

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2019-1**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE,
COLORADO, AMENDING CHAPTERS 5.12 AND 15.04 OF THE TOWN MUNICIPAL CODE**

WHEREAS, the Town of New Castle, Colorado (“Town”) is a home rule town with all of the powers, authorities, and privileges granted to it under its Charter and Colorado law; and

WHEREAS, the Town currently requires that all contractors—as that term is defined in Section 5.12.010 of the New Castle Municipal Code (“Code”)—receive a contractor license from the Town in order to engage in any work within the Town; and

WHEREAS, the current contractor-licensing process has proved to be inefficient and difficult to administer; and

WHEREAS, Town staff has proposed that the contractor licensing scheme currently set forth in Chapter 5.12 be revised to require contractors to obtain business licenses only, subject to certain additional application submission requirements; and

WHEREAS, the Town Council has considered the new procedure and now desires to amend the Town Code as set forth herein to implement the same.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein by reference as findings and determinations of the Town Council.
2. Chapter 5.12 Amendment. The Town Council hereby repeals Chapter 5.12 of the Town Code in its entirety and reenacts the same as set forth below.

CHAPTER 15.12 – CONTRACTORS

15.12.010 – Definitions.

A. A “contractor” within the meaning of this chapter, is a person, firm, corporation, partnership, association or other organization or any combination thereof:

1. Who undertakes with or for another, for a fixed sum, price, fee, percentage or other monetary compensation, within the town, to erect, build, construct, alter, repair, move, improve, add to, demolish or wreck any building or structure or any portion thereof, for which a building permit is required by town ordinance;
2. Who erects, builds, constructs, alters, repairs, moves, improves, adds to, demolishes or wrecks any building or structure on his or her own property, for which a building permit is required by town ordinance; or

3. Who undertakes with or for another, for a fixed sum, price, fee, percentage or other monetary compensation, within the town, to erect, build, construct, alter, repair, move, improve, add to, demolish or wreck any fixed works, including streets and roads, power and utilities plants, sewage and waste disposal plants and collection infrastructure, water treatment plants and transmission and distribution infrastructure, bridges, and overpasses, or any portion thereof.

B. Exceptions.

1. An owner of property who engages in the ordinary maintenance, repair, or minor improvement of the owner's building or structure, which does not affect the structural integrity of the building, shall not be considered a contractor within the meaning of this chapter.

2. An owner of property may secure one building permit for any work done on his or her own property during each consecutive twelve (12) month period without being considered a contractor within the meaning of this chapter.

5.12.020 – Business License Required

A. It is unlawful for any contractor, as defined in Section 5.12.010, to engage in any work or the business, trade, or calling of such contractor, within the town without first securing a business license from the town clerk as provided in Chapter 5.04 of the Town Code and paying the license fee therefor. No building permit will be issued by the Town unless and until the contractor provides evidence of a current and validly-issued business license.

B. In addition to the materials required by Chapter 5.04, the contractor applying for a business license shall submit as part of the business license application evidence of the following:

1. Any state-issued licenses, such as electrician, plumber, manufactured/modular home installer, architect, and engineering licenses;
2. Sufficient general liability insurance, which covers, at a minimum, fire damage and all-risk claims for personal injury and property damage with a minimum policy limit of five hundred thousand dollars (\$500,000.00);
3. Adequate worker's compensation insurance. In the event the contractor does not intend to engage employees, in lieu of providing evidence of worker's compensation insurance, the contractor shall execute a verified certificate in the following form:

I hereby certify under penalty of perjury that in the performance of the work for which this license is issued, I will not be employing any person(s) so as to become subject to the worker's compensation laws of the State of Colorado.

If, any time after making such certification, the contractor shall in fact engage employees, the contractor shall comply with the provisions of this section within thirty (30) days of such engagement, or the contractor's business license shall be subject to revocation by the town.

5.12.030 – Penalties.

A. The penalty provisions set forth in Section 5.04.120 of this Code shall apply to violations of this Chapter 5.12.

B. In addition to the penalties set forth in Section 5.04.120 or otherwise provided by law:

1. any person, firm or corporation engaging in the business of contractor and that has not first obtained a business license is guilty of a misdemeanor, and upon conviction thereof may be sentenced to a fine of not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00), or by imprisonment in the Garfield County jail, not to exceed one year, or both such fine and imprisonment. Each day during which the offense occurs shall count as a separate offense.
2. the Town Council may order the revocation of any building permit issued to any contractor who has violated the terms of this Chapter, or may order that all work be suspended on any structure until any violation has ceased, all in compliance with the provisions of this chapter.

3. Chapter 15.04 Amendment. The Town Council hereby amends Section 15.04.060 of the Town Code as follows, with removed language ~~stricken~~ and added language in **bold** and UPPERCASE:

15.06.060 – Contractor ~~Testing~~ **REQUIREMENTS**

A. ALL CONTRACTORS MUST OBTAIN A BUSINESS LICENSE PURSUANT TO CHAPTER 5.12 OF THE TOWN CODE.

B. Prior to the issuance of any building permit under this title, applicants shall provide to the building official evidence of **A CURRENT AND VALIDLY-ISSUED BUSINESS LICENSE, CERTIFICATES OF CURRENT GENERAL LIABILITY AND WORKER’S COMPENSATION INSURANCE, AND EVIDENCE OF THE APPLICANT’S** ~~his/her~~ qualifications and competency to engage in the building contractor work for which application is made. Such evidence may include, but is not limited to, proof of passage of a written examination such as the test(s) prepared by the Board of Examiners for Standardized Testing (B.E.S.T.); a current B.E.S.T. card; a list of relevant experience with verifiable references; a work portfolio with verifiable references; or current licensing from other governmental jurisdictions if such licensing requires a comparable demonstration of familiarity with current code editions of the International Code Council. The building official **SHALL DENY THE ISSUANCE OF A BUILDING PERMIT IF THE SUBMISSION REQUIREMENTS SET FORTH IN THIS SECTION HAVE NOT BEEN SATISFIED AND** reserves the right to deny the issuance of a building permit if the building official reasonably determines that the evidence provided by the applicant does not adequately demonstrate the applicant's qualifications and competency to engage in the building contractor work applied for.

C. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNDER THIS TITLE, THE APPLICANT THEREFOR MUST SUBMIT EVIDENCE OF A CURRENT AND VALIDLY-ISSUED BUSINESS LICENSE AND CERTIFICATES OF CURRENT GENERAL LIABILITY AND WORKER’S COMPENSATION INSURANCE. NO

CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNLESS AND UNTIL SUCH DOCUMENTATION IS PROVIDED.

4. Remainder of Code Unaffected. All sections, chapters, and titles of the Code not addressed in this Ordinance shall remain unchanged and in full force and effect.

5. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

INTRODUCED on January 15, 2019, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on February 5, 2019, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF NEW
CASTLE, COLORADO

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk