

ORDINANCE NO. 02-3707

BE IT ORDAINED by the City Council of Decatur, Alabama as follows:

Section 1. That section 7-2 of the Code of Decatur, Alabama is hereby deleted in its entirety.

Section 2. That section 7 -3 of the Code of Decatur, Alabama is hereby amended to read as follows:

“Section 7-3 Definitions of Contractors and Subcontractors/Specialty Contractors.

For the purposes of this chapter, the following definitions shall apply unless the context requires otherwise:

Electrical Contractor

An electrical contractor is defined as any person, partnership, firm or corporation who is engaged in the business of installing electrical power or control systems; or maintaining, altering or repairing any electrical wiring devices, equipment or any other electrical apparatus, and who has a State Certification from the State of Alabama Board of Electrical Contractors or who has successfully passed an examination by Southern Building Code Congress, International for E-1 Residential Electrician for residential wiring installations, or E-2 All Electrical Work for any electrical work.

Fuel Gas Contractor

A fuel gas contractor is defined as any person, partnership, firm or corporation engaged in the business of contracting to do, or of superintending, the installation, maintenance, or repair of fuel gas systems and/or fuel gas work, and who is certified as a master gas fitter by the State of Alabama Plumbers and Gas Fitters Examination Board.

General Contractor

A general contractor is defined as any person, partnership, firm or corporation who for a fixed price, commission, fee, or wage, undertakes to construct or superintend or engage in the construction, alteration, maintenance, repair, rehabilitation, reclamation, or demolition of any commercial building, project, or improvement, and who is licensed by the State of Alabama Board for General Contractors.

Heating and Air Conditioning Contractor

A heating and air conditioning contractor is defined as any person, partnership, firm, or corporation who for hire is engaged in the installation or service and

repair of heating and air conditioning systems, and who is certified by the State of Alabama Board of Heating and Air Conditioning Contractors.

Plumbing Contractor

A plumbing contractor is defined as any person, partnership, firm or corporation engaged in or proposing to engage in the business of contracting to do, and/or of superintending the installation, maintenance, or repair of plumbing, and who is certified as a master plumber by the State of Alabama Plumbers and Gas Fitters Examining Board.

Residential Contractor

A residential contractor is defined as any person, partnership, firm or corporation who constructs a residential building or structure for sale or who for a fixed price, commission, fee, or wage, undertakes or offers to undertake the construction or superintending of the construction, or any building or structure which is not over three floors in height and which does not have more than four units in an apartment complex, or the repair, improvement, or re-improvement thereof, to be used by another as a residence, and who is licensed by the State of Alabama Home Builders Licensure Board.

Subcontractors/Specialty Contractor

A subcontractor/specialty contractor is defined as a contractor other than a plumbing, general, residential, heating/air conditioning, fuel gas, or electrical contractor who, for a fixed price, commission, fee, or wage, is engaged in the business of making minor repairs (no structural work except as provided within this definition) to buildings or structures or the installation of specialty products, such as but not limited to storm doors and windows, tile carpets, aluminum or vinyl siding, swimming pools, kitchen cabinets, alarm systems, elevators, sound systems, and sign installation. Approved subcontractors/specialty contractors shall be permitted to do structural work when working as a subcontractor under the direct supervision of a licensed general contractor or a property owner authorized to act as his own general contractor. Subcontractors/specialty contractors must have any certification required by State of Alabama law. This definition shall also specifically include those who are engaged in the business of tree trimming, tree removal, site preparation, or landscaping activities involving the setting of any trees, shrubs, or planting material other than sodded grass.

Contractor

Wherever the word “contractor” appears, without reference to a specific type of contractor defined in this section, said word is defined to include all contractors defined in this section, unless the context clearly indicates otherwise.”

Section 3. That Section 7 -3.1 of the Code of Decatur, Alabama is hereby amended to read as follows:

“Section 7-3.1. Application of Chapter.

All the provisions of this chapter shall apply with equal force to both municipal and private buildings in the City.”

Section 4. That the Code of Decatur, Alabama is hereby amended by adding a section to be numbered Section 7-4, which said section reads as follows:

“Section 7-4. Violations.

It shall be deemed unlawful for a person, partnership, firm, or corporation or agent thereof to violate a provision of this chapter, or fail to comply therewith, or with any of the requirements thereof, or erect, construct, alter, demolish, or move any structure, or have erected, constructed, altered, repaired moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and approved hereunder, or fail to comply with an order made under the provisions of this chapter. Each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this chapter is committed or continued. In addition, any work for which a permit is required that is commenced without first obtaining the necessary permit shall be subject to double the permit fees otherwise applicable.”

Section 5. That section 7-5 of the Code of Decatur, Alabama is hereby amended to read as follows:

“Section 7-5. Contractor – License.

It shall be the duty of every contractor to purchase a business license as provided for in Article II of Chapter 14, Section 14-38 of the Code of Decatur, Alabama, prior to commencing any work as described in this chapter. Furthermore, it shall be the duty of every contractor to register his business with the Building Department giving full name, residence address, and place of business address. In case of removal from one place to another, it shall be the duty of every contractor to have made corresponding changes with the Building Department accordingly.”

Section 6. That the Code of Decatur, Alabama is hereby amended by adding a section to be numbered Section 7-5.1, which said section reads as follows:

“Section 7-5.1. Contractor Insurance

- (a) Any person, partnership, firm, or corporation engaged as a contractor shall be covered by a public liability insurance policy to include coverage known as manufacturer’s and contractor’s liability and products and completed operations, issued by a solvent insurance company, licensed to do business in the State and City, which said policy shall be subject to the minimum limitations stated below.
- (b) For every contractor said policy shall provide a minimum coverage for all damages arising out of the bodily injury to any one person of one hundred thousand dollars (\$100,000), and subject to that limit for each person, a

total liability for bodily injuries on account of one (1) accident in the sum of three hundred thousand dollars (\$300,000), and for all property damage in one (1) accident in the sum of one hundred thousand dollars (\$100,000). These limits apply to both public liability and completed operations.

- (c) Such policy shall include an endorsement providing for ten (10) days prior written notification to the Building Department of a material change or cancellation of such policy. A certificate of insurance signed by the authorized agent of said company shall be filed with the Building Department and shall remain on file there.
- (d) Failure or refusal to comply with the provisions of this section shall constitute grounds for the revocation of the business license.”

Section 7. That section 7-7 of the Code of Decatur, Alabama is hereby amended to read as follows:

“Section 7-7. Permit Issuance Fee.

In addition to all of the charges and fees provided for in this chapter and codes referenced and adopted herein, there is hereby fixed and levied an issuance fee of ten dollars (\$10) for the issuance of each and every permit required herein.”

Section 8. That the Code of Decatur, Alabama is hereby amended by adding a section to be numbered Section 7-13, which said section reads as follows:

“Section 7-13 Connection to Installations

Except where work is done under an annual permit, it shall be unlawful for any person, partnership, firm, or corporation to make any connection from a supply of fuel gas or electricity or to supply fuel gas or electricity to any fuel gas or electrical appliance or equipment for the installation of which a permit is required, or which has been disconnected or ordered to be disconnected by the Building Department, until such authorization has been given by the Building Department.”

Section 9. That Section 7-40 of the Code of Decatur, Alabama is hereby amended to read as follows:

“Section 7-40. Nothing in this chapter shall prevent any homeowner from doing any work on his or her own property for his or her own use or acting as his or her own contractor. Notwithstanding the foregoing, a licensed fuel gas contractor shall be required to work on or repair any fuel gas system or appliance regulated by the Code of Decatur, Alabama.”

Section 10. This ordinance shall become effective January 1, 2003.

Adopted this _____ day of _____, 2003

Attest:

City Clerk

Approved this _____ day of _____, 2002.

Mayor