

There came on for consideration the matter of consideration for adoption of the Ordinance concerning the Contractor's License Issuance and Requirements, and after a discussion of same, Alderman Pierce moved the adoption of the following Resolution:

**ORDINANCE NO.** 461

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF CONTRACTOR'S LICENSES AND TO ESTABLISH LICENSING REQUIREMENTS FOR ALL GENERAL, PLUMBING (GAS), MECHANICAL (HEATING AND AIR CONDITIONING), AND ELECTRICAL CONTRACTORS WHO CONDUCT BUSINESS IN THE CITY OF LONG BEACH, MISSISSIPPI**

**CONTRACTORS LICENSING  
GENERAL, PLUMBING (GAS), ELECTRICAL AND  
MECHANICAL (HEATING & AIR CONDITIONING)**

**Section 1. APPLICABILITY**

The provisions of this ordinance shall apply to all general and sub-contractors, plumbing (gas), mechanical (heating and air conditioning) and electrical contractors.

**Section 2. PRIVILEGE LICENSE**

Prior to issuance of any contractor's license, or issuance of any permit to build, construct, renovate, reconstruct, repair or otherwise act as contractor or subcontractor with respect to any residence or building of any type, nature or construction within the City of Long Beach, all applicants shall be required to provide copy of a valid privilege license issued by the municipality in which their principal place of business is operated, in accordance with Miss Code Ann. Section 27-17-1, *et seq.*

**Section 3. LICENSE REQUIRED**

(A) All contractors operating within the City are required to be licensed by the City of Long Beach Building Department, or such other jurisdiction as may herein be allowed by law or ordinance. No permits shall be issued to any contractor who does not have, meet and maintain such license and conditions of license.

(B) To obtain a license, an applicant shall submit an application in writing on the form as prescribed by to the Building Department, along with such other materials as are required hereunder. The Building Department shall issue a license to any contractor who meets the requirements set forth in this ordinance.

(C). An annual fee of fifty dollars (\$50.00) shall be paid for all licenses issued to contractors, paid initially at the time application is made for license. All licenses issued by

the Building Department shall expire one year from date of issuance.

(D). Any contractor who holds an valid license from the City of Long Beach and who otherwise continues to meet applicable requirements of the City for such license shall be entitled to have such license renewed annually upon making written application upon the form prescribed by the Building Department for such renewal and paying an annual renewal fee of Fifty dollars (\$50.00), prior to the expiration of said license. A late fee of Twenty Five dollars (\$25.00) shall also be added to the license fee if any license is sought to be renewed after the expiration date for such renewal year. Upon the second anniversary of the expiration of any contractor's license without renewal, the license shall become void and the applicant will be required to apply for a new license.

#### **Section 4. LIABILITY INSURANCE**

Any license applicant shall submit, along with his application for license, a Certificate of Insurance naming the City of Long Beach as Certificate Holder, which evidences in force a policy of public liability insurance for the protection of the public in reference to the applicant's proposed work, in a sum not less than ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) per person /THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) per occurrence, together with completed products coverage. Upon request, all contractors performing work in the City shall provide proof of continuing coverage of such insurance before issuance of any permits. Failure to provide such proof of continuing coverage shall be grounds for revocation of any or all outstanding permits issued to such contractor, in addition to any other remedy or provision hereof.

#### **Section 5. TESTING; EXEMPTIONS**

(A). Except as provided herein, any contractor making application for a license with the City of Long Beach, who has not been given a written examination by another municipality or governmental entity as provided below, or does not have proper documentation of such examination as herein required, or is not otherwise exempt by law or ordinance, shall first make application for and successfully complete the appropriate written examination for the license sought with the Southern Building Code Congress International, Inc. as provided in City of Long Beach Ordinance 459.

(B). After successfully passing the exam, applicant must submit the appropriate contractor license application along with proper documentation indicating passage of the appropriate examination on a specific date (month, day, year), together with such other materials as required for license applicants hereunder.

(C). In addition to compliance with all other requirements as stated herein before a contractors license will be issued, testing applicants must provide three (3) work related letters of reference that document at least two (2) experience working with a licensed contractor in the trade for which he is applying for a license.

(D). All contractors seeking exemption from the written examination requirement and letters of reference requirement of the City must provide one of the following:

I. A valid Mississippi State Board of Contractors License, in which case the applicant shall be exempt from the testing requirement and such other requirements as are so provided by law; or

ii. a certified letter from a Mississippi municipality indicating current possession of such a license by the Applicant from such municipality, and confirming that the applicant actually took and passed the appropriate and applicable written examination for the requested license. Such letter must include or identify the specific date (month, day, year) such examination was taken. In addition, before a contractor license will be issued to such applicant under this provision, the applicant shall further provide proof that he has been actively engaged in such business as a contractor for a period in excess of two (2) years from the date of the application, and that he has held such license in excess of one year from the date of the application, all as provided in Miss. Code Ann. Section 27-17-457.

#### **Section 6. RECIPROCITY**

A contractor from another state who holds that State Board of Contractor's License must comply with the terms of the Mississippi State Board of Contractors regulations and obtain a license from this State in accordance with law, or otherwise comply with the provisions hereof.

#### **Section 7. PRIVATE OWNERS**

Nothing contained in this ordinance shall be construed as prohibiting an owner from doing work on his own personal place of residence; provided however, all such work must be done in conformity with all other provisions of the Code, including those relating to permits and inspection fees.

No sub-contractor permits will be issued to any owner of property for construction activities on property which does not constitute the "residence" of such owner according to Mississippi State Board of Contractor regulations.

#### **Section 8. PENALTY; REMEDIATION**

In lieu of the penalties contained in Standard Building Code Section 108, the following penalties shall apply to violations of the provisions of this ordinance:

(A). Any person who shall violate any of the provisions of this ordinance or who fails to comply therewith, or who shall commence construction without first obtaining such license as required for such activity and the appropriate permit(s) therefor shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days or, both.

(B). In addition to such penalties, in the event of any such violation, any license or permit issued to such contractor shall be subject to revocation. Such revocation or suspension of license or permit shall be by action of the Building Department and shall be subject to appeal as other actions are appealed to the Planning Commission for the City of Long Beach, and thereafter to the Mayor and Board of Aldermen, and thereafter to the appropriate state courts as in the case of appeals of administrative decisions of other municipal boards and commissions.

(C). Upon the revocation or suspension of any license or permit by the Building Department, any contractor and/or subcontractor shall have ten (10) days, to submit an appeal in writing to the Minutes Clerk for the Planning Commission of the City of Long Beach to show just cause why such revocation or suspension should not be imposed.

(D). These penalties are in addition to any State penalties which may also be imposed for any violations of this ordinance.

(E). The imposition of any penalty or penalties for any violation shall not excuse such 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, not to exceed ten (10) days. When not otherwise specified, each ten (10) day period 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 9. SEVERABILITY AND CONSTRUCTION**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed and this ordinance insofar, but only insofar, as same are in conflict herewith.

If any provision hereof is held or determined to be invalid, either in whole or in part, and shall not be affected thereby. If the application of any term or provision hereof as applied to a particular person or circumstance be determined invalid, the application of such term or provision to other persons shall not be affected.

Where possible, it is the intent that this ordinance be interpreted to be consistent or in addition to other applicable law, and not in conflict therewith.

#### **SECTION 10. EFFECTIVE DATE**

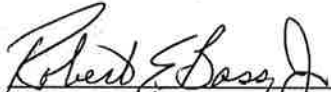
This ordinance shall be published for a period of thirty days as required and provided by law, and shall thereafter become effective on and after June 1, 1998.

The above and foregoing Ordinance No. 461 was introduced in writing by Alderman Pierce, who moved its adoption. Alderman Levens seconded the motion to adopt said Ordinance; and after discussion, no member of the Board having requested that the Ordinance be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Louis Elias voted	<u>Aye</u>
Alderman Tim Pierce voted	<u>Aye</u>
Alderman Jimmy Levens voted	<u>Aye</u>
Alderman Mike Bohlke voted	<u>Aye</u>
Alderman Joseph McNary voted	<u>Aye</u>
Alderman Billy Skellie voted	<u>Aye</u>
Alderman Richard Bennett voted	<u>Aye</u>

The motion having received the affirmative vote of the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance No. 461 adopted this the 7th day of April, 1998.

**APPROVED:**

  
 \_\_\_\_\_  
 ROBERT E. BASS, JR., Mayor

**ATTEST:**

  
 \_\_\_\_\_  
 REBECCA E. SCHRUFF, City Clerk

C E R T I F I C A T E

**STATE OF MISSISSIPPI  
 COUNTY OF HARRISON  
 CITY OF LONG BEACH**

I, the undersigned, Rebecca E. Schuff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance Number 461 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on Tuesday, April 7, 1998, as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 21st day of April, 1998.

(SEAL)

  
 \_\_\_\_\_  
 Rebecca E. Schuff, City Clerk