

# Agenda

Joint Meeting of Building Code Board of Appeals, Electrical Code Board of Appeals, Mechanical Code Board of Appeals, Plumbing Code Board of Appeals, Fire Code Board of Appeals and Contractor Licensing Board

Wednesday December 12, 2018, 4:00 PM  
City Commission Meeting Room  
City Hall 1<sup>st</sup> Floor  
6 E. 6<sup>th</sup> Street, Lawrence, KS

1. Call the meeting to order
2. Introductions
3. Staff presentations
  - a. 2017 City Commission policy and direction on City advisory boards
  - b. Draft ordinance to combine Appeal Boards and Contractor Licensing Board into a single board (Chapter V, Article 16 of City Code)
  - c. Draft ordinance on amended contractor licensing regulations (Chapter V, Article 15 of City Code)
4. Q & A; Board Member feedback
5. Adjourn

# Memorandum

## City of Lawrence

### City Manager's Office

TO: Thomas M. Markus, City Manager  
FROM: Diane Stoddard, Assistant City Manager  
DATE: August 2, 2017  
CC: Casey Toomay, Assistant City Manager  
RE: Advisory Board/Committee Work Session August 8, 2017

As part of the recently adopted strategic plan, the City Commission identified the following initiative:

*Inventory and evaluate the role of existing advisory boards and commissions and identify opportunities to consolidate or sunset as appropriate, and adopt consistent operating guidelines.*

During discussion about this item, the Commission identified issues with too many advisory boards/commissions, inconsistent procedures, and expressed a desire to discuss the consistency of term limits for city advisory board members. Staff has also identified the lack of formal procedures for liaisons and the city related to appointments, orientation, timing of notification of agenda materials, and allowance for public comment by advisory boards/committees.

The following staff were assigned to coordinate this initiative: Diane Stoddard, Bobbie Walthall, Danielle Buschkoetter, Aliza Bidingger, and Eileen Horn. As the first step in the process, staff prepared an [inventory \(Updated 08/04/17\)](#) of all city advisory boards and committees, boards/committees to which the City Commission makes appointments, governing boards, joint boards, and steering committees. The inventory provides a matrix of information and links regarding how the board was originally established, whether it is required by state statute or city code, the number of members, whether the board has term limits or not, and other key information. Staff also convened a meeting of staff liaisons that assist the various advisory boards and committees. This group provided feedback regarding potential elements of an advisory board policy and shared ideas regarding potential consolidations.

Currently, there are 44 Boards/Commissions to which the City makes appointments. Out of these 44 boards/commissions, 25 are City Advisory Boards, six (6) are boards that have City appointments made to them, five (5) are joint City/County Boards, and eight (8) are Governing Body Boards. There are also several ongoing or task-specific committees that have been established that require City appointments, but are not included in the counts above: MPO Bicycle Advisory Committee, MPO Technical Advisory Committee, MPO Policy Board, Regional Transit Advisory Committee, and the Horizon 2020 Steering Committee.

### **Draft Advisory Board/Committee Policy:**

Staff recommends that the City Commission consider establishing an [advisory board/committee policy](#) that would set forth standardized procedures for appointment of board members, terms, orientation, attendance, resignation procedures, the procedures for handling meeting notifications, agendas and minutes, addresses City employees serving on voting boards, and public comment at meetings. Staff has prepared a draft policy for the City Commission's consideration and direction. The policy could come back to the City Commission in the future for formal action, if the City Commission so directs. Much of the policy reflects procedures that have been the practice for some time but have never been incorporated into a formal policy or written procedures. Also, the policy attempts to add clarity to several things that have been identified as issues, including:

1. Sets forth goal for enhanced diversity on boards/committees reflective of the diversity in the community. This goal is in line with the STAR ratings and articulating the goal in this manner will enable credit on this in the future. (Section 1.d)
2. Clarifies that a partial term will not count toward the terms capped with any term limits. (Section 2.b)
3. Requires orientation of board members by staff liaisons. (Section 3)
4. Sets forth a process by which excessive absences of advisory board/committee members could be addressed. (Section 4)
5. Formalizes that all bylaws should have City Commission approval. (Section 6)
6. Formalizes that all boards/committees should have an email list and information on the website and that staff liaisons should ensure posting of agendas several days in advance of the meeting and utilize the email list for notifications.
7. Formalizes that City employees should not serve as voting members on boards. Currently, there are several City employees who serve as voting members on advisory boards. This has the potential to create conflicts of interest or awkward situations. The policy draft sets a process by which existing city employees serving in these roles can transition by serving out their current terms but would not be eligible for reappointment.
8. Formalizes that opportunity for public comment should be provided at each advisory board/committee meeting. Some boards do allow public comment on agenda items now, and some boards do not.

**Term Limit issue:** A number of the advisory boards/committees specify term limits but some do not- so there is a lack of consistency with regard to term limits. The City Commission has discussed implementing uniform term limits. There are a number of compelling advantages to implementing term limits. Term limits can help to promote diversity of opinions and ideas and maximize the number of people involved with government. However, there are also possible disadvantages to the implementation of term limits. These include a challenge with being able to find qualified members willing to serve and also potential loss of some experience.

The challenge of being able to find qualified members is more evident related to appointments to trade boards. Based on the requirements of contractors, journeyman, and master electricians, plumbers, and mechanical technicians and comparing it to those who are licensed by the City, there are currently 338 people that could possibly serve on the Electrical Code Board of Appeals, 65 that could serve on the Mechanical Code Board

of Appeals (due to residency requirements), and 209 people that could serve on the Plumbing Code Board of Appeals. While there are a number of eligible people to serve on the trades boards, there has been a lack of interested parties coming forward to serve. The Mechanical Code Board of Appeals and the Contactor Licensing Board have term limits currently, the remainder do not. Because of the expertise and experience needed on these boards, members have been appointed to serve additional terms after the two-term limit has passed. The Mechanical Code Board of Appeals is the only trades board with a residency requirement, stating that members must either be a City of Lawrence resident or a Douglas County resident who is an employee of, or owns a business within the City of Lawrence. In some instances, a quorum has not been able to be established for several months because a term had expired and an appointment had not been made due to lack of interest. In other instances, an outgoing member was able to continue to serve until a replacement was found. However, with the proposed policy, staff is suggesting that a member is limited to the appointment timeframe, which would not enable a member to continue to serve beyond their term.

The City Commission should discuss this issue and provide direction to staff. Should the Commission wish to implement uniform term limits, it should be added to the policy (along with exceptions, if any) and then appropriate cleanup of non-conforming by-laws, etc. should be undertaken for future action.

**Possible Advisory Board/Committee Changes:**

Staff has internally discussed possible changes to advisory boards/committees of the City as functions of the boards were analyzed and possible changes were discussed with staff liaisons. Below is a listing of staff recommendations for consideration relating to possible consolidations of boards/committees which seem to have overlapping functions and possible elimination of boards/committees. While this staff report was distributed to the advisory boards/committee members along with the date of this work session on this topic, input on these recommendations has not been sought from the advisory boards/committees at this point. Because these issues are under the purview of the City Commission, the Commission may wish to provide direction on these matters or request further input. If changes are directed, changes will require follow up and future action (such as changes to City code, etc.) as needed.

**Recommended Consolidations:**

Joint Economic Development Council (JEDC) and the Public Incentive Review Committee (PIRC) – It appears that there may be some opportunity for consolidation of the JEDC and PIRC by folding the functions of the JEDC into PIRC. The JEDC is a joint board created by city and county action. The JEDC purpose to provide input and feedback into economic development policy matters and reviewing the Chamber's budget requests for annual Economic Development Corporation (EDC) contributions could be incorporated into the existing role of PIRC, which is also an advisory board with county and school district representation. In order to sunset the JEDC, joint action between the city and county would have to occur, as well as the Chamber of Commerce.

Lawrence Alliance and the Human Relations Commission - Both Lawrence Alliance and the Human Relations Commission have responsibilities and purposes relating to

anti-discrimination. The Human Relations Commission functions are set forth in Chapter 10 of the City Code. The Lawrence Alliance was established by resolution and its functions are less defined. It appears that the Human Relations Commission could take on the purpose and function of the Lawrence Alliance and the two could be consolidated.

Funding Recommendation Boards - Social Service Funding Advisory Board and Transient Guest Tax Program Advisory Board. Both of these boards are charged with reviewing funding proposals and making recommendations to the City Commission. There is an opportunity to combine these boards because their overall functions are similar, though the subject matter of their recommendations differ.

Code Appeals Boards – Building Code Board of Appeals, Electrical Code Board of Appeals, Mechanical Board of Appeals, Plumbing Code Board of Appeals, Fire Code Board of Appeals, and Contractor Licensing Board. City code establishes various boards with technical expertise to review new codes proposed for adoption and to handle appeals arising from the administration of the city's construction codes. It appears that rather than six separate boards, one board with representation from all of the trades may be possible. This would eliminate time staffing multiple boards, enhancing staff efficiency, while maintaining the expertise of individual trades as a resource for reviewing codes.

Parks and Recreation Advisory Board and Lawrence Cultural Arts Commission - A number of cities closely align recreational and arts activities. There may be some natural synergy between the functions of these two advisory boards. However, it should be pointed out that volunteer members of the Lawrence Cultural Arts Commission are directly involved in the work of administering some of its programs, such as the annual Phoenix Awards. If the boards are consolidated, staff representation from both the Director of Arts and Culture and parks and recreation staff could continue.

**Recommended Eliminations:**

Sister Cities Advisory Board - The Sister Cities Advisory Board is an advisory board of the City, but the group also maintains its own non-profit 501(c)3 status in order that it can collect dues and other revenues which are not handled by the City. While it is important for the City to maintain a connection with and sometimes active involvement in Sister Cities, staff believes that this group could function more effectively and efficiently without being an advisory board of the City. In the past there have been challenges with establishing a quorum for meetings, which could be avoided if they were separate from the City and determined their own membership. Additionally, there are some potential liability issues for the City relating to some of the functions of the organization and its finances over which the City has no control. In order to maintain the important connection and communication with the City, a staff liaison could be assigned to attend meetings.

Community Development Advisory Committee - The CDAC makes recommendations to the City Commission relating to the annual expenditure of Community Development Block Grant (CDBG) and HOME funds received by the City from the

federal government. The amount of these funds received have significantly dwindled in past years. Many cities do not have an advisory committee make recommendations regarding funding and instead incorporate this into a staff function with a hearing before the City Commission. In lieu of making recommendations to the CDAC first, staff could absorb making recommendations on funding directly to the City Commission and the CDAC could be eliminated. If the City Commission wishes to maintain the function of the CDAC, its function could be rolled into the consolidated funding boards mentioned earlier in this memo.

Homeless Issues Advisory Committee - The Homeless Issues Advisory Committee has reduced its meeting schedule over the years from monthly to quarterly. For the past several years, the Homeless Issues Advisory Committee has received quarterly reports at its meetings from the agencies involved in serving the homeless, but the committee has not recently passed along recommendations to the City Commission nor do they have a regular function identified in City Code. Staff believes that this committee could be eliminated. If, in the future, the City Commission has a specific charge, a task force could be assembled for a limited period in order to address that charge on this topic.

Sales Tax Audit Committee - The sales tax funds authorized by voters in 2008 set forth a Sales Tax Audit Committee to ensure that the expenditures related to the 10-year sales taxes were spent on what was authorized by voters. Staff would present reports to the Committee and the reports and recommendations of the Sales Tax Audit Committee were also shared with the City Commission formally. Staff suggests that this Committee remain in place as promised relating to the current sales taxes until those taxes sunset. If the voters approve the renewal of the sales taxes, staff believes that the reports can be shared directly with the City Commission and also be made available to the public at large via the City website and that a sales tax audit committee would not be necessary.

#### **Obsolete Boards:**

The following boards have been established by City Code, but are no longer functioning and do not have appointees. City Code should be updated to eliminate these boards:

- Lawrence Advisory Board on University Student Issues (Article 13 of Chapter 1 of the City Code) – This board was established in 2000 for the purpose of reviewing, discussing, and forwarding recommendations on issues, concerns and initiatives of the students of the University of Kansas, Haskell Indian Nations University and the City. The board has not been active for over ten years.
- Downtown Parking Advisory Board (Article 15 of Chapter 1 of the City Code) – It is not clear when this board was established. The board was established to consist of residents interested in issues and policies regarding parking in the downtown area. The board has not been active for over ten years.

- *ECO2 Commission* (Article 22 of Chapter 1 of the City Code) – This Commission was established as a joint advisory commission to the City and County in 2004 for the purpose of having Douglas County residents, some having economic development interests and some having preservation of open space interests, seek to reach consensus on future economic development and open spaces needs in Douglas County. The Commission has not been active for around seven or eight years. Douglas County noted that in its records, the board was dissolved in 2011.

**Boards Identified for Further Study:**

Staff identified the potential to examine the Public Transit Advisory Committee and the Airport Advisory Board for future consolidation with the recently created Transportation Commission. Staff believes that this requires some additional study and some additional time for the recently created Transportation Commission to gel with its new functions. This could be examined in the future.

# Memorandum

## City of Lawrence

### City Manager's Office

TO: Thomas M. Markus, City Manager  
FROM: Diane Stoddard, Assistant City Manager  
DATE: August 15, 2017  
CC: Casey Toomay, Assistant City Manager  
RE: Follow up from Work Session on Advisory Boards/Committees

---

On August 8, 2017, the City Commission held a Work Session to discuss advisory boards and committees, the subject of which is an initiative in the city's strategic plan. This memo attempts to summarize that meeting and the general direction provided by the City Commission at the meeting. I recommend that this memo be shared with the City Commission to ensure that this captures the direction provided and there is appropriate follow up on these issues for formal action.

Below is a list of key future tasks:

- Return the draft policy for formal consideration as submitted with the addition of term limits for advisory boards and addressing Commissioners serving on advisory boards.
- Explore consideration of appointing alternates to boards. Provide a staff report on this issue.
- Proceed with work toward merging the various code appeals boards. *Note: With the review prior to consideration of updating to the 2018 codes, staff would now recommend not proceeding with this merger until after the 2018 code review has been completed by these various boards. That would result in the most number of individuals possible having review of the codes prior to City Commission consideration.*
- Examine whether the Sister Cities Advisory Board could discontinue its status as an advisory board of the City, while retaining the important link to the City and not sending the wrong message to our international partners. A resolution was suggested as a possible alternative.
- Amend the code related to the Sales Tax Audit Committee, retaining the committee in the event that the renewal of the sales taxes is passed in November 2017.
- Return consideration of merging the Lawrence Alliance with the Human Relations Commission.
- Return consideration of merging the Joint Economic Development Council into the Public Incentives Review Committee.
- Return consideration of merging the Community Development Advisory Committee into the Social Services Funding Advisory Board.
- Return consideration of repealing the obsolete boards: Lawrence Advisory Board on University Student Issues, the Downtown Parking Advisory Board, and the ECO2 Commission.

Staff plans follow up on these issues as time permits. There is significant background work, such as the preparation of ordinances, related to most of these items. The policy should be able to return to the City Commission for formal consideration fairly swiftly, however. It should be noted staff does not plan on pursuing the other recommendations in the August 8 presentation, except those outlined above.



**ORDINANCE NO. xxxx**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING EXISTING CHAPTER 5, ARTICLE 16 AND ENACTING, IN ITS PLACE, CHAPTER 5, ARTICLE 16 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE BUILDING CODE BOARD OF APPEALS.**

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

**SECTION 1.** Existing Chapter 5, Article 16, 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 16, which reads as follows:

**ARTICLE 16. BUILDING CODE BOARD OF APPEALS**

5-1601

**PURPOSE.**

The Governing Body finds that, in order to safeguard the health, safety, and welfare of the residents of the City of Lawrence, Kansas, and to establish and to maintain high standards of integrity, skill, and practice in the various construction fields it is necessary to regulate those fields. As part of that regulation, it is fundamentally fair and necessary that there be an appeals process. For that purpose, the Governing Body hereby establishes the Building Code Board of Appeals.

5-1602

**BUILDING CODE BOARD OF APPEALS; ESTABLISHMENT; TERMS OF OFFICE; TERM LIMITS; ELECTION OF CHAIR AND VICE-CHAIR.**

- (a) There is hereby established the Building Code Board of Appeals ("Board"). The Board shall be composed of not more than eleven (11) voting members. Members shall be appointed by the Mayor with approval of the Governing Body. All members of the Board shall serve without compensation. The Board will be composed of:
- (1) One Kansas-licensed professional structural engineer;
  - (2) Two Kansas-licensed professional architects;
  - (3) One Kansas-licensed professional engineer (PE), who specializes in mechanical or electrical engineering, or both;
  - (4) One City-licensed Class A or Class B Contractor, or a building construction superintendent of a business entity or association having such a license, where such person has at least ten years' experience working in the construction field and at least five years' experience working as a supervisor in the construction field;

- (5) One City-licensed Class C Contractor, or a building construction superintendent of a business entity or association having such a license, where such person has at least eight years' experience working in the construction field and at least four years' experience working as a supervisor in the construction field;
  - (6) One City-licensed electrical contractor, or a licensed master or journeyman employee of a business entity or association having such license, where such person has at least five years' experience in the electrical trades;
  - (7) One City-licensed mechanical contractor, or a licensed master or journeyman employee of a business entity or association having such license, where such person has at least five years' experience in the mechanical trades;
  - (8) One City-licensed plumbing contractor or a licensed master or journeyman employee of a business entity or association having such license, where such person has at least five years' experience in the plumbing trades;
  - (9) One person, who shall have at five-years' experience in the fire protection field (a licensed fire protection engineer, NICET Level III certified technician, or a fire protection systems installer is preferred);
  - (10) One person who shall be a member of the public at-large.
- (b) Members of the Board shall serve three-year terms, except when appointed to complete an unexpired term. As established by the bylaws, the terms of the Board members shall be staggered so that no more than four members' terms shall expire in any one year.
  - (c) Board members shall serve no more than two consecutive full three-year terms. Appointment to complete an unexpired term shall not count toward the term limit. Any person who has reached the term limit shall not be eligible for re-appointment until he or she has been off the board for a period of at least one year.
  - (d) Annually, at its first meeting of the year, the Board shall elect a Chair and a Vice-Chair. The Chair shall preside over meetings of the Board. The Vice-Chair shall preside over meetings of the Board in the absence of the Chair. In the absence of the Chair and Vice-Chair, the members of the Board shall elect a Chair Pro Tem, who shall preside as the temporary Chair.

5-1603

#### **BYLAWS AND MEETINGS.**

The Board shall adopt bylaws governing the procedures to be used by the Board. The bylaws shall establish specific duties and responsibilities of the Chair and Vice Chair, the time and place for meetings, rules of order, and other rules governing procedures and operations of the Board, including procedures for amending the bylaws.

- 6-1604      **SECRETARY.**  
The Building Official, or his or her designee, shall serve as City liaison to the Board and shall act as Secretary. The Secretary shall, in consultation with the Chair, as necessary, be responsible for preparation of an agenda for each meeting of the Board. The Secretary shall also be responsible for recording the minutes of each meeting and for forwarding the approved minutes to the Governing Body.
- 6-1605      **OPEN MEETINGS AND OPEN RECORDS.**  
All meetings of the Board shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act.
- 5-1606      **CONFLICTS OF INTEREST.**  
All Board members shall, by abstention, refrain from participating in the decision-making process, including discussing and voting, on any item for which he or she, his or her employer, or the entity for which he or she is representing appears before the Board, if such member has a Conflict of Interest under state law or under local law or resolution.
- 5-1607      **BOARD DUTIES.**  
In addition to those duties that may be assigned to it by the Governing Body, the Board shall have the following duties:
- (a)      To hear and to decide appeals from decisions made by the Building Official or the Fire Code Official, relative to building construction and enforcement of the Building Code, Existing Building Code, Residential Code, Energy Conservation Code, Electrical Code, Mechanical Code, Plumbing Code, Fuel Gas Code, and Fire Code, all as adopted by the City.
  - (b)      To hear and to decide appeals from decisions made by the Code Official, relative to the enforcement of the Property Maintenance Code, the Long-term Residential Rental Property Code, and the Short-term Residential Rental Property Code, all as adopted by the City.
  - (c)      To hear and to decide appeals from decisions made by the Building Official, relative to the Contractor Licensing Regulations, as adopted by the City.
  - (d)      To make various recommendations to the Governing Body regarding adoption of or amendments to the City's Building Code, Existing Building Code, Residential Code Energy Conservation Code, Electrical Code, Mechanical Code, Plumbing Code, Fuel Gas Code, Fire Code, and other Codes related to the regulation of building construction and maintenance.
- 5-1608      **BURDEN OF PROOF; STANDARD OF REVIEW; LIMITATIONS; WRITTEN FINDINGS.**
- (a)      Unless the Code from which the appeal is brought provides otherwise, in appearing before the Board, the appellant shall bear the burden of proof to establish by a preponderance of the evidence -- *i.e.*, that it is more probably true than not true -- that the decision of the Building Official, Fire Code Official, or Code Official, from which the appeal is brought, is erroneous or that the penalty is excessive, inappropriate, or unreasonable.

- (b) In reviewing an appeal from a determination of the Building Official, the Fire Code Official, or the Code Official, the Board shall review all of the evidence presented by the appellant and the City. If, by a majority vote of the voting Board members, the Board concludes that the determination is erroneous or that the penalty is excessive, inappropriate, or unreasonable, then the Board shall reverse the determination, modify the determination, remand the determination to the appropriate official, with instructions, for reconsideration, or take whatever other action may be necessary, within the bounds of its authority, to remediate the error. If, by a majority vote of the voting Board members, the Board concludes that the determination is not erroneous or that the penalty is not excessive, inappropriate, or unreasonable, then the Board shall affirm the determination.
- (c) If, in reviewing an appeal, it appears that the provisions of the City Code do not definitively cover a method of construction, construction material, or other subject regulated by the City Code, as amended, then the Board may interpret the provisions of the City Code in a manner consistent with the intent of the City Code in order to prevent manifest injustice. However, in doing so, the Board shall **not** have the authority to interpret the administration of the City Code, nor shall the Board be empowered to waive specific requirements of the City Code.
- (d) The Board shall prepare written findings and conclusions regarding any decision it makes on appeal. The date of adoption of the written findings and conclusions shall be the date of the Board's final order.

5-1609

**FINAL DECISION.**

On appeal, the decision of the Board shall be a final order. Any person, including the City, aggrieved by a final order of the Board shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

**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:**

---

Stuart Boley  
Mayor

**ATTEST:**

---

Sherri Riedemann  
City Clerk

**APPROVED AS TO FORM:**

---

Toni R. Wheeler  
City Attorney

DRAFT

**ORDINANCE NO. XXXX**

**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.



5-1506

**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.

5-1507

**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.

5-1508

**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.

5-1509

**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.

5-1510

**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.

5-1511

**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.

5-1516

**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 **REVOICATION.** 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:**

\_\_\_\_\_  
Stuart Boley  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sherri Riedemann  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Toni R. Wheeler  
City Attorney