

ORDINANCE NO. 12 - 2010

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ORDINANCE AMENDING TITLE 6 OF THE CODE OF THE TOWN OF MOORCROFT, WYOMING 1979 TO INCLUDE AS CHAPTER 10 PROVISIONS REQUIRING LICENSING OF CERTAIN CONTRACTORS TO WORK WITHIN THE CORPORATE LIMITS OF THE TOWN OF MOORCROFT; PROVIDING REGULATIONS FOR CONTRACTOR LICENSING; AND PROVIDING FOR AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, CROOK COUNTY, WYOMING, that:

SECTION 1: Title 6 of the Code of the Town of Moorcroft, Wyoming shall be and hereby is amended to include as Chapter 10 the following:

"6-1001 - CONTRACTOR DEFINED; BUILDING OFFICIAL DEFINED; LICENSE REQUIRED; EXCEPTIONS -

(a) No person shall perform any work as a Contractor within the Town without first having obtained a license as provided in this Chapter. No permits shall be issued for work to be done by a Contractor who does not have a valid and subsisting Contractor license as required in this Chapter.

(b) A Contractor, within the meaning of this Chapter, is a person, firm, partnership, company, corporation, agency, association, or other organization, or any combination thereof:

(1) Who undertakes with or for another within the Town to build, construct, alter, repair, add to, demolish, or move any building or 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 on his own 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 two year period and the construction of more than one residence by said person in any two (2) year period shall be presumed to have been for resale.

(c) The following shall not be deemed to be Contractors as the term is used in this Chapter:

(1) Owners making repairs, alterations, additions, or improvements to their residence or commercial/business, including buildings accessory thereto which do not involve the structural elements of the building. Owner is hereby defined as any person, firm, corporation, or agent having a legal or equitable interest in the property. For the purpose of this section, the term owner may extend to a tenant, lessee, employee(s) of the actual owner, in regards to repairs, alterations, additions, or improvements of said business or residence with written authorization of the actual owner to perform work for which a permit is issued. For purposes of this Section, the term employee shall not include anyone employed solely to perform the work for which a permit is issued.

(2) A person who constructs his own residence or building accessory thereto which is intended for his own personal use; subject to Section 6-1001(b)(2) of this Chapter.

(3) Persons performing electrical, plumbing, mechanical/HVAC and gas pipe fitting work as defined in this Title who are required to obtain licenses under the applicable Chapters of this Title.

(d) The Building Official, within the meaning of this Chapter, is the person designated by the Town to be the Town's Building Official.

(e) Pursuant to Section 6-1001(c)(1) of this Chapter, the Building Official may maintain an approved listing of work which may be performed by owners of commercial/business buildings without the aid of a licensed Contractor. Other types of work by owners of commercial/business buildings may be approved by the Building Official upon application, provided the applicant has experience or knowledge which qualifies him to do the work. Denial by the Building Official of the application of an owner of a commercial/business building to perform work may be appealed to the Governing Body of the Town.

6-1002 - ISSUANCE OF CONTRACTOR'S LICENSES -

(a) There shall be four (4) classes of Contractor licenses and the holder of each license shall be authorized to do the following:

(1) Class A - General Contractor. This license shall entitle the holder thereof to contract for the construction, alteration or repair of any type or size of structure permitted by the building codes of the Town. This license entitles a Contractor to perform Class B and Class C category work, but not electrical, plumbing, mechanical/HVAC or gas pipe fitting which requires specific licensing to perform such work as provided in this Title.

(2) Class B - Residential Contractor. This license shall entitle the holder thereof to contract for the construction, alteration, additions or repair of one and two family residential structures and accessory buildings. This license entitles a Contractor to perform Class C category work, but not electrical, plumbing, mechanical/HVAC or gas pipe fitting which requires specific licensing to perform such work as provided in this Title.

(3) Class C - Subcontractor. This license shall entitle the holder thereof to perform the work described in this Section. Work for which a Class C license is required is defined as follows: Blacktop; Concrete; Doors; Drywall; Excavation; Fire Suppression; Framing; Handyman Services; Home Repair Services; Roofing; Siding; Sprinkler Systems; Tape and Texture; Windows and Woodstoves; and Miscellaneous - this category is for Contractors who perform any other type of work on any building, structure or site not requiring a Class A or Class B license, but does not include electrical, plumbing, mechanical/HVAC or gas pipe fitting which requires specific licensing to perform such work as provided in this Title. The Building Official may create and/or delete Class C License categories as the need arises.

(4) Tree Trimmer - Any person who trims, cuts or removes trees, branches of trees, bushes or shrubbery, engaging such services for compensation or other consideration, is hereby declared to be a tree trimmer.

(b) A Contractor license is issued to the owner of a sole proprietorship or to an individual with the correct credentials as a Master of Record for a partnership, corporation, association, or other business entity to perform work according to the particular Contractor license classification. A Master of Record shall be designated as the license holder for every

business entity. Contractor licenses are issued for the term of one (1) year by the Building Official.

(c) A business entity which changes its name or Master of Record shall be considered to operate without a license until the change is reported to the Building Official. Changes shall be reported by the business entity and/or the Master of Record to the Building Official within thirty (30) days of any changes.

(d) A business entity which changes its form to create a new legal entity requires a designation of a Master of Record for the new entity. An example would include the incorporation of a sole proprietorship or the creation of a partnership or limited liability company. One of the owners of the new entity such as a stockholder or director of a corporation or a manager of a limited liability company may qualify as Master of Record. The license may be transferred to the extent that a new fee shall not be charged.

(e) A Master of Record must pass the required license test for the Contractor classification for which the license application is made.

(f) The Building Official shall prescribe the test or tests required for the issuance of a license for each Contractor classification, and shall review applications for licenses under this Chapter. The determination of eligibility for license or other matters pertaining thereto shall be made by the Building Official. Applications for a Contractor's license shall be on such forms and all applicants shall furnish such information as the Building Official may prescribe.

(g) Before issuance of a Contractor license, applicants must file with the Building Official and must maintain during the term of the license the following:

(1) License and Permit Bond in the sum of five thousand dollars (\$5,000.00), payable to the Town, all or part of which may be forfeited for damage to Town property; and

(2) A certificate of insurance showing that the Contractor has in force public liability insurance as follows:

<u>License</u>	<u>Per Occurrence</u>	<u>Total Aggregate</u>
Class A - General Contractor	\$1,000,000	\$2,000,000
Class B - Residential Contractor	\$ 500,000	\$1,000,000
Class C - Subcontractor	\$ 300,000	\$ 600,000
Tree Trimmer	\$ 300,000	\$ 600,000

Failure to maintain public liability insurance as required shall result in immediate suspension of a Contractor's license until such time as the required insurance is obtained and proof thereof provided to the Building Official.

(h) The Building Official may disqualify an applicant for a license if:

(1) The application is incomplete, inaccurate, or contains misleading or false information, or;

(2) The applicant has performed work without a Contractor's license required in this Chapter, after receipt of notice from the Town that a license is required.

(i) The Building Official shall maintain a register reflecting the name of each Contractor licensed by the Town.

6-1003 - LICENSE FEES -

(a) The annual Contractor license fees applicable to the Contractor license classifications shall be as follows:

Class A – General Contractor	\$200.00
Class B – Residential Contractor	\$150.00
Class C – Subcontractor	\$100.00
Tree Trimmer	\$ 75.00

(b) License fees shall not be prorated for any portion of the year.

(c) License fees are not refundable.

6-1004 - LICENSE RENEWAL -

(a) Contractor licenses shall be renewed annually with a thirty (30) day grace period following the renewal date. Any work performed after expiration and prior to obtaining such license shall be a violation of this Chapter.

(b) No Contractor license shall be renewed unless the applicant has passed the licensing test(s) currently required for the Contractor license classification for which application has been made; provided, however, the applicant shall not be required to pass the licensing test(s) if the applicant had previously passed the required licensing test(s) and can provide satisfactory proof of such passage.

(c) A Contractor who fails to reapply for a license at the one (1) year anniversary date of the license shall surrender his license and the same shall be deemed to be null and void.

6-1005 - CONTRACTOR RESPONSIBILITIES -

(a) All Contractors shall:

(1) Present a Town Contractor license card when requested by the Building Official or his authorized representative;

(2) Obtain all permits as required under this Title or as required under this Code, or as required by State law;

(3) Faithfully construct, without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the Building Official and the permit issued for same, unless such changes are approved by the Building Official;

(4) Complete all work authorized on the permit issued unless otherwise approved by the Building Official;

(5) Obtain inspection services when the same are required by the adopted construction codes;

(6) Pay any fee assessed under authority of the adopted construction codes;

(7) Build in compliance with the adopted construction codes;

(8) Contact One Call of Wyoming before doing any excavation in compliance with Wyoming Statutes Sections 37-12-301 through 304;

(9) Immediately notify the owner of an underground facility if it is contacted or damaged in the course of excavation in compliance with Wyoming Statutes Sections 37-12-301 through 304; and

(10) Fully comply with all requirements of the Contractor license.

(b) All federal and state laws and Town ordinances dealing with measures for the safety of workmen and of the public shall be observed.

(c) Any Contractor licensed under this Chapter shall be responsible for all work included in his contract whether or not such work is done by the Contractor directly or by the Contractor's employee(s) or a subcontractor. The Contractor shall be responsible for funds or property received by the Contractor for prosecution or completion of a specific purpose. The Contractor shall also see that all applicable permits are obtained by subcontractors under his contract.

6-1006 - SUSPENSION OF A CONTRACTOR LICENSE -

(a) The Building Official, subject to review by the Governing Body of the Town, may suspend a Contractor's license for up to thirty (30) days for any one or more of the following reasons:

- (1) Failure to obtain the proper permit prior to performing work.
- (2) Failure to faithfully construct without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the Building Official and the permit issued for same, unless such changes are approved by the Building Official.
- (3) Failure to complete all work authorized on the permit issued unless otherwise approved by the Building Official.
- (4) Failure to obtain inspection services when the same are required by any Town ordinance or any adopted building code.
- (5) Failure to pay any fee assessed under any Town ordinance or any adopted building code.
- (6) Failure to build in compliance with all applicable adopted codes.
- (7) Failure to contact One-Call of Wyoming before doing any excavation in compliance with Wyoming Statutes Sections 37-12-301 through 304.
- (8) Failure to immediately notify the owner of an underground facility if it is contacted or damaged in the course of excavation in compliance with Wyoming Statutes Sections 37-12-301 through 304.
- (9) Knowingly combining or conspiring with a person, firm, or corporation by permitting ones' license to be used by such person, firm or corporation, except as otherwise provided in this Chapter.

(10) Acting as agent, partner, associate, or in any other capacity, with persons, firms or corporations to evade the provisions of this Chapter.

(11) Failure to fully comply with all requirements of the Contractor license.

(12) Knowingly violating any provisions of this Chapter.

(b) A Contractor's license shall be suspended at least ten (10) days for failure to comply with Section 6-1006(a)(7) of this Chapter if underground facilities owned by the Town are damaged in the course of the excavation;

(c) A Contractor's license shall be suspended at least five (5) days for failure to comply with Section 6-1006(a)(8) of this Chapter if underground facilities owned by the Town are damaged in the course of the excavation.

6-1007 - VIOLATION; PENALTY -

(a) Any person who shall violate the provisions of this Chapter by doing business or performing work within the Town as a Contractor, as defined in this Chapter, without a Contractor's license, or after the person's Contractor's license has been suspended, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than two hundred dollars (\$200.00). Each day the violation continues shall be considered a separate offense."

SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law.

Passed on first reading: October 11, 2010

Passed on second reading: October 25, 2010

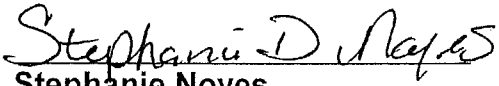
PASSED, APPROVED AND ADOPTED on third reading this 8 day of November, 2010.

TOWN OF MOORCROFT:



**Rosalie Brimmer
Mayor**

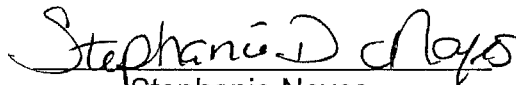
ATTEST:



Stephanie Noyes
Town Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Stephanie Noyes, Clerk/Treasurer of the Town of Moorcroft, Wyoming, hereby certify that Ordinance No. 12-2010 was published in the Moorcroft Leader, Moorcroft, Wyoming on this 11 day of November, 2010.



Stephanie Noyes
Town Clerk/Treasurer

ORDINANCE NO. 7-2017

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TITLE 6, CHAPTER 10, SECTIONS 6-1002 AND 6-1003

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ORDINANCE AMENDING SECTIONS 6-1002(a)(3) AND 6-1003(a) OF CHAPTER 10, TITLE 6 OF THE CODE OF THE TOWN OF MOORCROFT, WYOMING 1979 TO CHANGE NAME OF CLASS C LICENSE FROM CLASS C-SUBCONTRACTOR TO CLASS C-LIMITED CONTRACTOR; AND PROVIDING FOR AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, CROOK COUNTY, WYOMING, that:

SECTION 1: Sections 6-1002(a)(3) and 6-1003(a) of Chapter 10, Title 6 of the Code of the Town of Moorcroft, Wyoming 1979 shall be and hereby are amended to change "Class C – Subcontractor" to "Class C – Limited Contractor".

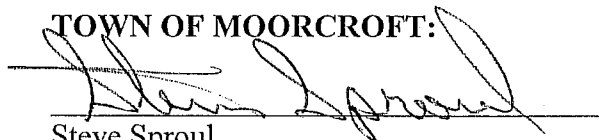
SECTION 2: This Ordinance shall become effective after passage and upon publication as provided by law, and all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict.

Passed on first reading: April 24, 2017

Passed on second reading: May 8, 2017

PASSED, APPROVED AND ADOPTED on third reading this 22nd day of May, 2017.

TOWN OF MOORCROFT:



Steve Sproul
Mayor


ATTEST:



Cheryl Schneider
Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Cheryl Schneider, Clerk/Treasurer of the Town of Moorcroft, Wyoming, hereby certify that Ordinance No. 7-2017 was published in the Moorcroft Leader, Moorcroft, Wyoming on the 1st day of June, 2017.


Cheryl Schneider
Clerk/Treasurer