

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 5-9-16
Item No.: 10.b

Department Approval

City Manager Approval



Item Description: Community Development Department Requests Approval of Proposed Text Ordinance Amendments of the Roseville City Code, Sections 307.01, Licenses Required, 307.02, License Fee, 307.03, Commercial General Contractors, 307.04, Qualifications, 307.05, Revocation or Suspension, 307.06, Period of Suspension, 307.07, Revocation Upon Violations, 307.08, Failure to Pay Claim, 307.09, Liability Insurance

1 **BACKGROUND**

2 Roseville’s Code Enforcement Division seeks approval of text amendments to Roseville’s City
3 Code, Chapter 307, Construction Licenses. The text amendments are for updating text language,
4 updating references to contractor licensing requirements, liability and workers compensation
5 insurance requirements, section numbers, and eliminating duplicate and contradictory language.
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7 Currently, staff verifies all required documentation and issues this license type over the counter.
8 In reviewing City Code Section 301.02, this section states all licenses issued by the City are
9 required to have prior approval by Council before issuance. This license type is required by
10 contractors who perform only one construction service and are not required to obtain a State of
11 Minnesota Contractor’s License. These licenses are valid during the period of January 1 –
12 December 31 of each year.
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14 Due to the construction industry demand that these licenses be issued on a timely basis, staff is
15 requesting administrative authority to issue this license type without prior Council approval
16 which is consistent with the majority of neighboring cities. Staff would also like direction, if
17 administrative authority is granted, on whether Council would prefer this license type be
18 presented to Council for approval after license issuance.
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20 The City Attorney has reviewed the recommended ordinance amendments for legality.
21 Amendments to Chapter 307 can be found as, ‘Attachment A.’

22 **POLICY OBJECTIVE**

23 Staff periodically updates City Code and Zoning Ordinance language to eliminate duplicate and
24 contradictory language.

25 **FINANCIAL IMPACTS**

26 There are no financial impacts.
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30 **STAFF RECOMMENDATION**

31 Based on the comments provided in this report, staff recommends approval of the proposed text
32 ordinance amendments of the Roseville City Code, Sections 307.01, Licenses Required, 307.02,
33 License Fee, 307.03, Commercial General Contractors, 307.04, Qualifications, 307.05,
34 Revocation or Suspension, 307.06, Period of Suspension, 307.07, Revocation Upon Violations,
35 307.08, Failure to Pay Claim, 307.09, Liability Insurance; and authorize staff approval for
36 contactor license applications.

37

38 **REQUESTED COUNCIL ACTION**

39 Adopt an ordinance amending selected text of the Roseville City Code, Sections 307.01,
40 Licenses Required, 307.02, License Fee, 307.03, Commercial General Contractors, 307.04,
41 Qualifications, 307.05, Revocation or Suspension, 307.06, Period of Suspension, 307.07,
42 Revocation Upon Violations, 307.08, Failure to Pay Claim, 307.09, Liability Insurance; and
43 authorize staff approval for contract license approval.

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45 Prepared by: Dave Englund, Codes Coordinator

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47 Attachments: A: Ordinance Amendment

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B: Ordinance Summary

City of Roseville

ORDINANCE NO. _____

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AN ORDINANCE AMENDING SELECTED TEXT OF THE ROSEVILLE CITY CODE, SECTIONS 307.01, LICENSES REQUIRED, 307.02, LICENSE FEE, 307.03, COMMERCIAL GENERAL CONTRACTORS, 307.04, QUALIFICATIONS, 307.05, REVOCATION OR SUSPENSION, 307.06, PERIOD OF SUSPENSION, 307.07, REVOCATION UPON VIOLATIONS, 307.08, FAILURE TO PAY CLAIM, 307.09, LIABILITY INSURANCE

8 THE CITY OF ROSEVILLE ORDAINS:

9 SECTION 1. Purpose: The Roseville City Code is hereby amended to modify/clarify specific requirements within the Roseville City Code, Sections 307.01, Licenses Required, 307.02, Fee, 307.03, Commercial General Contractors, 307.04, Qualifications, 307.05, Revocation or Suspension, 307.06, Period of Suspension, 307.07, Revocation upon Violations, 307.08, Failure to Pay Claim, 307.09, Liability Insurance.

14 SECTION 2. Sections 307.01, 307.02, 307.03, 307.04, 307.05, 307.06, 307.07, 307.08, and 307.09 is hereby amended as follows:

16 CHAPTER 307 CONSTRUCTION LICENSES ~~AND BONDS~~

- 17 307.01: Licenses Required
- 18 307.02: ~~Fee~~ Commercial General Contractors
- 19 307.03: ~~Commercial General Contractors~~ Qualifications
- 20 307.04: ~~Qualifications~~ Requirements for Licensure
- 21 307.05: ~~Revocation or Suspension~~ License Fee
- 22 307.06: ~~Period of Suspension~~ Duration
- 23 307.07: ~~Revocation upon Violations~~ Issuance
- 24 307.08: ~~Failure to Pay Claim~~ Revocation or Suspension
- 25 ~~307.09:~~ Liability Insurance

26 307.01: LICENSES REQUIRED:

27 Licensing is required for all residential building and remodeling contractors who provide only one service and all commercial building and remodeling contractors who are not required to have a State license. (1995 Code) Common services requiring licensure include, but are not limited to:

- 30 A. Asphalt paving.
- 31 A. B. Cement work, cement block work, cement block laying or brick work.
- 32 B. C. General construction including erection, alteration or repair of building.
- 33 C. D. Demolition of buildings.
- 34 D. E. Plastering, outside stucco work or lathing and dry wall.
- 35 E. F. Heating.
- 36 F. G. Gas installation including heating, appliances, devices or machinery, etc.
- 37 G. H. Sign and billboard erecting.
- 38 H. I. Excavators (for basements, foundations, grading of lots, etc.) (Ord. 487, 4-11-66; amd. 1990 code).
- 39 I. J. Water and sewer excavating, installation and connection.
- 40

- 41 J. Tree removal and/or Tree trimming.
- 42 ~~K. Ventilation system cleaning. (Ord. 906, 5-10-82).~~

43
 44 Residential general contractors, roofing contractors and manufactured housing installers must be
 45 licensed by the Minnesota Department of ~~Commerce~~ Labor and Industry. (1995 Code)

46 **307.02: FEE COMMERCIAL GENERAL CONTRACTORS:**

47 ~~The fee for each license shall be paid annually. The required fee will be in an amount set by the Council.~~
 48 ~~(Ord. 801, 3-14-77; amd. 1995 Code)~~

49 ~~A. A license granted to a general contractor shall include the right to perform all of the work included~~
 50 ~~in his/her general contract. Such license shall include any or all of the persons performing the work~~
 51 ~~which is classified and listed in Section 307.01, providing that each person performing such work is~~
 52 ~~in the regular employ of such general contractor and qualified under State law and the provisions of~~
 53 ~~this Code to perform such work. In these cases, the general contractor shall be responsible for all of~~
 54 ~~the work so performed.~~

55 ~~B. Subcontractors on any work shall be required to comply with the Sections of this Code pertaining to~~
 56 ~~license, bond, qualifications, etc. for their particular type of work. (Ord. 190, 7-20-54; amd. 1995~~
 57 ~~Code)~~

58 **307.03: COMMERCIAL GENERAL CONTRACTORS QUALIFICATIONS:**

59 ~~A. A license granted to a general contractor shall include the right to perform all of the work included~~
 60 ~~in his/her general contract. Such license shall include any or all of the persons performing the work~~
 61 ~~which is classified and listed in Section 307.01, providing that each person performing such work is~~
 62 ~~in the regular employ of such general contractor and qualified under State law and the provisions of~~
 63 ~~this Code to perform such work. In these cases, the general contractor shall be responsible for all of~~
 64 ~~the work so performed.~~

65 ~~B. Subcontractors on any work shall be required to comply with the Sections of this Code pertaining to~~
 66 ~~license, bond, qualifications, etc. for their particular type of work. (Ord. 190, 7-20-54; amd. 1995~~
 67 ~~Code)~~

68 Each applicant for a license shall satisfy the ~~Chief Code Enforcement Officer~~ Codes Coordinator that
 69 he/she is competent by reason of education, special training and experience, and that he/she is equipped
 70 to perform the work for which a license is requested. (Ord. 190, 7-20-54; amd. 1995 Code)

71 **307.04: QUALIFICATIONS REQUIREMENTS FOR LICENSURE:**

72 ~~Each applicant for a license shall satisfy the Chief Code Enforcement Officer that he/she is competent~~
 73 ~~by reason of education, special training and experience, and that he/she is equipped to perform the work~~
 74 ~~for which a license is requested. (Ord. 190, 7-20-54; amd. 1995 Code)~~

75 ~~A. Application: A completed and signed application shall be submitted to the Community~~
 76 ~~Development Department on forms furnished by the City of Roseville.~~

77 ~~B. License Fee: Payment of the license fee as established in the City Fee Schedule prior to issuance of~~
 78 ~~such license.~~

79 ~~C. Liability Insurance: Before a contractor license shall be issued, the applicant shall provide a~~
 80 ~~certificate of liability insurance.~~

81 ~~a. Any person holding a license under Section 307.01 shall file with the Community~~
 82 ~~Development Department policies of public liability and property damage which shall remain~~
 83 ~~and be in force and effect during the entire term of said license and which shall contain a~~
 84 ~~provision that they shall not be cancelled without ten days written notice to the City.~~

85 **b.** Public liability insurance shall not be less than \$500,000.00 for injuries including accidental
86 death to any one person, and subject to the same limit for each person in an amount of not
87 less than \$500,000.00 on account of any one accident and property damage insurance in the
88 amount of not less than \$500,000.00 for each accident and not less than \$1,500,000.00
89 aggregate. No work shall be done under license until said insurance policies shall have been
90 filed and approved by the Codes Coordinator.

91 D. Workers' Compensation Insurance: Before a contractor license shall be issued, the applicant shall
92 file with the City a certificate indicating statutory workers' compensation coverage or evidence of
93 self-insured status approved by the State of Minnesota. (Ord. 1098, 8-12-1991)

94 **307.05: REVOCATION OR SUSPENSION LICENSE FEE:**

95 ~~The Council may suspend or revoke the license of any person licensed under this Code who violates any~~
96 ~~of its provisions or whose work is found to be improper, defective or so unsafe as to jeopardize life or~~
97 ~~property. The person holding such license shall be given 20 days notice and granted the opportunity to~~
98 ~~be heard before such action is taken. If and when such notice is sent to the legal address of the licensee~~
99 ~~and he/she fails or refuses to appear at the hearing, his/her license will be automatically suspended or~~
100 ~~revoked five days after date of hearing. (Ord. 190, 7-20-54)~~

101 The fees shall be as established by the City Fee Schedule in Section 314.05.

102 **307.06: PERIOD OF SUSPENSION DURATION:**

103 ~~When a license is suspended, the period of suspension shall be not less than thirty days or more than one~~
104 ~~year, such period being determined by the Council. (Ord. 190, 7-20-54)~~

105 All Contractor Licenses issued under this Chapter are effective upon issuance and expire on December
106 31 of the year of issuance.

107 **307.07: REVOCATION UPON VIOLATIONS ISSUANCE:**

108 ~~When any person holding a license has been convicted for a second time by a court of competent~~
109 ~~jurisdiction for violation of any of the provisions of this Code, the Council shall revoke the license of the~~
110 ~~person so convicted. Such person may not make application for a new license for a period of one year.~~
111 ~~(Ord. 190, 7-20-54)~~

112 Notwithstanding Section 301.02 of City Code, the Codes Coordinator or his/her designee may issue a
113 license under this Chapter upon satisfaction of all requirements contained herein.

114 **307.08: FAILURE TO PAY CLAIM REVOCATION OR SUSPENSION:**

115 ~~The failure to pay within 60 days, any legitimate claim the City may have against a contractor shall~~
116 ~~constitute a cause for revocation of license. (Ord. 233, 7-23-57)~~

117 The City Council may suspend or revoke any license for violation of this Code or any State or Federal
118 statute or regulation after following applicable statutory provisions and where none, after reasonable
119 notice and a due process hearing. (1995 Code). The Council may also suspend or revoke the license of
120 any person licensed under this Code who violates any of its provisions or whose work is found to be
121 improper, defective or so unsafe as to jeopardize life or property.

122 **307.09: LIABILITY INSURANCE:**

123 ~~A. Any person holding a license under Section 307.01 shall file with the Manager policies of public~~
124 ~~liability and property damage which shall remain and be in force and effect during the entire term of~~
125 ~~said license and which shall contain a provision that they shall not be cancelled without ten days~~

126 ~~written notice to the City.~~
127 ~~B. Public liability insurance shall not be less than \$100,000.00 for injuries including accidental death~~
128 ~~to any one person, and subject to the same limit for each person in an amount of not less than~~
129 ~~\$300,000.00 on account of any one accident and property damage insurance in the amount of not~~
130 ~~less than \$100,000.00 for each accident and not less than \$100,000.00 aggregate. No work shall be~~
131 ~~done under license until said insurance policies shall have been filed and approved by the City~~
132 ~~Manager. (Ord. 897, 1-25-82)~~

133 **SECTION 3. Effective Date.** This ordinance amendment to the Roseville City Code shall take
134 effect upon passage and publication.

135 Passed this 9th day of May 2016.

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BY:

Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

City of Roseville

ORDINANCE SUMMARY NO. ____

AN ORDINANCE AMENDING SELECTED TEXT OF THE ROSEVILLE CITY CODE, SECTIONS 307.01, LICENSES REQUIRED, 307.02, LICENSE FEE, 307.03, COMMERCIAL GENERAL CONTRACTORS, 307.04, QUALIFICATIONS, 307.05, REVOCATION OR SUSPENSION, 307.06, PERIOD OF SUSPENSION, 307.07, REVOCATION UPON VIOLATIONS, 307.08, FAILURE TO PAY CLAIM, 307.09, LIABILITY INSURANCE

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on May 9, 2016:

The Roseville City Code is hereby amended to modify/clarify specific requirements within the Roseville City Code, Sections 307.01, Licenses Required, 307.02, Fee, 307.03, Commercial General Contractors, 307.04, Qualifications, 307.05, Revocation Or Suspension, 307.06, Period Of Suspension, 307.07, Revocation Upon Violations, 307.08, Failure To Pay Claim, 307.09, Liability Insurance.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

BY:

Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager