

**ORDINANCE NO. 12
SERIES 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

WHEREAS, the current version of Title 4 of Chapter 7 of the Vail Town Code, relating to contractor registration, was originally adopted in 1977 and last updated in 2011;

WHEREAS, the Community Development Department is charged with administering the provisions of Title 4 of Chapter 7 of the Vail Town Code;

WHEREAS, the Town wishes to update the contractor registration requirements to allow the Building Official to evaluate every contractor proposing to perform construction work in the Town, and only register those persons who have achieved minimum certification;

WHEREAS, previously, the Code section establishing the Board of Appeals was included in Chapter 7 of Title 4 of the Vail Town Code, but should be located within Title 10 of the Vail Town Code; and

WHEREAS, the Vail Town Council finds it in the best interest of the public health, safety and welfare to adopt these amendments to the Vail Town Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Chapter 7 of Title 4 of the Vail Town Code is hereby repealed in its entirety and reenacted as follows:

**CHAPTER 7
CONTRACTOR REGISTRATION**

4-7-1: DEFINITIONS:

For purposes of this Chapter, the following terms shall have the following meanings:

BOARD: The Building and Fire Code Appeals Board or Board of Appeals as defined in the International Building Code, as adopted by the Town.

BUILDING OFFICIAL: The Building Official as defined in the current version of the Building Code adopted by the Town, or designee.

CONSTRUCTION WORK: Any new construction, additions, repairs, alterations, installations, demolition, removal, conversions, replacements or renovations of any building or structure, or excavation in the Town that requires a permit.

CONTRACTOR: A person that undertakes or offers to undertake for another construction work, including without limitation a general contractor, plumbing contractor, mechanical contractor, electrical contractor, excavation contractor, demolition contractor, fire protection contractor, roofing contractor or subcontractor.

PERMIT: A building permit or other permit authorizing construction work in the Town.

4-7-2: REGISTRATION:

A. Every contractor performing construction work in the Town shall be registered under this Chapter prior to undertaking any construction work or applying for a permit.

B. A contractor will be considered to be registered under this Chapter if the contractor is employed by a company, corporation or organization in which at least one person also employed by that company, corporation organization is registered. If the sole person registered as a contractor in any company, corporation or organization leaves the employment of that company, corporation or organization, the company, corporation or organization shall register a different employee under this Chapter within 90 days.

C. Any contractor holding a current, valid registration as of the date of the ordinance codified in this Chapter shall not be required to comply with this Chapter until the existing registration is required to be renewed.

D. The registration of a contractor under this Chapter does not express or imply any level of qualification, competency, or other assessment of the contractor's ability to perform construction work.

4-7-3: CLASSIFICATION:

A. The following classes of contractor registration are available:

1. Type A Contractor (AC).
2. Type B Contractor (BC).
3. Type C Contractor (CC).
4. Electrical Contractor (EC).
5. Fire Alarm Contractor (FAC).
6. Fire Sprinkler Suppression Contractor (FSC).
7. Homeowner Contractor (HC).

8. Landscape Contractor (LC).
9. Mechanical Contractor (MC).
10. Plumbing Contractor (PC).
11. Roofing Contractor (RC).
12. Solar Contractor (SC).
13. Waste Hauler (WC).
14. Other Contractor (OC).

B. A list of the type of construction work that may be performed by each class of contractor shall be maintained by the Community Development Department. Each contractor shall perform only the type of work so authorized.

C. Any person may make an application for registration as a homeowner contractor without a license or certification provided that the construction work is specifically for the dwelling unit solely owned by the applicant, being performed solely by the applicant, and the construction work does not alter or affect the structural integrity, means of egress, electrical systems, or plumbing systems of the unit, building or structure.

4-7-4: APPLICATION AND REGISTRATION:

A. Application: Applications for contractor registration shall be completed at www.vail.onlinegovt.com, or a successor location designated by the Town. At a minimum, the application shall include:

1. The business name, name of the principal party/business owner/certification holder;
2. A current mailing address, valid electronic mail address, and valid phone number;
3. The applicable application fee, as set by resolution of the Town Council;
4. Proof of insurance as required by Section 4-7-5;
5. Proof of certification/licensing and training as required by Section 4-7-6;
6. For Electrical Contractors and Plumbing Contractors, a copy of their license or current license number as provided by the State of Colorado Department of Regulatory Agencies; and

7. For Fire Suppression Contractors and Fire Alarm Contractors, a copy of their license or current license number as provided by the State of Colorado Department of Fire Prevention and Control.

B. Registration: Upon receipt of a complete application and the applicable fee, the Building Official shall register the contractor.

C. Expiration: Each registration shall be valid until April 30th of the third year following the year of registration.

4-7-5: INSURANCE:

A. Each contractor shall always be covered by the following insurance while performing construction work in the Town, at a minimum:

1. Worker's compensation insurance as required by law;

2. Commercial General Liability insurance with minimum combined single limits of \$1,000,000 each occurrence and \$2,000,000 general aggregate, applicable to all premises and operations, and shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations.

B. Proof of insurance shall be provided to the Town upon each application for registration, and upon request at any other time.

4-7-6: CERTIFICATION AND TRAINING REQUIREMENTS:

A. Each registered contractor shall maintain current certification(s). The current certification requirements for each classification of contractor shall be maintained by the Community Development Department.

B. Each contractor shall observe the training requirements of the Town. The current training requirements for each classification of contractor shall be maintained by the Community Development Department.

C. A Homeowner Contractor shall be exempt from the training and certification requirements of this Section.

D. While performing construction work in the Town, all registered contractors shall comply with all applicable laws, ordinances, rules and regulations.

4-7-7: SUSPENSION OR REVOCATION:

A. The Building Official may, for unskillfulness, carelessness, willful violation of any lawful directions or orders by the Building Official, or any violation of law,

order the temporary suspension or permanent revocation of a contractor's registration, following notice and a hearing as provided in this Section.

B. Written notice of the hearing shall be given to the contractor at least seven (7) days before the hearing. The notice shall contain a brief statement of the reason for the proposed suspension or revocation. Such notice shall be given either personally or by certified first class U.S. mail to the address on file with the Town.

C. At the hearing, the Building Official shall hear and consider such statements and such evidence as deemed relevant to the violation alleged in the notice. The contractor may appear to contest the suspension or revocation of the license.

D. Within ten (10) days of the hearing, the Building Official shall issue a written order, including findings of fact. A copy of the order shall be mailed to or served on the contractor at the address on file with the Town.

4-7-8: VIOLATION AND PENALTY:

A. It is unlawful to violate any provision of this Chapter. Any person who violates any provision of this Chapter is subject to the penalty set forth in Section 1-4-1 of this Code.

B. In addition to any other applicable penalty, if the Building Official determines that a person has undertaken construction work in the Town without a valid registration as required by this Chapter, and such person wishes to continue such construction work, such person shall first register as a contractor under this Chapter, but the application fee shall be twice the amount otherwise due.

Section 2. Chapter 1 of Title 10 of the Vail Town Code is hereby amended by the addition of the following new Section 10-1-14:

10-1-14: APPEALS:

A. Appeal of Building Official Actions:

1. Authority: The Building and Fire Code Appeals Board shall have the authority to hear and decide appeals from any order, decision, determination or interpretation by the Building Official with respect to the provisions of this Code.

2. Initiation: An appeal may be initiated by any resident, property owner, or contractor adversely affected by any order, decision, determination or interpretation by the Building Official with respect to the provisions of this Code. Failure to file a timely appeal shall constitute a waiver of any rights under this Chapter to appeal any order, decision, determination or interpretation by the Building Official.

3. Procedure:

i. A written notice of appeal shall be filed with the Community Development Department within fourteen (14) days of the Building Official's decision. Upon the filing of the appeal, the Building Official shall forward all records concerning the subject matter of the appeal to the Board.

ii. The appeal shall be considered by the Board at its next regularly scheduled meeting.

iii. The Board may affirm, reverse, or modify the action of the Building Official, or schedule a hearing. Failure of the Board to act within fourteen (14) days of receipt of the appeal information shall be deemed concurrence with the action of the Building Official.

iv. If a hearing is deemed necessary, it shall be held within thirty (30) days of the first consideration by the Board. Written notice shall be sent to the appellant a minimum of fourteen (14) days prior to the scheduled hearing. The Board may grant one continuance of the hearing of up to thirty (30) days.

4. Findings: The Board shall, on all appeals, make findings of fact based on the evidence presented, as to how the requirements of the applicable Code have or have not been met.

B. Appeal of Building and Fire Code Appeals Board Actions:

1. Authority: The Town Council shall have the authority to hear and decide appeals from any order, decision, determination or interpretation by the Board of Appeals.

2. Initiation: An appeal may be initiated by any resident, property owner, or contractor adversely affected by any order, decision, determination or interpretation by the Board of Appeals. Failure to file a timely appeal shall constitute a waiver of any rights under this Chapter to appeal any order, decision, determination or interpretation by the Board of Appeals.

3. Procedure:

i. A written notice of appeal shall be filed with the Community Development Department within fourteen (14) days of the Board's decision. Upon the filing of the appeal, the Board shall forward all records concerning the subject matter of the appeal to the Town Council.

ii. The Town Council shall hear the appeal at its next regular meeting.

iii. The Town Council may confirm, reverse or modify the action of the Board.

5. Decision: The Town Council may affirm, reverse or modify the action of the Board. The Town Council shall make findings of fact based the evidence presented.

6. Final Decision: The decision of the Town Council shall be final, subject only to judicial review by a court of competent jurisdiction under C.R.C.P. 106(a)(4).

Section 3. The changes adopted by Section 1 of this Ordinance shall become effective on or after May 1, 2021. The changes adopted by Section 2 of this Ordinance shall become effective on or after November 1, 2020.

Section 4. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. The amendment of any provision of the Vail Town Code in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this ___ day of _____, 2020 and a public hearing for second reading of this Ordinance is set for the ___ day of _____, 2020, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this ___ day of _____, 2020.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk