



City of Green River
City Council Meeting
Agenda Documentation

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| Preparation Date: March 21, 2022 | Department: Development Services |
| Meeting Date: April 5, 2022 | Department Head: Mark Westenskow |
| | Presenter: Ken Yager |

Subject:

Consideration of second reading of an ordinance amending the City of Green River Ordinances Chapter 7, Articles II through IX, Buildings and Building Regulations.

Background/Alternatives:

The latest editions of the International Code Council's building codes have been released and adopted by the State of Wyoming. These codes include the 2021 International Building Code, 2021 International Existing Building Code, 2021 International Residential Code, 2021 International Plumbing Code, 2021 International Mechanical Code, 2021 International Property Maintenance Code, 2021 International Fuel Gas Code, 2021 International Fire Code, and the most recent National Electrical Code (2020). The new codes are proposed to be adopted with minor added amendments as described on the attachment. The purpose of updating the codes is optimal to reflect new technologies, materials, and methods, safety concerns thus promoting quality buildings that will last for years.

Attachments: Red-lined Ordinance

Fiscal Impact: Minimal for training and code books.

Staff Impact:

Staff will be educated on code changes in order to help educate the public and contractors.

Legal Review:

Ordinance changes have been sent to City Attorney for review.

Suggested Motion:

I move to approve on second reading the amendments to Chapter 7 of the City of Green River Code of Ordinances as they relate to the adoption of the 2021 International Code Council building codes.

ORDINANCE NO. 22-_____

AN ORDINANCE AMENDING ARTICLES II THROUGH VIII OF CHAPTER 7 OF THE GREEN RIVER CODE OF ORDINANCES, CITY OF GREEN RIVER, STATE OF WYOMING, ADOPTING AND AMENDING THE ORDINANCE TO UPDATE TO THE MOST RECENT EDITIONS OF THE VARIOUS CODES, AND ADOPTING THE 2021 EXISTING BUILDING CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GREEN RIVER, STATE OF WYOMING,

Section 1: That Chapter 7, Article II. Building Code, be and hereby is amended to read as follows:

Chapter 7 BUILDINGS AND BUILDING REGULATIONS¹

Chapter 7 BUILDINGS AND BUILDING REGULATIONS²

ARTICLE I. IN GENERAL

Secs. 7-1—7-15. Reserved.

¹Cross reference(s)—Fire prevention and protection, Ch. 12; flood prevention and protection, Ch. 13; planning, Ch. 21Cross reference(s)—; streets, sidewalks and other public places, Ch. 22Cross reference(s)—; utilities, Ch. 25Cross reference(s)—; zoning, App. B; subdivisions, App. C.

State law reference(s)—Housing, W.S. 1977, 15-11-101 et seq.

²Cross reference(s)—Fire prevention and protection, Ch. 12; flood prevention and protection, Ch. 13; planning, Ch. 21Cross reference(s)—; streets, sidewalks and other public places, Ch. 22Cross reference(s)—; utilities, Ch. 25Cross reference(s)—; zoning, App. B; subdivisions, App. C.

State law reference(s)—Housing, W.S. 1977, 15-11-101 et seq.

ARTICLE II. BUILDING CODE³

Sec. 7-16. ~~2018~~ 2021 International Building Code adopted; amendments.

- (a) The ~~2018~~ 2021 International Building Code, including appendices chapters B, ~~I and J~~ I and J are hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.
- (b) The following sections of the ~~2018~~ 2021 International Building Code are amended, deleted or added as follows:
- (1) Section 101.4 entitled "Referenced Codes" is deleted.
 - (2) Add Section 105.2.14 Detached membrane structures with floor area not exceeding two hundred fifty (250) square feet that meet the following conditions:
 - a. The structure complies with all current zoning requirements as indicated by an approval letter after zoning review.
 - b. No more than one membrane structure per residential lot will be allowed.
 - c. Membrane structures must be factory manufactured units.
 - d. Membrane structures used for vehicle parking or storage shall be placed on and secured to a minimum 3½-inch thick concrete slab, the method of attachment and thickness of concrete at attachment locations shall be as recommended by the manufacturer.
 - e. Membrane structures not used for vehicle parking or storage shall be anchored as recommended by the manufacturer.
 - (3) Section 903.2.8 entitled "Group R" is amended to read: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions: 1. Detached one- and two- family dwellings and multiple single-family dwellings (townhouses) that are constructed in accordance with the International Residential Code for One- and Two- Family Dwellings, and have a **main** floor area of less than 5,000 square feet.
 - (4) Add Section 1301.1.2 to Chapter 13 of the International Building Code to read as following:

1301.1.2. Commercial Buildings

A building energy analysis indicating compliance with the current adopted IECC shall be submitted with the proposed building plans at the time of application for review and comment. Exception: IBC Occupancies S-1, S-2, F-1, F-2, & U are exempt from the above requirement.
 - (5) Chapter 27 entitled "Electrical" is deleted.

³Editor's note(s)—Ord. No. 16-02 Editor's note(s)—, § 1, adopted Aug. 1, 2016, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 7-16Editor's note(s)——7-19, pertained to similar subject matter, and derived from Ord. No. 1024, § 1, 2-28-77; Ord. No. 85-23, § 1, 9-3-85; Ord. No. 94-4, § 1, 4-5-94; Ord. No. 94-11, § 1, 7-5-94; Ord. No. 97-3, § 1, 6-2-97; Ord. No. 00-05, § 1, 6-20-00; Ord. No. 03-07, § 1, 2, 10-7-03; Ord. No. 06-02, §§ 1, 2, 3-7-06; Ord. No. 07-04, §§ 1—3, 8-21-07; Ord. No. 12-09, § 1, 10-17-12.

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- (6) The opening paragraph of Appendix B Section 101.2.2 is amended to read "It is recommended that the board of appeals consist of five (5) individuals, one from each of the following professions or disciplines: the remaining subparagraphs numbered 1 through 5 shall remain the same.

(Ord. No. 16-02, § 1, 8-1-16; Ord. No. 18-02, 12-18-18)

State law reference(s)—Authority to adopt building code by reference, W.S. 1977, 15-1-120B.

Sec. 7-17. ~~2018~~ 2021 International Residential Code adopted; amendments.

- (a) The ~~2018~~ 2021 International Residential Code, including appendices chapters ~~A AA, B, AB, C AC, E AE, F AF, G AG~~ and ~~H AH~~, excepting those sections specifically deleted or amended herein, are hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One (1) copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.

- (b) The following sections of the ~~2018~~ 2021 International Residential Code are amended, deleted or added as follows:

- (1) Table R301.2(1) shall be completed with the following information:

Ground Snow Load = 20

Wind Speed = 115

Seismic Design Category = C

Weathering = Severe

Frost Line Depth = 42"

Termite = None to slight

Decay = None to slight

Winter Design Temp = -20 F

Ice Shield Underlayment Required = Yes

Flood Hazard = 2000 FIRM

Air Freezing Index = 2282

Mean Annual Temp = 42.7F

MANUAL J DESIGN CRITERIAⁿ

Elevation = 6132'

Latitude 41.5286° N

Winter heating = -6°

Summer cooling 88°

Indoor design temperature 70°

Altitude correction factor = 0.84

Design temperature cooling = 70°—75°

Heating temperature difference = 50° F

Cooling temperature difference = 18°F

Wind velocity heating = 15 mph

Wind velocity cooling = 7.5 mph

Coincident wet bulb = 62°

Daily range = H

Winter humidity = Low

Summer humidity 50%

~~(2) Section R302 Fire-Resistant Construction is amended as follows:~~

~~a. Section R302.13 entitled "Fire protection of floors" is deleted in its entirety.~~

(3) Section R313 Automatic Fire Sprinkler Systems is amended as follows:

a. Section 313.1 entitled "Townhouse automatic fire sprinkler systems" is deleted in its entirety.

b. The opening paragraph of Section R131.2 entitled "One- and two-family dwellings automatic fire systems" is amended to read "An automatic residential fire sprinkler system is not required in one- and two-family dwellings and townhouses that are constructed in accordance with the International Residential Code for One- and Two- Family Dwellings, and have a main floor area of less than 5,000 square feet.

(4) Section R403.1.1 entitled "Minimum Size is amended by adding exception #1 to read as follows:
Exception 1. Footings shall be at least 8" x 16" and be provided with a minimum of 3 - #4 bars in the footing for single unit residential housing footings per City of Green River Standards Specifications."

(5) Section R404.1.3 entitled "Minimum Size is amended by adding exception #1 to read as follows:
Exception 1. "Concrete Foundation walls for single unit residential housing shall be minimum 8" thick and reinforced with #4 bars 18" on center vertically and horizontally, unless designed by a registered design professional."

(6) Section R404.1.1 entitled "Design required" is amended by adding a third condition to read as follows:
"3. Foundation walls for single unit residential housing are to be built to City standards.

(7) Amending section N1102, Table N1102.1.2 Wood Frame Wall is amended to read as follows for climate 6:

TABLE INSET: Wood Frame Wall R-Value 21

(8) Section R1102.2 entitled "Specific insulation requirements" is amended by adding an exception to read as follows: Exception: When replace insulation in existing construction walls, may use same R-value cavity fill insulation as original construction.

(Ord. No. 16-02 , § 1, 8-1-16; Ord. No. 18-02, 12-18-18)

Sec. 7-18. Reserved.

Editor's note(s)—Ord. No. 07-04, § 3, adopted Aug. 21, 2007, repealed § 7-18Editor's note(s)—, which pertained to foundations and derived from Ord. No. 94-4, § 4, adopted Apr. 5, 1994; and Ord. No. 96-10, § 1, adopted Oct. 1, 1996.

Sec. 7-19. ~~Structures built at the city horse corrals exempt.~~

~~Structures built for the sole purpose of housing animals upon land located within the area designated as the City Horse Corrals are specifically exempted from the requirements set forth in this chapter.~~

(Ord. No. 16-02 , § 1, 8-1-16; Ord. No. 18-02, 12-18-18)

Sec. 7-20. ~~2018~~ 2021 International Existing Building Code adopted.

The ~~2018~~ 2021 International Existing Building Code is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examination and inspection.

(Ord. No. 16-02 , § 1, 8-1-16; Ord. No. 18-02, 12-18-18)

Secs. 7-21—7-30. Reserved.

ARTICLE III. INTERNATIONAL PLUMBING CODE⁴

Sec. 7-31. ~~2018~~ 2021 International Plumbing Code adopted; amendments.

- (a) All plumbing within the city shall be installed, repaired and maintained in accordance with the ~~2018~~ 2021 International Plumbing Code, including all appendices. The ~~2018~~ 2021 International Plumbing Code is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.
- (b) The following sections of the ~~2018~~ 2021 International Plumbing Code are hereby amended to read as follows:
 - (1) Section 305.4 entitled "Freezing" shall be amended to read as follows: Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than 72" inches below grade.
 - (2) Section 305.4.1. entitled "Sewer depth" shall be amended to read as follows: Building sewers shall be a minimum of 42 inches below grade unless adequate provision is made to protect such pipes from freezing by insulation or heat or both.

(Ord. No. 16-02 , § 2, 8-1-16; Ord. No. 18-02, 12-18-18)

⁴Editor's note(s)—Ord. No. 16-02 Editor's note(s)—, § 2, adopted Aug. 1, 2016, amended Art. III in its entirety to read as herein set out. Former Art. III, § 7-31 Editor's note(s)—, pertained to similar subject matter, and derived from Ord. No. 1024, § 10, 2-28-77; Ord. No. 85-23, § 8, 9-3-85; Ord. No. 94-4, § 2, 4-5-94; Ord. No. 00-05, § 3, 6-20-00; Ord. No. 03-07, § 3, 10-7-03; Ord. No. 07-04, § 4, 8-21-07; Ord. No. 12-09, § 2, 10-17-12.

Cross reference(s)—Sanitary sewer system, § 25-15 Cross reference(s)— et seq.

State law reference(s)—Authority to adopt plumbing code by reference, W.S. 1977, 15-1-120.

Secs. 7-32—7-45. Reserved.

ARTICLE IV. INTERNATIONAL MECHANICAL CODE⁵

Sec. 7-46. 2018 2021 International Mechanical Code adopted.

All heating systems, ventilating systems, cooling systems, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within the city shall be installed, repaired and maintained in accordance with the 2018 2021 International Mechanical Code, including all appendices. The 2018 2021 International Mechanical Code is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.

(Ord. No. 16-02 , § 3, 8-1-16; Ord. No. 18-02, 12-18-18)

Secs. 7-47—7-60. Reserved.

ARTICLE V. PROPERTY MAINTENANCE CODE⁶

Sec. 7-61. 2018 2021 International Property Maintenance Code adopted.

The 2018 2021 International Property Maintenance Code is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examination and inspection.

- (1) That section 302.4 of the 2018-2021 International Property Maintenance Code is amended to read, "Twelve (12) inches as the maximum weed height."
- (2) Delete 304.14 Insect screens.
- ~~(3) Delete 602.3 Heat supply.~~
- ~~(4) Delete 602.4 Occupiable work spaces.~~

(Ord. No. 16-02 , § 4, 8-1-16; Ord. No. 18-02, 12-18-18)

⁵Editor's note(s)—Ord. No. 16-02 Editor's note(s)—, § 3, adopted Aug. 1, 2016, amended Art. IV in its entirety to read as herein set out. Former Art. IV, § 7-46 Editor's note(s)—, pertained to similar subject matter, and derived from Ord. No. 00-05, § 4, 6-20-00; Ord. No. 03-07, § 4, 10-7-03; Ord. No. 07-04, § 5, 8-21-07; Ord. No. 12-09, § 3, 10-17-12.

⁶Editor's note(s)—Ord. No. 16-02 Editor's note(s)—, § 4, adopted Aug. 1, 2016, amended Art. V in its entirety to read as herein set out. Former Art. V, § 7-61 Editor's note(s)—, pertained to similar subject matter, and derived from Ord. No. 1024, § 2, 2-28-77; Ord. No. 94-4, § 3, 4-5-94; Ord. No. 00-05, § 5, 6-20-00; Ord. No. 03-07, § 5, 10-7-03; Ord. No. 07-04, § 6, 8-21-07; Ord. No. 12-09, § 4, 10-17-12.

Cross reference(s)—Nuisances generally, Ch. 17 Cross reference(s)—.

State law reference(s)—Authority to adopt codes by reference, W.S. 1977, 15-1-120.

Secs. 7-62—7-75. Reserved.

ARTICLE VI. NATIONAL ELECTRICAL CODE⁷

Sec. 7-76. National Electrical Code (NEC) adopted.

The National Electrical Code as promulgated by NFPA 70, the latest edition as adopted by the Wyoming State Fire Marshal's Office is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file at all times in the office of the city clerk or city building inspector for examination and inspection.

~~An electrical permit shall be obtained for all electrical installations. The general contractor may include the fee for the electrical permit in the general building permit, but the permit may not be issued until the electrical contractor has signed the permit accepting responsibility for the electrical installation.~~

The electrical contractor MUST hold a valid Wyoming electrical contractor's license, and all individuals working on the job must hold valid Wyoming electrical journeyman and/or apprentice licenses and meet all requirements of Wyoming State electrical licensing. The City of Green River requires inspections be done in order to issue the required certificate of occupancy before a building may be legally occupied.

If the electrical permit is obtained from State of Wyoming, as is required for cities not holding "home rule ", a copy of this permit must be presented and it must be a guaranteed inspection permit requiring service, before cover, and final inspections be done, and it shall be added to the project file before the general building permit may be issued.

Exception: A home owner may install electrical wiring on his primary residence. All other premises electrical wiring shall be installed by a Wyoming licensed electrical contractor.

(Ord. No. 16-02 , § 5, 8-1-16; Ord. No. 18-02, 12-18-18)

Secs. 7-77—7-90. Reserved.

ARTICLE VII. INTERNATIONAL FUEL GAS CODE⁸

⁷Editor's note(s)—Ord. No. 16-02 Editor's note(s)—, § 5, adopted Aug. 1, 2016, amended Art. VI in its entirety to read as herein set out. Former Art. VI, § 7-76Editor's note(s)—, pertained to similar subject matter, and derived from Ord. No. 03-07, § 6, 10-7-03; Ord. No. 07-04, § 7, 8-21-07; Ord. No. 08-05, § 1, 7-17-08; Ord. No. 12-09, § 5, 10-17-12.

⁸Editor's note(s)—Ord. No. 16-02 Editor's note(s)—, § 6, adopted Aug. 1, 2016, amended Art. VII in its entirety to read as herein set out. Former Art. VII, § 7-91Editor's note(s)—, pertained to similar subject matter, and derived from Ord. No. 03-07, § 7, 10-7-03; Ord. No. 07-04, § 8, 8-21-07; Ord. No. 12-09, § 6, 10-17-12.

Sec. 7-91. ~~2018~~ 2021 International Fuel Gas Code adopted.

The ~~2018~~ 2021 International Fuel Gas Code is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examination and inspection.

(Ord. No. 16-02 , § 6, 8-1-16; Ord. No. 18-02, 12-18-18)

Secs. 7-92—7-105. Reserved.

ARTICLE VIII. INTERNATIONAL FIRE CODE⁹

Sec. 7-106. ~~2018~~ 2021 International Fire Code adopted.

The ~~2018~~ 2021 International Fire Code, including appendix chapters A, B, C, D, E, F, and G, is hereby adopted by reference and incorporated herein as part of this section as fully as if completely set out herein. One copy of such code shall be kept on file in the office of the city clerk or city building inspector for examination and inspection.

(Ord. No. 16-02 , § 7, 8-1-16; Ord. No. 18-02, 12-18-18)

Secs. 7-107—7-119. Reserved.

Sec. 7-120. Penalty.

Anyone convicted of violating any section of this chapter shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), to which the court may add restitution for costs incurred by the city. Any person who commences any work before obtaining the necessary permit(s) may be subject to an investigation fee as determined by the community development director or senior building inspector and his/her designee. The investigation fee shall be one hundred dollars (\$100.00) or equal to twice the permit fee, whichever is greater.

(Ord. No. 16-02 , § 7, 8-1-16; Ord. No. 18-02, 12-18-18)

ARTICLE IX. LICENSING OF BUILDING CONTRACTORS

Sec. 7-121. License required; contractor defined; exceptions.

- (a) *License required.* No contractor shall perform any work as a contractor within the city without first having obtained a license as provided herein. No permits shall be issued for work to be done by a contractor who does not have a valid and existing license as required in this article.

⁹Editor's note(s)—Ord. No. 16-02 Editor's note(s)—, § 7, adopted Aug. 1, 2016, amended Art. VIII in its entirety to read as herein set out. Former Art. VIII, § 7-91 Editor's note(s)—, pertained to similar subject matter, and derived from Ord. No. 03-07, § 8, 10-7-03; Ord. No. 06-02, § 3, 3-7-06; Ord. No. 07-04, § 9, 8-21-07; Ord. No. 12-09, § 7, 10-17-12.

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- (b) *Contractor defined.* A contractor, within the meaning of this article, is a person, firm, partnership, company, corporation, agency, association, or other organization, or any combination thereof:
- (1) Who undertakes with or for another within the city to build, construct, alter, repair, add to, demolish, or move any building or structure or any portion thereof, for a fixed sum, price, fee, percentage, or other compensation or any combination thereof.
 - (2) Who builds, constructs, alters, adds to, moves or demolishes any building or structure either on his own or other property for the purpose of resale or rental except residence buildings and buildings or structures accessory thereto intended for his own personal use and occupancy. A person constructing his own home without the aid of a licensed contractor may secure a permit on only one residence in any one-year period and the construction of more than one residence by said person in any one-year period shall be presumed to have been for resale.
- (c) *Exception.* The following shall not be deemed to be contractors as the term is used in this article:
- (1) Owners making repairs, alterations, additions, or improvements to their residence or business, including building accessory thereto which do not involve the structural elements of the building. Owner is hereby defined as any person, firm, corporation, or agent having a legal or equitable interest in the property. For the purpose of this section, the term owner may extend to a tenant, lessee, employee(s) of the actual owner, in regards to repairs, alterations, additions, or improvements of said business or residence with written authorization of the actual owner to perform work for which a permit is issued.
 - (2) A homeowner who constructs his own residence or building accessory thereto which is intended for his own personal use; however, this will be permitted only once in a one-year period or such will come within the said definitions.

(Ord. No. 08-10, § 1, 11-3-08; Ord. No. 18-02, 12-18-18)

Sec. 7-122. License defined; authority; licensing board, examinations; issuance of licenses, etc.

- (a) *Definition.* A license is issued to the owner of a sole proprietorship or to an individual with the proper credentials for a partnership, corporation, association, or other business entity to perform work according to the definition in subsection 7-121(b).
- (b) *Authority.* The designated employees of the community development department shall review applications for licenses and accomplish the provisions and objectives of this article.
- (c) *Issuance of licenses.* The determination of eligibility for license or other matters pertaining thereto shall be by the community development department.
- (1) Applicant must completely fill out an application form obtained in the community development office.
 - (2) Applicant must show proof of liability insurance and must have minimum injury or death coverage greater than or equal to two hundred fifty thousand dollars (\$250,000.00).
 - (3) Applicant must have proof of a sign on a company vehicle complete with the name of the company and a working telephone number.
- (d) *[Disqualification of applicant.]* An applicant may be disqualified if:
- (1) The application is incomplete, inaccurate, or contains misleading or false information, or;
 - (2) The applicant has unreasonably failed to complete past construction projects resulting in outstanding unsatisfied monetary judgments against this applicant, or;

(3) The applicant has performed work without a license after receipt of notice from the city that a license is required.

(e) *[Register of licensed contractors; publication.]* The department shall maintain a register reflecting the name of each contractor licensed by the City of Green River and shall publish that list twice a year in a local newspaper of general circulation.

(Ord. No. 08-10, § 2, 11-3-08; Ord. No. 18-02, 12-18-18)

Sec. 7-123. License fees.

(a) *Annual fees required.* The initial license fees shall be one hundred dollars (\$100.00).

(b) *Prorating of fees.* Between February 1 and September 30 license fees shall not be prorated. Between October 1 and January 31 license fees shall be half of the stated rate.

(c) *License fee refund.* License fees are not refundable.

(Ord. No. 08-10, § 3, 11-3-08; Ord. No. 18-02, 12-18-18)

Sec. 7-124. License renewal.

(a) Licenses shall be renewed annually in February with a thirty-day grace period following the renewal date. Any work performed after expiration and prior to obtaining such license shall be a violation of this article. A renewal fee of fifty dollars (\$50.00) is applicable at the time of renewal.

(b) A licensee that fails to reapply for a license at the requested time shall surrender his license and the same shall be deemed to be null and void.

(Ord. No. 08-10, § 4, 11-3-08; Ord. No. 18-02, 12-18-18)

Sec. 7-125. Validity of license.

(a) A master of record shall be designated as the license holder for every business entity.

(b) A business entity which changes its name or master of record shall be considered to operate without a license until the change is reported to the city. Changes shall be reported by the business entity and/or the master of record to the city within thirty (30) days of any changes.

(c) A business entity which changes its form to create a new legal entity requires a designation of a master of record for the new entity. An example would include the incorporation of a sole proprietorship or the creation of a partnership or limited liability company. One of the owners of the new entity such as a stockholder or director of a corporation or a manager of a limited liability company may qualify as master of record. The license may be transferred to the extent that a new fee shall not be charged.

(Ord. No. 08-10, § 5, 11-3-08; Ord. No. 18-02, 12-18-18)

Sec. 7-126. Suspension of a contractor license.

(a) *[Reasons for suspension.]* A contractor's license may be suspended when one or more the following are committed by a licensed contractor in the City of Green River:

(1) More than one failure to obtain the proper permits prior to performing work, including building or excavation permits;

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- (2) Failure to faithfully construct, without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the community development department and permit issued for same, unless such changes are approved by the department;
 - (3) Failure to complete all work authorized on the permit issued under the authority of any city ordinance or any adopted building code unless good cause is proved;
 - (4) Failure to obtain inspection services when the same are required by any city ordinance or any adopted building code;
 - (5) Failure to pay any fee assessed under any city ordinance or any adopted building code;
 - (6) Failure to build in compliance with all applicable codes;
 - (7) Failure to contact "One-Call Wyoming" before doing any excavation;
 - (8) Failure to immediately notify the owner of an underground facility if it is contacted or damaged in the course of excavation;
 - (9) Failure to obtain a current license and insurance prior to contracting;
 - (10) Failure to maintain required insurance through the time period of the license;
 - (11) Failure to obtain a certificate of occupancy prior to occupancy by an owner of a building or structure;
 - (12) Knowingly combining or conspiring with a person, firm, or corporation by permitting one's license to be used by such person, firm or corporation;
 - (13) By acting as agent, partner, associate, or in any other capacity, with persons, firms or corporations to evade the provisions of this article;
 - (14) Knowingly violating any provisions of this article;
 - (15) Any person who shall violate the provisions of this article by doing business within the city as a contractor, as defined herein, without a license, or after a license has been suspended, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than two hundred fifty dollars (\$250.00). Each day the violation continues shall be considered a separate offense.

(b) *Notification of suspension; procedures for appeal.*

- (1) *Contact by building inspector.* Should a contractor be in danger of having their license suspended, the building inspector shall make personal contact with the licensee to discuss the issue. During this meeting, the licensee and the building inspector shall create a plan of action to mitigate the issues that could lead to the suspension of the license. The licensee shall have thirty (30) days to show that they are working in good faith to mitigate the issues. The building inspector shall monitor the progress of the licensee and submit a report to both the licensee and the community development director.
- (2) *Contact by the community development department.*
 - a. If the report states that the licensee is not working in good faith to mitigate the issues, the community development director shall send a certified letter, return receipt requested, to the licensee setting up a meeting between the director, the building inspector and the licensee and/or their representatives. The previous action plan will be discussed and the licensee will need to show why they were unsuccessful in carrying out that plan. A new action plan shall be worked out and signed by the director, the building inspector and the licensee. The licensee shall be placed on probationary status for thirty (30) days. During the probationary status, the licensee shall not be able to receive any permits for work at a new location. Permits required to continue

or complete work on a project may be granted at the discretion of the building inspector in coordination with the community development director.

- b. Under the terms of the action plan, the building inspector shall monitor the progress of the licensee. At the end of the thirty (30) days, the building inspector will make a report on the progress of the licensee and forward that report to both the licensee and the community development director. If the licensee is making good progress, the probationary status may be lifted. However, the probationary status can be continued for no more than thirty (30) days at the discretion of the community development director with the recommendation of the building inspector.
 - c. Should the report from the building inspector show that minimal or no progress is being made on the action plan, the community development director shall suspend the contractor's license and notify the licensee by certified mail, return receipt requested. Any permits that the licensee has requested shall be pulled and all work being done by the licensee shall be stopped by the building inspector. While a license is suspended, a contractor, or his employees shall not contract, perform warranty work, repairs or other operations commonly associated with the contracting business. The licensee is required to meet with the community development director and the building inspector and satisfy all the requirements of the action plan before the licensee can resume work as a contractor in the city.
- (3) *Exceptions.* A contractor's license may be suspended without warning for failure to maintain the required insurance or for the destruction or damage of city property through willful or negligent action. Should that happen, the licensee shall be notified by the community development department through a certified letter, return receipt requested, and through personal contact by the building inspector. Once a license has been suspended, all work by the contractor within the city will be halted through the methods listed in subsection 7-126(b)(2).
 - (4) *Appeals.* If a contractor believes that its license has been suspended without due cause, it can appeal to the city council. Council retains the right to overturn the suspension of a contractor's license.

(Ord. No. 08-10, § 6, 11-3-08; Ord. No. 18-02, 12-18-18)

Sec. 7-127. Licensee's responsibility.

- (a) *General.* All licensees shall be responsible for work requiring a permit under the provisions of this article, and without limitation, to these items as listed:
 - (1) To present his license when requested by the building inspector or his authorized representatives; a sign on a company vehicle complete with the name of the company and a working telephone number;
 - (2) To obtain a permit when the same is required;
 - (3) To faithfully construct, without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the community development department and permit issued for same, unless such changes are approved by the department;
 - (4) To complete all work authorized on the permit issued under the authority of the adopted building codes unless good cause is proved;
 - (5) To obtain inspection services when the same are required by the adopted city codes;
 - (6) To pay any fee assessed under authority of the adopted city codes;
 - (7) To build in compliance with the adopted construction codes;

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- (8) To contact "One Call Wyoming" before doing any excavation in compliance with Wyoming Statutes; and
 - (9) To immediately notify the owner of an underground facility if it is contacted or damaged in the course of excavation.
- (b) *Safety measures.* All federal and state laws and municipal ordinances dealing with measures for the safety of workmen and of the public shall be observed in addition to any requirements contained within this article.
- (c) *Duties and responsibilities of the contractor.* Any contractor licensed hereunder shall be responsible for all work included in his contract whether or not such work is done by him directly or by a subcontractor. He shall be responsible for funds or property received by him for prosecution or completion of a specific purpose. He shall also see that all applicable permits are obtained by subcontractors under this contract.
- (Ord. No. 08-10, § 7, 11-3-08; Ord. No. 18-02, 12-18-18)