

ORDINANCE NO. 919

AN ORDINANCE ADOPTING THE REQUIREMENTS OF SB 1182 AND SB 306; ESTABLISHING REQUIREMENTS FOR A CONTRACTOR'S CERTIFICATE FOR ANY PERSON ENGAGING IN THE ERECTION, REPAIR OR CONSTRUCTION OF ANY BUILDING; PROVIDING FOR METHOD OF APPLICATION FOR SUCH CONTRACTOR'S CERTIFICATE; PROVIDING FOR GENERAL LIABILITY AND WORKER'S COMPENSATION INSURANCE REQUIREMENTS; PROVIDING FOR FEES AND RENEWAL CERTIFICATES; PROVIDING FOR PENALTIES FOR VIOLATIONS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF CLINTON, OKLAHOMA:

SECTION 1:

General provisions.

(a) Certificate required.

(1) It shall be unlawful for any person to erect, install, improve, enlarge, repair, move, demolish, or alter any premises, building or other structure within the city limits of Clinton without first obtaining a contractor's certificate from the city. Prior to issuance of any building permits, pursuant to 11-2-1 of this code, the applicant for the permit shall have a valid contractor's certificate.

(2) A contractor's certificate is not required of persons who have a valid certificate for other specialized trades required by this code and provided the work performed is within the authority granted therein.

(3) Resident owners of the property are not required to obtain a contractor certificate when performing work on their own property provided work is performed by the owner; nothing herein shall relieve any person from obtaining other licenses, permits or certificates required by this code.

(b) Method of application.

(1) Any person who is required by this article to possess a contractor's certificate shall make an application to the city on application forms provided for that purpose by the city.

(2) The lending of any contractor's certificate and/or the person to whom the certificate is issued obtaining other permits thereunder for any other person shall be deemed cause for revocation. A contractor's certificate issued by the city is not transferable, and violation of this provision is cause for revocation in addition to other penalties in this code.

(3) The City Council may revoke the contractor's certificate for just cause. The City Manager may suspend such certificate if, in his opinion, the certificate holder violates any provision of the code. In such case, the City Manager shall give notice of the suspension to the contractor. The contractor whose certificate has been suspended shall have the right to appear before the council and be heard before the certificate is permanently revoked and shall be given adequate notice of the time and place of such hearing and of the charges against the certificate holder. Such cause must be disposed of by the City Council within thirty (30) days of the time of the suspension.

(c) Certification fee, annual renewal fee.

(1) Before such certificate is issued a fee of \$100.00 for the first year and \$50.00 per year thereafter shall be paid to the City Clerk for contractor's registration certificate.

(2) Each certificate issued shall expire on June 30th of each year.

(3) The annual renewal application, appropriate documentation and fees must be received by the city on or before July 1st and shall be considered surrendered if the certificate is not renewed within fifteen (15) days. After July 15th, the applicant must proceed in the manner required for a new or initial applicant.

(d) Workers Compensation Insurance Requirements.

(1) Each building contractor who is defined in the Workers' Compensation Act, Title 85, Oklahoma Statutes, Section 1 et seq. (the "Act") as an employer of employees as defined in the Act and not exempt, which contractor is registered under this article shall be required to document to the City of Clinton and to keep in force during the life of its registration, a workers' compensation insurance policy to protect the contractor's employees against occupational hazards and diseases as regulated and defined in the Act.

(2) A Certificate of Insurance for workers' compensation with the city named as a certificate holder from an insurance company duly licensed to do business in the State of Oklahoma or proof of exemption or own risk status shall be submitted with the application for registration to the city. Persons who are self-employed and do not fall under the jurisdiction of the Workers' Compensation Act are not required to submit a certificate of insurance. However, in lieu of the certificate of insurance requirement, the

applicant must execute an affidavit certifying he is wholly self-employed and does not fall under the jurisdiction of the Workers' Compensation Act with proof of exemption.

(3) The contractor shall be required to notify the city within ten (10) working days upon termination of an insurance policy. This will cause the city to invalidate the certificate.

(e) Insurance. Each contractor shall procure and maintain a general liability policy of insurance within limits per occurrence of not less than \$500,000.00. A Certificate of Insurance shall be provided at the time application is made for a contractor's certificate. Contractor shall notify the city within ten (10) days of termination of the policy. City shall be named a certificate holder. Failure to maintain general liability insurance in the specified limits shall cause the contractor's certificate to be deemed revoked.

(f) Violation and penalties. Any person violating any provision of this article is guilty of an offense, and upon conviction thereof shall be punished as provided in section 1-4-1 of this code.

SECTION 2: Emergency.

An emergency is declared to exist and it is necessary for the public welfare, health and safety that this ordinance take effect immediately upon passage, approval and publication according to law.

PASSED AND APPROVED this _____ day of _____, 2009, with the Emergency Clause passed separately.

MAYOR

ATTEST:

CITY CLERK

(SEAL)