

ORDINANCE NUMBER 408

AN ORDINANCE ESTABLISHING A LICENSING REQUIREMENT FOR CERTAIN BUILDING CONTRACTORS WITHIN THE CITY OF BENNINGTON, KANSAS AND ESTABLISHING A NEW ARTICLE 5, CHAPTER IV TO THE CODE OF THE CITY OF BENNINGTON, KANSAS RELATING THERETO.

BE IT ORDAINED by the Governing Body of the City of Bennington, Kansas:

Section 1. New Article. Chapter IV of the Bennington City Code is hereby amended by adding a new Article 5, to read as follows:

4-501. Definitions. As used in this article, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) *Commercial tree trimming* means to engage in trimming, pruning, treating, or removing trees for consideration.
- (b) *Contractor license means* a license issued by the city clerk pursuant to this article.
- (c) *Electrical work* means the installation, replacement, repair or alteration of disconnect, service or control equipment or of permanent premises electrical wiring, lighting, fixtures and/or utilization equipment or devices not otherwise connected by approved attachment cord and cap. Electrical work shall not include circuits and equipment operating at less than fifty (50) volts, communication wiring or devices, or the repair of motors or utilization equipment. Electrical work also includes the installation, replacement, or repair of predesigned fire alarm and fire alarm communications systems, except to the extent the same work can also be performed by a specialty fire alarm and communication contractor licensed or registered pursuant to this chapter.
- (d) *General contractor work* means to undertake, with or for another person, firm, or corporation, to build, construct, alter, remodel, or repair any building or structure, or any portion thereof, for which a permit from the city is required.
- (e) *HVAC mechanical work* means the installation, replacement, repair or alteration of any ventilation or exhaust system, chilled water systems, hydronic, refrigerant, fuel gas or condensate piping, water heaters and boilers for both domestic hot water and space heating, refrigeration systems including electrical disconnecting means immediately adjacent to remote condensers, incinerators or other miscellaneous heat-producing appliances or warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation or by radiation.
- (f) *Plumbing work* means the installation, replacement, repair or alteration of water, wastewater, vent, hydronic and fuel gas piping, water heaters and boilers for both domestic potable water and environmental heating and their vents, medical gas systems, plumbing fixtures and appliances. Plumbing work shall not include the clearing of stoppages or the repair of plumbing appliances such, as but not limited to dishwashers, garbage disposals, water softeners or ice machines. Plumbing work also includes the installation, replacement, or repair of predesigned fire suppression systems, except to the extent the same work can be performed by a specialty fire sprinkler contractor licensed or registered pursuant to this chapter.
- (g) *Roofing or siding work* means the installation, repair, or replacement or roof coverings or siding on any structure.

4-502. License required. It shall be unlawful for any person, firm, or corporation to engage in or perform any of the following activities within the corporate limits of the city without then having an unrevoked and unexpired contractor license therefor in its possession and issued by the city clerk:

1. commercial tree trimming;
2. electrical work;
3. plumbing work;
4. HVAC work;
5. roofing or siding work; or
6. general construction work.

4-503. Insurance. Any person, firm, or corporation applying for a contractor license under this article shall secure and maintain, and file with the city clerk, evidence of liability insurance with an insurance company admitted to do business in the state of Kansas, in an amount not less than three hundred thousand dollars (\$300,000.00) per occurrence and six hundred thousand dollars (\$600,000.00) in the aggregate. The insurance will protect the city from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of the licensee.

4-504. Application and fee. An applicant for a contractor license pursuant to this article shall apply on a form available from the city clerk's office. The application shall be accompanied by proof that the applicant is currently insured to meet the requirements of section ____, and shall be accompanied by a non-refundable application fee in the amount of \$25.00. Fees shall not be prorated because part of the license year has elapsed.

4-505. Approval process. The city clerk shall process each valid and administratively complete application for a contractor license within ten (10) business days.

4-506. Duration of license; renewal. A contractor license issued pursuant to this article shall be for a term of the remainder of the calendar year in which the license is issued. Unless renewed, each license shall expire on December 31 of the calendar year in which the license is approved. Upon timely application and review as provided for a new contractor license, a contractor license issued under the provisions of this article shall be renewed by issuance of a new contractor license permit in the manner provided herein.

4-507. Exceptions and exemptions to license requirement.

- (a) No contractor license shall be required to replace lamps, fuses, or bulbs or to connect portable electrical equipment to suitable permanently installed receptacles or to replace receptacles and switches, lighting fixtures or apparatus where no change or alterations are made to wiring, or to perform any work involved in manufacturing, repair or testing of electrical equipment, but not including any permanent wiring.
- (b) No contractor license shall be required to make minor repairs of any plumbing, including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste in supply pipes or drains, replacing fixtures when waste pipes are not disturbed, or

replacing frozen pipes inside the building, and like repairs not involving original installation or reconstruction.

- (c) No contractor license shall be required for a property owner to personally perform any work within or upon his or her own residence or other building owned by him or her, or which is intended for his or her personal use and permanent occupancy, or which is used for rental purposes.

4-508. Building permits. No permit for any building or construction work required by Chapter IV of this code or other ordinance of the city shall be issued for any such work to be performed by a person, firm, or corporation who has not first obtained a contractor license under this article.

4-509. Not transferrable. No contractor license granted by the city under this article shall be assignable or transferable.

4-510. Penalties.

- (a) If a licensee violates any of the provisions of this article, the governing body, upon five (5) days' written notice to the licensee, may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such contractor license.
- (b) In addition, any person, firm, or corporation who violates a provision of this article may be charged in municipal court with such violation and, upon conviction, shall be punished by a fine of not more than one hundred dollars (\$100.00) for each violation. If the conviction is for a violation committed after a first conviction, punishment shall be a fine of up to two hundred fifty dollars (\$250.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 2. Effective. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 408 Summary

On 23rd March, 2020, the City Council passed Ordinance No. 408. The ordinance amends Chapter IV of the Bennington City Code by adding a new Article 5 establishing a licensing requirement for certain building contractors performing work within the City of Bennington, Kansas. A complete copy of the Ordinance can be found at www.cityofbennington.com or in the office of the City Clerk, 121 N. Nelson, Bennington, Kansas 67422, free of charge. This summary is certified by the City's legal counsel.

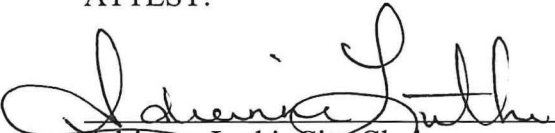
Adopted by the City Council and signed by the Mayor this 23rd day of March,
2020.



Ward Stockamp, Mayor

[SEAL]

ATTEST:



Adrianna Luthi, City Clerk

Certification of Publication Summary:

Aaron O. Martin, Legal Counsel