

**CITY OF HARRINGTON
ORDINANCE NO. 17-05**

**AN ORDINANCE ADDING CHAPTER 130, CONTRACTOR LICENSES, TO
THE CODE OF THE CITY OF HARRINGTON**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
HARRINGTON IN COUNCIL MET:

Section 1. That the Code of the City of Harrington shall be amended by
adding a new chapter to read as follows:

Chapter 130, Contractor Licenses

§ 130-1. Purpose.

The City Council has deemed it necessary to establish a contractor license in order to ensure the safety and welfare of residents and their property while engaging a contractor for construction or maintenance work.

§ 130-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CONTRACTOR

Any person, firm, corporation, or jobber engaged in building, altering, repairing, remodeling, constructing, and/or maintaining of buildings or engaged in any other type of construction, including but not limited to paving, curbing, and sidewalk installation or repair, plumbing, electrical, landscaping, or other types of maintenance or construction.

PERSON

Any individual, firm, corporation, company, partnership, or joint venture.

§ 130-3. License required.

No person shall perform construction or maintenance work or otherwise be engaged in any work as a contractor, including subcontractors, within the boundaries of the City of Harrington without first obtaining a contractor license issued by the City.

§ 130-4. Exemptions.

A person performing construction or maintenance work on their own property is exempt from the requirements of this chapter.

§ 130-5. License application.

- A. Applications for contractor licenses shall be upon forms provided by the City which shall include the following information:
- (1) The name and address of the applicant;
 - (2) The trade, business, or occupation for which the license is required;
 - (3) A statement that the applicant is knowledgeable of and has complied with and will continue to comply with all ordinances of the City, including but not limited to the current City of Harrington Building, Zoning, and Property Maintenance Codes; and
 - (4) Any such other information as deemed necessary by the City Manager, and/or his/her designee.
- B. The application shall be verified by the oath or affirmation of the individual licensee or of one member of a partnership, firm, or association or the president, secretary, or a director of a corporation applying for a contractor license.
- C. Proof of liability insurance as described in § 130-12 shall accompany the application.
- D. A copy of any business licenses issued by the State of Delaware and/or any other approvals issued by the Division of Revenue or another governmental or quasi-governmental agency (i.e. ABCC, Administrative Services, Banking Commissioner, Insurance Commissioner, PSC, DNREC, EPA, IRS, etc.) shall accompany the application. Possession of any such license or approval shall not exempt a person from obtaining a City of Harrington business license.
- E. The proper license fee shall accompany the application.

§ 130-6. Issuance of license; expiration; records; form.

- A. Upon proper application and payment of the prescribed fees as established in Chapter 180, Municipal Fees, a license shall be issued to each such applicant.

- B. Each such license shall be valid and effective from the first day of July each year, or the date of issuance, to June 30 at 11:59 p.m. of the fiscal year in which it was issued.
- C. A record of all licenses issued and license fees paid shall be maintained at City Hall.
- D. Each such license shall be upon a form provided by the City Manager, and/or his/her designee, which shall set forth the following information:
 - (1) The name and business address of the licensee;
 - (2) The date of expiration of the license;
 - (3) The amount of the license fee paid to the City; and
 - (4) Any such other information as deemed necessary by the City Manager, and/or his/her designee.

§ 130-7. Denial of license.

- A. The City Manager, and/or his/her designee, shall, upon disapproving any application submitted under the provisions of this chapter, refund all fees paid in advance by the applicant pursuant to the application.
- B. When the issuance of a license is denied and any action is instituted by the applicant to compel its issuance, the applicant shall not engage in the business for which the license was refused unless a license is issued to him/her pursuant to a judgment ordering it.

§ 130-8. License fees; refunds; exemptions.

- A. No license shall be issued under this chapter except upon payment of a fee as established in Chapter 180, Municipal Fees. Contractor license fees are prorated on a half year basis.
 - (1) Applicants for a contractor license between July 1 and December 31 shall pay the full annual license fee.
 - (2) Applicants for a contractor license between January 1 and June 30 shall pay half of the annual license fee.
- B. No prorating, rebate, or refund of any license fee or part thereof shall be made by reason of nonuse of the license. The City Manager, and/or his/her designee, shall have the authority to refund a license fee only if the license fee was collected through an error.

C. All 501(c)(3) nonprofit companies are exempt from license fees.

§ 130-9. Display of license.

A contractor license issued under the provisions of this chapter shall be displayed in a public place in the establishment or place of business for which it is issued or, if applicable, carried by the licensee.

§ 130-10. Transfer of license.

Each contractor license granted under this chapter shall be for the sole use and benefit of the person to whom it is issued and shall not be transferable. In case of the death of any individual, his/her personal representative shall succeed to all rights thereunder until the expiration of the license.

§ 130-11. Duplicate license.

A duplicate license shall be issued by the City Manager, and/or his/her designee, to replace any license previously issued which has been lost, stolen, defaced, or destroyed without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit sworn to before a notary public of this state attesting to that fact and payment of the fee as set forth in Chapter 180, Municipal Fees.

§ 130-12. Liability insurance.

All contractors, including the contractor(s) in charge and the subcontractor(s), shall maintain insurance coverage for bodily injury and property damage liability as follows:

- A. Bodily injury liability with a minimum limit of two hundred fifty thousand dollars (\$250,000) for all damages arising out of personal injury to or death of one person in any one occurrence, and, subject to that limit for each person, an aggregate limit of five hundred thousand dollars (\$500,000) for all damages arising out of personal injury to or death of two or more persons in any one occurrence; and
- B. Property damage liability with a minimum limit of two hundred fifty thousand dollars (\$250,000) for all damages arising out of injury to, destruction of, or loss of use or property in any one occurrence.
- C. The City of Harrington shall be listed as the certificate holder on the proof of liability insurance.

§ 130-13. Code compliance.

A contractor operating in the City shall at all times be in compliance with all city codes and ordinances. Each licensee shall refrain from operating after expiration of his/her license and during the period his/her license is revoked.

§ 130-14. Inspection by city officials.

The City Manager, and/or his designee, shall have the authority to make or have made all inspections and investigations reasonably necessary to enforce this chapter and to perform inspections in order to ensure that the construction, maintenance, or other work is in compliance with all applicable building, safety, zoning, and other city codes. All persons authorized by this chapter to perform inspections shall have the authority to enter the premises to inspect at all reasonable times.

§ 130-15. Enforcement; revocation of license.

- A. The City Manager, and/or his/her designee, shall make or have made all investigations reasonably necessary to the enforcement of this chapter.
- B. The City Manager may order a contractor to cease operations in the City and suspend his/her contractor license (if a contractor license has been obtained) for any of the following reasons:
 - (1) The contractor is found to be operating in violation of the terms of this chapter.
 - (2) The contractor is in violation of any regulations of the Code of the City of Harrington or the laws of Delaware.
 - (3) The fire marshal or any public safety authority having jurisdiction has requested that the contractor cease until certain conditions have been remedied.
- C. The City shall provide the contractor with written notice of the violation(s), which notice shall state that the contractor shall be ordered to cease operations and its contractor license (if applicable) shall be revoked without further notice if within ten business days of the date of the notice the contractor fails to remedy the violations or file an appeal with the City Council. The written notice shall be either personally delivered or sent via certified mail, return receipt requested, to the contractor. If the contractor does not remedy the violations or appeal the determination of the City Manager within the prescribed time period, the contractor shall not be permitted to operate in the City until such violations have been remedied. Notwithstanding the foregoing, notice shall not be required to order a contractor to cease

operations in any emergency situation that causes an immediate threat to the health, safety, or general welfare of the public.

§ 130-16. Appeals.

- A. Any person aggrieved by any decision of the City Manager, and/or his/her designee, shall have the right to appeal to the City Council by filing a written appeal with the City Council within ten days following the date of the notice of violation or decision complained of. The appeal shall set out a copy of the notice of violation or decision appealed from and shall include a statement of facts relied upon to avoid the order.
- B. The City Council shall fix a time and place for hearing the appeal and shall serve written notice upon the person requesting the appeal informing him of the hearing. The hearing may be held as part of a regularly scheduled City Council meeting. The findings of the City Council shall be final and conclusive and shall be served upon the person who requested the appeal.

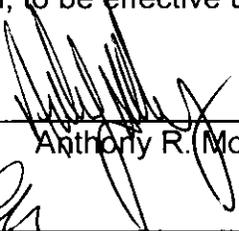
§ 130-17. Violations and penalties.

- A. Any contractor operating within the City without a valid contractor license will be subject to penalties for failure to obtain a license as established in Chapter 180, Municipal Fees.
- B. A stop-work order issued by the City Manager, and/or his/her designee, will stay in effect until the contractor complies with all conditions associated with the issuance of a valid contractor license, including annual contractor license and penalty fees.
- C. Continued violation of any provision of this chapter is subject to fines in accordance with Chapter 180, Municipal Fees.
- D. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
- E. The amount of any unpaid penalty, including the unpaid business license fee, shall constitute a debt owed to the City, and the City may institute a civil suit or use any other lawful methods authorized by the City Charter or the laws of the State of Delaware to recover any unpaid fee.

Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Effective Date. The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.



Anthony R. Moyer, Mayor

Attest: 

Kelly Blanchies, Clerk of Council

Date of Adoption: June 19, 2017

SYNOPSIS

This Ordinance adds Chapter 130, Contractor Licenses, to require that contractors obtain a contractor license, maintain liability insurance, and comply with all City building, zoning, and other codes.

First Reading: June 5, 2017

Public Hearing: June 19, 2017

Second Reading: June 19, 2017