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ORDINANCE NO. 902

AN ORDINANCE OF THE CITY OF SEDGWICK, HARVEY AND SEDGWICK COUNTIES, AMENDING ORDINANCE NO. 901, CODIFIED AS CHAPTER 4, ARTICLE 6 OF THE CODE FOR THE CITY OF SEDGWICK, AN ORDINANCE AND ARTICLE OF THE CITY OF SEDGWICK, HARVEY AND SEDGWICK COUNTIES, APPROVING SPECIFIC MODIFICATIONS TO FEE LICENSURE APPLICABLE TO AND FOR CONTRACTORS WITHIN THE CITY OF SEDGWICK, KANSAS; AND REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Amendment to Ordinance No. 887, Codified as Chapter 4, Article 6 of the Code for the City of Sedgwick, Kansas: Chapter 4, Article 6 shall be amended in its entirety to read as follows:

Article 6. Contractor Licenses

4-601. Builder's or building contractor's license required; building permits; unlawful acts.

- (a) Each builder or building contractor shall before entering upon any building or construction work subject to regulation by city laws, apply to the city clerk for a builder's or building contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her, or it to engage in the trade or occupation of a builder or building contractor in the city.
- (b) No permit for any building or construction work shall be issued for any such work to be performed by a builder or building contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.
- (c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of builder or building contractor herein, or to perform any work as a builder or building contractor or any work under a contract for any work involving the construction, wrecking or moving of any building, without first having obtained a builder's or building contractor's licenses issued by the city.

4-602. Same; application; granting.

- (a) Application for a builder's or building contractor's (whether general or limited) or a house wrecker's or mover's license shall be made to the city clerk's office. Information to be required shall be the name of the applicant, the applicant's place of business in the city (and home office if a nonresident), and whether engaged in general contracting, limited contracting, or house wrecking or moving work. Such license shall be issued by the city clerk upon payment of fees as required in section 4-603, and amendments thereto, and receipt of insurance information as required in sections 4-604, and amendments thereto.

4-603. Same; License Fees; Conditions; Renewal; Unlawful Acts.

- (a) The following license fees shall be paid for the calendar year or major fraction thereof:
- (1) General Builder or Building Contractor, who shall qualify to engage in more than one kind of contract work, except house moving, the sum of \$100;
 - (2) Limited Builder or Building Contractor, who shall qualify to engage in not more than one kind of contract work, the sum of \$50;
 - (3) House Wreckers or Movers, the sum of \$25;
- (b) Each such license shall set forth the kind of contract work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable biannually as in the case of the original license on or before the first day of January of the year for which issued.
- (c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.

4-604. Insurance.

- (a) A builder or building contractor must procure and maintain a general liability insurance policy in the amount of \$300,000. Such a policy should identify the City of Sedgwick as the certificate holder and read **City of Sedgwick 520 N. Commercial Ave. Sedgwick, KS 67135**. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in

writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

- (b) Builder or building contractor must provide certificate of worker's compensation insurance or provide a notarized exemption for State of Kansas Worker's Compensation Insurance.
- (c) Builder or building contractor must provide proof of auto insurance for all company owned vehicles or provide a notarized waiver.

4-605. License Suspension; Revocation; Appeal; Unlawful Acts

- (a) The license of any builder or building contractor may be suspended temporarily, for a period not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city building inspector. Notice shall be given in writing to such builder or building contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:
 - (1) Misrepresentation of a material fact by applicant in obtaining a license;
 - (2) Use of license to obtain a building permit for another;
 - (3) Failure neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
 - (4) Performance of any building or construction work without a permit where one is required by law; or
 - (5) Willful disregard of any violation of the building and construction laws, or failure to comply with any lawful order of the city building inspector.
- (b) Any licensee may within 15 days appeal in writing to the city administrator from any order of the chief building official suspending his or her license for its final decision thereon. The city administrator may upon such hearing terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the builder or building contractor shall not be eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any contractor's license.
- (c) It shall be unlawful to engage in the occupation or trade of builder or building contractor during the time any license of such builder or building contractor has been suspended or revoked.

4-606. Work by property owners.

Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own property; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a

certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own property, without compensation and no artisan or skilled laborer shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city.

4-607. Liability.

This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein.

4-608. Severability.

If any section of the International Building Code, the International Residential Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

SECTION 2. Other ordinances or portions thereof in conflict herewith, are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS, THIS 6th DAY OF MARCH, 2024.

Bryan Chapman, Mayor

ATTEST:

Sheila Agee, City Clerk

(SEAL)