

ORDINANCE NO. 2, 2005

AN ORDINANCE PROVIDING FOR THE LICENSING OF CONTRACTORS WITHIN THE CITY OF SUNDANCE; DEFINITIONS; GENERAL PROVISIONS REGARDING CONTRACTORS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNDANCE, CROOK COUNTY, WYOMING

ARTICLE 1: PURPOSE AND SCOPE

Section 1.1 Purpose of Chapter

This ordinance is adopted in order to protect the health, safety and general welfare of the citizens of the City of Sundance. The City Council of the City of Sundance finds the health, safety and general welfare of the citizens of the City of Sundance will best be served by the regulation of contractors operating within the corporate boundaries of the City of Sundance.

ARTICLE 2: DEFINITIONS

Section 2.1 Contractor

- (a) Contractor: a person, firm, partnership, company, corporation, agency, association, or other organization, or any combination thereof
- (1) Who undertakes with or for another within the City to build, construct, alter, repair, add to, demolish, or move any building structure or any portion thereof, for a fixed sum, price, fee, percentage or other compensation or any combination thereof
 - (2) who builds, constructs, alters, adds to, moves or demolishes any building or structure either on his own or other property for the purpose of resale or rental except residence buildings and buildings or structures accessory thereto intended for his own personal use and occupancy. A person constructing his own home without the aid of a licensed contractor may secure a permit on only one residence in any one (1) year period and the construction of more than one residence by said person in any one (1) year period shall be presumed to have been for resale.
 - (3) persons who are engaged in business as painters, wallpaper hangers, drapery and curtain hangers, carpet layers, drywall installers, roofers, carpenters, siding contractors, masons, form cement contractors, excavating contractors, sheet metal contractors, asphalt or concrete paving contractors, lawn sprinkler installers, tree trimmers, herbicide and pesticide applicators, lawn mowers, landscapers, house cleaners and demolition contractors.

Section 2.2 Owner

Any person, firm, corporation or agent having a legal or equitable interest in the property. For purposes of this ordinance, the term Owner may extend to a tenant, lessee, employee(s), the actual owner, with regard to repairs, alterations, additions or improvements of the business or residence with written authorization of the actual owner to perform work for which a permit is issued.

Section 2.3 Employee

Employee shall not include anyone employed solely to perform the work for which a permit would otherwise be issued.

ARTICLE 3: GENERAL PROVISIONS

Section 3.1 Licensing of Contractors

All contractors, as defined hereinabove or those who are considered to be contractors but are not specifically listed hereinabove, shall apply for and receive a license issued by the City of Sundance prior to the time of initiating any work within the corporate boundaries of the City of Sundance.

Section 3.2 Qualifications of Contractors

All contractors shall provide in their application for a license:

- a. a minimum of three (3) references;
- b. state generally the contractor's qualifications to perform the work contracted for; and
- c. proof of current contractor's liability insurance with coverage in an amount not less than \$500,000.00 per incident. All contractors required to carry liability insurance shall require their insurer to notify the City Clerk within ten (10) calendar days of non-payment of insurance premiums and within thirty (30) calendar days of the effective date of a change in the licensee's insurance and/or a contractor's notification of cancellation or non-renewal of the insurance, in whole or in part. All contractors required to carry liability insurance shall be responsible for filing a current certificate of insurance with the City Clerk and the City shall not be responsible for notifying registrants of impending expiration of insurance coverage.

Section 3.3 Prohibition of non-licensed contractors

A contractor who fails to comply with the requirements mentioned hereinabove shall be prohibited from performing any services within the corporate boundaries of the City of Sundance.

Section 3.4 Unlawful Use of Name of Registered Person

No person who has registered as a contractor shall allow his name/business to be used by another person either for the purpose of obtaining permits or for doing business or work under this registration.

Section 3.5 Fees

The contractor shall pay a fee for a contractor's license in an amount as may be determined from time to time by resolution of the City Council.

Section 3.6 Exemption from Licensing Requirements

The following shall not be deemed to be Contractors as the term is used in this Ordinance:

- (1) Persons who are not required to obtain a Contractor's Excise Tax License and/or persons who are not required to obtain a sales tax license;
- (2) Owners making repairs, alterations, additions or improvements to their residence or business, including building accessories thereto that do not involve the structural elements of the building.
- (3) Owners who construct their own residence or accessory buildings thereto which are intended for an Owner's personal use. However this exemption will be permitted only once in a one (1) year period otherwise the provisions of this Ordinance shall apply to an owner.
- (4) Persons or legal entities who perform odd jobs with labor costs less than \$500.00 per job shall not be required to secure a license pursuant to this Ordinance.

ARTICLE 4: VIOLATION OF THIS ORDINANCE TO BE A MISEMEANOR

Section 4.1 Failure to apply for and receive a license

Failure to first apply for and receive a contractor's license prior to performing any contractual services within the corporation boundaries of the City of Sundance shall constitute a misdemeanor and any contractor found to be in violation of this ordinance shall be punished in accordance with Ordinance No.1, 1983, or any amendments thereto.

Section 4.2 Enforcement

The City Council, by and through its agents and employees, shall be assigned to enforce these regulations and may bring to the attention of the municipal attorney any violations or failure on behalf of any contractor to comply with the terms and conditions of this ordinance.

ARTICLE 5: SEVERABILITY

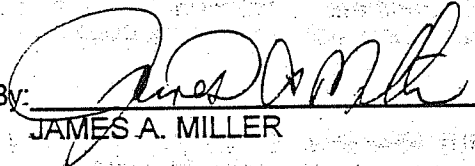
Should the courts of this state or the United States declare any section, provision, paragraph, clause, sentence, phrase or part of this ordinance invalid or unconstitutional or in conflict with any other sections, provision, paragraph, clause, sentence, phrase or part thereof, then such decision shall affect only the section, provision, paragraph, clause, sentence, phrase or part thereof declared to be unconstitutional or unauthorized and shall not affect any other part of this ordinance.

ARTICLE 6: PROVIDING FOR AN EFFECTIVE DATE

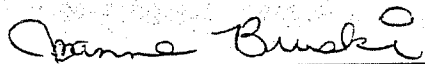
This ordinance shall be in full force and effect from and after its approval, passage and adoption as required by law. This ordinance hereby repeals Ordinance No. 11, 1997 and all ordinances or parts of ordinances in conflict herewith.

PASSED, ADOPTED AND APPROVED this 7th day of March,
2005.

CITY OF SUNDANCE

By: 
JAMES A. MILLER

ATTEST:


CITY CLERK, Joanne Bruski

(SEAL)

1 ST reading	January 3, 2005
2 nd reading	February 7, 2005
3 rd reading	March 7, 2005
Publish on	March 17, 2005