

ORDINANCE NO. 1141

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 5.24 OF THE TORRINGTON  
MUNICIPAL CODE, 2013 REVISIONS, RELATING TO CONTRACTOR'S LICENSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TORRINGTON, WYOMING:

Section 1. That Chapter 5.24 of the Revised Ordinances of the City of Torrington, Wyoming, 2013 Revisions, be and it is hereby amended to read as follows:

**Sections:**

5.24.010 - License required.

5.24.020 - License defined.

5.24.030 - Appeal of license denial.

5.24.040 - Duties and responsibilities of contractors.

5.24.050 - Classes of licenses, fee schedule and qualification requirements.

5.24.060 - Application procedure.

5.24.070 - Proof of ability and experience.

5.24.080 - Expiration of license.

5.24.090 - Partial payment prohibited.

5.24.100 - Suspension or revocation of license.

5.24.110 - Reserved.

5.24.120 - Violation Penalty

**5.24.010 - License required.**

A. Any person engaged in any of the trades, businesses or occupations listed in this chapter, or in any construction work, shall be licensed as a contractor as required in this chapter and such license shall not be transferable.

B. Any person or entity who undertakes to perform any of the operations controlled by this chapter shall be considered a contractor.

C. Exceptions:

1. Any person employed for compensation under the direction and control of another person or entity that is appropriately licensed, unless otherwise required by section 5.24.050.

2. Any person who is an owner of the property (whether residential or commercial) and any employee of said owner, whether compensated or volunteer, may perform the following operations/tasks on said property without a contractor's license:

- a. Yard maintenance and landscaping not requiring attachment to any public utility or service line;
- b. Fence installation and maintenance;
- c. Concrete flatwork, tree trimming and removal, interior and exterior finish work and painting.

3. A person who is an owner of the property (whether residential or commercial) may personally perform all building repairs and maintenance, without a contractor's license, provided the property is not for immediate resale.

**5.24.020 - License defined.**

A license is authority granted to the person to whom it is issued to perform permitted construction or demolition.

#### **5.24.030 - Appeal of license denial.**

Any applicant who is refused a contractor's license by the City of Torrington may appeal to the city council within thirty (30) days after the date of refusal.

#### **5.24.040 - Duties and responsibilities of contractors.**

- A. Any contractor licensed under this chapter shall be responsible for:
1. All work included in his/her contract whether or not such work is done by the contractor directly or by a subcontractor;
  2. Obtaining permits and licenses required for work performed by the contractor or under his/her contract;
  3. Verifying that a permit has been issued for the work being performed;
  4. All funds or property received by the contractor for completion of a specific contract or for a specific purpose;
  5. Making sure all work performed is by a licensed contractor or an employee of a licensed contractor;
  6. Presenting the appropriate license when requested by the building official;
  7. Performing work according to the plans and specifications as permitted and approved by the building official.
  8. Completing all work authorized on the permit issued;
  9. Calling for inspections when required by the adopted construction codes or the building official;
  10. Paying any fees assessed under the authority of the adopted construction codes and city ordinances.

#### **5.24.050 - Classes of licenses, fee schedule and qualification requirements.**

- A. There shall be the following classes of licenses and the holder of each license shall be authorized to do the following:

##### **Contractor Definitions.**

1. Commercial Contractor (C) — A person qualified and experienced in contracting and overseeing the completion of any construction project, including the work subcontracted to other licensed contractors that requires a building permit.
3. Residential Contractor (R) — A person licensed to construct one (1) and two (2) family residential buildings, including overseeing the work performed by other licensed contractors that requires a building permit.

##### **Sub-contractor Definitions.**

1. Master Plumber with Gas Piping—A person licensed to contract or install plumbing systems and gas in all structures.
2. Journeyman Plumber with Gas Piping—A person licensed to install plumbing systems and gas under the supervision of a licensed master plumber.
3. Apprentice Plumber- A person licensed to install plumbing systems and gas under the supervision of a licensed master or journeyman plumber
4. Master HVAC & Refrigeration —A person licensed to contract or install heating, ventilation, air conditioning, refrigeration, and related systems in all structures.
5. Journeyman HVAC & Refrigeration —A person licensed to install heating, ventilation, air conditioning, refrigeration, and related systems under the supervision of a licensed master HVAC
6. Apprentice HVAC & Refrigeration - A person licensed to install heating, ventilation, air conditioning, refrigeration, and related systems under the supervision of a licensed master or journeyman HVAC.
7. Master Gas Pipe Fitter- A person licensed to install gas piping only.
8. Journeyman Gas Pipe Fitter- A person licensed to install gas piping only under the direct supervision of a Master Gas Pipe Fitter.
9. Apprentice Gas Pipe Fitter- A person licensed to install gas piping only under the direct supervision of a Master or Journeyman Gas Pipe Fitter.

10. Fire Suppression Contractor—A person licensed to contract or install fire suppression systems in all structures.
11. Concrete Contractor—A person licensed for placement of any concrete.
12. General Roofing Contractor—A person licensed for installation of any roof covering material.
13. Electrical Contractor—A person licensed as an electrical contractor by the State of Wyoming.
14. Master Electrician- A person licensed as a Master Electrician by the state of Wyoming.
15. Journeyman Electrician- A person licensed as a Journeyman Electrician by the State of Wyoming.
16. Apprentice Electrician- A person licensed as an Apprentice Electrician by the State of Wyoming.
17. Limited Low Voltage Contractor— A person licensed through the State of Wyoming as a low voltage contractor.
18. Demolition Contractor- A person or firm licensed to demolish or remove any building or structure.
19. Arborist—A person or firm licensed to trim or remove trees as per section 5.08 of the Torrington Municipal Code
20. Digging & Grading Contractor- A person or firm licensed for digging in public rights-of-way as defined in section 12.04.020 of the Torrington Municipal Code
21. Municipal Utilities Contractor- Any person, firm, or corporation that installs or maintains any utilities owned or controlled by the City of Torrington.
22. Spraying Contractor- Any person, firm, or corporation that sprays yards or trees

**B. Qualification Requirements.**

1. Applicants desiring to obtain a contractor's license must have the required level of experience, and successfully pass the appropriate Wyoming Trades Certification Program test or the appropriate I.C.C. test as described on the (Table 1) to follow.
2. Any Contractor, Master, or Journeyman, or Apprentice that was licensed in the previous year and is applying for a renewal of their license in the current year, shall do so no later than January 31 of the current year.
3. Any licensed contractor may do required work that is incidental to the licensed work as customarily appropriate and as approved by the building official.
4. Experience will be confirmed by the Building Official by W-2 records, pay stubs, insurance records, copies of prior licenses, worker's compensation records, and any other means of verification determined appropriate by the Building Official.
5. Apprenticeship cards for electrical, plumbing, gas fitter, mechanical and refrigeration shall be obtained from the building official, for work verification purposes only.
6. If a contractor's license lapses for more than sixty (60) days for any reason, the applicant must apply for a new contractor's license and meet all the requirements as a new applicant.

**Table 1**

Type of Contractor	Proof of Min. Liability	Fee for Licensing	Bond Amount	Wyoming Association of Municipalities Contractor Test	Documented Years of Experience in the Field of Interest
General Cont. (C)	\$1,000,000	\$50.00	\$1000.00	Commercial Contractor	8
Residential Cont. (R)	\$300,000	\$50.00	\$1000.00	Residential Contractor	4
Plumbing Contractor	\$250,000	\$50.00	\$1000.00	Must have a Master of Record employed by the business	None

M – Plumber with gas piping	N/A	\$25.00	N/A	M -Plumber with Gas Piping	3 Years as a Journeyman and 3 as apprentice or have completed equivalent trade school training or a bona fide apprenticeship training program.
J – Plumber with gas piping	N/A	\$15.00	N/A	Journeyman Plumber with Gas Piping	3 Years as apprentice or have completed equivalent trade school training or a bona fide apprenticeship training program.

Apprentice Plumber	N/A	0	N/A	No Test	Shall be under the direct supervision a Master or Journeyman at all times.
<b>Fire Suppression Contractor</b>	\$250,000	\$ 50.00	\$1000.00	Must have a Master of Record employed by the business	4
Gas Fitter Contractor	\$250,000	\$ 50.00	\$1000.00	Must have a Master of Record employed by the business	None
M–Gas Pipe Fitter	N/A	\$ 25.00	N/A	Master Gas Pipe Fitter	4 3 Journeyman and 3 as apprentice or have completed equivalent trade school training or a bona fide apprenticeship training program.
J–Gas Pipe Fitter	N/A	\$ 15.00	N/A	Journeyman Gas Pipe Fitter	3 years as apprentice or have completed equivalent trade school training or a bona fide apprenticeship training program.
Apprentice Gas Pipe Fitter	N/A	0	N/A	No Test	Shall be under the direct supervision a Master or Journeyman at all times.
HVAC Contractor	\$250,000	\$ 50.00	\$1000.00	Must have a Master of Record employed by the business	None
M–HVAC	N/A	\$ 25.00	N/A	Master HVAC	3 Journeyman and 3 as apprentice or have completed equivalent trade school training or a bona fide apprenticeship training program.

J-HVAC	N/A	\$ 15.00	N/A	Journeyman HVAC	3 years as apprentice
Apprentice HVAC	N/A	0	N/A	No Test	Shall be under the direct supervision a Master or Journeyman at all times.
Refrigeration Contractor	\$250,000	\$ 50.00	\$1000.00	Must have a Master of Record employed by the business	None
Master Refrigeration	N/A	\$ 25.00	N/A	Refrigeration	3 Journeyman and 3 as apprentice or have completed equivalent trade school training or a bona fide apprenticeship training program.
Journeyman Refrigeration	N/A	\$ 15.00	N/A	Refrigeration	3 Years as an apprentice or have completed equivalent trade school training or a bona fide apprenticeship training program.
Apprentice Refrigeration	N/A	0	N/A	No Test	Shall be under the direct supervision a Master or Journeyman at all times.
General Roof Contractor	\$250,000	\$ 50.00	\$1000.00	General Roofing Contractor	4
Electrical Contractor	\$250,000	\$ 50.00	\$1000.00	State Electrical Contractor's License	State of Wyoming Master Electrical Contractor's License
M-Electrician	N/A	\$ 25.00	N/A	State Electrical Masters License	State of Wyoming Requirements
Journeyman Electrician	N/A	\$ 15.00	N/A	State Electrical Journeyman's License	State of Wyoming Requirements
Apprentice Electrician	N/A	0	N/A	State Electrical Apprentice License	State of Wyoming Requirements
Low voltage	\$250,000	\$ 15.00	N/A	State of Wyoming Low Voltage Contractor	State Requirements
Demolition	\$250,000	\$ 50.00	\$1000.00	No Test	0
Spraying Contractor	\$100,000		\$1000.00	Spraying Contractors shall provide copy of State of Wyoming Applicators License	0
Arborist	\$250,000	\$ 50.00	\$5,000.00		2
Digging & Grading Contractor	\$250,000	\$ 50.00	\$1000.00		4

**5.24.060 - Application procedure.**

A. Application for license shall be made to the Building Official's Office. Upon review and approval by the Building Official or his/her authorized representative and upon payment of the

required fee, the Building Official shall issue the appropriate license. The license application required in this section shall contain:

1. Applicant's name;
2. Business address, zip code and telephone number;
3. Type of license desired;
4. Refrigeration contractors must provide a copy of federal refrigeration certification;
5. Spraying Contractors must provide current copy of Applicators License.
6. State-licensed electrical contractors must provide a photocopy of current state of Wyoming electrical license;
7. Owners or managers name, residence, addresses and telephone number;
8. Year for which such license is sought;
9. Proof of liability insurance in the minimum amount as stated in Section 5.24.050 of this chapter;
10. Proof of experience as outlined in Section 5.24.070 of this chapter.
11. Any other relevant information required by the terms of the provisions pertaining to the license sought;

**5.24.070 - Proof of ability and experience.**

- A. Anyone wishing to obtain a city contractor's license must provide proof of ability and experience in the construction discipline for which the license is sought. Proof of ability will consist of successful completion of a certification test through the Wyoming Trades Certification Program or the appropriate I.C.C. test, if available **no later than January 1, 2015**.
- B. Proof of experience will be verified by W-2 records, pay stubs, insurance records, prior contractor licenses, or worker's compensation records or have completed equivalent trade school training or a bona fide apprenticeship training program. Any other verification may be considered at the discretion of the building official.

**5.24.080 - Expiration of license.**

- A. All licenses shall expire with the calendar year in which the same are issued, and all licenses shall be issued on a calendar year basis only.

**5.24.090 - Partial payment prohibited.**

No partial payment shall be accepted by the city clerk for any license fee.

**5.24.100 - Suspension or revocation of license.**

- A. Suspension. The building official may suspend a contractor's license if the contractor commits any of the following acts or omissions:
  1. Failure to pay any city fees generated from the contractor's business. License shall be suspended until such time as fees and any penalties have been paid to the City of Torrington.
  2. Any licensed contractor, whose liability insurance or bond is suspended for any reason, shall automatically have his/her contractor's license suspended.
  3. Any willful, intentional or continuing violation(s) of municipal codes. In any such instance, the license will be:
    - a. Reinstated upon proof of compliance to the satisfaction of the building official or;
    - b. Subject to revocation according to the revocation procedures of this section;
  4. A twenty-five dollar (\$25.00) reinstatement fee shall be assessed, and the license reinstated when proof of current documentation for license has been provided to the building official.
- B. Revocation. The building official may recommend to the city council the revocation of a license when the licensee commits one (1) or more of the following acts or omissions:

1. Failure to comply with any of the licensee's responsibilities as outlined in Section 5.24.040 of this chapter;
  2. Knowingly combining or conspiring with any person by permitting one's license to be used by such a person;
  3. By acting as agent, partner, or associate or in any other capacity with any persons to evade the provisions of the adopted construction codes, or municipal code;
  4. Willful, intentional or continuing violations of municipal or construction codes.
- C. When any of the acts or omissions as enumerated in this section is committed by a licensee and the building official deems that such license should be revoked, the procedure shall be as follows:
1. The licensee shall be notified, in writing, by certified mail, at least seven (7) days prior to the city council meeting;
  2. When a hearing is requested by the building official, the licensee will be notified of the time, date and place;
  3. When a hearing is conducted, the licensee and other interested parties may be in attendance;
  4. Upon completion of the hearing, the council will take all evidence admitted under advisement and shall notify the licensee of their findings and ruling in writing by certified mail. The hearing shall be conducted as required by the Wyoming Administrative Procedures Act.

**5.24.120. Violations-Penalty.**

Any individual, business, firm, partnership, corporation, LLC, or other entity violating any of the provisions of this chapter, where no other penalty is provided, shall upon conviction thereof be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed \$750.00 plus costs of prosecution.

Section 2. This ordinance shall be in full force and effect on January 1, 2014 after publication as required by law.

Passed and approved on first reading the 15<sup>th</sup> day of January, 2013.

Passed and approved on second reading the 16<sup>th</sup> day of July, 2013.

Passed and approved on third and final reading the 6<sup>th</sup> day of August, 2013.

ATTEST:

  
Mayor

  
City Clerk/Treasurer