

**ORDINANCE NUMBER 2010-17**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF LAMBERTVILLE, 1990, CHAPTER V: GENERAL LICENSE**

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the Revised General Ordinances of the City of Lambertville, 1990, Chapter V: General License be amended as follows:

SECTION 1: Section 5-7 Contractor Registration is hereby established as follows:

**5-7 Contractor Registration**

SECTION 2: Section 5-7.1 Purpose; applicability is hereby established as follows:

**5-7.1 Purpose; applicability**

- a. The purpose of this ordinance is to adopt a procedure for the registration of all construction contractors who are not required to register with the State of New Jersey to perform certain work within the City of Lambertville. ~~This ordinance shall be superceded upon adoption of the State of New Jersey's Contractors' Registration Act. Upon adoption of the State statute this Ordinance shall apply to those contractors exempt from the Contractors' Registration Act.~~ **performing services on all non residential sites.**
- b. This ordinance shall apply to all persons, partnerships, corporations or other entities not otherwise licensed by the State of New Jersey who undertake to provide services within the City of Lambertville for a fee.
- c. Registration pursuant to this ordinance does not relieve the contractor of the requirement to obtain a construction permit or of any liability resulting from contractor's performance of service.

SECTION 3: Section 5-7.2 Definitions is hereby established as follows:

**5-7.2 Definitions**

- a. For this ordinance the word "services" shall mean to erect any new structure, add or remove rooms, dormers or other structures or to improve, modernize or modify an existing room or rooms or structures, including all plumbing, electrical, HVAC (mechanical) and fire additions and/or alternation, or to install, resurface or improve driveways or sidewalks or any improvement whatsoever upon any structure in the City of Lambertville where persons reside, will reside or conduct any type of business upon completion of the work.

SECTION 4: Section 5-7.3 Application for registration is hereby established as follows:

### **5-7.3 Application for registration.**

Any person, partnership, corporation or other entity to whom this article applies shall, prior to commencing any work or service as herein described in the City of Lambertville, make application to the City ~~Clerks~~ **Construction** Office for registration as a contractor in the City of Lambertville. The failure to make application for such registration prior to commencement of work or services shall constitute a violation of this Ordinance. The form of application is attached and made a part of this Ordinance.

SECTION 5: Section 5-7.4 Term of registration; fee is hereby established as follows:

### **5-7.4 Term of registration; fee.**

- a. All registration numbers issued pursuant to this Ordinance shall expire one year from the date of issuance. Such registration may be renewed annually upon payment of the required fee and submission to the City ~~Clerk~~ **Construction** Office of a current certificate of insurance.
- b. The initial fee to register as a contractor in the City of Lambertville shall be ~~\$100.00~~ 200.00. The fee for renewal registrations shall be ~~\$50.00~~ 100.00.

SECTION 6: Section 5-7.5 Insurance Requirements is hereby established as follows:

### **5-7.5 Insurance Requirements.**

Each applicant shall be required to submit a certificate of insurance to the City ~~Clerks~~ **Construction** Office evidencing a current policy for workers compensation insurance and public liability insurance with a minimum liability of \$100,000/\$300,000.

SECTION 7: Section 5-7.6 Grounds for denial of initial registration or revocation or denial of existing registration is hereby established as follows:

### **5-7.6 Grounds for denial of initial registration or revocation or denial of existing registration.**

- a. Failure to maintain and keep current an adequate workers compensation insurance policy **or certification of no employees requiring workers compensation insurance.**
- b. Failure to maintain and keep current a public liability insurance policy;
- c. Failure to comply with the construction standards required by State law or regulations or local ordinances or codes after having been given notice of such noncompliance and failing to alleviate non compliance without just cause;
- d. Any of the following:

1. Failure to comply with the lawful instructions of the Construction Code Official regarding site safety, **or building code violations.**
  2. Altering plans submitted in obtaining a construction (building, electrical, plumbing, fire) permit without further receiving the approval of the Construction Official;
  3. Failure to obtain a construction permit where required;
  4. One owner/resident complaint against the contractor for unsafe services, unjustified interruption of work, or substandard workmanship which complaint has been personally verified by the Construction Official or his deputy;
  5. Failure to complete the project according to terms of contract;
  6. Failure to correct building, zoning or city violations in connection with project;
  7. Breach of contract by registrant;
  8. Failure to request and obtain final inspection approvals and Certificate of Approval/Occupancy **within the timeframe allowed by the Uniform Construction Code.**
  9. Any registrant that has had his registration revoked three times, in accordance with this Ordinance, the City Clerk or Construction Official may, upon notice to the registrant, request the Mayor and City Council conduct a public hearing to determine whether or not said registrant shall be permanently barred from performing work within the City.
- e. The revocation of prior registration by the City of Lambertville City Clerk or Construction Official or the revocation of any local contractor's license or registration by another municipality in the State of New Jersey for any cause other than failure to pay licensing or registration fees.

SECTION 8: Section 5-7.7 Appeals on denial or revocation is hereby established as follows:

**5-7.7 Appeals on denial or revocation.**

In the event that the City Clerk denied or revoked a registration to an applicant or has refused to renew such registration upon submission of the required fee, the aggrieved contractor may appeal such denial, in writing to the Mayor and Council of the City of Lambertville. Upon such appeal the following action shall be taken:

- a. Upon receipt of the written appeal, the City Clerk shall set a date for the Mayor and Council to hear such appeal. This date may be adjourned for a period of sixty (60) days at the request of the Mayor and Council or the contractor.
- b. At the time, date and place set for the hearing, the Mayor and Council shall hear testimony from the City Clerk and/or Construction Official as to the grounds for denial and hear testimony from the contractor contesting such denial. At the hearing, the contractor shall be entitled to call witnesses and to be represented by counsel.

- c. At the conclusion of the hearing, a determination shall be made. If denial is deemed to have been inappropriate, the City Clerk shall be directed to issue a registration number to the contractor. If it is determined that the denial was proper, the Mayor and Council shall have the discretion to take one of the following actions:
  1. Uphold the denial without further action.
  2. If circumstances warrant, direct the City Clerk to register the contractor upon conditions imposed by the Mayor and Council and Construction Official which are designed to reasonably ensure compliance by the contractor and this Ordinance.
  3. If circumstances warrant, direct the Construction Official to register the contractor when the deficiencies have been alleviated by the contractor, to the Construction Official's satisfaction.
  
- d. Within ten (10) business days from the hearing date, the Construction Official and the contractor shall receive notification, in writing, the determination of the Mayor and Council and any conditions which have been placed upon the approval for the application for registration.

SECTION 8: Section 5-7.8 Duties of the Construction Official is hereby established as follows:

**5-7.8 Duties of the Construction Official.**

The Construction Official shall have the responsibility to do the following:

- a. Monitor the accuracy and current status of the information contained in the application for contractor's registration.
- b. Keep all registration applications on file so that they are available for inspection and copying by any interested party as public documents.
- c. Notify the owner of the property on which work is being performed by the contractor of the revocation of contractor's registration for failure to keep current its public liability insurance.

SECTION 9: Section 5-7.9 Violations and penalties is hereby established as follows:

**5-7.9 Violations and penalties.**

It shall be considered a violation of this Ordinance for any person or firm as described herein to fail to make application for a contractor's registration or to perform any work as described herein without first having applied for and received a contractor's registration number. Following a conviction of violation of this article by a court of competent jurisdiction, a fine of not less than \$250.00 nor more than \$1,000.00 shall be imposed.

INTRODUCED: July 19, 2010

ADOPTED:

ATTEST:

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Cynthia L. Ege, Acting City Clerk