

TOWN OF EAGLE, COLORADO
ORDINANCE NO. _____
(Series of 2023)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO REPEALING AND REENACTING CHAPTER 13.24 OF THE EAGLE MUNICIPAL CODE, REGARDING CONTRACTOR REGISTRATION, AND AMENDING SECTIONS 13.17.020 AND 13.17.040 OF THE EAGLE MUNICIPAL CODE, REGARDING SOLID FUEL BURNING DEVICES

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Chapter 13.24 of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

CHAPTER 13.24. – CONTRACTOR REGISTRATION

Section 13.24.010. – Registration required.

No person shall engage in the business of construction in the Town unless such person holds a valid registration with the Town. In extending the rights and privileges of such registration, the Town makes no statement of the technical competency of those registered, and no manner of license is proffered.

Section 13.24.020. – Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Building Official means the Town Chief Building Official and the Building Official's duly authorized deputies, inspectors, staff, and others reasonably involved in code administration and enforcement.

Electrical contractor means a person who performs electrical work as defined in rules adopted by Colorado Department of Regulatory Agencies.

General contractor means a person who performs or contracts work for hire within the Town for which a permit is required, including without limitation work that is required or useful for the construction, repair, alteration, removal, or demolition of a structure, sign, fence, street, or of an appurtenance that may connect to the Town's water or sewer service.

Homeowner contractor means a person who performs work on a site with an existing one- or two-family residential dwelling unit with a permanent Certificate of Occupancy, owned and occupied by said person as their principal place of residence, and not for sale or lease.

Mechanical contractor means a person who performs work on mechanical systems specifically addressed and regulated by the currently adopted

International Mechanical Code and composed of components, devices, appliances, and equipment or work as defined in rules adopted by Colorado Department of Regulatory Agencies.

Plumbing contractor means a person who performs work as defined in rules adopted by Colorado Department of Regulatory Agencies.

Section 13.24.030. – Application; issuance; expiration.

A. Applications for contractor registration shall be made to the Building Official, together with the registration fees as established by resolution of the Town Council; provided that a registration fee shall not be charged for electrical contractors, plumbing contractors, or mechanical contractors who are licensed in the State of Colorado, or for homeowner contractors.

B. If the Building Official determines that the contractor meets all requirements of this Chapter, the Building Official shall register the contractor.

C. All registrations issued under this Chapter shall expire one (1) year from the registration date.

Section 13.24.040. – Electrical contractor qualifications.

A. Before an electrical contractor's registration is issued, the applicant for registration shall satisfy the Building Official as to their integrity and financial responsibility. As a further condition of registration, the applicant shall satisfy the Building Official or authorized representative that either the owner of the firm, co-partnership, corporation or association, or combination thereof, is the holder of a valid master electrician's license from the State Electrical Board and that the license is in full force and effect, and all work to be performed by the contractor will be in charge of and under the supervision of the master electrician. The Building Official shall make such investigation as necessary and thereafter make a report and recommendations, in writing, to the Town.

B. All labor shall be performed either by a properly licensed master electrician, or by any duly qualified journeyman electrician, either or both of whom have previously satisfied the Building Official as to their qualifications and hold a license to that effect. Nothing contained herein shall be construed to prohibit the use of helpers on the job, provided such helpers are in subordinate positions at all times and never in responsible charge of any job or work, and under the supervision of master electricians.

C. Any master electrician or journeyman electrician desiring to work in the Town shall hold a master electrician's license or a journeyman electrician's license, issued by the State Electrical Board, and the license shall be kept in full force and effect. The revocation or cancellation of a license by the State Electrical Board shall be a cancellation and a revocation of the privilege to work in the Town as a master electrician or journeyman electrician.

Section 13.24.050. – Plumbing contractor qualifications.

A. Before a contractor's registration is issued, the applicant shall satisfy the Building Official as to their integrity and financial responsibility. The Building Official shall make such investigation as necessary and thereafter make a report and recommendation, in writing, to the Town.

B. All labor shall be performed either by a properly licensed master plumber or by a duly licensed and qualified journeyman plumber, either or both of whom have previously satisfied the Building Official as to their qualifications and hold a valid license from the State of Colorado to that effect.

Section 13.24.060. – Mechanical contractor qualifications.

A. Before a contractor's registration is issued, the applicant shall satisfy the Building Official as to their integrity and financial responsibility. The Building Official shall make such investigation as necessary and thereafter make a report and recommendation, in writing, to the Town.

B. All labor shall be performed by a properly certified or licensed mechanical contractor who has previously satisfied the Building Official as to their qualifications and holds a valid license to that effect.

C. A valid license shall be an International Code Council National Standard Master Mechanical Exam or equivalent or a valid, existing license issued by the State of Colorado. An equivalent exam shall be one of the following: Roaring Fork Valley BEST test/card, City and County of Denver Supervisor Certification, State license certification from another state, or other consideration as determined by the Building Official.

Section 13.24.070. – Homeowner contractors.

A homeowner contractor shall not be deemed a general contractor for the purposes of this Chapter, shall not be required to pay a registration fees and shall not be required to maintain the insurance set forth in this Chapter, but shall be required to register with the Town.

Section 13.24.080. – Insurance.

Each contractor other than a State-licensed electrical contractor, plumbing contractor, mechanical contractor, or a homeowner contractor shall file a liability insurance policy with the Town. At a minimum, the policy shall provide for property damage liability limits of three hundred thousand dollars (\$300,000) for each accident, and bodily injury liability limits of five hundred thousand dollars (\$500,000) for each person and one million dollars (\$1,000,000) for each accident.

Section 13.24.090. – Revocation.

A. A registration issued under this Code may be revoked by the Planning and Zoning Commission after a hearing and an opportunity to be heard. When a

registration is revoked, a new registration shall not be issued again to the same contractor for a period of thirty (30) days, or until the contractor complies with the reinstatement requirements set forth herein.

B. A registration may be revoked by the Planning and Zoning Commission for any of the following reasons:

1. Violation of this Chapter or any other applicable law;
2. Failure to promptly correct any and all work defects after having been duly notified by the Building Official;
3. Performance of work that is a hazard to life and property;
4. Failure to request and obtain a required inspection approval prior to the expiration of the permit;
5. Failure to obtain the required authorization from the Town before permitting the use or occupancy of a structure; or
6. Demonstration of negligence in the performance of work.

C. After the hearing, the Planning and Zoning Commission may take one of the following actions:

1. Revoke the registration;
2. Decline to revoke the registration;
3. Revoke the registration, but waive any or all reinstatement requirements set forth herein; or
4. Revoke the registration and require conditions for reinstatement in addition to those set forth herein, including without limitation prohibiting reinstatement for up to one hundred eighty (180) days.

Section 13.24.100. – Reinstatement.

A contractor whose registration has been revoked may reapply for registration provided the following are met:

1. All circumstances leading to the revocation have been corrected;
2. The contractor reapplys for registration;
3. The registration fee is paid; and
4. Any additional conditions set by the Planning and Zoning Commission are met.

Section 13.24.110. – Revoked contractor registering under different name.

A person, firm, or corporation whose contractor registration has been revoked in accordance with this Chapter shall not be eligible for a new registration under an altered business name or other related entity unless reinstated as set forth herein.

This includes the consideration of prima-facie evidence to circumvent the intent of contractor suspension.

Section 13.24.120. – Violation and penalty.

It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be punished as set forth in Section 13.05.010, and each day of violation shall be deemed a separate offense.

Section 2. Section 13.17.020 of the Eagle Municipal Code is amended by the addition of the following definition, to appear in alphabetical order:

Certified wood stove means an EPA certified appliance listed and approved through testing and standards.

Section 3. Section 13.17.040 of the Eagle Municipal Code hereby repealed in its entirety and reenacted follows:

Section 13.17.040. – Permitted devices.

Only gas appliances, gas log fireplaces, masonry heaters, certified wood stoves, pellet stoves, and pellet boiler systems shall be permitted to be installed or constructed within the Town limits for any use in any zone district.

Section 4. Section 13.17.070 of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

Section 13.17.070. – Building permits.

A building permit shall be required for the installation of any gas appliance, gas log fireplace, masonry heater, wood stove, pellet stove, or pellet boiler system. However, to encourage the conversion of solid fuel burning fireplaces and devices to gas log fireplaces and gas appliances, pellet stoves, and pellet boiler systems, all applicable building permit fees for such conversions shall be waived by the Town.

Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON
_____, 2023.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk