



Memorandum

To: Vail Town Council

From: Town of Vail Community Development Department
Building and Fire Code Appeals Board
C.J. Jarecki, CBO - Chief Building Official

Date: 10/6/2020

Subject: Ordinance 12, Series of 2020:
AN ORDINANCE REPEALING AND REENACTING CHAPTER 7 OF TITLE 4 OF THE VAIL TOWN CODE, RELATING TO CONTRACTOR REGISTRATION, AND ENACTING A NEW SECTION 10-1-14 OF THE VAIL TOWN CODE, RELATING TO THE BOARD OF APPEALS

Summary:

The purpose of this memorandum is to provide information to the Vail Town Council regarding adoption of an Ordinance that will amend the Town Municipal Code as recommended by Community Development and the Building and Fire Code Appeals Board. The members of the Board making this recommendation are:

- Mark J. Mueller, PE Structural Engineer
- Kathy Langenwalter, RA Architect
- Mark Hollenbeck General Contractor
- Steve Loftus Mechanical Engineer/Contractor
- Rollie Kjesbo General Contractor
- Kyle Webb, RA Architect
- Mark Donaldson, RA Architect

In order to ensure contractors intending to perform construction work within the Town of Vail are duly qualified to complete such work, it has become apparent that the existing code language and processes involved with contractor registration are insufficient.

This ordinance will require that all contractors be licensed and/or hold certification within their trade to perform construction work within the Town of Vail. This will ensure that the residents of the Town of Vail, and the general public, are receiving the services of qualified contractors.

Background:

Currently, even throughout the COVID-19 pandemic, the Town of Vail and all municipalities located in the Eagle/Vail Valley are experiencing an upward trend in construction activity. During the week of Sept. 14 thru 18 alone, Community Development received a total of seventy-three (73) permit applications. The sheer volume of this activity is forcing developers, builders and homeowners alike to seek assistance from outside of our local communities. Thus, a lot of the applications being receiving are from companies located throughout Colorado, along the front range, as well as out of state.

Unfortunately, the State of Colorado only regulates licensing requirements for a handful of contractors: Electrical, Plumbing, Fire Alarm and Fire Suppression. Thus, there is no mechanism in place to ensure that any other type of contractor, local or otherwise, possesses the knowledge and experience essential to perform the tasks required of them. Furthermore, it has been discovered that the other municipalities within the Valley are experiencing the same trend.

The proposed ordinance and subsequent change to the Municipal Code would allow Vail the opportunity to take the lead and set a standard that can be followed throughout the Valley. The municipalities that are located within the Roaring Fork Valley already have a contractor certification program in place that works very well for them. This ordinance provides for a similar style of certification and registration system.

With it, when contractors register with the Town, they will be required to provide proof of successful completion of a National Standard Contractor Certification Exam. These exams are intended to ascertain the knowledge that an individual possesses in relation to the codes and actual constructability of projects.

The International Code Council – developers and publishers of the International Codes that the Town has adopted – provide such exams. The Town would also accept proof of a passing score of any other equivalent contractor exam. This could include the Roaring Fork Valley B.E.S.T. certification, certification or licensing from another state that regulates contractors, or any other certification deemed equivalent. This alone will provide the necessary information needed to ensure that the contractors performing work in Vail are qualified to do so.

Electrical, plumbing, fire alarm and fire suppression contractors will be exempt from this requirement as they are already regulated by the State and are required to provide their State license number when registering with the Town.

This ordinance also ensures that the duties and procedures of the Building and Fire Code Appeals Board, and the language associated with the Board, is located within the proper Title, Chapter and Section(s) of the Town of Vail Municipal Code.

Community Development and the Building and Fire Code Appeals Board, in a unanimous vote of 7-0, feel that the adoption of this ordinance is necessary to ensure that every project within the Town is being performed by capable, knowledgeable contractors. This also clarifies how the Town of Vail can verify the qualifications of contractors requesting to perform construction work. As mentioned, Vail's neighboring municipalities are very interested in this and eager to follow suit. We propose that Vail takes the lead.

Proposed adoption date: May 1, 2021 – This will allow for 6 months of outreach and education to all contractors. Also, it will allow for 18 months prior to affecting any currently registered contractor.

Action Requested:

Town Council shall approve, approve with modifications, or deny Ordinance No.____, Series of 2020 based on the recommendation from Community Development and the Building and Fire Code Appeals Board.

Thank you for your consideration in this matter.