

City of Lee's Summit

Contractor Licensing regulations

Sec. 7-130. - Intent.

Sections 7-130—7-130.15 shall be known as "Contractor Licensing Regulations" and shall pertain to the licensing of contractors involved in the construction of structures within the City of Lee's Summit. The purpose of contractor licensing regulations is to protect the public health, safety, and welfare by assuring that those undertaking the construction, alteration, repair, or demolition of structures are qualified to perform such services. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a contractor's license, to perform minor work on such homeowner's residence.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.1. - Contractor defined.

A "contractor" shall mean any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including every plumbing contractor, electrical contractor, mechanical heating, ventilation, and air-conditioning (HVAC) contractor, and general contractor, building contractor, and residential contractor.

For the purposes of this definition, "firm" shall mean any sole proprietorship, partnership, association, limited liability company, or corporation.

The following persons shall not be considered "contractors" as defined herein:

- A. An employee or agent working for and under the supervision of a contractor licensed under this article for any type of construction being undertaken; and
- B. A homeowner who personally occupies and undertakes the construction, alteration, repair, or maintenance of such homeowner's single-family residence or any accessory structure thereto. Notwithstanding the foregoing, for purposes of this section, any homeowner who undertakes the construction of a new residence for his personal occupancy more than one (1) time in any five (5) year period shall be deemed to be a "contractor."

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.2. - Contractor responsible for all work.

Upon issuance of a building permit to a contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit or portions thereof, including work done by the contractor's employee, agents, and subcontractors. Said work shall be performed in accordance with all applicable codes as adopted and amended from time to time.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.3. - Contractor insurance.

Every licensed contractor shall keep in force a policy of general liability insurance, including completed operations coverage during the term of the building permit or during actual construction, whichever date is later. Such insurance policy shall be written with an insurance company licensed to do business in the State of Missouri. All contractors shall maintain general liability coverage in an amount not less than three hundred thousand dollars (\$300,000.00). In addition, every such contractor shall procure and maintain workers compensation insurance as required by law. Proof of insurance shall be provided at the time of licensure and shall be a current copy of the "Certificate of Insurance" naming the City of Lee's Summit, Missouri as a certificate holder.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.4. - Licenses authorized.

There shall be four (4) separate classes of licenses authorized for contractors as provided:

Class A - General contractor: A general contractor license shall entitle the holder thereof to construct, remodel, demolish or repair any structure. Said contractor shall not engage in any mechanical (HVAC), plumbing, or electrical services unless also properly licensed as a Class D Contractor.

Class B - Building contractor: A building contractor license shall entitle the holder thereof to construct, remodel, demolish or repair all structures not exceeding three (3) stories in height. A Class B license shall also entitle the license holder to perform nonstructural remodeling, tenant finish, and repairs of all structures. Said contractor shall not engage in any mechanical (HVAC), plumbing, or electrical services unless also properly licensed as a Class D contractor.

Class C - Residential contractor: A Class C license shall entitle the holder thereof to construct, remodel, demolish or repair any single-family, duplex, or townhouse structure and buildings accessory thereto. Said contractor shall not engage in any mechanical (HVAC), plumbing, or electrical services unless also properly licensed as a Class D Contractor.

Class D - Mechanical, electrical and plumbing contractors: A Class D license shall entitle the holder thereof to perform mechanical (HVAC) services, plumbing services, or electrical contractor services. Said contractors shall be specifically licensed for each trade in which they desire to perform work and shall not engage in any work entitled by Class A, Class B, or Class C contracting services unless also properly licensed to perform said work.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.5. - Application and fee.

The Codes Administration Department shall receive and process contractor license applications. A fee for each contractor license shall be paid prior to issuance of said license, in accordance with the City of Lee's Summit Fee Schedule.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.6. - Renewal of license.

Every contractor license shall be issued on a one-year basis to expire on December 31 of the year of expiration as noted on the license. A contractor shall be entitled to renew such contractor's license upon satisfaction of the licensing requirements.

1. Any contractor who does not provide evidence of obtaining the required number of continuing education units (CEUs) as required by Section 7-130.8 and wishes to renew their contractor license shall be assessed a one hundred dollar (\$100.00) renewal fee for failure to complete required continuing education.
2. Any contractor whose license is suspended for any Code-related violation must provide satisfactory evidence to the Board of Appeals that the violation has been corrected in accordance with the applicable Code. Failure to provide such evidence may result in the revocation of the contractor's license.
3. When a contractor's license is revoked, a new license shall not be granted until the contractor has provided the board with satisfactory evidence that issuance of a new license is warranted. If the contractor's license is revoked as the result of a Code-related violation, such contractor may not be re-licensed unless the Building Official determines that the violation has been corrected.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.7. - Inactive license.

During the annual renewal period, a licensed contractor who has completed the annual requirement for continuing education may, upon the payment of twenty dollars (\$20.00) have the contractor's license declared inactive. No building permit shall be issued to a contractor with an inactive license. The holder of an inactive license may annually renew the inactive license upon the completion of all continuing code education requirements and the payment of the annual renewal fee. The holder of an inactive license may obtain an active contractors license at any time upon the payment of the required business license fee.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.8. - Examinations, license approval, and issuance.

- A. Contractor applicants shall be licensed by satisfying one (1) or more of the following provisions:
1. Obtain or possess a certificate of competency from a nationally recognized testing institution such as Prometric or ICC Contractor Examination Services or other recognized equivalent with a seventy (70) percent passing score; or
 2. Hold a bachelor's degree in engineering, architecture, or construction science from an accredited college or university.
- B. Exception: Contractors who have continuously possessed a Lee's Summit business license on an annual basis since 2000, and who present evidence of having performed construction related work within Lee's Summit since 2005, shall be exempt from the requirement to obtain a license under this section.
- C. The Building Official shall expeditiously process all license applications.
1. The Building Official shall adopt reciprocity rules and regulations to allow persons and firms from other cities or states to obtain a contractor's license based upon such person's or firm's Prometric or ICC Contractor Examination Service in such other city or state. Reciprocity will be given to Johnson County, Kansas, license holders or other municipality where equivalency of licensing can be substantiated.
 2. Eight (8) hours of continuing education units (CEU) are required for license renewals or approvals. Every contractor shall complete at least eight (8) hours of continuing education each calendar year. The Building Official shall provide for the recognition of codes-related education provided by governmental entities, trade associations, contractor education providers and others for courses and instruction directly related to those codes adopted by the City of Lee's Summit, Missouri.

D. The contractor-applicant shall disclose, at the time of application, any current or previous contractor license held in Missouri or any other state and any disciplinary actions taken against such contractor-applicant.

1. If the contractor-applicant is employed by or a principal of a firm, the application shall disclose whether the firm or the firm's employees or principals have had any contractor-related disciplinary action taken against them in Missouri or any other state.
2. No license shall be issued to any contractor-applicant who has had a license suspended or revoked for disciplinary reasons, or who has surrendered a license during any disciplinary proceeding or investigation, within the immediately preceding five (5) years.
3. Any contractor-applicant denied a license under the provisions of this section may appeal such denial to the Board of Appeals.

E. The City of Lee's Summit will sponsor an individual for their testing by Prometric in return for their payment of a forty-five dollar (\$45.00) fee to the City.

1. Persons requesting the City of Lee's Summit to sponsor a master certification examination must submit a completed examination form and documentation of three (3) years of related experience working under a person with a master certification, or equivalent.
2. A decision not to sponsor an applicant may be appealed in the manner provided hereunder.
3. The City of Lee's Summit will not sponsor persons to take examinations other than for master certifications.

(Ord. No. 6611, § 1, 4-10-2008; Ord. No. 6790, § 1, 5-21-2009)

Sec. 7-130.9. - Firms/designated representatives.

A firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one full-time employee who is designated by the firm as its representative and such designated representative satisfies one of the requirements of Section 7-130.8. A designated representative must spend a minimum of thirty (30) hours per week carrying out meaningful supervision of the construction work of the firm. Whenever a building permit is issued in the name of a firm, the firm shall be subject to these regulations and the jurisdiction of the Board of Appeals.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.10. - Business license.

It shall be unlawful for any person to engage in the construction contracting business without first obtaining a business license as required under the applicable provisions of Chapter 28 of the Lee's Summit Code of Ordinances.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.11. - Administrative appeals.

For the purpose of administering contractor licensing provisions, the Board of Appeals, as established by Section 7-173, shall hear appeals of decisions rendered by the Building Official, in accordance with the following provisions:

1. Any person directly affected by a decision of the Building Official made pursuant to Section 7-130, and after receiving a notice or order issued under Section 7-130, shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within ten (10) days after the day the decision, notice or order was served. If a person fails to appeal a decision within thirty (30) days as set forth in this subsection, the decision shall be final and no appeal shall be heard. An application for appeal shall be based on a claim that the applicable code provisions have been incorrectly interpreted or applied, or that the decision was based on erroneous facts.
2. The following information must be contained in a written appeal made by any person entitled to appeal pursuant to this section:
 - a. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
 - b. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside; and
 - c. The signatures of all parties named as appellants and their official mailing addresses.
3. Upon receipt of any appeal filed pursuant to this section, the Building Official shall provide notice to the person of the date, time and place of hearing, where the person will have full opportunity to present evidence and testimony in support of the person's appeal. The hearing shall be conducted as a contested case under the provisions of RSMo ch. 536 and the Board of Appeals shall issue a final decision within ten (10) days of the hearing date. The decision shall include written findings of fact and conclusions of law. The decision of the board shall be final for purposes of appeal pursuant to RSMo ch. 536.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.12. - Contractor discipline.

The Board of Appeals shall have the authority to admonish, reprimand, and otherwise discipline any contractor subject to the provisions set forth in Sections 7-130—7-130.10, including the suspension or revocation of the contractor's license issued under the said provisions. Before a contractor is disciplined, a hearing shall be held following not less than ten (10) days notice to the effected contractor. The hearing shall be conducted as a contested case under the provisions of RSMo ch. 536. The Board of Appeals may suspend or revoke a contractor's license if the board concludes, following a hearing, that the contractor's action or inaction is:

1. A serious or repeated violation of the contractor licensing provisions, any applicable Code, or the failure to comply within a reasonable time to any lawful written order of the Building Official;
2. A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor's license or a building permit;
3. A fraudulent or deceitful use of a contractor's license to obtain a building permit;
4. A failure to obtain a building permit or to obtain a required inspection of an ongoing project as required by any applicable Code;
5. A failure to exercise regular, routine control and supervision over an ongoing project for which the contractor has obtained a building permit;
6. A failure to timely obtain a certificate of occupancy for a completed structure, prior to occupancy, as required by the applicable building code;
7. A failure to hire a licensed electrical, plumbing, or mechanical (HVAC) contractor to perform any electrical, plumbing, or mechanical (HVAC) work on the job site for which the contractor obtained a building permit; or
8. A failure by a contractor to pay the required application or licensing fee(s) for a building permit, contractor license, or inspection fee.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.13. - Board action.

Upon a finding by a majority of the members present at the hearing that a contractor has violated one (1) or more of the provisions of Section 7-130.12, the Board of Appeals may admonish, reprimand, or take other appropriate disciplinary action against such contractor including, but not limited to:

1. Suspension of the contractor's license for a fixed period not to exceed ninety (90) days.
2. Suspension of the contractor's license for a fixed period exceeding ninety (90) days, provided however, the contractor shall have the right to have the suspension and the terms thereof reconsidered by the board at the expiration of the first ninety (90) days and every ninety (90) days thereafter to determine if just cause exists to modify or terminate the suspension. Such reconsideration may, at the board's option, include a hearing.
3. Revocation of the contractor's license for a period not less than twelve (12) months from the date of revocation. A contractor's license shall be revoked if the contractor has been suspended five (5) times during any thirty-six (36) month period.
4. Any decision of the Board of Appeals shall be made in writing and mailed to the contractor within ten (10) days of the hearing date. Any decision of the board shall be final for purposes of appeal pursuant to RSMo ch. 536.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.14. - Safe harbor provision.

A contractor shall not be found in violation of these provisions, nor disciplined by the board, for a violation of an applicable building safety code provision if the contractor performs the work in accordance with and reliance upon duly certified plans and specifications prepared or approved by an architect or engineer licensed in Missouri without knowledge by the contractor that such plans and specifications, or pertinent parts thereof, are in violation of applicable Codes.

(Ord. No. 6611, § 1, 4-10-2008)

Sec. 7-130.15. - Rules and regulations.

The Board of Appeals may adopt rules, regulations, and procedures for conducting its business.