

ORDINANCE NO. 2021-3178

AN ORDINANCE AMENDING RULES AND REGULATIONS FOR THE LICENSING OF THE ELECTRICAL, HVAC MECHANICAL, AND PLUMBING TRADES IN THE CITY OF CONCORDIA, REPEALING ARTICLE IV OF CHAPTER 11 OF THE CONCORDIA CODE; AND AMENDING THE CONCORDIA CODE, BY ADDING A NEW ARTICLE IV OF CHAPTER 11.

BE IT ORDAINED by the governing body of the City of Concordia, Kansas:

SECTION 1. Article IV of Chapter 11 of the Code of Ordinances of the City of Concordia is hereby repealed as of the effective date set forth below.

SECTION 2. The Code of Ordinances of the City of Concordia is hereby amended, by adding a new Article IV of Chapter 11, which shall read as follows:

CHAPTER 11

ARTICLE IV. GENERAL CONTRACTOR AND SKILLED TRADE CONTRACTOR LICENSING

DIVISION I

DEFINITIONS

Sec. 11-401 Definitions. For the purposes of this article the following definitions shall apply:

- (1) Electrical work shall include the installation, replacement, repair or alteration of disconnect, service or control equipment or of permanent premises electrical wiring, lighting, fixtures and/or utilization equipment or devices not otherwise connected by approved attachment cord and cap.

Electrical work shall not include circuits and equipment operating at less than 50 volts, communication wiring or devices, or the repair of motors or utilization equipment.

- (2) Employee shall mean a person working for a licensed contractor in a relationship of employee/employer as described by federal tax definition. Employee shall not mean independent contractor or subcontractor as described by federal tax definition.
- (3) General contractor work shall include the (a) oversight and completion of the entire scope of work included in a building permit, including without limitation, purchasing materials, hiring and paying subcontractors, and coordinating all the work; and (b) the satisfactory completion of all permit requirements necessary to obtain a certificate of occupancy or a certificate of completion for which the contractor is responsible.
- (4) Mechanical (HVAC) work shall include the installation, replacement, repair or alteration of any ventilation or exhaust system, chilled water system, hydronic, refrigerant, fuel gas or condensate piping, water heaters and boilers for both domestic hot water and space heating, refrigeration systems including electrical disconnecting means immediately adjacent to remote condensers, incinerators or other miscellaneous heat producing appliances or warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation, or by radiation.

Mechanical (HVAC) work shall not include the installation or repair of cooking or clothes drying equipment, fully self-contained permanently electrical heating and/or cooling appliances such as but not limited to, ice machines, ice cream machines, walk-in coolers and freezers without remote condensers and other similar appliances which require only electrical and/or water hookups.

- (5) Licensed contractor shall mean the holder of a contracting license as described in Divisions II and III of this article.
- (6) Person shall mean an individual, corporation, limited liability company, or partnership.
- (7) Plumbing work shall include the installation, replacement, repair or alteration of water, wastewater, vent, hydronic and fuel gas piping, water heaters and boilers for both

domestic potable water and environmental heating and their vents, medical gas systems, plumbing fixtures and appliances.

Plumbing work shall not include the clearing of stoppages or the repair of plumbing appliances such as but not limited to dishwashers, garbage disposals, water softeners or ice machines

- (8) Provisionally licensed (grandfathered) contractor shall mean a person to whom a provisional (grandfathered) general contractor license has been issued.
- (9) Skilled tradesman licensee shall mean the holder of a master, journeyman or apprentice license for mechanical, electrical, or plumbing work as described in Division III of this article.

DIVISION II

GENERAL CONTRACTOR LICENSE REQUIRED

Sec. 11-402 It shall be unlawful for any person to either perform, cause to perform, or obtain permits for the work described in Chart 1 – Column A unless such person has been issued by the City of Concordia the corresponding general contractor license listed in Chart 1 – Column B or the provisional general contractor license listed in Chart 1 – Column C, subject to the exemptions set forth in Section 11-416.

CHART 1		
Column A – Work	Column B – License	Column C – Provisional (Grandfathered) License
General contractor work on any buildings, structures and signs – but not in-ground swimming pools, fire alarm and communication systems, or fire sprinkler systems	Class A – General Contractor	Provisional (Grandfathered) Class A – General Contractor
General contractor work on any buildings not exceeding 3 stories or structures not exceeding 65 feet in height, nonstructural alterations or repairs to any buildings or structures and signs – but not in-ground swimming pools, fire alarm and communication systems, or fire sprinkler systems	Class B – Building Contractor	Provisional (Grandfathered) Class B – Building Contractor
General contractor work on one- and two-family residences and their accessory structures only and signs – but not in-ground swimming pools, fire alarm and communication systems, or fire sprinkler systems	Class C – Residential Contractor	Provisional (Grandfathered) Class C – Residential Contractor

Sec. 11-403 Qualifications for general contractor license. In order to qualify for a general contractor license, an applicant contractor shall designate a qualified individual who is both associated with the applicant as an owner, officer, director, or employee and active in the building decisions of the building contractor. General contractor licenses are issued to a business having at least one, but not more than two qualified individuals. An individual person may not be listed as the qualified individual for more than one general contractor license.

Sec 11-404 Qualified Individual Requirements

- (1) An individual person may qualify as a qualified individual by one of the following means:
 - (a) Testing. Obtain the appropriate certificate of competence for the class of license being sought with a minimum score of seventy-five (75) percent from a nationally recognized testing institution as contemplated by K.S.A. 12-1556 (building and residential contractors), or the equivalent tests as administered by the International Code Council (referred to in the following Chart 2 as the “test”); or
 - (b) Related degree. Hold a bachelor’s degree in a construction-related engineering or architecture discipline, construction management or construction science from an accredited college or university (referred to in the following Chart 2 as the “related degree”).
- (2) The designated qualified individual shall:
 - (a) be the legal representative for the general contractor licensee relative to the provisions of this article; and
 - (b) satisfy the requirements of this article.

Sec. 11-405 Continuing Education Requirements for Qualified Individuals

- (1) Any person serving as the qualified individual for a Class A, B or C general contractor license shall, as a precondition of serving as the qualified individual for the renewal of the license, be required to complete 12 hours of continuing education courses related to the building trades during the 2-year term of the license, of which six (6) hours must be instruction on codes that are equivalent or newer than the City of Concordia’s adopted codes. These will include, but not be limited to International Building / Residential Codes, International Plumbing or Mechanical Codes, National Electrical Codes, Americans with Disabilities Act (ADA), Americans with Disabilities Act Accessibility Guidelines (ADAAG), or other training approved by the building official.
- (2) The building official shall promulgate the regulations necessary to administer compliance with these continuing education requirements.
- (3) Chart 2 – Requirements of Qualified Individuals

The following Chart 2 summarizes by category of general contractor licenses listed in Column A both the requirements for qualification as a qualified individual in Column B and the corresponding continuing education requirements in Column C.

CHART 2		
Column A – General Contractor License Categories	Column B – Requirements of Qualified Individuals	Column C – Continuing Education Requirements
Class A – General Contractor	Test or related degree	12 hours per license term or 6 hours per year
Class B – Building Contractor	Test or related degree	12 hours per license term or 6 hours per year
Class C – Residential Contractor	Test or related degree	12 hours per license term or 6 hours per year

Sec. 11-406 Change in status of qualified individual(s) for a licensed general contractor.

- (1) If the designated qualified individual(s) for a general contractor licensee becomes no longer associated with the licensee for any reason (the “date of disassociation”), the licensee shall immediately notify the city clerk in writing of the date of disassociation. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new qualifying individual has been designated. If a qualified individual is not designated within thirty (30) days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a qualified individual has been designated.

Sec 11-407 Qualifications for provisional general contractor license.

- (1) In recognition of the experience-based qualifications of current general contractors, until six months after the ordinance establishing general contractor licensing is adopted, a current general contractor may qualify once for a provisional general contractor license for no more than one (1) term to expire December 31, 2023. This provisional license is renewable provided the designated qualified individual(s) completes their continuing education requirements in accordance with Section 11-405.
- (2) In order to qualify for a provisional general contractor license, an applicant general contractor shall designate at least one, but not more than two, qualified individual(s) who is both associated with the applicant as an owner, officer, director, or employee and active in the building decisions of the building contractor.
- (3) The designated qualified individual shall:
 - (a) be the legal representative for the general contractor licensee relative to the provisions of this article; and
 - (b) satisfy the requirements of this article related to continuing education requirements.
- (4) The requirements for issuance of a provisional (grandfathered) general contractor license are:
 - (a) The applicant for a Class A General Contractor's license shall have within the previous five (5) years obtained at least three (3) building permits from the City of Concordia for the type of work within the license application for which the provisional license is sought;
 - (b) The applicant for a Class B Building Contractor's license shall have within the previous five (5) years obtained at least three (3) building permits from the City of Concordia for the type of work within the license application for which the provisional license is sought;
 - (c) The applicant for a Class C Residential Contractor's license shall have within the previous five (5) years obtained at least three (3) building permits from the City of Concordia for the type of work within the license application for which the provisional license is sought.
- (5) In lieu of the requirements set forth in (4)(a)-(c) above, the applicant may submit evidence to the building official that demonstrates equivalent full-time experience in planning, supervising, and undertaking the type of construction for the classification of which licensure is being sought. Denials of license approval by the building official may be appealed to the Board of Building Trades.
- (6) The building official has up to ten (10) business days to respond to applications for a general contractor or provisional general contractor license.

Sec 11-408 Status of the provisional general contractor and qualified individual

- (1) The provisional general contractor license holder shall have all rights and responsibilities of a general contractor license holder of the same classification for so long as the provisional general contractor license remains in effect.
- (2) If the originally designated qualified individual(s) for a provisional general contractor licensee becomes no longer associated with the licensee for any reason (the "date of disassociation"), the provisional building contractor license shall terminate and be of no further force or effect. The licensee shall immediately notify the city clerk in writing of the date of disassociation. The licensee shall not be allowed to substitute any other person as the designated qualified individual unless that individual is qualified in accordance with Section 11-404. No further permits or inspections shall be granted to the licensee from the date of disassociation until the licensee has designated a qualified individual in accordance with Section 11-403. If the licensee has not designated a qualified individual in accordance with Section 11-403 within thirty (30) days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until the licensee

has designated a qualified individual in accordance with Section 11-403. The building inspector may suspend the general contractor license if no qualified individual is designated within thirty (30) days after the date of disassociation, reference Section 11-413.

- (3) If the originally designated qualified individual(s) for a provisional general contractor licensee becomes out of compliance with the continuing educations requirement of Section 11-405, the provisional building contractor license shall terminate and be of no further force or effect. The licensee shall not be allowed to substitute any other person as the designated qualified individual. No further permits or inspections shall be granted to the licensee from the date of license termination until the licensee has designated a qualified individual in accordance with Section 11-403. If the licensee has not designated a qualified individual in accordance with Section 11-403 within thirty (30) days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until the licensee has designated a qualified individual in accordance with Section 11-403.

Sec 11-409 Conversion of the provisional general contractor license to general contractor license. A provisional general contractor licensee may convert the provisional license to a general contractor license only upon compliance with Sections 11-403, 11-404 and 11-405.

Sec 11-410 License Issuance, Term, Expiration and Renewal

- (1) In order to obtain a general contractor or provisional general contractor license, all applicants must provide to the city clerk:
 - (a) the completed application form,
 - (b) proof of liability insurance in a minimum amount of \$50,000,
 - (c) proof of business legitimacy through a federal employer identification number (FEIN) or social security number (SSN),
 - (d) proof of testing or degree per Sec 11-404 or proof of permit history per Sec 11-407 for the designated qualified individual,
 - (e) the required fee per Sec 11-413
- (2) License Term. All general contractor and provisional (grandfathered) general contractor licenses shall be issued for a term of two (2) calendar years. The first of such terms begins April 1, 2021 and expires December 31, 2023. Regardless of when the initial general contractor or provisional (grandfathered) license is issued, the initial term expires December 31, 2023, and the license must be renewed prior to January 1, 2024 to obtain future permits.
- (3) In order to renew a general contractor or provisional license, all applicants must provide to the city clerk:
 - (a) the completed application form,
 - (b) proof of liability insurance in a minimum amount of \$50,000,
 - (c) proof of business legitimacy through a federal employer identification number (FEIN) or social security number (SSN),
 - (d) proof of completion of continuing education requirement per Sec 11-405,
 - (e) the required fee per Sec 11-413,
 - (f) proof of testing or degree per Sec 11-404 for the designated qualified individual (if the qualified individual has changed)

Sec 11-411 Fee. The fee for a general contractor license shall be \$50.00 license term.

Sec 4-412 Exemption from general contractor licensing requirements

To be exempted from general contracting licensing requirements, one of the following must apply:

(1) Permits obtained and work performed by an owner of a single-family dwelling being constructed or occupied as the exclusive dwelling of the owner or the portion of a single-family attached dwelling being occupied as the exclusive dwelling of the owner, including the usual accessory buildings thereto, when the owner personally purchases and installs all material used in the construction, and adheres to all other portions of this chapter.

This exemption shall not apply if the owner of the dwelling has any open permits issued under this exemption for a different address or has been issued a certificate of occupancy for any building permit under this exemption for a different address within the preceding twelve (12) months.

(2) Work performed by an owner or the owner's employee(s) on the owner's property, when:

- (a) the work performed does not require a permit, or
- (b) the work performed is listed in Section 11-417

(3) Work performed on any property owned by the state or federal government

(4) Demolition of residential or commercial primary or accessory structures. The other requirements of the demolition permit and/or the City's demolition program apply.

This exemption shall not preclude the requirement that all contractors performing work on mechanical, electrical, or plumbing systems must be licensed for the trade within which they are working.

Sec 11-413 Building permit required

Generally, construction and/or demolition of buildings, including renovations involving structural changes, changes to exit path of travel, construction of decks, and changes to mechanical, electrical, and plumbing systems require a building permit. The building official may determine on a case-by-case basis whether a building permit is required for unique circumstances.

The following scopes of work require a building permit but not a licensed general contractor to perform the work:

- (1) Construction of a new fence
- (2) Construction of an accessory building* (not normally occupied & <600 SF)
- (3) Erection of an above-ground swimming pool*
- (4) Erection of a sign**
- (5) Masonry
- (6) Retaining walls over four (4) feet tall or holding a surcharge
- (7) Demolition*
- (8) Lawn/Landscape Irrigation*

The following scopes of work require a building permit and may require a special certification to perform the work:

- (1) Roofing (state license required)
- (2) Fire Alarm & Communication System*(reference KSFMO list)
- (3) Fire Sprinkler System*(reference KSFMO list)
- (4) In-Ground Swimming Pool*(reference Pool & Spa Code, adopted by reference to IRC, Appendix G)

*A licensed mechanical, electrical, and/or plumbing contractor may be required depending on scope of work involved.

** A sign contractor's license is required to erect a sign if not done by the building owner.

DIVISION III

SKILLED TRADE CONTRACTOR'S LICENSE REQUIRED

Sec 11-414 Skilled Trade Contracting License Required

- (1) It shall be unlawful for any person to perform electrical work, plumbing work or HVAC mechanical work, or cause the same to be done, unless such person possesses or is employed by the possessor of a valid electrical, plumbing and/or mechanical skilled trade contracting license issued by the City for the type of work being done.
- (2) It shall be unlawful for any person to engage in the trade or otherwise perform plumbing work, electrical work or HVAC mechanical work as defined in section 11-401 within or on any building or premises within the City without first having secured a master, journeyman or apprentice skilled tradesman license for the trade at which they are laboring and being in the employ of a skilled trade licensed contractor.

Sec 11-415 Requirements for Skilled Tradesman License

- (1) Applicants for a skilled trade contractor license must be licensed as a master in a skilled trade as described in section 11-401 of this article for the applicable trade, or employ a person so licensed. For purposes of this requirement, a master cannot be designated as the master by more than one licensed skilled trade contractor.
- (2) Each licensed contractor shall procure and maintain in full force, for the duration of the license, public liability insurance, in a minimum amount of \$50,000. Each licensee shall also procure and maintain in full force for the duration of such license, Worker's Compensation Insurance as required by the State of Kansas.

Sec 11-416 Examination Requirements

- (1) All skilled trade licensees who have been licensed by the City of Concordia prior to January 1, 2007, shall be eligible to renew their existing licenses without providing written certification of passage of a standard trade examination.
- (2) All applicants for a skilled trade license as a master or journeyman, who have not been licensed as such by the City of Concordia prior to January 1, 2007, or whose license has been revoked, must provide written certification of passage of the applicable standard trade examination prescribed by the State of Kansas with a minimum score of 75%.

Sec 11-417 Experience Requirements

- (1) Master. In addition to the examination requirements of section 11-416, an applicant for a master tradesman license shall certify a minimum of four (4) years of field experience in the trade for which licensure is sought, under the direct supervision of a person holding a valid journeyman or master certificate in the same trade. Satisfactory completion of two hundred forty (240) hours of classroom training at an accredited trade school in the trade for which licensure is sought and three (3) years of field experience may be excepted in lieu of the forgoing requirements.

In addition to the forgoing requirements, an applicant for a master electrician tradesman license shall provide proof of possessing a valid journeyman electrician tradesman license for a minimum of two (2) years.

- (2) Journeyman. In addition to the examination requirements of section 11-415, an applicant for any category journeyman skilled tradesman license shall certify two (2) years of field experience in the skilled trade for which they seek licensure, under the direct supervision of a person holding a valid journeyman or master certificate in that skilled trade. Satisfactory completion of two hundred forty (240) hours of classroom training in the trade of which licensure is sought at an accredited trade school and 1 year of practical filed experience may be accepted in lieu of forgoing requirements.
- (3) Apprentice: Any person working as a plumber, electrician, or HVAC mechanic but who is not licensed as a master or journeyman, shall be licensed as an apprentice.

Sec 11-418 Supervision Requirements

- (1) A master who is licensed by the City for the applicable skilled trade must supervise the work of all journeymen and apprentices.
- (2) A journeyman shall not labor at the trade in which they are licensed except under the supervision and direction of a master who is licensed by the City for the applicable skilled trade.
- (3) An apprentice shall not labor at the trade in which they are licensed except under the supervision and direction of a journeyman or master who is licensed by the City for the applicable skilled trade.

Sec 11-419 Continuing Education Requirements

Effective January 1, 2010, applicants for issuance or renewal of a skilled trade license for plumbing, electrical or HVAC mechanical must verify completion of 12 hours biannually or six hours annually of continuing education hours of which 6 hours biannually or 3 hours annually shall consist of code education for the applicable skilled trade as prescribed by the State of Kansas.

Sec 11-420 Exemptions

To be exempted from contractor licensing requirements, one of the following must apply:

- (1) Work performed by an owner of a single-family dwelling being constructed or occupied exclusively as the owner's dwelling, including the usual accessory buildings, provided the said owner personally purchases and installs all the material used in the construction, and adheres to all other city requirements for permits and inspections. This exemption does not apply if any owner of the dwelling has been issued another permit under this exemption for a different address within the preceding 12 months. All paid subcontractors hired by the owner must be licensed.
- (2) Any person operating a public utility under franchise with the city, or any employee thereof, in connection with providing services for said utility on equipment or property owned by the utility.
- (3) Work performed by any person working in or upon any building or premises owned and occupied by an agency of the state or federal government.

Sec 11-421 Expiration and Renewal

A contractor's license or skilled tradesman license shall expire on the 31st day of December of the second year following the year in which it was issued unless renewed on or before January 31 of the year following the year of expiration.

Renewal of a general contractor's A, B or C category license shall be as required by section 11-405.

Renewal of a master or journeyman's skilled tradesman license shall be as required by section 11-419.

Sec 11-422 Transfer Prohibited

No licensee shall allow their license, by name or other identification, to be transferred, assigned, or used in any manner directly or indirectly, or for any purpose, by any person other than the licensee.

Sec 11-423 Fees

- (1) The fee for a skilled trade contractor license shall be \$25.00
- (2) The fee for a master's tradesman license shall be \$25.00
- (3) The fee for a journeyman tradesman's license shall be \$25.00

- (4) The fee for an apprentice tradesman's license shall be \$10.00

DIVISION IV

PROVISIONS APPLICABLE TO GENERAL CONTRACTOR, PROVISIONAL (GRANDFATHERED) GENERAL CONTRACTOR, AND SKILLED TRADE CONTRACTOR LICENSES

Sec 11-424 License to be Displayed

Each licensee must post or display the license in the public reception area of their place of business, if any or must have their license certification readily available at all times that the work is being performed.

Sec 11-425 Suspension of License

- (1) A general contracting license, provisional general contractor license, or skilled trade contractor license may be suspended by the city building inspector for:
 - (a) failure to pay the license fee required by Sec 11-411 or Sec 11-423
 - (b) failure to maintain proof of insurance required by Sec 11-410 or Sec 11-415
 - (c) failure to maintain a designated qualified individual required by Sec 11-403 and Sec 11-404
 - (d) failure to perform work in accordance with city codes
- (2) Any such suspension will remain in effect until the failure is remedied.
- (3) A licensee whose license has been suspended may not perform work permitted by the suspended license while the suspension is in effect.

Sec 11-426 Revocation of License

- (1) A general contracting license, provisional general contractor license, or skilled tradesman license may be revoked by the city manager for any of the following:
 - (a) Misrepresentation of material fact in obtaining a license, or
 - (b) Fraudulent use of a license, or
 - (c) A willful violation or repeated violations of the technical codes and other related ordinances, or
 - (d) Failure to comply with any lawful order of the building official
 - (e) Negligence in providing reasonable safety measures for the protection of workers and the public, or
 - (f) Bad faith or unreasonable delay in the performance of work
- (2) Any licensee whose license has been revoked shall be ineligible to apply for the license for a period of one year after the date of revocation. A licensee whose license is revoked a second time shall be ineligible to apply for a license.
- (3) A person whose license has been revoked may not perform work permitted by the revoked license while the revocation is in effect.

Sec 11-427 Appeal

Any suspension or revocation of a license may be appealed to the governing body by filing a written notice of appeal with the city clerk within 20 days of the date of written notice of suspension or revocation. The appeal shall be heard by the governing body at their next regularly scheduled meeting. The governing body may amend, ratify, or nullify the suspension or revocation.

Sec 11-428 Penalties

- (1) Work without license. Contractors performing work without a valid contractor's license shall be considered committing a misdemeanor and may be fined up to \$2,000 per occurrence.
- (2) Work without permit. Contractors and owner-occupants performing work without a valid permit shall be considered committing a Class C violation as defined by Section 1-108 of the Concordia City Code and may be fined up to \$500 per occurrence.

SECTION 3. This ordinance shall be summarized for publication as follows:

On March 17, 2021, the City of Concordia adopted Ordinance No. 2021-3178, amending rules and regulations for the licensing of the electrical, HVAC mechanical, and plumbing trades. The complete text of this ordinance may be obtained and viewed free of charge at the office of the city clerk. A reproduction of this ordinance will be available for not less than one week following the publication of this ordinance at the website address of the City of Concordia, <http://www.concordiaaks.org>. This summary is certified by the city attorney to be legally accurate and sufficient.

SECTION 4. This ordinance shall be in full force and effect on April 1, 2021, and the above ordinance summary shall be published in the official city newspaper, and shall remain in full force and effect until rescinded by the City Commission. The provisions hereof are severable, and in the event of invalidity, for any reason, of any portion of this ordinance, the remaining provisions of the ordinance shall remain in full force and effect, with the invalid provisions deemed excised.

PASSED by the governing body and signed by the mayor this 17th day of March 2021.

(Seal)



Charles P. Lambertz
Mayor

ATTEST:



Stacey Smith
City Clerk

ORDINANCE CERTIFICATE

I hereby certify that the foregoing is an original ordinance; that said ordinance was passed on the 17th day of March, 2021; that the record of the final vote on its passage is found on page ____ of the minutes journal; that the ordinance summary was published in the Concordia Blade-Empire on the 19th day of March, 2021.



_____, City Clerk