

ORDINANCE NO. 93-5

AN ORDINANCE PROVIDING FOR LICENSING AND BONDING OF THE BUILDING AND CONSTRUCTION TRADES, FOR THE REQUIREMENTS AND CONDITIONS THEREFOR, FOR THE CONSIDERATION OF COMPLAINTS BY CITY RESIDENTS AGAINST CONTRACTORS, FOR THE REGULATION OF THE TRADES, AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS:

Section 1: Any person or organization or other entity offering to perform for hire or performing for hire any of the following services within the corporate limits of the City of Galena, Kansas shall be subject to the conditions of this ordinance:

- (1) Electrical work-electrical construction or installation of wiring and apparatus for electric lights, appliances, heating or power;
- (2) Plumbing work-Constructing or fitting or repairing gas, water and soil pipes, cisterns, tanks, toilets, baths, faucets, water closets, their fittings, and other sanitary and fire protection apparatus for a house or other building, including junctions to mains and sewers;
- (3) Carpentry/Construction Work-Constructing, framing, building, repairing, painting, plastering, roofing or remodeling any house or other building or any particular room or part thereof;
- (4) Heating and air conditioning work-Installing, maintaining or repairing any device or apparatus central or auxiliary to the heating and air conditioning system of any house or other building.
- (5) If the job is less than the minimum requiring a permit then a license and a bond will not be required.
- (6) Anytime a sewer line, private or city, is broken into, a permit and inspection shall be required prior to closing the hole.

Section 2: All persons or organizations or other entities subject to this ordinance shall obtain a city license from the Galena City Clerk prior to performing or offering to perform any services in the City. This ordinance shall apply to independent contractors and not to employees. An employee is defined as a person who works for an employer and for whom the employer provides worker's compensation coverage and unemployment benefits and pays employer's payroll taxes. Anyone not an employee is deemed to be an independent contractor.

Section 3: Licenses shall be issued for each calendar year, and the fee shall be \$25.00 if purchased during the first half of the year and \$12.50 if purchased during the second half of the year.

Section 4: No person or organization or other entity shall charge a fee or collect a fee for any services performed while not holding a current, valid license, except in the case covered above in Section 1 (5).

Section 5: Before a license is issued, the applicant shall:

- (1) Properly prepare and submit an application for a license;

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(2) Pay the required fee;

(3) Execute and deliver to the City a surety bond in the amount of not less than \$5,000.00 as further described in Section 6 below;

(4) Obtain approval from the City Council for the issuance of the license;

Section 6: The surety bond shall: (1) Be in a form acceptable to the City and shall be issued by a bonding company licensed in Kansas. The bond shall at least cover the period of time for which the license is issued, and the bonding company shall immediately notify the City if the bond is revoked or demand for indemnity is made on the bond. Failure to notify the City will result in the bond remaining in full force and effect;

(2) Be a performance bond, i.e. the bond shall be available to indemnify the City or any person or entity for any damage or harm caused by the insured or his agent while working in the corporate limits of the City. The bond shall cover damages caused by careless or negligent shoddy workmanship; failure to perform; breach of contract; intentional damage or injury; and all other risks reasonably foreseen as possible consequences of the job undertaken.

(3) Be available to indemnify a damaged party that has obtained a judgment against the insured in any court of competent jurisdiction.

(4) Be in an initial amount of \$5,000.00. However, the license shall buy additional insurance as needed so that the total insurance available shall equal the total value of all jobs performed during the year up to a maximum of \$25,000.00 per year.

Section 7: The Building Inspector shall:

(1) Submit a written report to the licensing committee on each applicant, setting forth that he has no reason to believe the applicant is not qualified to perform his proposed trade or business or setting forth specifically the reasons why the the applicant is not qualified to perform his proposed trade or business;

(2) Not unreasonably withhold approval of a license.

Section 8: Nothing in this Ordinance shall require the Building Inspector or the licensing committee or the City to investigate any applicant beyond the information submitted with the application, and approval of a license shall not mean that the City in any way guarantees the work of the license holder or endorses the license holder.

Section 9: The licensing committee, shall review each application and submit their recommendation to the Council as a whole. The licensing committee shall schedule a hearing for any applicant requesting a hearing and shall convey its findings at the hearing to the Council as a whole.

Section 10: All license holders shall perform their work in the City in a fair, honest, and competent manner.

Section 11: Any person or entity with a grievance against any license holder over the quality of the service performed may present the grievance in writing to the licensing committee. The licensing committee

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shall conduct a public hearing on the grievance, giving a copy of the complaint and due notice of the hearing date to the license holder. The hearing shall only consider issues raised in the written grievance. The licensing committee shall submit its findings and recommendations to the Council as a whole.

Section 12: A license may be revoked or suspended by the Council as a whole for any violation of this Ordinance. If a license is revoked, the license holder may reapply one year after the license is revoked, unless a shorter time is provided by the Council. If a license is suspended, it shall be reinstated at the end of the suspension period which shall be set by the Council at no more than sixty (60) days, including holidays and weekends.

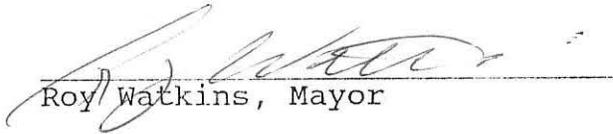
Section 13: No license issued hereunder shall be transferable, and any license holder shall be responsible for any acts of his agents done while on a job in the City.

SECTION 14: The licensing committee shall be composed of three council members appointed by the Mayor.

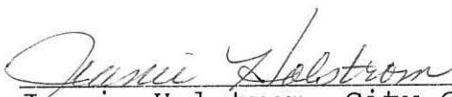
Section 15: All ordinances or parts thereof conflicting herewith are repealed.

Section 16: This ordinance shall be in full force and effect after passage and publication in the official city newspaper.

Passed by the City Council and approved by the Mayor, this 20th day of April, 1993.

  
Roy Watkins, Mayor

ATTEST:

  
Jeanie Holstrom, City Clerk

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