

Title: Administrative Policy Building Contractor Licensing	Policy No. Part 3, Regulations Chapter 8, Property Section 2
	Effective Date January 1, 2014
Policy Custodian Building Safety	Adoption/Revision Date

Adopting Resolution(s): CC13-300

References (Statutes /Resos/Policies): §30-11-125 C.R.S.

Purpose: The purpose of the program adopted in this Policy is to protect the public health, safety, and welfare of the citizens of unincorporated Jefferson County.

Policy: Building Contractor Licensing

A. Definitions

1. Board of Review (BoR): The appellate Board appointed by the Board of County Commissioners (BCC) to hear and decide appeals of orders, decisions or determinations made by the Building Official.
2. Building Code: The Building Code means all of the Jefferson County Building Code as adopted by the BCC or as may be amended by the BCC from time to time.
3. Building Contractor / Contractor: A person who for compensation directs, supervises, or undertakes any work for which a County building permit is required under the Jefferson County Building Code with the exception of the following:
 - a. A person whose sole function in the work is to perform labor under the supervision or direction of a building contractor.
 - b. An individual performing repair or maintenance work on that individual’s own property.
 - c. An individual whom a person employs full-time or part-time to perform repair or maintenance work on that person’s own property.
 - d. Contractors required to be licensed or registered by the State of Colorado who are performing work within the scope of their License, such as: Electricians pursuant to Article 23, Title 12, C.R.S.; Plumbers pursuant to Article 58, Title 12, C.R.S.; and Conveyance Installers pursuant to Article 5.5, Title 9, C.R.S. and Manufactured Home Installers (Resolution #38) pursuant to 24-32-3301 et seq. C.R.S.
 - e. An exempt homeowner / builder is a property owner who elects to act as the contractor of a residential dwelling or accessory buildings intended for the homeowner’s own personal use and occupancy. A homeowner/ builder may secure a building permit on only one residential dwelling in any twenty (24) month period. Any person who obtains a building permit for two or more residences in unincorporated Jefferson County in any twenty-four month period shall be deemed to be a contractor, who must then comply with Section B.
4. Building Official: The head of the Jefferson County Division of Building Safety.

5. License: Any type of Contractor License identified in Section D.
6. Person: Any individual, corporation, limited liability company, partnership, association, or other legal entity.
7. Repair or Maintenance Work: Minor work to repair or maintain structures including but not limited to interior decorating and minor exterior maintenance (painting, window covering installation, drywall patching, masonry repair, and the like); the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; the replacement of any minor part of a portable gas heating appliance that does not alter approval of equipment or make such equipment unsafe; the stopping of leaks in drains, water, soil, waste or vent pipes (but not the removal and replacement of any concealed trap, drain pipe, water, soil, waste or vent pipe); the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and installation of water closets (provided such work does not involve the replacement or rearrangement of valves, pipes or fixtures); and emergency equipment replacement and repairs (for which any required building permit is applied for within the next business day).

Repair or maintenance work does not include the cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or load bearing support; the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; the addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or safety; or any other work requiring a County building permit.

B. Building Contractor License Requirement

Any person who engages in the business of being a building contractor in unincorporated Jefferson County must, prior to engaging in such business, obtain and hold a valid License from the Jefferson County Division of Building Safety as further required in this Policy. Contractor Licenses are not transferable.

C. Administration of License Requirement

The Building Official shall be the County Official responsible for administering the provisions of this Policy. Appeals of the Building Official's decisions may be made to the BoR as further provided in Section K, below.

D. Types of Licenses

The following types of Contractor Licenses are established, and must be obtained as specified below:

1. Class A Contractor License: This License entitles the holder to contract for the construction, alteration, tenant finish or repair of any type of structure permitted by the Building Code.
2. Class B Contractor License: This License entitles the holder to contract for the construction, alteration, or repair of commercial buildings and single- or multi-dwelling buildings not exceeding three stories in height as permitted by the Building Code.
3. Class C Contractor License: This License entitles the holder to contract for the construction, alteration, or repair of one- and -two family dwellings and accessory buildings as permitted by the Building Code.
4. Roofing Contractor License: This License entitles the holder to perform roofing or re-roofing work permitted by the Building Code.
5. Class A Mechanical Contractor License: This License entitles the holder to perform any work in the heating, ventilation, and air-conditioning fields as permitted by the Building Code.

6. Class B Mechanical Contractor License: This License entitles the holder to perform any work in the heating, ventilation, and air-conditioning fields in commercial buildings and single- or multi-dwelling buildings not exceeding three stories in height as permitted by the Building Code.
7. Class C Mechanical Contractor License: This License entitles the holder to perform any work in the heating, ventilation, and air-conditioning fields in one- and -two family dwellings and accessory buildings as permitted by the Building Code.
8. Specialty Contractor License: This License entitles the holder to perform work as determined by the Building Official

E. Conditions for Issuance of a License

The Building Official shall not issue any License unless the following requirements have been met:

1. The contractor has submitted the required administrative licensing fee. The License fee shall be the fee set forth in Table 1 or the fee as amended by the BCC pursuant to Section H.
2. The contractor has demonstrated that he or she has, within three years prior to the date of application, achieved a passing grade on the applicable International Code Council (“ICC”) exam related to the particular License type being applied for (or its nationally recognized equivalent as determined and approved by the Building Official), as follows:
 - a. Class A Contractors License ICC Exam: National Standard General Building Contractor (A)
 - b. Class B Contractors License ICC Exam: National Standard Building Contractor (B)
 - c. Class C Contractors License ICC Exam: National Standard Residential Building Contractor (C)
 - d. Roofing Contractors License ICC Exam: National Roofing Contractor / Subcontractor
 - e. Class A Mechanical License ICC Exam: National Standard Master Mechanical (A)
 - f. Class B Mechanical License ICC Exam: National Standard Journeyman Mechanical (B)
 - g. Class C Mechanical License ICC Exam: National Standard Residential Mechanical (C)

The foregoing exam requirement shall not apply to any applicant who has demonstrated that he or she holds a valid License issued by another county or municipality in the State of Colorado if such License required the applicant to achieve a passing grade on the applicable ICC exam specified above (or equivalent nationally recognized exam approved by the Building Official).

3. The contractor has demonstrated proof of lawful presence in the United States by sworn affidavit stating that the contractor is a U.S. citizen or legal permanent resident or is otherwise lawfully present in the U.S. pursuant to federal law, accompanied by a valid form of identification (current Colorado Driver’s License or Colorado Identification Card issued under Article 2 of Title 42, C.R.S., U.S. Military I.D. card, U.S. Coast Guard Merchant Mariner card, Native American Travel Documents, or such other valid form of identification recognized by the current lawful presence rules of the Colorado Department of Revenue). In the case of corporate applicants, proof of lawful presence must be demonstrated by the president or principal in the company. That individual must certify as part of the license application process that his or her company will employ only building subcontractors and workers who have demonstrated to the company a lawful presence in the United States.
4. The Building Official determines, based on the application materials and other reliable information known to the Building Official, that the applicant has the basic competence to perform the work for which the license is being sought. At the discretion of the Building Official, past or existing violations

of this Policy as set forth in Section I may be a basis for the Building Official to determine an applicant lacks basic competence to perform work for which the license is being sought.

5. The requirements for processing of licenses in Section F have been met.

F. Process for Issuance of License

The following procedural requirements shall apply to the issuance of Licenses under this Policy:

1. Contractors must submit a complete License application to the Division of Building Safety on the form provided by the Division including all required supporting documentation.
2. A complete application shall include the required License fee and all of the documentation necessary to demonstrate compliance with the conditions for License issuance specified in Section E above.
3. Within seven (7) business days after a complete application for a License is submitted, the Division of Building Safety shall issue a License, a provisional License, or a written statement of License denial. Inadvertent failure of the Division to act within seven business days shall not entitle the applicant to engage in building contracting work in the unincorporated County without a License.
 - a. The Building Official shall issue a License if the Building Official determines, based on the submitted complete application, that the conditions for License issuance have been met, as set forth in Section E.
 - b. The Building Official shall issue a provisional License if the Building Official determines that the submitted complete application indicates that the conditions for licensing appear to have been met but the Building Official needs additional information to verify this indication.

If a provisional License is issued, the Building Official shall after verifying the conditions for licensing have been met, issue a License. The Building Official shall have 45 calendar days after issuance of a provisional License to issue a License or a written statement of License denial. Inadvertent failure of the Building Official to issue a License within this 45-calendar day period shall not preclude an applicant who has otherwise satisfied the requirements for obtaining a License from engaging in the business of being a building contractor and applying for or working under a County building permit, provided that the Building Official subsequently approves the submitted application and issues a License.

- c. The Building Official shall issue a written statement of License denial if the Building Official determines that any of the conditions for License issuance have not been met. A statement of License denial shall specify the reason for denial based on Section E, above.
- d. Any issued License or provisional License may contain reasonable terms or conditions which the Building Official deems necessary to carry out the purposes of this Policy.

G. License Term and Expiration / Reapplication

Licenses shall be effective for twelve (12) calendar months after their date of issuance. Licenses shall expire at the end of this term. Contractors holding Licenses may apply for a new License within three (3) calendar months prior to the expiration of their existing License. Contractors holding a valid County License who apply to renew a License or for a new License must not have any unresolved building code violations older than 90 days or must meet all the conditions for issuance of a License as set forth in Section E.

H. License Fees

Administrative fees under this Policy shall be assessed as follows:

1. The Building Official shall impose a reasonable License fee approved at an open meeting by the BCC. The purpose of the fee is to cover the Building Division's administrative costs associated with processing License applications and issuing Licenses under this Policy.
2. The License fee may be adjusted annually or at such time periods as the Building Official deems appropriate and necessary to reflect the reasonable costs of administering Licenses under this Policy, provided that such fee adjustments are approved as required in this Section H.

I. Violations

It shall be a violation of this Policy for any Building Contractor to:

1. Provide any materially false, misleading, or incomplete information on a License application.
2. Fail to have or maintain a lawful presence in the United States.
3. Fail to obtain a required building permit or to follow any other applicable requirements of the Jefferson County Building Code, as amended.
4. Perform work outside the scope of an issued License or transfer a License to a person other than the Licensee.
5. Fail to resolve any outstanding (older than 90 calendar days) Building Code violation.
6. Failure to pay the difference in the building permit fee when the original building valuation is below the actual building cost.
7. Failure to properly close out a permit within the time allowed for a valid permit.
8. Any other violation or adverse conduct related to the license which, in the sound discretion of the Building Official exercised in light of the requirements of the Building Code, indicates that the licensee lacks the basic competence to perform the work for which the license has been issued.

J. Enforcement

1. The following actions may be taken for violation of this Policy:
 - a. The Building Official shall assess a fine equal to the current License fee for failure to obtain the required License prior to engaging in repair or maintenance work.
 - b. The Building Official may give a warning notice to the public.
 - c. The Building Official may revoke or suspend the Building Contractor's License.
 - d. The Building Official may stop/suspend work under an issued building permit; may stop work on a project that requires but does not have an issued building permit, may refuse to issue a certificate of occupancy or perform a final inspection under an issued building permit, or may revoke an issued building permit.
 - e. The Building Official may pursue any other remedy allowed in law or equity.

2. Process for enforcement

- a. Prior to taking any of the actions specified in this Section J, the Building Official shall serve a notice of violation by delivering the notice personally to the Contractor or by mailing the notice certified mail, return receipt requested to the Contractor's address on Contractor's License application or renewal application and last known address if different from the address on Contractor's application. The notice shall specify the nature of the violation in reasonable detail. In addition, if the Building Official stops or suspends work under an issued building permit or refuses to issue a certificate of occupancy or perform a final inspection or revokes an issued building permit, any notice of violation shall be sent to the attention of the building permit holder/applicant of record, if different from the licensee. The building permit holder, in addition to the licensee, shall have the same rights to request and participate in a hearing before the Building Official and to receive notice of the Building Official's decision as the licensee under this Section.
- b. The Contractor shall have ten (10) calendar days after the date on which the notice is personally delivered or deposited in the mail to cure the violation or to request a meeting with the Building Official.
- c. If the Contractor makes a timely request for a meeting with the Building Official, the Building Official shall notify the Contractor of the date, time and place of the meeting. The meeting shall occur no later than seven (7) business days after receipt of the meeting request.
- d. The Contractor and other interested parties may attend the meeting, and the Building Official shall record the meeting. Upon completion of the meeting, the Building Official shall take all the evidence presented under advisement, and shall notify the licensee in writing within ten (10) days after the meeting of the Building Official's findings. No suspension or revocation shall be effective while the matter is under advisement, except for emergency suspensions under Section J.3, below.
- e. The decision of the Building Official may be appealed to the BoR pursuant to Section K of this Policy.
- f. Stop work orders issued for violation of the Building Code and not for violation of this Policy shall not be subject to the procedures set forth in this Policy.

3. Emergency Enforcement

- a. If the Building Official finds that emergency cause endangering the public health and safety exists as a result of an apparent violation of this Policy which warrant the Building Official taking immediate action, the Building Official may enter an order for immediate suspension of a Contractor's License and may impose an immediate stop work order against the affected property pending a hearing before the BoR. The Building Official shall notify the Contractor of the immediate suspension of his/her License, the stop work order, the nature of the violation and the date, time and place of the hearing before the BoR. The notice shall be served by personally delivering the notice to the Contractor by posting the notice at a prominent location on a property which has been issued an active building permit on which the Contractor is known to be working, or by transmitting the notice to the Contractor by same-day or next-day mail or courier at the Contractor's address of record on file with the Building Official. The Building Official shall post the stop work order at a prominent location on the affected property.
- b. If an appeal is made to the BoR, a hearing before the BoR shall be conducted in accordance with Section K.1-8 of this Policy.

4. The building permit remedies in this Section N are in addition to, and do not limit, any remedies related to building permits specified in the Building Code and any other code, ordinance, regulation, policy or resolution adopted by the BCC.

K. Appeals from Decision of the Building Official

1. Appeals to the BoR may be made by any person aggrieved by the following final decisions made by the Building Official in the course of administering this Policy:
 - a. Denial of a License application.
 - b. Suspension or revocation of a License.
 - c. Issuance of a stop work/suspension order or revocation of a building permit.
 - d. Refusal to issue of certificate of occupancy.
 - e. Written determination that a person is a building contractor required to obtain a License or a certain class of License under this Policy.
2. Appeals to the BOR must be in writing addressed to the Building Official, must state in reasonable detail the basis for the appeal and must be received by the Building Official no later than 14 calendar days after the date of the decision being appealed. If the official decision being appealed was sent by regular U.S. mail, three (3) additional days shall be added to the 14-day appeal deadline. Each appeal must be accompanied by a nonrefundable fee in the amount in effect for appeals to the BoR.
3. Upon receipt of a complete and timely appeal the Building Official shall schedule a hearing. The hearing shall be held no earlier than 15 calendar days and no later than 45 calendar days after receipt of the appeal, or as soon as possible thereafter given the availability of BoR members for the appeal hearing. For hearings pursuant to Section J.3 the hearing date shall be set based on the date of the notice.
4. The Building Official shall make a written analysis of and recommendation to the BoR on each appeal request. The Building Official shall make this analysis available to the appellant and the BoR, and shall notify the appellant of the hearing date at least seven (7) calendar days prior to the hearing.
5. Appeals under this Policy shall be heard by the BoR convened by the Building Official.
6. The BoR shall conduct appeal hearings according to the rules of procedures set forth in the Jefferson County Building Code.
7. The BoR shall keep a written and recorded record of its hearing, and shall issue a decision on the appeal which the Building Official shall provide to the appellant in writing no more than 14 calendar days after the hearing. The BoR's decision shall be final unless otherwise stated.
8. The provisions for BoR appeal under this Section K shall supplement the BoR's authority under the Jefferson County Building Code and the BoR's adopted procedural rules as they may be amended from time to time.

L. Reapplication for Denied or Revoked License.

If a License is denied or revoked under this Policy, the applicant may reapply for a License, but not sooner than 90 calendar days after the final decision of the Building Official or the BoR, as applicable.

M. Policy Adoption and Amendment.

This Policy shall be adopted and amended according to the procedures for adopting and amending the Jefferson County Building Code, as set forth in C.R.S. §30-28-204.

TABLE 1

Contractor License Fee Schedule	
Type	Fee
Class A Contractor	\$50.00
Class B Contractor	\$50.00
Class C Contractor	\$50.00
Roofing Contractor	\$50.00
Class A Mechanical	\$50.00
Class B Mechanical	\$50.00
Class C Mechanical	\$50.00
Specialty Contractor	\$50.00
Plumbing	Exempt*
Electrical	Exempt*
Mobile Home Installer	Exempt*
Elevator/conveyance	Exempt*

*These contractors are required to be licensed/registered by the State of Colorado and need to pay their license/License fee to the State.

N. Principles of Interpretation.

In the case of conflicting or ambiguous provisions in this Policy, the interpretation taken shall be the more restrictive one, or the one that otherwise best protects the public health and safety in the sound discretion of the Building Official.