

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

At a specially held and noticed meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Administrative Building in Kiowa on Wednesday, the **11th** day of **January A.D.** 2023, there were present:

Chris Richardson	County Commissioner
Dallas Schroeder	County Commissioner
Grant Thayer	County Commissioner
Amanda Moore	Deputy Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

ORDINANCE 23-01

AN ELBERT COUNTY ORDINANCE TO REGULATE CONTRACTOR LICENSING WITHIN ELBERT COUNTY, COLORADO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, Section 30-11-125 of the Colorado Revised Statutes (CRS) provides that any County which has adopted a Building Code may require that persons who engage in the Building Contractor business first obtain a License from the County prior to providing Building Contractor services within the unincorporated Elbert County; and

WHEREAS, said CRS 30-11-125 authorizes Counties to include provisions in such licensing programs to, among other things, establish procedures for obtaining and renewing such License, establish testing and certification requirements for a License, establish a reasonable fee to cover the costs of the licensing program, and to specify grounds for revocation or suspension of such License; and

WHEREAS, Elbert County has adopted and enforces the 2018 International Building Code (IBC) and all other 2018 International Codes (IC) in Elbert County; and

WHEREAS, the Building Department of Elbert County has recommended that the Board adopt a Contractor Licensing Ordinance, as authorized under statute, and to maintain a list of licensed Contractors within the County; and

WHEREAS, the Board finds that adopting a Contractor Licensing Ordinance to ensure that Building Contractors operating within the unincorporated Elbert County have all required and applicable certifications, have an appropriate level of experience to engage in the business, and carry liability insurance will serve to protect the public health, safety, and welfare of County residents; and



NOW THEREFORE, the Board of County Commissioners of Elbert County, Colorado hereby resolves to adopt the following Contractor Licensing Ordinance applicable to unincorporated Elbert County: **BUILDING CONTRACTOR LICENSING ORDINANCE FOR UNINCORPORATED ELBERT COUNTY**

Section 1. Authority

- 1.1 This Ordinance is adopted pursuant to authority granted in C.R.S. 30- 11-125, and related provisions of the County Building Codes Act and the County Planning Act (Parts 1 and 2 of Article 28, Title 30, C.R.S.).

Section 2. Purpose

- 2.1 The purpose of the program adopted in this Ordinance is to protect the public health, safety, and welfare of the citizens of unincorporated Elbert County by requiring that building contractors conducting work under County-issued building or sign permits demonstrate, through the licensing process, that they are competent in the general construction trades or practices in which they are engaged, and that they maintain current insurance coverage per Section 8, 6(a) & (b).

Section 3. Principles of Interpretation

- 3.1 In the case of conflicting or ambiguous provisions in this Ordinance, the interpretation taken shall be the more restrictive one, or the one that otherwise best protects the public health and safety in the sound discretion of the Chief Building Official.

Section 4. Definitions

- 4.1 The following definitions shall apply in the interpretation of this Ordinance. Words not defined shall be given their ordinary meaning, or their accepted technical meaning as appropriate.
- 4.2 **BUILDING CONTRACTOR/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 Sign Code Section of the Elbert County Zoning Regulations, with the exception of the following:
 - (1) A person performing repair or maintenance work on property owned by that person.
 - (2) A person whose sole function in the work is to perform labor under the supervision or direction of a building contractor.
 - (3) A person performing repair or maintenance work on property owned by that person.
 - (4) 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 twenty four (24) month period, or any additions to or alterations of a residential dwelling or accessory structure on that person's own property.
 - (5) An employee performing repair or maintenance work on their employer's own property.
 - (6) 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.

- 4.3 **BOARD OF APPEALS (BOA).** The BOCC or advisory and appellate board appointed by the BOCC to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official.
- 4.4 **CHIEF BUILDING OFFICIAL (CBO).** The head of the Elbert County Building Division, who works under the direction of the County Manager.
- 4.5 **PERSON.** Any individual, corporation, limited liability company, partnership, association, or other legal entity.
- 4.6 **WORK/REPAIR OR MAINTENANCE WORK.** Minor work to repair or maintain structures including but not limited to interior decorating and minor exterior maintenance (painting, window covering installation, drywall patching, masonry repair, and the like); the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; the replacement of any minor part of a portable gas heating appliance that does not alter approval of equipment or make such equipment unsafe; the stopping of leaks in drains, water, soil, waste or vent pipes (but not the removal and replacement of any concealed trap, drain pipe, water, soil, waste or vent pipe); the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and installation of water closets, showers, bathtubs, sinks and other plumbing fixtures (provided such work does not involve the replacement or rearrangement of valves, pipes or fixtures); and emergency equipment replacement and repairs (for which any required building permit is applied for within the next business day).

Repair or maintenance work does not include the cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or load bearing support; the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; the addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or safety; or any other work requiring a County building permit.

Section 5. Requirements.

- 5.1 Any person who engages in the business of being a building contractor in unincorporated Elbert County must, prior to engaging in such business, obtain and hold a valid license from the Elbert County Building Department as further required in this ordinance.

Section 6. Administration

- 6.1 The chief building official shall be the county official responsible for administering the provisions of this ordinance. Appeals of the chief building Official's decisions may be made to the Board of Adjustments as further provided in Section 14, below.



Section 7. Types

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

- (1) **Class A contractor's 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.
- (2) **Class B contractor's 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.
- (3) **Class C contractor's 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.
- (4) **Gas piping contractor's license** - This license entitles the holder to perform any gas piping work as permitted by the International Fuel Gas Code or the International Residential Code.
- (5) **Mechanical contractor's license** - This license entitles the holder to perform any work in the heating, ventilation, and air-conditioning fields as permitted by the International Mechanical Code, International Fuel Gas Code or the International Residential Code.
- (6) **Roofing contractor license** - This license entitles the holder to perform any work in the roofing, re-roofing, roof insulation, and roof drainage fields as permitted by the International Building Code, International Residential Code and International Plumbing Code.
- (7) **Special contractor's license** - This license entitles the holder to perform work in one or more specialized trade such as: bridges, decks/fences/sunrooms, demolition, detached structures (barns, garages, gazebos, greenhouses, sheds), fireplace/woodstove, manufactured home setup, pools/spas, siding, signs, solar, tower/wind generator as permitted by the International Building Code or the International Residential Code.

Section 8. Conditions of Issuance

8.1 The chief building official shall issue a builders contracting license to any person who satisfies all of the following:

- (1) Submits the required administrative licensing fee.
- (2) Demonstrates that he or she has a valid and current license issued by another county or municipality in the state of Colorado that was obtained by receiving a passing grade on a nationally recognized examination promulgated by the International Code Council commonly used and accepted by the industry; OR
- (3) Achieves a passing grade on the applicable International Code Council ("ICC") exam related to the particular license type being applied for (or its nationally recognized equivalent as determined and approved by the building official), as follows:
 - Class A Contractors License ICC Exam: Standard General Building Contractor (A)
 - Class B Contractors License ICC Exam: Standard Building Contractor (B)
 - Class C Contractors License ICC Exam: Standard Building Contractor (C)
 - Gas Piping License ICC Exam: Standard Gas Pipe Fitter
 - Mechanical License ICC Exam: Commercial or Residential Mechanical
 - Roofing License ICC exam: Standard Roofing Contractor



- **Special Contractor: No Exam**
In lieu of an exam, special contractors must provide proof of three successfully completed projects in their specialized field or show proof of two years full time equivalent experience working for a contractor in each specialized field. The chief building official shall make the final determination based on the application material and other reliable information known to him whether the contractor is experienced; or
- (4) Demonstrates proof of lawful presence in the United States by sworn affidavit stating that the person is a U.S. citizen or legal permanent resident or is otherwise lawfully present in the U.S. pursuant to federal law, accompanied by a valid form of identification (current Colorado Driver's License or Colorado Identification Card issued under Article 2 of Title 42, C.R.S., U.S. Military I.D. card, U.S. Coast Guard Merchant Mariner card, Native American Travel Documents, or such other valid form of identification recognized by the current lawful presence rules of the Colorado Department of Revenue).
 - (5) Certifies as part of the license application process that his or her company will employ only building subcontractors and workers who have demonstrated to the company a lawful presence in the United States.
 - (6) Provides proof of current insurance coverage, including:
 - (a) Workers' compensation insurance as required by the State of Colorado.
 - (b) General liability insurance provided on an ISO 1998 (or most current) Form or equivalent form with a minimum combined single limit for each occurrence of:
 - Class "A" Contractor.....\$1,000,000.00
 - Class "B" Contractor.....\$1,000,000.00
 - Class "C" Contractor.....\$1,000,000.00
 - Roofing Contractor.....\$300,000.00
 - Gas Piping Contractor.....\$300,000.00
 - Mechanical Contractor.....\$300,000.00
 - Special Contractor.....\$300,000.00

Proof of such insurance shall be accompanied by a certificate of insurance issued to the county as a certificate holder requiring a ten-days' notice for non-payment of premium and providing 30 days advance written notice for all other reasons to the chief building official (at Elbert County Building Department, P.O. Box 7, Kiowa, CO 80117) 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.

- (7) Provides a signed statement disclosing any adverse action taken under any building contractor licenses held in any other jurisdictions.
- (8) Meets the requirements for processing of licenses in Section 9.

Section 9. Issuance of license

9.1 The following procedural requirements shall apply to the issuance of licenses under this Ordinance:

- (1) Contractors must submit a complete license application to the Chief Building Official on the form provided by the Chief Building Official including all required supporting documentation.



- (2) A complete application shall include the required administrative licensing fee and all of the documentation necessary to demonstrate compliance with the conditions for license issuance specified in Section 8.
- (3) Within seven (7) business days after a complete application for a license is submitted, the Chief Building Official may issue a license, a provisional license, or a written statement of license denial. Inadvertent failure of the Chief Building Official to act within ten business days shall not entitle the applicant to engage in building contracting work in the unincorporated County without a license.
- (4) The Chief Building Official may issue a license if the Chief Building Official determines, based on the submitted complete application, that the conditions for license issuance have been met.
- (5) The Chief Building Official may issue a provisional license if the Building Official determines that the submitted complete application indicates that the conditions for licensing appear to have been met but the Chief Building Official needs additional information to verify this indication. If a provisional license is issued, the Chief Building Official may after verifying the conditions for licensing have been met, issue a license. The Chief Building Official shall have 45 calendar days after issuance of a provisional license to issue a license or a written statement of license denial. Inadvertent failure of the Chief Building Official to issue a license within this 45-calendar day period shall not preclude an applicant who has otherwise satisfied the requirements for obtaining a license from engaging in the business of being a building contractor and applying for or working under a County building permit, provided that the Chief Building Official subsequently approves the submitted application and issues a license.
- (6) The Chief Building Official shall issue a written statement of license denial if the Chief Building Official determines that any of the conditions for license issuance have not been met. A statement of license denial shall specify the reason for denial based on Section 8, above.

Section 10. License Term and Expiration / Re-application

- 10.1 Licenses shall be effective for twelve (12) calendar months after their date of issuance. Licensees shall expire at the end of this term. Contractors holding licenses may apply for a new license within three (3) calendar months prior to the expiration of their existing license. Contractors holding a valid County license who apply for a new license must not have any unresolved building code violations, must have completed two jobs within the past two years in Elbert County including any of its incorporated municipalities OR taken code update classes approved by the Chief Building Official OR passed a code update test approved by the Chief Building Official. A contractor seeking reinstatement of an expired license must meet the requirements of Section 8.

Section 11. License Fees

- 11.1 Administrative fees under this Ordinance shall be assessed as follows:
 - (1) The Chief Building Official shall impose a reasonable license fee approved at an open meeting by the BOCC. The purpose of the fee is to cover the Chief Building Official's administrative costs associated with processing license applications and issuing licenses under this Ordinance.
 - (2) The license fee may be adjusted annually or at such time periods as the Chief Building Official deems appropriate and necessary to reflect the reasonable costs of administering



licenses under this Ordinance, provided that such fee adjustments are approved as required in this Section 11.

Section 12. Violations

12.1 It shall be a violation of this Ordinance for any Building Contractor to:

- (1) Provide any materially false, misleading, or incomplete information on a license application.
- (2) Fail to have or maintain adequate insurance as required in this Ordinance.
- (3) Fail to have or maintain a lawful presence in the United States.
- (4) Fail to obtain a required building or sign permit or to follow any other applicable requirements of the Elbert County Building Code or Sign Code, as amended.
- (5) Perform work outside the scope of an issued license, transfer a license to a person other than the licensee, or employ unlicensed persons in work under a County building permit who are required to be licensed under this Ordinance.
- (6) Fail to resolve any outstanding (older than 90 calendar days) Elbert County Building Code or Sign Code violations.
- (7) Engage in conduct or activities which cause adverse action to be taken under a license issued by another jurisdiction which in the sound discretion of the Chief Building Official exercised in light of the requirements of the Elbert County Building Code or Sign Code indicates that the licensee lacks the basic competence to perform the work for which the license has been issued.
- (8) Otherwise violate this Ordinance or engage in activities or conduct which, in the sound discretion of the Chief Building Official exercised in light of the requirements of the Elbert County Building Code or Sign Code, indicates that the Contractor lacks the basic competence to perform the work for which the license has been issued.
- (9) Failure to pay the difference in the building permit fee when the original building or sign valuation is below the actual building cost.
- (10) Failure to report to the County use tax office or failure to pay the difference between use tax paid and actual use tax due.

Section 13. Enforcement

13.1 The following actions may be taken for violation of this Ordinance:

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

13.2 Process for enforcement.



- (1) Prior to taking any of the actions specified in this Section 13, the Chief Building Official shall serve a notice of violation by delivering the notice personally to the Contractor or by mailing the notice certified mail, return receipt requested to the Contractor's address of record and last known address if different from the address of record. The notice shall specify the nature of the violation in reasonable detail.
- (2) The Contractor shall have ten (10) calendar days after the date on which the notice is delivered or deposited in the mail to cure the violation or to request a meeting with the Chief Building Official.
- (3) If the Contractor makes a timely request for a meeting with the Chief Building Official, the Chief Building Official shall notify the Contractor of the date, time and place of the meeting. The meeting shall occur no later than seven (7) business days after receipt of the meeting request.
- (4) Upon completion of the meeting, the Chief Building Official shall take all information presented under advisement and shall notify the Contractor in writing within seven (7) business days after the meeting of the Chief Building Official's findings and decision.
- (5) The decision of the Chief Building Official may be appealed to the BOA pursuant to Section 14 of this Ordinance.

13.3 Emergency Enforcement

- (1) If the Chief Building Official has cause to believe public health and safety will be emergently endangered as a result of an apparent violation of this Ordinance, the Chief Building Official may enter an order for immediate suspension of a Contractor's license and may impose a stop work order against the affected property pending a hearing before the BOA. The Chief Building Official shall notify the Contractor of the immediate suspension of his/her license, the stop work order, the nature of the violation and the date, time and place of the hearing before the BOA. The notice shall be served by personally delivering the notice to the Contractor, by posting the notice at a prominent location on a property which has been issued an active building or sign permit on which the Contractor is known to be working, or by transmitting the notice to the Contractor by same-day or next-day mail or courier at the Contractor's address of record on file with the Chief Building Official. The Chief Building Official shall post the stop work order at a prominent location on the affected property and shall also transmit a copy of the stop work order, including the reasons for the order, to the affected building or sign permit holder and property owner (if other than the Contractor) by personal delivery or by same-day or next-day mail or courier at their addresses with the Chief Building Official.
- (2) If an appeal is made to the BOA, a hearing before the BOA shall be conducted in accordance with Section 14, (3)-(8) of this Ordinance.

Section 14. Board of Appeals

14.1 Authority

- (1) The BOA shall hear and decide appeals of orders, decisions and determinations made by the Chief Building Official relative to the application and interpretation of the adopted building codes, An application for an appeal shall be based on a claim that the true intent of these codes of rules legally adopted have been incorrectly interpreted, the provisions of these codes do not fully apply, or an equally good or better form of construction is proposed.
- (2) The BOA shall hear and decide appeals of contractor license denials, suspensions or revocations; or determinations that a person is a building contractor required to obtain a



license or a certain class of license, made by the Chief Building Official in the course of administering the Elbert County Contractor's Licensing Ordinance.

14.2 Action by the BOA

- (1) At the appeal hearing the BOA will take relevant evidence and testimony from the person who filed the appeal, their representatives, county staff and any interested party.
- (2) The applicant shall have the burden of proving that granting the appeal is consistent with the intent and purpose of this Ordinance and Sections 8, Conditions of Issuance.

Section 15. Appeals from Decision of the Chief Building Official.

15.1 Appeals to the Board of Appeals may be made by any person aggrieved by the following final decisions made by the Chief Building Official in the course of administering this Ordinance:

- (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 sign permit.
- (4) Written determination that a person is a building contractor required to obtain a license or a certain class of license under this Ordinance.

15.2 Appeals to the BOA must be in writing addressed to the Chief Building Official, must state in reasonable detail the basis for the appeal and must be received by the CBO no later than 14 calendar days after the date of the decision being appealed. If the official decision being appealed was sent by regular U.S. mail, three (3) additional days shall be added to the 14-day appeal deadline. Each appeal must be accompanied by a nonrefundable fee in the amount in effect.

15.3 Upon receipt of a complete and timely appeal the Chief Building Official shall schedule a hearing. The hearing shall be held no earlier than 15 calendar days and no later than 45 calendar days after receipt of the appeal, or on the next available agenda of the BOA for the appeal hearing. For hearings pursuant to Section 15.1, (3) the hearing date shall be set based on the date of the notice.

15.4 The Chief Building Official shall make a written analysis of and recommendation to the BOA on each appeal request. The Secretary shall make this analysis available to the appellant and the BOA, and shall notify the appellant of the hearing date at least seven (7) calendar days prior to the hearing.

15.5 Appeals under this Ordinance shall be heard by the BOA convened by the CBO.

15.6 The BOA shall keep a written and recorded record of its hearing and shall issue a decision on the appeal which the CBO shall provide to the appellant in writing no more than 14 calendar days after the hearing. The BOA's decision shall be final unless otherwise stated.



15.7 The provisions for BOA appeal under this Section 15 shall supplement the BOA's authority under the Elbert County Building Code.

Section 16. Reapplication for Denied or Revoked License.

16.1 If a license is denied or revoked under this Ordinance, the applicant may reapply for a license, but not sooner than 90 calendar days for a denied license and 180 days for a revoked license after the final decision of the Chief Building Official or the BOA, as applicable.

Section 17. Ordinance Adoption and Amendment.

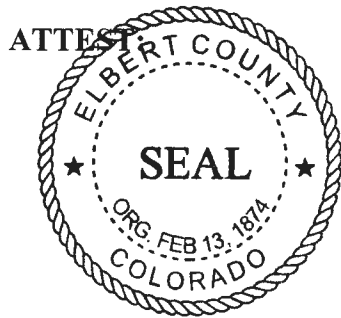
17.1 This Ordinance shall be adopted and amended according to the procedures for adopting and amending the Elbert County Building Code, as set forth in C.R.S. 30-28-204, 30-28-206, and the BOA's adopted procedural rules.



INTRODUCED, READ AND DESIGNATED AN ORDINANCE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH, SAFETY, AND WELFARE ON FIRST READING, on the 16th day of November 2022.

THE BOARD OF COMMISSIONERS OF ELBERT COUNTY, COLORADO

By: 
Chris Richardson, Chairman



By: 
Amanda Moore, Deputy Clerk to the Board

ADOPTED ON FINAL READING, AS AMENDED AND AFTER BEING DESIGNATED AN ORDINANCE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC HEALTH, SAFETY, AND WELFARE, on the 14th day of December, 2022, after being published in the Elbert County News for First Reading in its entirety on November 16, 2022 Second Reading on December 14, 2022. Final Reading on January 11, 2023.

THE BOARD OF COMMISSIONERS OF ELBERT COUNTY, COLORADO

By: 
Chris Richardson, Chairman

ATTEST:



By: 
Amanda Moore, Deputy Clerk to the Board

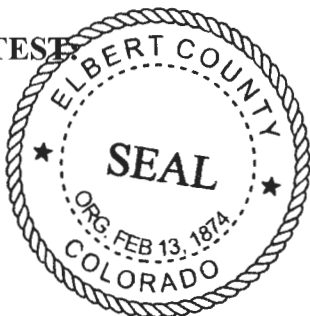


CERTIFICATE

I hereby certify that the foregoing **Ordinance No. 23-01** was introduced, read and adopted upon second reading at a regular meeting of the Board of County Commissioners on January 11, 2023, and upon being as designated as an ordinance necessary for the immediate preservation of public health, safety, and welfare, went into immediate effect thereafter.

This same ordinance was introduced and first reading occurred at the regular meeting of the Board of County Commissioners of Elbert County on 16th day of November, 2022, and the same was published in its entirety the Elbert County News, a newspaper of general circulation published in its entirety in Elbert County, on 16th day of November, 2022. Said Ordinance became effective the 11th day of January, 2023.

ATTEST:



By: Amanda W Moore
Amanda Moore, Clerk to the Board

CERTIFICATION

I, Amanda Moore, Elbert County Deputy Clerk to the Board, do hereby certify that the foregoing **Ordinance No. 23-01**, entitled, **AN ELBERT COUNTY ORDINANCE TO REGULATE CONTRACTOR LICENSING; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF**, is a true, correct and complete copy from the records in my office, that said Ordinance was duly adopted by the Board of County Commissioners of Elbert County and is in full force and effect.

ATTEST:

By: Amanda W Moore
Amanda Moore, Deputy Clerk to the Board

