

**AN ORDINANCE FOR ADOPTION OF CONTRACTOR LICENSING
IN CONJUNCTION WITH THE FAMILY OF INTERNATIONAL
BUILDING CODES FOR THE CITY OF DIAMONDHEAD**

WHEREAS, the statues of the State of Mississippi, Section 19-5-9 of the Mississippi Code of 1972, as amended, empowered the City to enact construction codes published by a nationally recognized code group which sets minimum standards and has the proper provisions to maintain up-to-date amendments with minimum standard guides for building, plumbing, electrical, gas, sanitary, and other related codes in Mississippi; and

WHEREAS, an ordinance of the City of Diamondhead adopting The Family of International Building Codes, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Diamondhead; providing for the issuance of permits and collection of fees therefore; and repealing all other ordinances and parts of the ordinances in conflict therewith; and

WHEREAS, the City Council does find it necessary and in the best interest of the City of Diamondhead and the public to establish contractor's licenses to protect the health, safety and general welfare of all persons dealing with those who are engaged in the vocation of contracting and to afford such persons an effective and practical protection against incompetent, inexperienced, unlawful and fraudulent acts of contractors.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Diamondhead, Mississippi, that the following licensing requirements are hereby established as follows:

Section 100. General Contractors

100.1 Definitions

As used in this division the following terms are defined and classified as follows:

100.1.1 "Board": The State Board of Contractors.

100.1.2 "Contractor": Any person contracting or undertaking as prime contractor, subcontractor or sub-subcontractor of any tier to do any erection, building, construction, reconstruction, repair, maintenance or related work on any public or private project, however "contractor" shall not include any owner of the property to be constructed, altered, repaired or improved and it is further provided that nothing herein shall apply to:

100.1.2(a) Any contract or undertaking by a prime contractor,

subcontractor, or sub-subcontractor of any tier involving erection, building, construction, reconstruction, repair, maintenance or related work where such contract, subcontract or undertaking is less than Fifty Thousand Dollars (\$50,000.00);

100.1.2(b) Any contract or undertaking on a private project by a prime contractor, subcontractor or sub-subcontractor of any tier involving erection, building, construction, reconstruction, repair, maintenance or related work where such contract, subcontract or undertaking is less than Fifty Thousand Dollars (\$50,000.00);

100.1.2(c) Highway construction, highway bridges, overpasses and any other project incidental to the construction of highways which are designated as federal aid projects and in which federal funds are involved;

100.1.2(d) A residential project to be occupied by fifty (50) or fewer families and not more than three (3) stories in height;

100.1.2(e) A residential subdivision where the contractor is developing either single-family or multi-family lots;

100.1.2(f) A new commercial construction project not exceeding seven thousand five hundred (7,500.00) square feet and not more than two (2) stories in height; or

100.1.2(g) Erection of a microwave tower built for the purpose of telecommunication transmission.

100.1.3 "Certificate of responsibility": A certificate number held by a contractor issued by the board under the provisions of this chapter after payment of the special privilege license tax therefore levied under this chapter.

100.1.4 "Person": Any person with corporation, partnership, association or other type of business entity.

100.1.5 "Private project": Any project for erection, building, construction, reconstruction, repair, maintenance, or related work which is not funded in whole or in part with public funds.

100.1.6 "Public agency": Any board, commission, council or agency of the State of Mississippi or any district, county or municipality thereof, including school, hospital, airport and all other types of governing agencies created by or operating under the laws of this state.

100.1.7 "Public fund": Monies of public agencies, whether obtained from taxation, donation or otherwise: or monies being expended by public agencies for purpose for which such public agencies exist.

100.1.8 "Public project": Any project for erection, building, construction, reconstruction, repair, maintenance or related work which is funded in whole or in part with public funds.

100.1.4 Certification and licensing.

100.1.4(a) All general contractors operating within the city shall be required to be certified and licensed by the state and or the City of Diamondhead and no building permits shall be issued to any such general contractor who does not have such certification or license. To obtain a certificate, an applicant shall submit an application in writing to the Chief Building Official containing the statement that the applicant desires the issuance of a certificate and the class of certificate desired on a form containing the information prescribed by the board and such application shall be accompanied by an application fee as set forth elsewhere in this section. Such license or certificate of competency shall be issued by the Chief Building Official to all general contractors who become qualified by Examinations approved by the Building Officials Association of Mississippi as required by State law. Any holder of a valid certificate of competency issued heretofore by the Chief Building Official of the city who does not renew said certificate within thirty (30) days after the end of the fiscal year during or for which such certificate was issued, shall be subject to a fifty (50) percent renewal penalty. A limited certificate of competency applicable for a single job may be issued by the Chief Building Official and shall automatically expire upon completion of the project for which such limited certificate of competency was issued. No such limited certificate of competency shall be issued unto the same party for new structures within the five (5) year period following the issuance of such initial certificate of competency. In such event, the Chief Building Official shall fully document their reasons for issuing such temporary permits and their action in so doing shall be subject to review and possible revocation by the City of Diamondhead Council.

100.1.4(b) A certificate of competency based upon the examination of an individual representing a partnership, firm or corporation shall be valid only during the time that such individual is a member or supervising employee of such partnership, firm or corporation. The building official may issue temporary licenses for periods not to exceed sixty (60) days in cases where he determines such action necessary to avoid undue hardships.

100.1.5 Examinations.

100.1.5(a) Application for certificate of competency. Those persons, firms or corporations who are not holders of a certificate issued by the City of Diamondhead shall apply for such certificate of competency. Such application shall be accompanied by evidence of good moral character and integrity, a statement of familiarity and knowledge of the appropriate building codes of the city and such other matters as the board may deem to be necessary and applicable.

100.1.5(b) Public liability insurance. The applicant shall furnish evidence that the applicant has in force a policy of public liability insurance for the protection of the public covering the applicant's proposed work in a sum of not less than one hundred thousand dollars

(\$100,000.00)/three hundred thousand dollars (\$300,000.00), together with completed product coverage.

100.1.5(c) Written examination. The city participates in a cooperative testing program in the state for standardized testing by the International Code Council, Inc. (ICC) and PSI. Before an applicant is granted a certificate of competency the city Chief Building Official must receive a report from the ICC or PSI that the applicant has received a passing score on the Mississippi Standard Contractor Examination. A passing score shall satisfy the written examination requirements for licensing.

100.1.5(d) Examination fees. Applicant shall pay all examination fees as required by ICC or PSI to sit for the standard examination.

100.1.6 Grandfather provisions.

All general contractors currently licensed by the City of Diamondhead and in good standing on the effective date of the ordinance from which this division was derived shall be exempt from the aforesaid written examination process.

100.1.7 Reciprocity.

The City of Diamondhead shall grant competency examination reciprocity to any contractor, including, but not limited to, any electrical, plumbing, heating and air conditioning, water and sewer, roofing or mechanical contractor, who is licensed by another municipality or county of this state without imposing any further competency examination requirements provided:

100.1.7(a) That the contractor furnishes evidence that a license issued on the basis of a competency examination administered in one (1) municipality or county of the State of Mississippi which has an examining board that regularly gives a written examination which has been approved by the State Board of Public Contractors or the Building Officials Association of Mississippi;

100.1.7(b) That they furnish evidence that they actually took and passed the written examination which qualified them for such license; however, in lieu thereof, they may furnish evidence that they were issued a license prior to May 1, 1972, and prior to the existence of a written examination by a county or municipality which has an examining board that requires written examination to qualify for a license;

100.1.7(c) That they have been actively engaged in the business for which they are licensed for two (2) years or more;

100.1.7(d) That they have held a license for his business for one (1) year or more; and

100.1.7(e) That they pay the license fee to the City of Diamondhead to which application is made for a license.

General contractors applying for certificate of competency shall be exempt from the written examination requirement if they satisfy either of the following conditions: (1) Furnish proof of passing the applicable Mississippi Standard Contractors Examination administered for a participating jurisdiction by ICC or PSI; or (2) Furnish a certified copy of a State of Mississippi Certificate of Responsibility. A general contractor who has such a license shall not be required to hold such a license for a minimum of one (1) year.

100.1.8 Application fees.

The application required for a contractor license (certificate of competency) shall be accompanied by a fee described in Appendix F.

The contractor license (certificate of competency) may be renewed from year to year upon payment of the license fees listed on Appendix E, without reexamination, provided that proof of insurance is provided.

100.1.9 Penalty.

100.1.9(a) Any person who shall violate any of the provisions of this division or who fails to comply therewith or who shall commence construction without such license or certificate of competency and the appropriate building permit shall be guilty of a misdemeanor punishable by a fine or not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days or both such fine and imprisonment. In the event of any such violation, any certificate, license or permit issued to such contractor shall be subject to revocation. Such revocation or suspension of license and certificate of competency shall be by action of the Chief Building Official and shall be subject to appeal as other similar actions are appealed to the City Council, and thereafter to the appropriate state courts as in the case of appeals of administrative decisions of other municipal boards and commissions. Prior to the revocation or suspension of any such license or certificate of competency or building permit, any contractor and/or subcontractor affected thereby (electrical, plumbing, or heating and air conditioning, etc.) shall first be given reason opportunity, not less than thirty (30) days, to appear before the City Council, to show just cause why such revocation or suspension should not be imposed.

100.1.9(b) The imposition of one (1) penalty for any violation shall not excuse the violation and shall not be justification for such violation to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days during which such prohibited conditions continue shall constitute a separate offense. Further, the application of the above penalty/penalties shall not be held to prevent the enforced removal of prohibited conditions by other appropriate legal remedies.

Section 100.16. Certificate and building permit revocation.

Section 100.16.1 It shall be the duty of the City Council, upon recommendation of the Chief Building Official, to revoke or cause to be revoked the certificate and building permits of any person or job for any of the following reasons:

Section 100.16.1(a) Willful misstatements in the certificate or building permit application;

Section 100.16.1(b) False statements in the application of a city license;

Section 100.16.1(c) Permitting the use of a certificate by any person other than the permittee;

Section 100.16.1(d) Persistent refusal or neglect to observe the provisions of the applicable codes; and

Section 101.16.1(e) Any other act intended to violate the provisions of the applicable codes.

Section 100.16.2 The revocation of a certificate shall not serve as a bar to any further remedy or action at law which might be invoked by the city.

Section 100.17 Records.

Section 100.17.1 The building official shall act as the administrative official and shall maintain accurate records in regard to certification and licensing under this article.

	Aye	Nay	Absent
Councilmember Ackerman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Holcomb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Knobloch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Rech	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Ingraham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED

Charter H. Jr.
MAYOR

ATTEST:

Sue W. Foster
CITY CLERK

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY OF
DIAMONDHEAD, MISSISSIPPI, ON THE 20th DAY OF August, 2012.

Sue W. Foster
CITY CLERK