

ORDINANCE NO. 9634

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING EXISTING CHAPTER 5, ARTICLE 15 AND ENACTING, IN ITS PLACE, CHAPTER 5, ARTICLE 15 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE LICENSING OF CONTRACTORS.

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

SECTION 1. Existing Chapter 5, Article 15, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

SECTION 2. The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by adding Chapter 5, Article 15, which reads as follows:

ARTICLE 15. CONTRACTOR LICENSING REGULATIONS

5-1501 **SHORT TITLE.**

This article shall be known as the City's "Contractor Licensing Regulations."

5-1502 **PURPOSE.**

The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate and license certain occupations, including Contractors.

5-1503 **DEFINITIONS.**

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **Building.** Any Structure, usually having a roof and walls, that supports or shelters any use or occupancy.
- (b) **Building Official.** The Building Codes Administrator, anyone fulfilling the duties of the Building Codes Administrator on either a temporary or permanent basis, or any designee of the City Manager, the Director of the Department of Planning and Development Services, or the Building Codes Administrator.
- (c) **Building Permit.** The permit described and governed by Chapter 5, Article 1, Section 5-141 *et seq.* of the City Code, as amended.
- (d) **City.** The City of Lawrence, Kansas.
- (e) **Contractor.** Any Person, who, unless otherwise expressly exempted by Section 5-1524 of this Article, undertakes within the City to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any Building or Structure, or any part thereof, for which a Building Permit is required. Also, sometimes referred to herein as Licensee.

- (f) **Person.** Any natural person, business association, or business entity, including but not limited to a corporation, partnership, limited liability company, and the like, or any successor or assign of any of the foregoing.
- (g) **Qualifying Experience.** Work within the specific licensing classification. All claims of Qualifying Experience must be verified by a qualified and responsible Person, such as a Licensed Contractor, a Building Official, an architect, or an engineer.
- (h) **Qualifying Party.** Any natural person who has the Qualifying Experience and meets all other the requirements of this Article for the issuance of a Contractor License. Every Contractor License issued hereunder must have at least one Qualifying Party.
- (i) **Structure.** Any Building, edifice, artifice, or other piece of work that is built or constructed of parts or components that are joined or arranged in a definite manner.

5-1504 **CONTRACTOR LICENSE REQUIRED.** No Person shall, unless otherwise exempt under Section 5-1524 of this Article, undertake or perform any action in the City for which a Building Permit is required (a) without having first obtained from the City and (b) without holding a valid Contractor License issued to that Person.

5-1505 **TYPES OF CONTRACTOR LICENSES.** There shall be six separate classes of Contractor Licenses, described generally as follows:

- (a) **Class A, General Contractor.** A Class A Contractor License shall entitle the Licensee to undertake or perform any action in the City for which a Building Permit is required, including those functions for which a Class D Contractor License is required.
- (b) **Class B, Building Contractor.** A Class B Contractor License shall entitle the Licensee to undertake or perform any action in the City for which a Building Permit is required on any Building or Structure, not exceeding from grade, three stories in height, and to perform non-structural remodeling, tenant-finishes, and repairs on all Buildings and Structures, including those functions for which a Class D Contractor License is required.
- (c) **Class C, Residential Contractor.** A Class C Contractor License shall entitle the Licensee to perform any action in the City for which a Building Permit is required on any detached dwelling or duplex, including those functions for which a Class D Contractor License is required.
- (d) **Class D, Building Specialty Contractor.** There shall be four separate Class D Contractor Licenses, described generally as follows:
 - (1) **Class D, Framing Contractor.** A Class D Framing Contractor License shall entitle the Licensee to perform such work for the framing of a Building or Structure, including bearing and non-bearing walls, and to repair any of the above.

- (2) **Class D, Concrete Contractor.** A Class D Concrete Contractor License shall entitle the Licensee to perform general concrete work, including the installation of steel or bars for the reinforcement of concrete work.
- (3) **Class D, Roofing Contractor.** A Class D Roofing Contractor License shall entitle the Licensee to perform work for the roofing of any Building or Structure, including: the installation and repair of any roofing material; the installation or repair of roof sheathing; the installation, application, or repair of roof damp-proofing or weather-proofing; the installation of roof insulation panels or other roof insulation systems, and work incidental thereto; the repair of structural damage to an existing roof-support system; and the installation of skylights.
- (4) **Class D, Swimming Pool Contractor.** A Class D Swimming Pool Contractor License shall entitle the Licensee to perform work to construct, install, or repair swimming pools, including pool shells, pool decks, freestanding above-ground swimming pools, the installation of pool-bonding grid systems, and pool equipment systems. Such work does not include connection to or work on electrical services, feeders, or branch circuits, water supply lines, cross-connection controls, or sanitary sewer lines.
- (e) **Class E, Trade Specialty Contractor.** There shall be four separate Class E Contractor Licenses (a Class A-D Contractor License shall not entitle the Licensee to perform work as a Class E Contractor, without having a separate Class E License), described generally as follows:
 - (1) **Class E, Mechanical Contractor.** A Class E Mechanical Contractor License shall entitle the Licensee to perform heating, ventilation, and air conditioning (HVAC) services, including the installation or servicing of mechanical systems.
 - (2) **Class E, Plumbing Contractor.** A Class E Plumbing Contractor License shall entitle the Licensee to perform plumbing services, including the installation or servicing of plumbing systems.
 - (3) **Class E, Electrical Contractor.** A Class E Electrical Contractor License shall entitle the Licensee to perform electrical services, including the installation or servicing of electrical systems.
 - (4) **Class E, Mechanical Fireplace Contractor.** A Class E Mechanical Fireplace Contractor License shall entitle the Licensee to install, service, maintain, and repair factory-built fireplace systems. The holder of a Class E Mechanical Fireplace Contractor shall only be entitled to work on factory-built fireplace systems.
- (f) **Class L, Limited Specialty Contractor.** A Class L Contractor License shall entitle the Licensee to perform certain, specifically identified specialty work of a limited scope.

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CONTRACTOR LICENSE FEES.

- (a) All Contractors obtaining or renewing a Contractor License under this Article shall pay to the City an annual Contractor License Fee of \$75.00. The Contractor License Fee shall be due at the time of application or renewal. The Contractor License Fee will not be prorated and will not be refunded upon denial, revocation, or termination.
- (b) From time to time, the Building Official shall review the amount of the Contractor License Fee to ensure that it is commensurate with the City's costs of administering the program.

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CONTRACTOR LICENSE APPLICATION. Application for a Contractor License shall be made to the Department of Planning and Development Services on a form provided by the Department for that purpose. In addition, the applicant shall complete the application in full and in writing, and shall provide, at a minimum, the following information:

- (a) **Contact Information.** The Applicant's name, address, telephone number, cellular telephone number, and e-mail address, as applicable. If the Applicant is a corporation, partnership, limited liability company, or other business association, the Applicant shall also provide the name, address, telephone number, cellular telephone number, and e-mail address, as applicable, for each Qualifying Party.
- (b) **License Being Sought.** The Contractor License being sought.
- (c) **Qualifying Experience.** Proof that the Applicant or Qualifying Party possesses the Qualifying Experience, as set forth below, for the Contractor License being sought. Qualifying Experience may be verified through the submission of copies of any licenses, trade licenses, union cards, W-4 Tax Receipts, affidavits from current or previous employers, or other relevant and trustworthy proof:
 - (1) **Class A Contractor License:**
 - (A) The Applicant or Qualifying Party must have a minimum of 6 years Qualifying Experience performing Class A work; or
 - (B) The Applicant or Qualifying Party must have a valid Class B Contractor License and a minimum of 10 years Qualifying Experience as a licensed Class B Contractor.
 - (2) **Class B Contractor License:**
 - (A) The Applicant or Qualifying Party must have a minimum of 4 years Qualifying Experience performing Class B work; or
 - (B) The Applicant or Qualifying Party must have a valid Class C Contractor License and a minimum of 6 years Qualifying Experience as a licensed Class C Contractor.

- (3) **Class C Contractor License:**
 - (A) The Applicant or Qualifying Party must have a minimum of 2 years Qualifying Experience performing Class C work; or
 - (B) The Applicant or Qualifying Party must have a valid Class D Contractor License and a minimum of 4 years Qualifying Experience as a licensed Class D Contractor.
- (4) **Class D Contractor License:** The Applicant or Qualifying Party must have a minimum of 2 years Qualifying Experience performing Class D work within the specialized industry (framing, concrete, roofing, or swimming pool) for which the Class D Contractor License is sought.
 - (A) **Class D Roofing Contractor License:** An Applicant or Qualifying Party, seeking a Class D Roofing Contractor License, must also submit proof that that the Applicant or Qualifying Party has a current, valid State of Kansas Roofing Contractor Registration Certificate.
- (5) **Class E Contractor License:** The Applicant or Qualifying Party must have a minimum of 4 years Qualifying Experience performing Class E work within the particular trade (mechanical, electrical, plumbing, or fireplace) for which the Class E Contractor License is sought.
 - (A) The Applicant or Qualifying Party for a Class E Contractor License may substitute proof of a degree in engineering, conferred by an accredited college or university, for 2.5 years of Qualifying Experience performing Class E work; or
 - (B) The Applicant or Qualifying Party for a Class E Contractor License, who has graduated from an accredited vocational-technical school, may substitute proof of graduation for 1 year of Qualifying Experience performing Class E work.
 - (C) To establish proof of a degree in engineering or graduation from an accredited vocational-technical school, the Applicant or Qualifying Party must present a diploma or other certificate establishing the same.
- (d) **Competency.** Proof that the Applicant or Qualifying Party has the necessary Competency for the class of Contractor License being sought. An Applicant or Qualifying Party may establish Competency as follows:
 - (1) **Certificate of Competency.** The Applicant or Qualifying Party may submit a Certificate of Competency, issued by a nationally-recognized testing institution, such as those contemplated by K.S.A. 12-1509 (plumbing), K.S.A. 12-1525 (electrical), K.S.A. 12-1541 (HVAC), and K.S.A. 12-1556 (building and residential

contractors), as amended, or those contemplated by the International Code Council, Kansas Roofing Contractor/Subcontractor or Prometric Roofing (roofing), or the equivalent, for the Contractor License being sought;

- (2) **Education.** Except in the case of a Class E Contractor License, as noted below, the Applicant or Qualifying Party may submit proof of a Bachelor's Degree, conferred by an accredited college or university, in engineering, architecture, or construction science.

- (A) **Class E Exception.** Subsection (d)(2) shall not apply to an Applicant or Qualifying Party seeking a Class E License. To obtain a Class E License, the Applicant or Qualifying Party must have obtained a Certificate of Competency under subsection (d)(1);

- (3) **Reciprocity.** The Applicant or Qualifying Party may submit an equivalent Contractor License from another jurisdiction with whom the City has an existing and valid reciprocity agreement; or

- (4) **Roofing Contractor Registration Certificate.** Any Applicant or Qualifying Party, seeking a Class D Roofing Contractor License, may establish Competency by submitting to the Department of Planning and Development Services, on or before 5:00 p.m., September 30, 2019, proof (A) that the Applicant or Qualifying Party has no less than five years' experience as a Roofing Contractor, (B) that the Applicant or Qualifying Party has a current, valid State of Kansas Roofing Contractor Registration Certificate, and (c) that the Applicant or Qualifying Party obtained and had a valid State of Kansas a Roofing Contractor Registration Certificate that was issued by the State prior to July 1, 2018.

- (e) **Fitness.** A statement establishing whether or not the Applicant or Qualifying Party has had a Contractor License suspended or revoked by any jurisdiction or has surrendered a Contractor License to any jurisdiction within the past 5 years.

- (f) **Application Fee.** Each Applicant and each Qualifying Party shall submit a \$75.00 Application Fee.

- (g) **License Fee.** The Contractor License Fee for each Contractor License sought, as required by Section 5-1506 of this Article.

- (h) **Insurance.** Proof of Insurance in accordance with Section 5-1510 of this Article.

- (i) **Miscellaneous.** Any other information required by the Building Official to enable him or her to determine whether the Applicant or Qualifying Party meets the requirements for the issuance of the Contractor License being sought.

CONTRACTOR LICENSE ISSUANCE; DENIAL.

- (a) The Building Official shall review each application for a Contractor License. Within thirty (30) days of the application, the Building Official shall approve the application and shall issue to the Applicant the Contractor License being sought, unless:
 - (1) The application is incomplete;
 - (2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement;
 - (3) The Applicant fails to establish, under Section 5-1507 of this Article, as amended, that the Applicant or Qualifying Party meets all qualifications, including but not limited to Qualifying Experience and Competency, required for the Contractor License being sought; or
 - (4) The Applicant or Qualifying Party has had a Contractor License revoked within the past 5 years.
- (b) If the application is determined to be deficient because it is incomplete under Section 5-1508(a)(1), including the failure to pay the Contractor License Fee or the Application Fee, the Building Official shall give notice to the Applicant and permit the Applicant fourteen (14) days therefrom within which to provide a completed application.
- (c) If the application is denied under Sections 5-1508(a)(2)-(4), or the Applicant has failed to complete the application within the fourteen-day period of Section 5-1508(b), then the Building Official shall deny the application by giving Notice of Denial to the Applicant. Notice of Denial shall be in writing, shall be mailed to the Applicant, shall inform the Applicant of the reason for denial with specificity, including all documentation supporting any allegation of fraud or material misrepresentation, and shall state that the Applicant has fourteen (14) days from the date of the Notice of Denial in which to file with the Department of Planning and Development Services any written Notice of Appeal in accordance with Section 5-1516, as amended.
- (d) The Building Official shall maintain a copy of the Notice of Denial in his or her files.

CONTRACTOR LICENSES ISSUED TO BUSINESS ASSOCIATIONS OR OTHER BUSINESS ENTITIES.

- (a) As noted above, a Contractor License may be issued to a corporation, partnership, limited liability company, or other business association or business entity, upon application, so long as the business association or business entity has identified, in its application, at least one Qualifying Party. In order for a Contractor License to be issued to a business association or business entity, each named Qualifying Party must be:

- (1) A stockholder or member of the board of directors of a corporation, a partner of the partnership, a member of the limited liability company, or a principal of the business association or other business entity; or
 - (2) An employee of any of the foregoing, so long as the employee works more than 30 hours per week for the business association or other business entity seeking the Contractor License.
- (b) Any change in the legal status of any corporation, partnership, limited liability company, or business association or other business entity (*e.g.*, change of name, change in the board of directors of a corporation, change in the partners of a partnership, change in the members of a limited liability company, or other similar change) **or** any change regarding a Qualifying Party shall require the business association or other business entity issued the Contractor License to obtain a new Contractor License, reflecting that change in circumstances. Any change in legal status of a business association or other business entity **or** in a Qualifying Party shall render the existing Contractor License null and void.

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INSURANCE.

- (a) Every Licensee shall, at all times, keep in force a policy of commercial general liability insurance, including completed operations/products coverage. Such insurance policy shall be written by an insurance company licensed to do business in the state of Kansas. The Licensee shall, at all times, maintain a general liability coverage in an amount not less than \$1,000,000.00 per occurrence, single limit for bodily injury and property damage.
- (b) Every Licensee shall procure and maintain workers' compensation insurance, as required by state law.
- (c) At the time of application or renewal application, the applicant or Licensee shall provide to the Department of Planning and Development Services, as part of the application or renewal application, certificates of insurance, verifying that the applicant or Licensee has, in place, the insurance required by this Section. The City shall be added as a "Certificate Holder" to the insurance policy such that the City will receive in writing any change in coverage or cancellation of such policy at least ten days prior to such changes.
- (d) Failure to have the required insurance as required hereunder, whether it be by lapse of policy, cancellation, termination, or other action, shall render the Contractor License null and void.

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CONTRACTOR RESPONSIBILITY. Upon the issuance of any Building Permit to the Licensee, the Licensee shall be responsible for all work undertaken pursuant to that Building Permit, including all work performed by the Licensee's employees, agents, and subcontractors.

5-1512 **CONTRACTOR LICENSE TERM.** Each Contractor License issued under this Article, as amended, shall be valid until 11:59 p.m. on December 31 of the year in which the Contractor License is issued.

5-1513 **CONTRACTOR LICENSE RENEWAL.**

- (a) In order to retain a Contractor License, the Licensee must renew the Contractor License on an annual basis. To renew the Contractor License, the Licensee must submit a Contractor License Renewal Application to the Department of Planning and Development Services on a form provided by the Department for that purpose.
- (b) On or about November 1 of each year, the Building Official will mail to a Licensee a renewal Notice and the form for the Renewal Application.
- (c) To renew a Contractor License, the Licensee must, BEFORE January 1 of the succeeding year: (1) remit to the City the Contractor License Fee as set forth at Section 5-1506; and (2) return the renewal form and all requested information, including proof of insurance as required by Section 5-1510, to the Department of Planning and Development Services.
- (d) Any renewal application received after January 1, but before May 1 of the succeeding year, shall be approved by Building Official if the Licensee includes all information required by subsection (c) and an additional \$75.00 late fee, to cover the additional costs of processing late renewal applications. If a Licensee fails to renew a Contractor License before May 1 of the succeeding year, then that Contractor License will have expired and cannot be extended. After May 1, if that Licensee wishes to continue working in the City as a Contractor, the Licensee must seek from the City a new Contractor License by filing an Application therefor in accordance with Section 5-1507 of this Article, as amended.
- (e) Failure to submit a timely renewal application (before May 1 of the succeeding year) or failure to submit the necessary information required by subsection (c) or (d) by May 1 of the succeeding year, shall be cause for the Building Official to deny the renewal application by giving Notice of Denial to the Applicant. Notice of Denial shall be in writing, shall be mailed to the Applicant, shall inform the Applicant of the reason for denial, and shall state that the Applicant has fourteen (14) days from the date of the Notice of Denial in which to file with the Department of Planning and Development Services any written Notice of Appeal in accordance with Section 5-1516. The Building Official shall maintain a copy of the Notice of Denial in his or her files.

5-1514 **CONTINUING EDUCATION.** The Department of Planning and Development Services may, by administrative policy, see Section 5-1523, establish continuing education requirements, rules, and regulation applicable to all Contractors licensed under this Article.

5-1515

NOTICE AND ORDER.

- (a) Any Licensee, for whom the Building Official has probable cause to believe is in violation or has violated this this Article or any provision of Chapter 5 of the City Code, as amended, shall -- in addition to any other remedy permitted by Chapter 5 of the City Code, as amended -- be sent a Notice and Order. The Notice and Order shall be served on the Licensee by hand-delivery or by first class mail addressed to the Licensee. The Notice and Order shall state:
 - (1) The condition that has caused the alleged Violation(s);
 - (2) Whether the Building Official seeks: (A) remediation of the violation, and the time that remediation must be completed; (B) to place a Contractor License on probation, or to extend a pre-existing probationary period; (C) to suspend for definite duration a Contractor License; or (D) to revoke the Contractor License; and
 - (3) That the Licensee has fourteen (14) days from the date of the Notice and Order to appeal the Notice and Order by filing with the Department of Planning and Development Services a written Notice of Appeal in accordance with Section 5-1516.

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APPEAL.

- (a) Any Licensee aggrieved by the action of the Building Official in issuing a Notice of Denial or Notice and Order shall have the right to appeal that action to the Building Code Board of Appeals. Such appeal shall be taken by filing with the Department of Planning and Development Services a Notice of Appeal within fourteen (14) days of the date of the Notice of Denial or Notice and Order. The Notice of Appeal shall be in writing and shall set forth in sufficient detail why the Licensee believes that the Notice of Denial or Notice and Order was issued in error or why the penalty is excessive, inappropriate, or unreasonable. After the Notice of Appeal is filed, the Building Code Board of Appeals shall set a time and place for a public hearing. Notice of Hearing shall be given to the Licensee in the same manner as the Notice of Denial or Notice and Order. To prevail on appeal, the Licensee must prove that it is more probably true than not true that the Notice of Denial or Notice and Order was issued in error or that the penalty is excessive, inappropriate, or unreasonable.
- (b) There shall be a \$25.00 Docketing Fee due and payable at the time that any Notice of Appeal is filed.
- (c) Except where there are exigent circumstances, which exigent circumstances will be noted in the Notice and Order, the filing of a Notice of Appeal shall stay all administrative action on the Notice and Order until the appeal is heard and decided by the Building Code Board of Appeals.

- (d) On appeal, the decision of Building Code Board of Appeals shall be a final order. Any person aggrieved by a final order of the Building Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

5-1517 **PROBATION.** The Building Official or, in the case of an appeal from a Notice and Order, the Building Code Board of Appeals, shall -- in the case of a major violation, a series of minor violations, or similar conduct -- have the authority to place a Contractor License on probation. Probation may be conditioned to include a reasonable time period to remediate violations, reasonable reporting requirements, the completion of continuing education, or other reasonable requirements necessary to bring the Licensee into compliance with the City Code. Failure of a Licensee to successfully complete any and all conditions of probation shall be grounds for suspension or revocation of the Contractor License.

5-1518 **SUSPENSION.** The Building Official or, in the case of an appeal from a Notice and Order, the Building Code Board of Appeals, shall have the authority to suspend a Contractor License, for a period not to exceed one year, if the Licensee commits a serious violation, fails to comply with the terms of probation, or the Building Official has probable cause to believe that the Licensee has violated federal, state, or local law and it is in the best interest of the health, safety, and welfare of the residents of the City that the Contractor License be suspended during the pendency of any investigation, administrative proceeding, or criminal proceeding arising therefrom. If the investigation, administrative proceeding, or criminal proceeding is not concluded within the period of suspension, then the period of suspension may be extended for an additional period of time not to exceed one year or until the investigation, administrative proceeding, or criminal proceeding is resolved, whichever occurs earlier. Depending on the length of the investigation or other proceeding, a Licensee may be subject to several successive suspensions.

5-1519 **REVOCATION.** The Building Official or, in the case of an appeal from a Notice and Order, the Building Code Board of Appeals, shall -- in the case of a severe violation, in the case of an habitual violator, in the case where the Licensee has failed to complete probation, in the case where a Licensee is convicted of a crime or assessed an administrative penalty related to the Licensee's work as a Contractor, or similar conduct -- have the authority to revoke a Contractor License. In making that determination, the Building Official or the Building Code Board of Appeals shall take into account the severity of the alleged violation or violations and all other relevant mitigating and aggravating circumstances, including, but not limited to whether or not the Licensee has had other revocations or convictions under this Article or in other jurisdictions. The Licensee or Qualifying Party for any Licensee of any Contractor License that is revoked shall not be eligible to apply for or to be issued, under this Article, a Contractor License for a period of 5 years.

5-1520 **UNLAWFUL ACTS.**

- (a) It shall be unlawful to for any person to operate as a Contractor within the City limits without first obtaining from the City and without having a current, valid Contractor License as required by Section 5-1504 of this Article.

- (b) It shall be unlawful for any person to perform any action for which a Building Permit is required under Chapter 5, Article 1 of the City Code, as amended, without having a current, valid Contractor License issued to that Person and without having a valid, current Building Permit to perform that action.
- (c) It shall be unlawful for any Person to knowingly violate any provision of this Article.

5-1521 **MUNICIPAL OFFENSE.** Engaging in any of the unlawful acts set forth at Section 5-1520 shall be a separate municipal offense. Any Person violating a provision of Section 5-1520 of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$2,500.00 for each unlawful act. The municipal court judge shall have no authority to suspend all or any portion of the minimum fine for any conviction.

5-1522 **SAFE HARBOR.** It shall be a complete defense to any Notice and Order or other disciplinary action hereunder that the Licensee performed work in accordance with and reliance upon duly certified plans and specifications prepared or approved by an architect or engineer, licensed by the state of Kansas, and without knowledge that those plans and specifications, or pertinent parts thereof, are in violation of the City Code.

5-1523 **REGULATIONS.**

- (a) In order to protect the health, safety, and welfare of the community, the Director of Planning and Development Services shall have the power to promulgate Administrative Regulations governing administration of the Contractor Licensing program and outlining the requirements for continuing education. Those Regulations and any amendments thereto shall be submitted to the Governing Body for final approval before they become effective. Any Regulations promulgated in accordance with this Article and approved by the Governing Body shall be dated and shall be available for inspection by the public at the City Clerk's Office during reasonable business hours. A Licensee shall receive a copy of the Regulations at the time of the issuance of the Contractor License(s).
- (b) Licensees shall comply with all Regulations promulgated hereunder.
- (c) All Regulations promulgated hereunder shall be consistent with the terms of the Article. In the event of any inconsistency or ambiguity, the terms of this Article shall control and supersede the Regulations.

5-1524 **EXEMPTIONS.**

The provisions of this Article shall not apply to the following:

- (a) Any natural person employed by and working under the supervision of a Contractor having a valid Contractor License for the work being undertaken shall be exempt from the provisions of this Article; and

- (b) A natural person who owns, who personally occupies or will occupy a detached dwelling, and who undertakes the construction, alteration, repair, or maintenance of such detached dwelling or an accessory structure thereto shall be exempt from the provisions of this Article.
 - (1) While such person may be exempt from obtaining a Contractor License hereunder, such person shall be subject to the provisions governing Building Permits as established at Chapter 5, Article 1 of the City Code, as amended.
 - (2) Any person who undertakes the new construction of a detached dwelling more than 2 times in any 5-year period shall, for the purposes of this Article, be deemed a "Contractor" hereunder and shall be subject to the provisions of this Article.

SECTION 3. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. After passage, approval, and publication, as provided by law, this ordinance shall be in full force and effect commencing July 1, 2019.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2018.

APPROVED:

Lisa Larsen
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney