

Section 440 - Building Trades

440.01. Building contractors. Subdivision 1. Definition. Building contractor is a person, sole proprietor, partnership, joint venture, corporation, or other organization which is in the business of building, erecting, constructing, remodeling, adding to, improving, repairing, or demolishing real estate or of contracting or offering to contract with an owner to build, erect, construct, remodel, add to, improve, repair, or demolish real estate. Building contractor does not include trades such as masonry, carpentry, excavation, paving, gypsum board installation, stucco work, or other related skills when working as a subcontractor under a building contractor. For building movers, see section 425.

Subd. 2. License required. Except as otherwise provided in this section, every building contractor shall apply for and obtain a license from the city building official for the performance of any work or improvement for which a city building permit is required and shall pay the required fee established by resolution of the City Council. Licenses may be issued for a calendar year which shall expire on December 31st of each year or a contractor may choose to be licensed for an individual permit, which license will be applicable to that specific permit only. No building permits may be issued to a building contractor who is not a licensed building contractor.

Exception: Contractors required to be licensed by the State of Minnesota as a residential building contractor, residential re-modeler, or a residential roofer and engaging in work for which they are licensed are exempt from obtaining a city license. A state-licensed contractor must provide a copy of the state license to the City to obtain a building permit.

Subd. 3. Contractor's liability. The license shall permit or allow the holder thereof to furnish and perform any part or all of the work, labor and materials required in the building contract, including the work and requirements set forth in any subcontracts. The building contractor shall be and remain responsible for all of the work required and performed.

Subd. 4. License application. A license may be issued to a building contractor by the building official upon written application on forms provided by the city. The application shall be accompanied by proof of the following.

- (a) Worker's Compensation insurance owned and maintained by licensee
- (b) Proof by proper certificate or insurance contract that such contractor maintains public liability insurance in the amount of not less than \$100,000.00 per person and \$300,000.00 per accident for bodily injury and \$5,000.00 for any property damage liability.

Subd. 5. Owner rights and responsibility. An owner of any building is not required to obtain a contractor's license under this section in order to personally perform any general construction work not involving plumbing, mechanical, gas fitting, electrical, or fire suppression systems, when such work is in connection with the owner's building or appurtenance, including the right of the owner to engage the services of any aids or helpers. The work must be in compliance with all relevant codes and the required permits must be obtained. The owner is responsible and liable for any losses or liabilities that may arise or be caused by such construction or by the violation of any requirements under applicable statutes and provisions of this code. (Amended Ord. 2001-856)

Subd. 6. Building Permit Surcharge. A surcharge shall be placed on each building permit issued to a licensed contractor to cover the cost of license verification. The amount of the surcharge shall be established by resolution of the City Council. (Added Ord. #91-702)

440.03 Mechanical Contractors. Subdivision 1. License required. No person, firm or corporation shall engage in any work related to the mechanical systems of a building when regulated by the Minnesota State Mechanical Code unless they are licensed by the city as a mechanical contractor and have paid a license fee as established by resolution of the city council. Licenses may be issued for a calendar year which shall expire on December 31st of each year or a contractor may choose to be licensed for an individual permit, which license shall be applicable to that specific permit only.

No mechanical permits may be issued to a mechanical contractor who is not a licensed mechanical contractor.

Exception: A license is not required for a person conducting mechanical work in existing single family residential dwellings when they are the owner and occupant of such existing single family residential dwelling or when holding a valid state license and engaged in work governed by that license.

Subd. 2. Contractors liability. The license shall permit or allow the holder of the license to furnish and perform any part or all of the work, labor and materials regulated by the Minnesota State Mechanical Code. The mechanical contractor shall be and remain responsible for all mechanical work required and performed.

Subd. 3. License application. A license may be issued to a mechanical contractor by the building official upon written application on forms provided by the city. The application shall be accompanied by proof of the following:

- a) Workers compensation insurance owned and maintained by the licensee.
- b) Proof by proper certificate or insurance contract that such contractor maintains public liability insurance in the amount of not less than \$100,000.00 per person and \$300,000.00 per accident for bodily injury and \$5,000.00 for any property damage liability.
- c) A statement of the experience and ability in mechanical work including such references as the city may from time to time require. Evidence of qualifications may include a similar license issued by a city, county, or agency of the State of Minnesota.

Subd. 4. License approval. The license application shall be reviewed by the Building Official for conformance with the provisions of this section. If in the opinion of the Building Official the applicant has insufficient or inadequate experience sufficient to safeguard the public when engaging in mechanical installations, the license application shall be denied.

440.05. Plumbers. Subdivision 1. License required. Any person, firm, or corporation engaging in the installation of plumbing as defined in the State Building Code or installing plumbing in connection with the dealing in and selling of plumbing material and supplies must be licensed by the State Commissioner of Health as a master plumber. Anyone desiring to engage in plumbing in the City must provide a copy of the state license and bond as a condition of obtaining a plumbing permit. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standards of the State Commissioner of Health on premises or that part of premises owned and actually occupied by that person as a residence.

440.07 Appeal. Any person aggrieved by the action of the Building Official in the denial of a license as provided in Section 440 may appeal to the City Council. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for hearing on such appeal, and notice of such hearing shall be given to the appellant in the manner as provided in Section 440.07, Subdivision 2 of this ordinance. No individual may conduct any business regulated hereunder while an appeal is pending.

Subd. 2. Notice of the hearing shall be given by the Building Official in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the individual or business seeking a permit or license at least five (5) days prior to the date set for hearing, or shall be delivered in person at least three (3) days prior to the date set for hearing.

(Section 440 was amended by Ordinance No. 2001-856)