be attached to the application when submitted.
6. If the applicant is qualified under this Code, the Building Official will issue the applicant a license when the following has occurred:
  - a. The annual fee has been paid (the application fee does not apply).
  - b. It is demonstrated that the firm has Workman's Compensation and Employee's Liability Insurance in effect. A copy of a Certificate of Insurance from the State of Colorado must be attached to the application.
  - c. Class A, B, or Construction Management applicants have public liability of \$500,000 to \$1,000,000 and public property damage of \$500,000.\*
  - d. Demolition Contractors have liability insurance coverage naming the City of Glendale as one of the named insured in the amount of \$200,000 for injuries, including accidental death to any one person, \$500,000 for one accident, and property damage of \$200,000 (see Section 5503, Insurance of Building Code Amendments).\*
  - e. Other Contractors: Public liability of \$100,000 to \$300,000 and property damage of \$100,000 for any one accident.\*

\*An original Certificate of Insurance must be made out to the City of Glendale and submitted with the application.

7. The applicant may wish to attend the Board of Appeals meeting to present his application in person; however, it is not necessary to do so. The meetings are held in the Glendale Municipal Center at 5 p.m. in the evening. The applicant should notify the Building Department if he chooses to attend the meeting.
8. The Building Official may issue temporary permits to applicants licensed in other cities, when the application has been completed and the fees and insurance certificates have been deposited with him.
9. If, for some reason, the Board of Appeals should deny a license to an applicant, said applicant may appeal to the City Council, as prescribed elsewhere in the Code.
10. Licenses or certificates issued after September 30 shall be two-thirds of the annual license fee and shall expire on December 31st of the year issued.
11. All licenses shall expire on December 31st. The Board of Appeals may grant a thirty (30)-day grace period before a new application for a license or certificate is required.

**ORDINANCE NO. 5, SERIES OF 1981**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO, REPEALING ORDINANCE NO. 16, SERIES OF 1973, AND ESTABLISHING A NEW CONTRACTOR'S LICENSING REQUIREMENT, SUPERVISOR CERTIFICATE REQUIREMENT, EXAMINATION AND ELIBILITY STANDARDS, INSURANCE REQUIREMENTS, ESTABLISHING VARIOUS LICENSE CATEGORIES, AND ESTABLISHING A LICENSING AND CERTIFICATION FEE SCHEUDLE, SETTING FORTH VARIOUS RULES AND REGULATIONS CONCERNING SUSPENSION AND REVOCATION, SETTING PENALTIES FOR VIOLATIONS AND REPEALING ANY ORDINANCE OR RESOLUTION IN CONFLICT.

WHEREAS, the City Council of the City of Glendale has determined that it is in the public interest and benefit to regulate construction work by requiring the licensing and certification of contractors and/or supervisors; and

WHEREAS, the licensing of contractors and certification of supervisors will aid in the safe and competent construction of structures and compliance with building codes adopted by the City of Glendale; and

WHEREAS, the required licensing and certification will allow better control and regulation of construction activities; and

WHEREAS, the Council determines that various levels of licensing should be established, together with appropriate fees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENDALE, COLORADO, AS FOLLOWS:

SECTION I: SCOPE AND DEFINITION

- A. General. This Article provides for the licensing of contractors and certification of supervisors for such contractors who are defined as follows: Any person, firm, partnership, corporation, association or organization, or any combination thereof, who undertakes for himself, or with or for another, within the City of Glendale, Colorado, to build, construct, alter, repair, add to, wreck, or move any building or structure or any portion thereof or do any work or supervise any work for which a license or certificate of qualification is required under the provisions of this chapter for a fixed sum, price, fee percentage, trade in kind, or other compensation, including the cost of the materials or labor or any combination thereof.
- B. Public right of hearing. This Article also provides for the administrative review of suspension or revocation of licenses of contractors who are licensed under this Ordinance.

SECTION II: AUTHORITY, LICENSING, AND QUALIFICATIONS

- A. Licenses and Certificates of Qualifications. The Glendale Building Board of Appeals, hereinafter referred to as "Board," is vested with the authority to establish licensing procedures to fulfill the

intent of this Ordinance, to qualify applicants for licenses or certificates, to authorize the issuance and renewal of licenses or certificates, and to suspend or revoke licenses or certificates. The Board is vested with the authority to issue and to renew licenses and certificates pursuant to said authorization pursuant to this Ordinance or some other ordinance of the City of Glendale.

- B. Licenses Required: Licenses shall be required as hereinafter specified in this section, and it shall be a violation of this Code for any person to perform any work covered by the Glendale Building Code without a license, except as allowed by this Code.

EXCEPTIONS:

1. Owners or agents doing ordinary maintenance or repair which do not involve the structure of the building. Owners, other than homeowners, are not allowed to do remodeling, alterations, or additions without a licensed contractor.
2. Owners doing not more than \$2,000 in work value if any three consecutive months would be excepted from the requirements of this section, except when electrical or gas line work is involved.
3. Public utility companies (under PUC control) shall not be required to obtain the licenses described in this chapter when engaged in the installation, operation, and maintenance of their equipment used for the production, generation or distribution of the utility product or service through the facilities owned or operated by the utility company to the point of customer service

- C. Supervisor Required.

General. Every licensee shall be required to have in his employ a supervisor who holds a supervisor certificate of qualification for that particular license. A plumbing contractor shall be required to have in his employ a supervisor who holds a valid Master Plumber's License issued by the State of Colorado. Plumbing supervisors shall not be required to hold a supervisor certificate of qualification.

EXCEPTIONS:

1. The following licenses shall not require a certified supervisor.

Building Contractor – Class C-3, Class C-5, Class C-6, Class C-7, Class C-9, Class C-10, Class C-12, Class C-13, Class C-14, Domestic Appliance Contractors, and Special Contractors.

- D. Applications. Application for licenses and supervisor certificates shall be on such forms as are supplied by the Building Department and shall furnish such information as the Board may prescribe

and shall be accompanied by the required fees as set out in this chapter. Applicants must be at least eighteen (18) years of age. An application fee of \$20 shall accompany the application.

### SECTION III: EXAMINATION OF APPLICANTS, ISSUANCE OF LICENSES, CERTIFICATES

- A. Examination shall be given at reasonable intervals. If the applicant fails the exam, he may take another exam after thirty (30) days. If he fails the second exam, he may take another exam after six (6) months. The Board may deviate from this time requirement when they feel there are extenuating circumstances.
- B. Whenever the laws of the State of Colorado require that a particular trade be licensed, then such license shall be a pre-requisite for applicants for licensing under the Building Department. If the applicant is qualified, the Building Official will issue the applicant a license, upon payment of the annual fee prescribed in this Code. Each annual fee shall be in addition to the application fee.
- C. No permits shall be issued to any contractor who has not first obtained a license as required in this Code and has in his employ the required supervisor, or who is delinquent in the payment of his annual fee, or whose license has been suspended or revoked by action of the Board.
- D. Temporary Permits. The Building Official may, at his discretion, issue temporary permits to contractors licensed in other cities whose applications have been filed pending action of the Board of Review, providing the full year's license fee and insurance certificates have been deposited with him. Such temporary permits may be revoked if the application for a license is denied by the Board or at the discretion of the Building Official. Conditional or probational licenses may be granted to a contractor where the Board deems it necessary in order to establish capability prior to the actual license issuance.
- E. On any work requiring a licensed contractor, permits shall be issued only to the contractor or to his authorized representative.
- F. Validity. The license shall be valid only as long as the named supervisor shall remain in the employ of the licensee in an active, full-time capacity and shall provide personal supervision at the work, job, or project site in Glendale, Colorado, adhering to reasonable standards of personal attendance as determined by the Board. The respective licensee's rights to do business shall be dependent upon the continued retention of the person carrying the certificate of qualification in an active capacity. Whenever this person terminates his active capacity or otherwise becomes inactive, the licensee shall immediately notify the Building Official. There shall be a thirty (30)-day grace period in order to acquire a certified supervisor before complete termination of the license and re-examination before the Board. The license shall terminate automatically if, after notification to renew within thirty (30) days, the holder fails to do so.

- G. Expiration. All licenses and certificates shall expire on the thirty-first (31<sup>st</sup>) day of December of each year, and it shall be the responsibility of the contractor to renew the license or certificate at that time. The Board may grant up to thirty (30) days grace period upon reasonable cause.
- H. When a license or certificate is issued after September 30th, the fee shall be two-thirds (2/3) of the annual license fee and shall expire December 31<sup>st</sup> of the year issued.

No permits may be obtained, nor work already under permit be continued, until the license has been reissued or the certificate has been renewed, as provided for hereinabove. Licenses and certificates may be renewed without re-examination upon the payment of the fees for the current year, providing they have not expired, been suspended, or revoked by action of the Board. After a license or certificate has passed one (1) month without renewal, it will be required to apply for a new license or certificate instead of using the renewal procedure.

- I. Insurance Required. Every contractor granted a license under the provisions of this article shall be required to maintain the following types and amounts of insurance at all times:

All Contractors:      Workman’s Compensation  
                                 Employee’s Liability

Class A, B, or Construction Management:  
Public Liability minimum limits of not less than Five Hundred Thousand Dollars (\$500,000) for any one person and One Million Dollars (\$1,000,000) in any one accident, and public property damage with a minimum of not less than Five Hundred Thousand Dollars (\$500,000) for any one accident.

Demolition Contractor:  
Public Liability insurance as outlined in Chapter 55 of the Amendments to the Uniform Building Code, more specifically, Section 5503 of the chapter.

All Other Contractors:  
Public Liability within minimum limits of not less than One Hundred Thousand Dollars (\$100,000) for any one person and Three Hundred Thousand Dollars (\$300,000) in any one accident, and public property damage with a minimum of not less than One Hundred Thousand Dollars (\$100,000) for any one accident.

#### SECTION IV: CLASSIFICATION OF LICENSES AND DEFINITIONS

- A. Building Contractors Class “A”: To erect, add to, alter, or repair any building or structure. The demolition of a building or structure is permitted when the licensee established that he will erect a new building or addition on the same site. All work shall be performed under the supervision of the holder of Class “A” Building Supervisor’s Certificate.

- B. Building Contractor Class "B": To erect, add to, alter, or repair any structure or building except those buildings of required Type I or Type II construction shall not exceed the height and area which is permitted for a Type III building. The demolition or partial demolition of any group R-3 occupancy or one story building or structure is permitted when the licensee establishes that he will erect a building or addition on the same site. All work shall be performed under the supervision of the holder of a Class "A" or Class "B" Building Supervisor's Certificate.
- C. Building Contractor Class "C": All work enumerated in this section shall be performed under the supervision of the holder of a Class "A" or Class "B" Building Supervisor's Certificate or the particular Class "C" Building Supervisor's Certificate.
1. Lathing, Plastering, and Drywall. Installation of all lathing, plastering, and drywall, including the installation of non-bearing partitions and stucco.
  2. Roofing. Installation of roof coverings, including valleys, gutters, and downspouts.
  3. Waterproofing. Installation of waterproofing and damp proofing of foundations.
  4. Masonry. Laying and forming of all types of masonry.
  5. Excavators, Caisson Drillers, and Drain Layers. Excavate for foundations, drill foundation caisson, and excavate trenches and laying drain piping.
  6. Concrete. Forming and pouring for concrete buildings and structures, including footings, foundations, and flatwork.
  7. Swimming Pools. Installation of swimming pools except utilities.
  8. Fire Protection. To install and repair fire extinguishing systems of all types; to install, maintain, and repair smoke detection systems.
  9. Insulation. Installation of all types of building insulation.
  10. Fences. Install all types of fences except masonry.
  11. Pre-Cast Building Units. The erection of precast concrete structural units for all types of buildings and structures.
  12. Lawn Sprinkler. To install lawn sprinkler systems, including installation of check and vacuum valves and connections to potable water supply.

13. Patios, Carports, Sidings, and Awnings. To install, repair, or maintain all patios, carports, siding, and awnings.
  14. Glass and Glazing.
  15. Wood Framing. The fabrication and erection of wood framing for all types of buildings or structures.
  16. Structural Metal. The fabrication and erection of structural metal for all types of buildings and/or structures, excluding the complete construction of a Type IV building.
- D. Construction Management Firms. To administer and coordinate those trades and contracts directly engaged in the construction of buildings, structures, and utilities. The holder of this license shall conform to all of the provisions of the building codes and this chapter, except that he shall not be permitted to obtain permits. This license shall require a construction certificate holder who shall be certified in the class of construction being performed and be an employee of the construction management firm.
  - E. Demolition Contractor. To demolish any buildings, structure, or utilities or portion thereof. All work shall be performed under the supervision of a holder of a demolition Supervisor's Certificate.
  - F. Moving Contractor. Moving of all types of buildings or structures. All work shall be performed under the supervision of a holder of a moving Supervisor's Certificate, having the required liability, property, workman's compensation, and other insurances.
  - G. Sign Contractor. To fabricate, install, erect, or maintain all types of signs. All work shall be performed under the supervision of the holder of a sign Supervisor's Certificate.
  - H. Mechanical Contractor. To install, add to, alter, or repair warm air heating, venting, evaporative and refrigeration cooling, exhaust systems, and their appurtenances. Also, hot water systems, process piping, refrigeration systems, and related appurtenances.
  - I. Elevator Contractor. To install, add to, alter, or repair elevators, escalators, moving walks, and dumbwaiters.
  - J. Domestic Appliance Contractor. To install, repair, and replace domestic appliances in Groups R-1, R-3, and M Occupancies.
  - K. Plumbing Contractor. To install, add to, alter, or repair sanitary plumbing, potable water supply piping, and appliances connected thereto, storm sewer, gas piping, water heaters, piping for the

transmission of chemicals and gases, gas ranges, domestic gas, incinerators, gas dryers, pool piping, and process piping, and work shall be performed under the supervision of the holder of a Master Plumber's License issued by the State of Colorado.

- L. Special Contractor. Shall entitle the holder thereof to contract for all other trades not specifically classified elsewhere in this Ordinance, such as, but not limited to, painters, carpet layers, tillers, landscapers, asphalt pavers, or any other particular trade or work connected with the building industry. All work classified under this license shall be limited to the trade specified in such license.
- M. Communication Contractors. To install, add to, alter, or repair communication circuits, including telephone, cable, TV, computer systems, or any other low voltage system connected by wire from one location to another.

SECTION V: CONTRACTOR'S LICENSE AND CERTIFICATION FEE SCHEDULE

1. Fees

<u>TITLE</u>	<u>FEE</u>
Building Class A	\$200.00
Building Class B	\$125.00
Building Class C	\$ 75.00
Construction Management	\$200.00
Demolition Contractor	\$ 75.00
Moving Contractor	\$ 75.00
Sign Contractor	\$ 75.00
Mechanical Contractor	\$ 75.00
Elevator Contractor	\$ 75.00
Domestic Appliance Contractor	\$ 75.00
Plumbing	\$ 75.00
Special	\$ 75.00
Communication Contractor	\$ 75.00

2. Classification of Supervisor Schedule

<u>Contractor License</u>	<u>Supervisor Certificate Required</u>
Building Class A	Construction Class A
Building Class B	Construction Class B
Building Class C-1	Construction Class C-1
Building Class C-2	Construction Class C-2
Building Class C-3	Not required
Building Class C-4	Construction Class C-4
Building Class C-5	Not required
Building Class C-6	Not required

Building Class C-7	Not required
Building Class C-8	Construction Class C-8
Building Class C-9	Not required
Building Class C-10	Not required
Building Class C-11	Construction Class C-11
Building Class C-12	Not required
Building Class C-13	Not required
Building Class C-14	Not required
Building Class C-15	Construction Class C-15
Building Class C-16	Construction Class C-16
Construction Management Firm	Construction Class A or B
Demolition Contractor	Demolition Class A
Moving Contractor	Moving Class A
Sign Contractor	Sign Class A
Mechanical Contractor	Mechanical Class A
Elevator Contractor	Elevator Class A
Domestic Appliance Contractor	Not required
Plumbing Contractor	State Master Plumber's License
Special Contractor	Not required
Communication Contractor	Communication Class A

3. Supervisor Certificate of Qualification. All licenses issued by the Board shall require a certificate of qualification for the particular work to be performed **in accordance with Table 1B**. The certificate shall permit the holder thereof to be a supervisor under the license enumerated herein.

#### SECTION VI: SUSPENSION OR REVOCATION OF LICENSES OR CERTIFICATES OF QUALIFICATION

- A. The Building Official shall, upon the verified complaint in writing of any person, require any contractor or supervisor, pursuant to this Code, to appear before the Board for hearing on the suspension or revocation of a license or certificate. The contractor or certificated individual shall be given a copy of the complaint and a written notice of the time and place of the contemplated hearing before the Board at least twenty (20) days prior to the hearing. The written notice shall be served personally or shall be posted by first class mail to the last known post office address. At the hearing before the Board, the contractor or certified person shall have the right to present his or its case by oral and documentary evidence; to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of the facts. The contract or certificated person shall be entitled at said hearing to have the benefit of legal counsel of his or its own choosing and at his or its own expense.
- B. The Board, after review of the evidence presented, shall have the power to suspend or revoke said license or certificate and to suspend or revoke the contractor's right to act as a contractor and shall have the power to suspend or revoke the right of the certificated person to serve for any other partnership in the opinion of three (3) of the five (5) Board members, if the evidence supports a

finding that the contractor and/or the certificate holder committed one or more of the following or omissions:

1. Fraudulent departure from plans or specifications without authority from the owner or the owner's authorized representative.
2. Willfully violating any provisions of the Building Code, including any codes which are adopted by reference.
3. Failure to comply with any lawful order of the Building Official or any other authorized representative of the City employed by the Building Department pertaining to the administration of the Building Code and those codes adopted by reference as set forth in 2 above.
4. Fraudulently using a contractor's license to obtain permits required under this Code for any other person, corporation, or legal entity.
5. Misrepresentation by an applicant of a material fact when applying for a contractor's license or fraud in obtaining a contractor's license.
6. Failure to obtain a proper permit for any work for which a permit is required by virtue of this Code.
7. Commitment of any act of gross negligence in the conduct of the contractor's specific trade or business on work done by the contractor which is regulated by the provisions of the Building Code.
8. Conviction by a court having competent jurisdiction of the contractor and/or the examinee of fraudulent use of funds or property received by virtue of contract.

C. Definitions:

1. "Willfully," as used in B.2., is defined as designed, intentional, not accident or voluntary; proceeding from a conscious motion of the will. A willful act may be described as one done intentionally, knowingly, and purposely, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly, or inadvertently.
2. The elements necessary for establishing "fraudulent" acts or conduct are:
  - a. The contractor made a false representation of a past or present fact;
  - b. The fact was material;

- c. The contractor made the representation without an honest belief that it was true;
- d. The contractor made the representation with the intent that the owner act or refrain from acting in reliance on it;
- e. The owner, relying on the representation, acted or refrained from acting as the contractor intended;
- f. The owner's reliance was justified.

If the Board finds that all of these elements have been established by a preponderance of the evidence, then it may find that the contractor has committed a "fraudulent" act or acts or has committed "fraudulent" conduct.

If, on the other hand, any one or more of the elements has not been established by a preponderance of the evidence, the Board of Review shall not find the acts or conduct to be "fraudulent."

- 3. "Gross negligence," as used in B.7., is defined as negligence which consists of an affirmative act purposefully committed, or the purposeful failure to do an act, which the contractor (or examinee) was under a duty to perform, which act or omission the contractor (or examinee) knew was dangerous to another's person or property, and which he performed or omitted heedlessly, without regard to the consequences or of the rights or safety of another's person or property.

Gross negligence is sometimes characterized as willful, wanton, or reckless negligence.

- D. The Board may voluntarily suspend licenses upon the written consent and approval of the licensee.

#### SECTION VII: PENALTIES

Any person, firm, or corporation violating or failing to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed Seven Hundred Fifty Dollars (\$750) or by imprisonment not to exceed ninety (90) days, or both such fine and imprisonment; and, provided further, that for each day or portion thereof, during which any violation is permitted to continue, each day shall constitute a separate offense.

#### SECTION VIII

That all Ordinances or parts of Ordinances of the City of Glendale in conflict are hereby repealed; that Ordinance No. 16, Series of 1973, is expressly repealed.