

DIVISION 12-III-1 CONTRACTORS**Subdivision 12-III-1-I CONTRACTORS IN GENERAL****Subdivision 12-III-1-II LICENSE/CERTIFICATION****HISTORY**

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Subdivision 12-III-1-I CONTRACTORS IN GENERAL**Sec 12-30 Definitions****Sec 12-31 Exemptions****Sec 12-32 Certain Acts Unlawful****HISTORY**

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-30 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction contractor means any person engaged in the business of accepting orders or contracts on cost, plus fixed fee, stated sum, percentage, or any combination thereof, or other compensation than wages, and engaged in work on or in any building or structure requiring the use of stone, brick, mortar, cement, wood, structural steel or iron, sheet metal, piping, tin, lead or any other building material, or doing any paving or curbing on sidewalks, streets, public or private property, using asphalt, brick, stone, cement, wood or any combination thereof, or doing any excavating for foundations or any other purpose; or engaged in the business of building, remodeling, repairing, razing or moving, whether it be by day labor, contract, cost, plus, fixed fee, stated sum, percentage, or any combination thereof, or other compensation other than wages, shall be deemed to be a construction contractor within the meaning of this article. Construction contractors shall be classified as one of the following:

- (a) General contractor.
- (b) Carpenter contractor.
- (c) Certified contractor.
- (d) Registered contractor.

(Code 1997, § 26-91; Ord. No. 44-97-98, § 1, 7-21-1997)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-31 Exemptions

The provisions of this division shall not apply to the following:

- (a) Authorized representatives of the United States of America, the state, the county or the city.
- (b) Owners of property engaged in building structures or making repairs thereon for their own use.

(Code 1997, § 26-92; Ord. No. 44-97-98, § 1, 7-21-1997)

HISTORY

Amended by Ord. [40-14-15 § 1](#) on 2/2/2015

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-32 Certain Acts Unlawful

Any person presenting or attempting to file or use the license, certification, or registration of another, or who shall give false or forged evidence of any kind to the board of license examiners or to any member thereof, to obtain or maintain a license or certification, or who shall falsely impersonate another, or who shall use an expired or revoked license, certification, or registration or shall violate any of the provisions of this division shall be subject to the penalties provided in section 12-1.

(Code 1997, § 26-93; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 42-10-11, § 3, 11-15-2010)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Subdivision 12-III-1-II LICENSE/CERTIFICATION

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HISTORY

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-33 Required; Exemption

- (a) Every person engaging in or desiring to engage in the business of construction contracting in the city shall procure and maintain, at all times while so engaged, a license, certification, or registration as herein provided.
- (b) The Sheboygan Area School District is granted an exemption from the license provisions of subsection (a) of this section for the construction of not more than one single house and two residential garages per calendar year, with the following conditions:
 - (1) Students from the vocational class at North High School or South High School shall construct the garages or house
 - (2) All construction shall be done under the direct supervision of a certified instructor employed by the Sheboygan Area School District.
 - (3) The Sheboygan Area School District shall satisfy the insurance requirements set forth in section 12-41.
 - (4) All other provisions of the building code shall apply.

(Code 1997, § 26-146; Ord. No. 44-97-98, § 1, 7-21-1997)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-34 Classification

The city classifies construction contractors and their license/certification fees as set forth in the Contractor's Licenses Fee Schedule on file in the offices of the building inspection division. Licensed or certified contractors may perform only the work or services specified by their classification:

- (a) *General contractor.* A general contractor is a construction contractor responsible for supervising the completion of a construction project, by either doing the work, or a portion of the work, or by hiring and supervising subcontractors to complete the work and ensure the project complies with all building codes. General contractors may perform structural and non-structural work on commercial and residential buildings. General contractors may not perform electrical, HVAC, or plumbing work. The city does not require a license if the general contractor does not perform any contracting or construction work, and only performs project management (managing subcontractors).
- (b) *Carpenter contractor.* A carpenter contractor is a construction contractor responsible for constructing, repairing, and installing building frameworks and structures made from wood and other materials. Carpenter contractors may perform structural and non-structural work on residential buildings and only non-structural work on commercial buildings. They may not perform moving/razing, excavating, concrete/asphalt, masonry, steel erecting, electrical, HVAC, or plumbing work.
- (c) *Carpenter accessory contractor.* A carpenter accessory contractor is a construction contractor responsible for constructing, repairing, and installing accessory buildings frameworks and structures made from wood and other materials. Carpenter accessory contractors may perform building and remodeling of accessory buildings, including detached garages, utility sheds, greenhouses, gazebos, pergolas, free-standing decks, and fences. They may not perform building or remodeling of commercial or residential buildings, moving/razing, excavating, concrete/asphalt, masonry, steel erecting, electrical, HVAC, or plumbing work.
- (d) *Certified contractor.* A certified contractor is a construction contractor in one of the following classifications:
 - (1) *Excavating contractor.* An excavating contractor's primary business is the installation, alteration, and repair of earthen material by digging, trenching, grading, or compacting the material for a cut, fill, grade, or trench.
 - (2) *Masonry contractor.* A masonry contractor is qualified to select, cut, and lay brick and concrete block or any other unit masonry products. This work includes placing reinforcing steel and concrete forming and placing incorporated into the masonry work. It does not include flatwork.
 - (3) *Concrete/asphalt contractor.* A concrete/asphalt contractor's primary business is installation or repair of concrete/asphalt areas, including the forming, pouring, and finishing of concrete structures such as footings, foundations, slabs, basement floors, sidewalks/walkways, driveways, and parking areas.
 - (4) *Tuckpointing contractor.* A tuckpointing contractor specializes in the technique of repairing mortar joints between bricks or other masonry elements. This includes removing cracked, disintegrating, or defective mortar and replacing it with fresh mortar of the same composition.
 - (5) *Waterproofing contractor.* A waterproofing contractor's primary business is the use or application of materials or processes for the prevention or control of water leakage or flow through the basement walls or flooring into the interior portion of a basement and/or crawl space.
 - (6) *Roofing contractor.* A roofing contractor's primary business is the installation, alteration, and repair of all kinds of roofing, waterproofing, and coating, except when the coating does not

project, repair, waterproof, stop leaks, or extend the life of the roof. The scope of responsibility includes re-decking or repair of existing roof sheathing or fascia as needed during repair/replacement.

- (7) *Siding contractor.* A siding contractor's primary business is the installation, alteration, and repair of exterior wall covering and cladding (protective treatment); such as aluminum, EIFS, veneer, vinyl, or wood.
 - (8) *Doors/windows contractor.* A doors/windows contractor's primary business is the installation, replacement, or repair of non-structural exterior doors and windows.
 - (9) *Insulation contractor.* An insulation contractor's primary business is the installation of any material used primarily to retard or resist heat flow.
 - (10) *Drywall contractor.* A drywall contractor's primary business is the installation, taping, and finishing of drywall, panels, and assemblies of gypsum wallboard, sheathing, and cementitious board. They may build or install non-load bearing, non-structural walls or partitions.
 - (11) *Cabinets/countertop contractor.* A cabinets/countertop contractor's primary business is the building and installation, alteration, and repair of any cabinet or countertop.
 - (12) *Fence contractor.* A fence contractor's primary business is the installation, alteration, and repair of any structure, wall, or barrier, other than a building, erected at grade to define boundaries or property, provide security or protection to property, or act as a visual or acoustic screen.
 - (13) *Moving/razing contractor.* A moving/razing contractor's primary business is the process of leveling a structure to the ground or moving a structure from one location to another location.
 - (14) *Steel erecting contractor.* A steel erecting contractor is qualified to perform the construction, alteration, or repair of steel buildings, bridges, and other structures, including the installation of metal decking and all planking used during the process of erection.
- (e) *Registered contractor.* A registered contractor is a contractor constructing or performing work on one- or two-family dwellings who possess current dwelling contractor and dwelling contractor qualifier credentials from the Wisconsin Department of Safety and Professional Services under Wis. Stat. § 101.654.

(Code 1997, § 26-147; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 76-02-03, § 6, 4-2-2003; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 76-07-08, § 1, 1-17-2008)

HISTORY

Amended by Ord. [40-14-15](#) § 2 on 2/2/2015

Amended by Ord. [9-20-21](#) § 1 on 8/30/2020

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [28-23-24](#) on 10/23/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-35 Applications

- (a) An applicant for a construction contractor's license or certification shall apply by filling in the printed forms which they may obtain from the building inspection division and by paying an application fee as detailed in section 12-39.
- (b) An applicant for a construction contractor's license must be an individual. Corporate entities are ineligible to apply for such licenses.

(Code 1997, § 26-148; Ord. No. 44-97-98, § 1, 7-21-1997)

HISTORY

Amended by Ord. [33-18-19](#) § 2 on 1/7/2019

Amended by Ord. [10-20-21](#) § 9, 8 on 7/20/2020

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [28-23-24](#) on 10/23/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-36 Qualifications

(a) Each class of construction contractor must meet the following qualifications:

- (1) *General contractor.* General contractors shall pass the appropriate examination administered by the building inspection division. To be eligible to take the examination, a person must have completed one of the following paths:
 - a. four years of apprenticeship plus four years as a journeyman in the commercial trade;
 - b. eight years of experience within the most recent ten-year period working for a general contractor in the construction industry;
 - c. four years of education in the architectural or engineering field plus four years of on-the-job training.
- (2) *Carpenter contractor.* Carpenter contractors shall possess either four years of apprenticeship, plus two years working as a journeyman in the residential trade or six years of experience within the most recent ten-year period working for a general contractor or carpenter contractor in the construction industry.
- (3) *Carpenter accessory contractor.* Carpenter accessory contractors shall possess either two years of apprenticeship plus two years working as a journeyman in the residential trade or four years of experience within the most recent ten-year period working in the construction industry for a general contractor, carpenter contractor, or carpenter accessory contractor.
- (4) *Certified contractor.* Certified contractors shall possess two years of experience within the most recent five-year period in the respective trade.
- (5) *Registered contractor.* A registered contractor shall hold valid dwelling contractor and dwelling contractor qualifier credentials from the State of Wisconsin.

(b) Licensed construction contractors must also meet the following qualifications:

- (1) Any person taking a required examination and procuring a license who is associated with a contractor, firm, co-partnership, corporation, association, or other organization, or any combination thereof shall provide information about such association as part of their application to take the examination.
- (2) A licensed person cannot qualify to take the required examination on their own behalf or for another contractor, firm, co-partnership, corporation, association, other organization, or a combination thereof shall provide information about the association as part of their application to take the examination while any license previously procured by the person remains unexpired or uncanceled.
- (3) If the person passing the examination shall, at any time, sever their connection with the contractor firm, co-partnership, association, other organization, or a combination thereof with whom they were associated at the time of the required examination, the person to whom the license was issued and the contractor with whom the person was associated shall give written notice immediately to the board of license examiners and surrender the license for cancellation.

(Code 1997, § 26-149; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 46-04-05, § 1, 12-20-2004; Ord. No. 57-10-11, § 2, 4-6-2011)

HISTORY

Amended by Ord. [59-13-14 § 1](#) on 4/2/2014

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-37 Re-Examination

Any person failing to pass a required examination may be re-examined by submitting a request for re-examination with a \$25.00 examination fee to the secretary of the board of license examiners or their designee.

(Code 1997, § 26-150; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 3, 4-6-2011)

HISTORY

Amended by Ord. [33-18-19 § 2](#) on 1/7/2019

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-38 Issuance

- (a) If the applicant receives a score of 75 percent or greater on a required examination, the secretary of the board of license examiners or designee shall report the license application to the common council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.
- (b) Where no examination is required, the secretary of the board of license examiners or designee shall report a qualifying application to the council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.
- (c) For certified contractor applications, the secretary of the board of license examiners or designee may review and approve applications and authorize the building inspection division to issue a certification to the applicant upon payment of the certification fee.

(Code 1997, § 26-151; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 4, 4-6-2011)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-39 License/Certification Fee

Before any license or certification shall be issued or renewed under the provisions of this division, the applicant shall pay a license or certification fee as set forth in license/certificate fee schedule on file in the building inspection division.

(Code 1997, § 26-152; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-05-06, § 1, 11-21-2005)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [28-23-24](#) on 10/23/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-40 Privileges

The issuance of a license or certification shall entitle the person, firm, co-partnership, corporation, association, other organization, or any combination thereof, of which the applicant is an active member or officer, to all rights and privileges of a contractor in the classification for which the license or certification is issued.

(Code 1997, § 26-153; Ord. No. 44-97-98, § 1, 7-21-1997)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-41 Insurance Requirements

- (a) Every construction contractor granted a license or certification shall maintain at all times a policy of general liability insurance issued by an insurer, authorized to do business in the state, insuring the contractor in the amount of at least \$1,000,000.00 per occurrence because of bodily injury to or death of others or because of damage to the property of others.
- (b) If the applicant is required under Wis. Stat. § 102.28(2)(a), to have in force a policy of workers' compensation insurance, or if the applicant is self-insured in accordance with Wis. Stat. § 102.28(2)(b), the applicant shall file with the building inspection division a statement certifying that the applicant has in force a policy of workers' compensation insurance issued by an insurer authorized to do business in the state or is self-insured in accordance with Wis. Stat. § 102.28(2)(b).
- (c) If the applicant is required to make state unemployment insurance contributions under Wis. Stat. ch. 108 or is required to pay federal unemployment compensation taxes under 26 USC §§ 3301--3311, the applicant shall file with the building inspection division a statement certifying that the applicant is making those contributions or paying those taxes as required.
- (d) The applicant shall provide evidence of compliance with liability insurance requirements as specified in subsection (a) of this section to the building inspection division by submitting in writing a certificate of insurance with certificate holder to the building inspection division.
- (e) Licenses or certifications rendered void for lack of insurance may be reinstated without a new application upon filing the necessary documents within a period of not exceeding 45 days from the date the license or registration became void.

(Code 1997, § 26-154; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 53-00-01, § 1, 9-18-2000; Ord. No. 57-10-11, § 5, 4-6-2011)

HISTORY

Amended by Ord. [10-20-21 § 10](#) on 7/20/2020

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-42 Temporary Licenses And Certifications

- (a) Any construction contractor, before commencing any type of construction contracting work shall first apply for a license to engage in such contracting work. Such application shall be made to the secretary of the board of license examiners or their designee, who may issue a temporary license to such contractor for a specific contracting job, upon the applicant's furnishing proof of compliance with the insurance/bonding requirements of section 12-41, the required qualifications of section 12-36 and upon payment of the required permit fee as set forth in the license/certificate fee schedule on file in the building inspection division.
- (b) The applicant may appeal a denial of a temporary license or certification to the board of license examiners within five days after the denial. The applicant shall submit the appeal in writing, including details of the ruling being appealed, with the secretary of the board of examiners. Such notice of

appeal shall state clearly and briefly the grounds of the appeal. Where a situation requires an immediate decision, the director of planning and development may make a decision, which decision shall be final and conclusive.

(Code 1997, § 26-155; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 76-02-03, § 7, 4-2-2003; Ord. No. 57-05-06, § 1, 11-21-2005)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [28-23-24](#) on 10/23/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-43 Expiration

Licenses or certifications under the provisions of this division shall expire on the December 31 next following their issuance.

(Code 1997, § 26-156; Ord. No. 44-97-98, § 1, 7-21-1997)

HISTORY

Amended by Ord. [10-20-21](#) § 11 on 7/20/2020

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-44 Renewal

A construction contractor's license or certification may be renewed for the next succeeding calendar year by filing a renewal application with the building inspection division and the payment of the renewal fee on or before the last business day of each calendar year. Unless a license or certification is renewed prior to its expiration, the applicant shall be required to file a new application and pay a new application fee. Re-examination shall be required of all applicants for a license or renewal who have not held an equivalent license or registration in the city for two years or more. An appeal for a waiver from this re-examination requirement may be made to the board of license examiners.

(Code 1997, § 26-157; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 6, 4-6-2011)

HISTORY

Amended by Ord. [10-20-21](#) § 12 on 7/20/2020

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024

Sec 12-45 Grounds For Revocation/Suspension

(a) The board of license examiners may recommend to the common council the revocation or suspension of any of the licenses, certifications, or registrations issued under this chapter of any construction contractor who shall be guilty of any one or more of the following acts or omissions:

- (1) Fraud or deceit in obtaining license, certification, or registration.
- (2) Negligence, incompetency or misconduct in the practice of contracting within the meaning of this article.
- (3) Abandonment of any contract without legal excuse.
- (4) Diversion of property or funds received under express agreement for prosecution or completion of a specific contract, or for a specified purpose in the prosecution or completion of any contract and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner.

- (5) Fraudulent departure from or disregard of plans or specifications in any material respect, without the consent of the owner or the owner's duly authorized representative, or the doing of any willful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured.
- (6) Willful and deliberate disregard and violation of the city building code.
- (7) Failure to fulfill contractual obligations through inability to pay all creditors for materials furnished, or work or services performed under the contract.
- (8) Fraud or deceit in obtaining a building permit in which the contractor lends their name and license to another and fails to assume the obligations and responsibilities of a contractor thereunder.
- (9) Failure to properly complete work such that more than three re-inspections of the same work are required to be completed by a building inspector.

(b) A revocation under this section shall be for a period not to exceed two years.

(Code 1997, § 26-158; Ord. No. 44-97-98, § 1, 7-21-1997)

HISTORY

Adopted by Ord. [3-23-24 RECODIFICATION](#) on 6/5/2023

Amended by Ord. [24-24-25 AS AMENDED](#) on 11/4/2024