

RESOLUTION NO. 22XXXX. It was moved by Commissioner XXXX and duly seconded by Commissioner XXXX to adopt the following Resolution:

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 territory of the 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, Arapahoe County has adopted and enforces the current International Building Code (IBC) and the current approved IBC amendments and the current International Residential Code (IRC) and the current approved IRC amendments in Arapahoe County; and

WHEREAS, the Building Division of the Arapahoe County Public Works and Development Department has recommended that the Board adopt a Contractor Licensing Program, 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 Program to ensure that Building Contractors operating within the unincorporated territory of Arapahoe 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 Arapahoe County, Colorado hereby resolves to adopt the following **revised** Contractor Licensing Program applicable to the unincorporated territory of the County:

**BUILDING CONTRACTOR LICENSING PROGRAM
FOR UNINCORPORATED ARAPAHOE COUNTY**

Definitions

1. As used in this Resolution, the following terms shall have the following meanings:
 - a. Board of Review means the duly appointed Board of Review for Arapahoe County, Colorado as provided in CRS 30-28-206.
 - b. Building Code or Arapahoe County Building Code means the Building Code duly adopted and in force in the unincorporated territory of Arapahoe County, Colorado,

currently the International Building Code (IBC) and the current approved IBC amendments and the current International Residential Code (IRC) and the current approved IRC amendments.

- c. Building Contractor means any person who for compensation directs, supervises, or undertakes any work for which a building permit is required under the Arapahoe County Building Code.
- d. Building Official means the Arapahoe County Building Division Manager or his or her designee.
- e. Person means any individual, corporation, limited liability company, partnership, association, or other legal entity.
- f. Individual means an individual human.

Licensing Requirements and Prohibitions

- 2. No person shall engage in the business of a Building Contractor or perform any building, construction, remodeling or other services for which a building permit is required under the Arapahoe County Building Code in the unincorporated territory of Arapahoe County without first obtaining a License from the Building Division of the Arapahoe County Public Works and Development Department.
- 3. No Building Contractor shall perform any building, construction, remodeling, or other work for which a building permit is required under the Arapahoe County Building Code, unless such work is authorized under the scope or limits of the type of License for which the Building Contractor has been licensed under this Resolution.
- 4. Types of Licenses:
 - a. CLASS "A" Building Contractor. This License shall entitle the holder to contract for the construction, alteration, **installation pertaining to: tenant finish, fire suppression, elevators, signs (Other than Fascia)** or repair of any type or size of **Commercial** structures permitted by the International Building Code. ~~or the International Residential Code.~~
 - b. CLASS "B" Building Contractor. This License shall entitle the holder to contract for the construction, alteration, ~~or repair of multi-family (3 or more units)~~ **of Commercial and Residential** structures as permitted by the International Building Code **and/or** the International Residential Code.

- c. CLASS "C" Building Contractor. This License shall entitle the holder to contract for the construction, alteration, or repair of **Residential structures, to include:** single-family homes, townhomes (up to three floors), duplexes, basement finishes, **decks, patios covers, residential elevators, garages, carports, siding, windows, doors, Manufactured Homes, Modular Homes, structures regulated by the MHIP program, and remodeling as permitted by the International Building Code and as permitted** the International Residential Code.
- d. CLASS "D" Building Contractor. This License shall entitle the holder to contract for the **performance of work related to:** ~~construction, alteration or repair of: wood framing (detached garages, carports, exterior decks, patio covers, gazebos, pergolas), painting and drywall, concrete, masonry, roofing/siding, pools/spas, demolition, excavation, sign installation (Fascia only), residential elevator installation, and mobile, manufactured, or modular home installation,~~ **fire alarm / detection, access control, low-voltage / data, Oil & Gas, special events, green energy and special applications.**
- e. CLASS "A" Mechanical Contractor. This License shall entitle the holder to perform any work in the heating, ventilation, and air-conditioning trades in ~~both residential and nonresidential buildings~~
- f. CLASS "B" Mechanical Contractor. This License shall entitle the holder to perform any work in the heating, ventilation, and air-conditioning trades in **both residential and non-residential** buildings. ~~and that does not involve mechanical refrigerating systems and equipment.~~
- g. **CLASS "C" Mechanical Contractor. This License shall entitle the holder to perform any work in the heating, ventilation, and air-conditioning trades in residential-only buildings.**
- h. **Radon Contractor. This License shall entitle the holder to perform the installation, alteration, repair of radon mitigation systems only. (Mechanical)**
- i. **Water Conditioner Contractor. This License shall entitle the holder to perform the installation, alteration, repair of water conditioner systems only. (Plumbing)**
- j. Fire Alarm Systems Contractor. This License shall entitle the holder to perform fire alarm and suppression systems installation.
- k. **CLASS "A" Roofing Contractor. This License shall entitle the holder to perform roofing work as it pertains to commercial structures.**
- l. **CLASS "B" Roofing Contractor. This License shall entitle the holder to perform roofing work as it pertains to both residential and commercial structures.**

- m. CLASS “C” Roofing Contractor. This License shall entitle the holder to perform roofing work as it pertains to residential-only structures.
 - n. CLASS “A” Solar Contractor. This License shall entitle the holder to perform roofing work as it pertains to commercial structures.
 - o. CLASS “B” Solar Contractor. This License shall entitle the holder to perform roofing work as it pertains to both residential and commercial structures.
 - p. CLASS “C” Solar Contractor. This License shall entitle the holder to perform roofing work as it pertains to residential-only structures.
 - q. CLASS “A” Retaining Wall / Fence Contractor. This License shall entitle the holder to perform retaining wall / fence work as it pertains to commercial structures.
 - r. CLASS “B” Retaining Wall / Fence Contractor. This License shall entitle the holder to perform retaining wall / fence work as it pertains to both residential and commercial structures.
 - s. CLASS “C” Retaining Wall / Fence Contractor. This License shall entitle the holder to perform retaining wall / fence work as it pertains to residential-only structures.
5. Unless exempted under this Resolution, prior to engaging in the business of a Building Contractor or performing any of the types of Contractor services described in this Resolution in the unincorporated territory of Arapahoe County, all persons must apply for and obtain an appropriate License for that type of Building Contractor. Such application shall be made to the Arapahoe County Building Official.
6. Upon receipt of an application for a License, the Building Official shall review such application to determine whether the applicant meets the qualifications required by this Resolution and, if so, shall issue the License forthwith. If the Building Official determines that additional time is needed to review the application, the Official shall issue a provisional License within seven (7) days of filing the application and shall make a final determination on the application either approving or denying the application within forty-five (45) days of the date the application was filed. The applicant may perform the appropriate Building Contractor services under the provisional License until such time as a non-provisional License is issued or denied. If the Building Official fails to issue or deny the non-provisional License within this forty-five (45) day period, the Contractor may continue in the business until the end of the calendar year at which time, the Contractor must apply for a License and shall not operate without a provisional or final License having been issued for that calendar year. However, no provisional License shall be issued unless the applicant provides proof of the insurance coverage required under this Resolution.

7. Licenses shall be required annually and each license issued will expire ~~one at the end of the day on December 31st of the year in which~~ from when it was issued ~~or renewed~~. No building permits may be obtained, nor may work already under permit be continued, until the Contractor obtains ~~a new License for that year~~ **an active license**.

Qualifications for Contractor's License

8. In order to qualify for a Contractor's License under this Resolution, a person shall meet the following experience and certification qualifications as appropriate for the class of License sought:
- a. Class "A" and Class "B" Building Contractors shall be required to furnish proof of ICC Building Contractor CLASS "A" or "B" certifications or equivalent certification by a recognized state or national certification entity.
 - b. Class "C" Building Contractors shall be required to furnish proof of ICC Building Contractor CLASS "C" certification or equivalent certification by a recognized state or national certification entity.
 - c. Class "D" Building Contractors shall be required to furnish proof of any required ICC certification **where applicable** for the respective trade or equivalent certification by a recognized state or national certification entity and shall be required to furnish proof of at least one (1) year experience in the respective trade.
 - d. Mechanical Systems Contractors shall be required to furnish proof of ICC Building Contractor CLASS "A", ~~or~~ CLASS "B" **or CLASS "C"** certification or equivalent certification by a recognized state or national certification entity or similar licensing by a state or local governmental entity in Colorado or another state in the United States.
 - e. **Radon Contractors and Water Conditioner Contractors shall be required to furnish proof of active registration with the Department of Regulatory Agencies as required.**
 - f. Fire Alarm Systems Contractor shall furnish proof of at least one (1) year of experience in the fire alarm systems installation trade or proof of an active NICET Level II fire alarm certificate.
 - g. **All Contractors shall be required to provide active licensure as issued by the Department of Regulatory Agencies, the International Code Council and any/all other governing bodies where applicable.**
 - h. **Individuals who possess an active and direct trade-related license as a Colorado Licensed Professional Engineer, and whom is recognized as the Engineer in responsible**

charge with the company of record, may be accepted in lieu of ICC certification, and on a case-by-case basis.

9. At the time of application for a License, all Building Contractors required to be licensed under this Resolution shall provide proof of liability insurance coverage and , if required under State law for the Contractor, workers' compensation insurance coverage (if required under State law and shall maintain such coverage(s) through the term of the Contractor's License and any renewals. Such insurance coverage shall meet following minimum standards:
 - a. The liability insurance policy shall insure the Contractor against liability for damages arising out of the negligent acts, errors and omissions of the Contractor, the Contractors' partners, members, and employees in the performance of the Contractor's business.
 - b. The liability policy shall provide coverage in the minimum amount of \$2,000,000 (single occurrence) for all Contractors holding a type A or B certification and in the minimum amount of \$1,000,000 (single occurrence) for all other Contractors required to obtain a License under this Resolution.
 - c. The workers' compensation policy, if required under State law for the Contractor, shall meet the minimum coverage amounts required under State law. If the Contractor is not required under State law to maintain workers' compensation insurance as a sole proprietor with no employees, the Contractor must complete a waiver of workers' compensation insurance form as part of the Contractor's License application.
 - d. All Building Contractor's policies of liability insurance coverage shall name Arapahoe County as an additional insured and the policies shall provide for notification to Arapahoe County of the cancellation or termination of such policies.
10. Provided that the respective insurance and certification and/or experience requirements are met, the Building Official ~~shall~~ **may** recognize similar licensing by another local governmental entity in Colorado or another state in the United States as evidence of qualification, **on a case-by-case basis, and** for a License under this Resolution.

Exemptions

11. The licensing requirements of this Resolution do not apply to any individual desiring to perform repair or maintenance work on his or her own property; nor shall they prohibit a person from employing an individual who is not licensed under this Resolution, on either a full or part-time basis, to perform repair or maintenance work on his or her own property.

12. Electrical Contractors, required to be licensed under Article 23 of Title 12 of the Colorado Revised Statutes, and Plumbing Contractors, required to be licensed under Article 58 of Title 12 of the Colorado Revised Statutes, are not required to obtain a License under this Resolution.
13. Any individual whose sole function is to perform labor under the supervision or direction of a Building Contractor, Licensed under this Resolution, is not required to obtain a separate License for purposes of performing labor under the direction of the Building Contractor.

Suspension or Revocation of a License

14. The Board of Review, **Building Official or County Attorney** is authorized to revoke or suspend any license for the following reasons:
 - a. Failure to maintain required insurance coverage through the full term of the License.
 - b. Having made any false or misleading statement or submitted any false or misleading documentation in making application for the License.
 - c. Failure to comply with any lawful order of the Building Official or any other authorized representative of the Building Division pertaining to the administration of the Building Code, including, but not limited to, the failure to observe any stop work order or correction notice.
 - d. Using a Contractor's License to obtain a building permit for any other person required to be licensed under this Resolution who is not so licensed or whose License has been suspended or revoked.
 - e. Failure to obtain a proper building permit for any work for which a permit is required.
 - f. The knowing violation of any of the requirements or prohibitions stated in this Resolution.
15. Prior to any proposed suspension or revocation of a License, the Building Official shall provide written notice to the Building Contractor stating the grounds for such proposed suspension or revocation. Such notice shall specify a time and date for a hearing before Board of Review at which hearing the Building Contractor shall appear to show cause why his or her License should not be suspended or revoked. At such hearing, the Building Official shall present evidence to the Board of the grounds for such proposed suspension or revocation and the Contractor shall have the right to present evidence to rebut or refute the Building Official and to conduct reasonable cross-examination of the Building Official or any witnesses. At the conclusion of such hearing, as warranted by the evidence presented, the Board may revoke or suspend the License as it determines appropriate or dismiss the proceedings and reinstate the License.

16. A License may be suspended for a period of up to thirty (30) days. If a Building Contractor's License is suspended, the Contractor shall not perform any contracting services for which a License is required under this Resolution in unincorporated Arapahoe County for the duration of the period of suspension. If a License is suspended for failure to maintain required insurance coverage such License shall remain suspended and may not be reinstated until the Contractor provides proof that he or she has obtained or re-instated the required insurance coverage.
17. If a License is revoked, the Building Contractor shall not perform any contracting services in unincorporated Arapahoe County for the remainder of that calendar year and must then apply for reinstatement and obtain a new License prior to performing any Contractor services in the unincorporated Arapahoe County for the next and subsequent calendar years.
18. During the period from the date of the Building Officials' written notice to the Building Contractor to show cause to the date of the hearing before the Board of Review, no building permits will be issued to the Contractor or his or her representatives. If the Board of Review suspends or revokes a License, no building permits will be issued to the Contractor or his or her representatives for the duration of the suspension or until a revoked License has been reinstated.

Fees

19. The Board hereby authorizes the Building Division to charge a fee for the issuance and renewal of Contractor Licenses to cover the cost of operating this Contractor Licensing Program. The fees for an annual License shall be as follows:
- a. Class "A" and "B" Building, Solar, Mechanical, Roofing, Retaining Wall Contractor: \$360.
 - b. Class "C" Building Contractor: \$180.
 - c. Class "D" Building Contractor: \$84.
 - d. Class "A" and "B" Mechanical Systems Contractor: \$360.
 - e. Class "C" Mechanical Systems Contractor: \$180.
 - f. Fire Alarm Systems Contractor: \$132.
20. Contractors shall pay, at the time of submission of the License application, the amount due for each particular class of Contractor's License applied for as provided in section 19 above in this Paragraph. ~~For any License applied for between January 1 and January 31, the Contractor shall pay the full annual amount due for the particular class of License. For any License applied for between February 1 and May 31, the Contractor shall pay the pro-rated amount. Such pro-rated amount shall be based on the number of months remaining in that year at the time of application. For any License applied for on or after June 1, the Contractor shall pay one-half (1/2) the full annual amount for the particular class of License~~

~~and shall also pay the full annual amount for the next year's License, which License shall be effective through the end that next year. Otherwise, each License shall be effective from the date of issuance to close of business on December 31.~~ Licenses shall be deemed active for a period of one year from the date of initial application or date of renewal.

21. Class "D" Contractors, other than Fire Alarm / Detection Contractors shall be subject to a flat fee of \$84.00 for a one-year license.
22. The above fees are established in the amounts determined to be to reasonably necessary cover the County's expenses in operating and maintaining this Contractor Licensing program. However, the Arapahoe County Building Official is hereby directed to evaluate the fees established under this Resolution at least every two (2) years, and shall then report and recommend to the Board on whether the amount of the fees should be modified in order to reasonably cover the costs to the program.

Miscellaneous

22. Unless a person is exempted from the Licensing requirement under this Resolution, building permits for work within unincorporated Arapahoe County will be only be issued to Building Contractors who are licensed under this Resolution or their authorized representatives.
23. The failure to comply with the requirements of this Resolution may be enforced through legal proceedings in a court of competent jurisdiction for injunctive relief to enjoin any violation.
24. This Resolution establishing a revised Contractor Licensing Program is an emergency measure for the protection of the public health, safety, and welfare, and as a result of a new Contractor Licensing program.
25. The revised Contractor Licensing program established under this Resolution shall take effect on August 30, 2022. Contractor Licenses already in effect on August 30, 2022, shall remain in effect until their current expiration date. All new license applications or renewals of existing licenses applied for on or after August 30, 2022, will be processed in accordance with this revised program. No Building Contractor required to obtain a License hereunder shall perform any contract services for which a building permit is required under the Arapahoe County Building Code in unincorporated Arapahoe County, unless they have first obtained an appropriate License from the County.

The vote was:

Commissioner Baker, __; Commissioner Holen, __; Commissioner Jackson, __; Commissioner Sharpe, __; Commissioner Warren-Gully, __.

The Chair declared the motion carried and so ordered.

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