

# **CITY OF CHEYENNE**

## **CONTRACTOR LICENSING REGULATIONS**

### **1.0 Introduction.**

#### **1.1 Purpose.**

The Purpose of these regulations is to protect the public health, safety and welfare by regulating and controlling the practice of certain building trades within the city and by requiring that only contractors, licensed by the Contractor Licensing Board, and persons actively supervised by licensed contractors may engage in certain building trades. This is accomplished by establishing the requirements for licensing contractors and certain building trades and to prescribe the procedures, fees, and criteria for the issuance and revocation of licenses.

#### **1.2 Overview.**

1.2.1 The Contractor Licensing Board is established by Section 5.44 of the Cheyenne City Code 2002, as amended.

1.2.2 Building construction is regulated by the administration and enforcement of the International codes published by the International Code Council (ICC) and the National Electrical Code published by the National Fire Protection Association, as adopted by Title 15 of the Cheyenne City Code 2002, as amended. Building trades are regulated by the licensing of contractors and building construction trade individuals.

1.2.3 Contractor licenses are required, pursuant to Chapter 5.44 of Title 5 of the Cheyenne City Code 2002, in order to perform work in the building construction industry. In addition to passing the appropriate examination and paying license fees, the contractor must obtain worker's compensation and liability insurance, as described in detail in Section 3.4 below. For some trades, (including Plumbing, Electrical, Refrigeration, and HVAC) all employees on a job site are required to hold a master, journeyman or apprentice license or be a qualified supervisor. The holder of a contractor license must employ a person who holds a master or qualified supervisor license in the appropriate building trade. Specific kinds of contractor licenses required by the City are described in detail in Sections 16 through 23 below. Building trade licenses are described in detail in Section 13 below.

1.2.4 The Board shall provide the official interpretation of these regulations in cases of conflict or ambiguity in their application.

1.2.5 The Board shall have the authority to enforce these regulations upon written complaint of any person.

2.0 **Definitions.** When used in these regulations, the following terms shall have the meanings as indicated:

- a. “Advertise” or “advertising” means providing building or construction estimates to any person, firm or entity or making representations to the public, through any printed, electronic, visual, or verbal means, that a person, firm or entity is authorized or licensed to perform work or services pursuant to Section 5.44, Cheyenne City Code, as amended, or these regulations. This definition shall not include submission of bids to perform construction or demolition work pursuant to an invitational or public bidding process.
- b. “Board” means the Contractor Licensing Board provided for by the Cheyenne City Code 2002, as amended.
- c. “Building and Related Codes” means the series of codes regulating building construction as adopted pursuant to Title 15 of the Cheyenne City Code 2002, as amended.
- d. “Building Materials Supplier” means a company engaged in the business of providing building construction and related materials.
- e. “Building Official” means the Chief Building Official or authorized representative.
- f. “Building Safety Department” means the Building Safety Department created by Chapter 2.36 of Title 2 of the Cheyenne City Code 2002, as amended.
- g. “Commercial Building” means any building that is not a single family dwelling.
- h. “Construction Manager” means any person who coordinates the work of subcontractors, but does not personally perform any construction activities.
- i. “Construction Project Coordinator” means any person who is employed in an active full time capacity by a building materials supplier, and who coordinates and oversees the work of subcontractors, but does not personally perform any construction activity.
- j. “Contractor” means any person, firm, partnership, corporation or other legal entity who undertakes, for compensation, any construction or building maintenance work on any building or structure. The work includes, but is not limited to, any building or structure that is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished.
- k. “Days” means calendar days, except where otherwise indicated.
- l. “HVAC” means Heating, Ventilating and Air Conditioning.
- m. “ICC” means the International Code Council.

- n. "License" means the written authorization granted by the City of Cheyenne for a person to work as a contractor or to engage in certain building construction trades as defined in these regulations.
- o. "Person" means an individual, firm, partnership, corporation, or other legal entity and the owners, partners, officers, directors, members, and managers thereof.
- p. "Trades/Craft" means an individual licensed as an apprentice, journeyman or master in the plumbing, HVAC, refrigeration or electrical fields.

### **3.0 License Required, Application, Eligibility, Insurance, Examination, Fees, Execution and Temporary Work Authorization.**

#### **3.1 License Required.**

No person, firm, partnership, corporation or other legal entity may perform work, services or advertising related to the construction, erection, addition, alteration, repair, equipping, moving, removal, conversion or demolition of any building or structure within the City without having obtained the contractor and building trade licenses required by the Cheyenne City Code and the City of Cheyenne Contractor Licensing Regulations.

#### **3.2 License, Application.**

Applications, with required supporting documentation and full license fees, will be made to the Building Safety Department. Incomplete applications will not be processed. Certificates of insurance need not be submitted until the application has been approved. The Building Official will forward applications to the Board for consideration.

- 3.2.1 Applications for any license described in Sections 16 through 24 will be made on forms provided by the Building Safety Department and shall be accompanied by the full licensing fee, which includes a non-refundable application review fee.
- 3.2.2 Applications for any license described in Sections 16 through 24 shall state the education, training and experience of the applicant and shall contain the names, phone numbers and addresses of individuals that are familiar with the quality of the applicant's work.
- 3.2.3 Applications for any license described in Sections 16 through 24 which are filed on behalf of a firm, partnership, corporation, or other legal entity shall state the company name, the nature of the applicant, the telephone numbers(s) and address(es) of the Company's principal officers, the name(s), telephone number(s), and business address(es) of its officers, directors, partners, owners, members, managers, and the name(s), telephone number(s) and business address(es) of its Qualified Supervisor or Master.
- 3.2.4 For tested licenses applications must be submitted no later than the last working day of a month prior to the Board's next regularly scheduled meeting.

3.3 Eligibility.

3.3.1 The determination of eligibility for licensure or other matters pertaining thereto shall be made by the Board. The Board may place conditions on a license or licensee as it deems necessary to further protect the public's health safety and welfare.

3.3.2 The Board may deny an application for licensure if:

- a. the application is incomplete, inaccurate, or contains misleading or false information, or;
- b. the applicant has failed to complete past construction projects, or;
- c. the applicant has failed to demonstrate adequate experience or has failed to furnish references which are relevant to the trade for which a license is sought, or;
- d. the applicant has performed work, services or advertising without a license, or;
- e. the applicant has been convicted within the last ten (10) years of a felony involving moral turpitude such as, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion or any conspiracy to commit any of those crimes.

3.3.3 Prior to the expiration of a license, a licensee may petition the Board for removal of any condition(s).

3.4 Insurance Requirements.

A contractor license shall not be issued until a certificate of insurance has been filed and approved by the Chief Building Official. The licensee shall be responsible for keeping the required insurance in force and for providing current certificates of insurance. Each certificate of insurance shall state the type(s) of insurance purchased and the limits of each type of coverage as required by these regulations. The Building Safety Department must be named as certificate holder. Licensees must notify the Chief Building Official within ten (10) working days after the licensee receives notification of the cancellation or non-renewal, in whole or in part, of any insurance coverage required by this section or prior to the effective date of any such cancellation or non-renewal, whichever event sooner occurs.

3.4.1 Coverage.

- a. Commercial general liability, minimum limits:

License	Per Occurrence	Total Aggregate
Class A - General Contractor	\$1,000,000	\$2,000,000
Class B - Building Contractor	\$ 500,000	\$1,000,000
Class R - Residential Contractor	\$ 500,000	\$1,000,000
Class C-1 - Subcontractor	\$ 300,000	\$ 600,000
Class C-2 - Subcontractor	\$ 300,000	\$ 600,000
Class C-3 Subcontractor	\$ 300,000	\$ 600,000
Class D - Subcontractor	\$ 300,000	\$ 600,000
Class F - Fire Suppression	\$ 300,000	\$ 600,000

Class E – Educational		
Class S - Building Material Supplier	\$ 500,000	\$ 1,000,000

b. Workers' compensation insurance when required by applicable laws and regulations of the State of Wyoming.

### 3.5 Examination.

- 3.5.1 Licenses for Class A, B, R, F, E and specific C as determined by the Board, for qualified supervisors, and electrical, plumbing and mechanical master and journeyman and other classes as deemed necessary by the Board, shall be subject to an approved examination. The Chief Building Official shall maintain a listing of licenses for which applicants are required to successfully complete an examination. Approved examinations shall be administered by ICC, Wyoming Association of Municipalities (WAM), the Building Safety Department, National Institute for Certification in Engineering Technologies (NICET), or such other testing agency or examination the Board may approve. No license shall be issued until proof of successful completion of the examination has been submitted and approved.
- 3.5.2 The Chief Building Official, or authorized designee, may approve the issuance of licenses that are not subject to examination, subject to ratification of those licenses by the Board at its next regularly scheduled meeting.
- 3.5.3 Examinations will be administered as set forth in this section. Any applicant required to take an examination that is administered by an agency other than the City is required to apply and make payment directly to that agency. Any applicant required to take an examination administered by the City shall pay the required examination fee, to the City, prior to taking the examination. The examination fee for City administered examinations shall be \$50.00. Examination fees shall be paid in addition to any other required fees and are not refundable after the examination has been administered.

### 3.6 Fees.

No license will be issued, reissued, or renewed until the applicant has paid the required fees. No license will be granted for an amount less than the required fee.

- 3.6.1 The application fee for any license shall be non-refundable. Application fees shall be paid in addition to and separate from any license fees.
- 3.6.2 At the time of application, license fees and application fees must be paid in cash or by personal or company check. For examinations administered by the City, examination fees may be paid at time of application or prior to the examination.
- 3.6.3 License fees shall not be prorated for any portion of the year.
- 3.6.4 No fee paid under this section will be refunded after the license has been issued.

3.6.5 If a Licensee wishes to change or upgrade a license, no credit or prorating shall be given for fees paid on the existing license. A complete initial application fee shall be paid for the new license.

3.6.6 The fees shall be paid according to the following table:

Contractor License Fees:

	<u>Application</u>	<u>Initial</u>	<u>Renewal</u>
Class A	\$50.00	\$600.00	\$200.00
Class B	\$50.00	\$400.00	\$100.00
Class R	\$50.00	\$400.00	\$100.00
Class C Type 1	\$50.00	\$200.00	\$ 75.00
Class C Type 2	\$50.00	\$200.00	\$ 50.00
Class C Type 3	\$50.00	\$200.00	\$ 50.00
Class D	\$50.00	\$200.00	\$ 50.00
Class F Type 1	\$50.00	\$300.00	\$ 75.00
Class E Education	\$50.00	\$300.00	\$ 75.00
Class S Building Material Supplier	\$50.00	\$300.00	\$ 75.00

Building Trade License Fees:	<u>Application</u>	<u>Initial</u>	<u>Renewal</u>
Qualified Supervisor or Master	\$50.00	\$50.00	\$25.00
Journeyman	\$50.00	\$30.00	\$15.00
Construction Project Coordinator	\$50.00	\$50.00	\$25.00
Low Voltage Technician	\$25.00	\$25.00	\$15.00
Limited Electrical Technician	\$25.00	\$25.00	\$15.00
Apprentice	\$10.00	\$10.00	\$ 5.00

3.7 Investigation License Fee.

Any person who performs construction or building work, or causes such work to be performed, without having first obtained any license or permit required by these regulations shall pay an investigation fee, which shall be in an amount equal to the license fee as described in Section 3.6.6 above. The investigation fee shall be paid whether or not a license is subsequently obtained.

3.8 Execution.

Licenses issued under these regulations shall be signed by the Chief Building Official.

3.8.1 Possession of license card. While engaged in a building or trade activity, each licensee must have a current license card in his/her possession which is signed by the Chief Building Official.

- 3.8.2 Every applicant for any license shall submit, within sixty (60) days of approval, all required documentation required by these regulations or submit a written request for a refund of applicable fees. Any applicant who fails, within sixty (60) days, to provide the documentation required by these regulations or fails to submit a written request for a refund, shall forfeit any fees paid and the application(s) shall be deemed null and void.
- 3.8.3 Any applicant whose application has been denied must, within sixty (60) days of the denial, submit a written request for a refund of applicable fees. Any applicant that fails to comply with this section shall forfeit the fees paid.
- 3.8.4 Denial of License. Any applicant whose application has been denied by the Chief Building Official or Board may request a contested case hearing before the Board to reconsider the application. A request for a contested case hearing must be submitted in writing to the Chief Building Official within thirty (30) days from service of the initial application denial, whether by letter or order of the Board. The matter shall be set before the Board at the next regularly scheduled meeting if the request is filed at least twenty (20) days before the meeting.

### 3.9 Temporary Work Authorization.

The Chief Building Official may grant a temporary work authorization only to applicants for a master, or journeyman license upon receipt of proper application and payment of fees. A Temporary Work Authorization shall not be granted to persons acting as Contractors. No person shall act as a Contractor without having obtained the license required by these regulations.

- 3.9.1 Temporary work authorizations under Section 3.9 may be granted only to craft employees in plumbing, electrical, refrigeration, and HVAC.
- 3.9.2 The authorization will be effective until the next regularly scheduled testing date, or until the board grants a permanent license without a test. The Chief Building Official may grant a temporary work authorization only to an applicant who is presumably qualified to be licensed under these regulations. The Chief Building Official may grant an extension to a temporary work authorization for a person that has documented proof of registration for the examination(s) required by these regulations. The Chief Building Official shall not extend a temporary work authorization for more than thirty (30) days.
- 3.9.3 Any person who does not obtain a valid license after being issued a temporary work authorization shall not be eligible for any fee refund.

### 4.0 License Duration and Renewal.

- 4.1 All licenses issued by the Chief Building Official pursuant to these regulations shall expire annually, one year from the date of issuance.
- 4.2 Every person holding any license issued pursuant to these regulations shall renew the license prior to the annual expiration date. It is the responsibility of each licensee to renew the license prior to expiration whether or not a renewal form has been received. Annual renewal forms

will be mailed by the Chief Building Official to the last address of record between 14 and 30 days prior to the license expiration date. The Chief Building Official has the authority to approve renewal applications. Electrical contractors and electricians, including low voltage and limited voltage licensees, must submit a copy of their valid state license to renew their City license. If a renewal application has not been received by the Chief Building Official prior to expiration of the current license, the license expires and the licensee will not be eligible for renewal status. An application for a new license, if desired, must be submitted to the Chief Building Official. The Board may consider renewal of an expired license only if the person to whom the license was issued appears personally before the Board and provides a good and justifiable reason to the Board. Any action of this nature, by the Board, will require a unanimous vote of the Board members present.

- 4.3 Any person who continues to work after the license has expired, without renewing the license or securing a new license as required, is deemed to be operating without a license in violation of these regulations and the Cheyenne City Code 2002, as amended.

#### **5.0 License Transfers.**

- 5.1 Change of name or address. Licensees shall report a change of name or address to the Chief Building Official within fifteen (15) days after making the change. There is no fee for the change.
- 5.2 Non-transferability of license. A license held by one person shall not be transferable to another person.
- 5.3 Dissolution. The dissolution of a business entity which has been licensed terminates the license, and no person may operate under that license.
- 5.4 New License required. Neither the creation nor dissolution of a new business entity shall entitle any person to transfer any license. A new license is required. If a new entity is created which is a continuation of a previous business, with essentially the same ownership and management, the board may waive the fee for a new license and issue a new license for the unexpired term of the previously held license if application is made within thirty (30) days following the creation of the new entity.

#### **6.0 Exemption of Public Utilities.**

The provisions of these regulations do not apply to work done by a public utility company or by their contractors, subcontractors or employees, when the work complies with the terms of the utility franchise and is necessary to provide the service of the utility to the public. This exemption shall not apply to buildings of a public utility.

#### **7.0 Interpretation.**

The Chief Building Official may render reasonable interpretations of these regulations as necessary to carry out the intent and purpose of these regulations. Formal interpretations shall be made by the Board pursuant to Section 1.2.4.

## **8.0 Duties and Responsibilities of Licensees.**

8.1 Licensees are responsible for all building and construction work subject to applicable codes adopted by Title 15 of the Cheyenne City Code 2002, as amended, and these regulations. Licensees shall:

8.1.1 Be responsible for all work performed by the licensee, licensee's employees, and subcontractors, whether a permit is required or not.

8.1.2 Be responsible and account for all funds or property received in connection with any work performed requiring a permit.

8.1.3 Obtain all required permits before any work is performed.

8.1.4 Verify and ensure that all subcontractors and employees are properly licensed.

8.1.5 Provide safety measures and equipment to protect the public in compliance with all applicable laws and regulations.

8.1.6 Report in writing to the Chief Building Official, within three (3) working days, all accidents occurring in any construction, demolition, or undertaking which has caused damage to any building or structure.

8.1.7 Build and demolish in compliance with all current and applicable laws, codes, regulations, manufacturer's specifications and for one (1) and two (2) family dwellings, the most recent edition of the *Residential Construction Performance Guidelines*, published by the National Association of Home Builders of the United States, which is incorporated and adopted herein.

8.1.8 Construct without substantial departure from drawings and specifications filed and approved by the Chief Building Official and permit issued for the work, unless changes have been approved in writing by the Chief Building Official.

8.1.9 Construct and complete all work performed as a contractor in a workmanlike manner and in compliance with industry and local standards, and for one (1) and two (2) family dwellings, the most recent edition of the *Residential Construction Performance Guidelines*, published by the National Association of Home Builders of the United States.

8.1.10 Obtain inspections when required by these regulations and the codes promulgated by the International Code Council.

8.1.11 Pay any fee assessed under the authority of these regulations and the codes promulgated by the International Code Council.

8.1.12 Comply with every order or notice entered or issued by the Board or Chief Building Official pursuant to these regulations or the codes promulgated by the International Code Council.

8.1.13 Present the license card when requested by the Chief Building Official or other authorized agent of the City.

**9.0 Suspension or Revocation of License.**

9.1 The Board may suspend, revoke or otherwise discipline a licensee, if a licensee is proven to have violated any of the following:

9.1.1 Violation of any provision of Title 15 of the Cheyenne City Code 2002, as amended, related to construction of buildings.

9.1.2 Allowing a license to be used, for any reason, by a person other than for whom it was issued.

9.1.3 Violation of any provisions of these regulations.

9.1.4 Obtaining a license by fraud or misrepresentation.

9.1.5 Cancellation of an insurance policy, including workers' compensation, or reduction of coverage to an amount less than the minimum required by these regulations.

9.1.6 Hiring or subcontracting to unlicensed subcontractors.

9.1.7 Failure to obtain a Certificate of Occupancy prior to occupancy of a building or structure.

9.1.8 Failure to comply with the terms and conditions of a Temporary Certificate of Occupancy.

9.1.9 Failure to convert a Temporary Certificate of Occupancy to a Final Certificate of Occupancy within the time limits specified in the Cheyenne City Code.

9.1.10 Failure to maintain eligibility for a license as described in Section 3.3 of these regulations.

**10.0 Suspension.**

10.1 The Board may summarily suspend, by emergency action, any license pursuant to Wyoming Statute §16-3-113(c), when the licensee is in violation of any of these regulations and summary suspension is immediately necessary for the protection of the public health, safety or welfare.

10.2 The Chief Building Official may suspend a license, when a licensee's insurance policy is cancelled or for failure to provide evidence of insurance coverage, including workers' compensation or when coverage is reduced below the minimums required by these regulations. The Chief Building Official shall reinstate any license suspended pursuant to this subsection, when the violation has been remedied. A licensee may also request a hearing before the Board pursuant to the procedures and timelines of Section 3.8.4.

10.3 The Chief Building Official may suspend a qualified supervisor or master license if the licensee is in violation of Section 14.1 of these regulations. The Chief Building Official shall reinstate any license suspended pursuant to this subsection, when the violation has been remedied. A licensee may also request a hearing before the Board pursuant to the procedures and timelines of Section 3.8.4.

## 11.0 **Disciplinary Proceedings.**

### 11.1 Commencement.

11.1.1 Disciplinary proceedings under these regulations shall be commenced by filing a written Contractor Complaint against a licensee/respondent upon a form provided by the Board. The Contractor Complaint shall be filed within [two (2) years of the date of the alleged violation.] Three (3) years of work being performed that is the basis of the alleged violation or within one (1) year of the discovery of an alleged violation, whichever time period is later. However, in no case shall a contractor complaint be filed after five (5) years of work being performed that is the basis of the alleged violation. Failure to file a contractor complaint within the required time limitation shall divest the board of jurisdiction and shall result in dismissal of the contractor complaint. The Contractor Complaint shall include:

- a. The name, address and telephone number of each complainant;
- b. The name, address and telephone number of the licensee/respondent;
- c. Allegations necessary to establish the jurisdiction of the Board;
- d. Allegations containing citations to the specific sections of these regulations and applicable building codes which have been violated by the licensee/respondent, if known;
- e. Signature of complainant verifying that the information set forth within the complaint is true and correct.

11.1.2 A current Board member who has knowledge of an alleged violation committed by a licensee shall not file a Contractor Complaint. The Board member may request that the Chief Building Official file a Contractor Complaint related to the alleged violation. Any Board member participating in requesting that the Chief Building Official file a Contractor Complaint shall not have ex parte communication with any other Board member or participate in the contested case hearing related to the Contractor Complaint, except as a witness.

### 11.2 Notice to Licensee.

11.2.1 If the Board has jurisdiction to consider a Contractor Complaint, a copy shall be served upon the licensee/respondent providing twenty (20) days during which the licensee/respondent may respond in writing showing compliance with all lawful requirements for the retention of the license, as required by Wyoming Statute §16-3-113. Upon expiration of the twenty (20) day response period or upon receipt of the licensee's/respondent's response, the matter may be:

- a. Administratively dismissed by the Chief Building Official; or
- b. Set for a contested case hearing before the Board.

### 11.3 Hearing Notice.

11.3.1 A Contractor Complaint shall be set for hearing by a notice of hearing served via certified mail, return receipt requested, upon both the licensee/respondent at the address of record and complainant at the address identified upon the Contractor Complaint. The notice of hearing shall include:

- a. Date, time and place of the hearing, which shall be set no less than twenty (20) days from mailing of the notice;
- b. An attached copy of the Contractor Complaint;
- c. Citations to authority for the Board to consider the matter;
- d. Appointment of a presiding hearing officer, if any; and
- e. Signature of the Chief Building Official.

### 11.4 Conduct for Contested Case Hearing.

11.4.1 Contested case hearings before the Board shall be conducted according to provisions of the Cheyenne City Code, Title 5, Chapter 5.44 (2002), as amended, the Board's Contractor Licensing Regulations, and the Wyoming Administrative Procedure Act, §§ 16-3-101 *et seq.*

- a. The Board may utilize a presiding hearing officer to assist in conducting and presiding over all aspects of the contested case hearing, including scheduling and preliminary matters or the Board chair or other member may serve in that capacity;
- b. The complainant shall bear the burden of proof at the hearing to prove the alleged violation(s) by presenting clear and convincing evidence which is 'that kind of proof that would persuade the trier of fact that the truth of the contention is highly probable.' Expert opinion evidence is required to prove most violations.
- c. A quorum of the Board shall hear and consider the evidence presented by the parties;
- d. Each party shall be provided the opportunity to present an opening statement, to offer witnesses and documentary evidence, to conduct cross-examination and present a closing argument;
- e. Board members shall be provided the opportunity to question any witness;
- f. Board members may view any work or property that is the subject of the Contractor Complaint, in accordance with procedures and limitations established by the hearing officer;
- g. Upon written application of any party, the Board or presiding hearing officer may issue subpoenas for the appearance of witnesses and for the production of documents;
- h. Any party may conduct necessary and reasonable discovery in contested case matters;
- i. The failure of a complainant to appear and participate in a properly noticed contested case hearing may result in the dismissal of the Contractor Complaint

- by the Board;
- j. The failure of a licensee/respondent to appear at a properly noticed contested case hearing may result in a default order being entered;
  - k. The contested case hearing shall be recorded verbatim by any manner determined by the Board;
  - l. All documents filed in a contested case shall be filed originally with the Board and copied to all other parties, counsel and the presiding hearing officer.
  - M. Parties may be represented by an attorney, licensed to practice law in Wyoming, at any stage of the disciplinary proceedings.

#### 11.5 Decision of the Board.

11.5.1 Upon the close of the evidence and presentation of closing arguments, if any, the matter will be considered and publicly deliberated by the Board. Upon a motion and second to the motion, the Board, by majority vote, may dismiss the Complaint or may enter discipline against the licensee/respondent. If discipline is entered, it is effective upon the Board's vote.

11.5.2 Following the conclusion of the contested case hearing, the Board shall issue a written findings of fact, conclusions of law and order, within forty five (45) days which shall be served upon the parties and counsel, if any.

#### 11.6 Appeals from Board Decisions.

Appeals from orders issued pursuant to Section 11.5.2. shall be filed within thirty (30) days after service of the Order in accordance with the Wyoming Administrative Procedure Act, §§ 16-3-101 *et seq.*, and the Wyoming Rules of Appellate Procedure, Rule 12.

#### 11.7 Reinstatement of License.

Any licensee that has been disciplined by order of the Board may be reinstated by the Board upon a proper application being submitted, together with evidence that the previous Board order has been fully complied with. The application shall be considered by the Board at a contested case hearing pursuant to procedures set forth herein.

#### 11.8 Unlicensed Contractor or Workmen.

The license fee for a contractor and employee who works without first obtaining the proper license shall be as prescribed by Section 3.7 of these regulations.

#### 12.0 Permits.

12.1 Permit required. No person may perform any work described in these regulations, the building or related codes, or the City Code, without first securing a permit from the Building Official.

12.2 Permit issuance. The Chief Building Official shall issue a permit only to the following:

12.2.1 A properly licensed contractor.

- 12.2.2 The owner of a one-family dwelling occupied by the owner for work to be performed in or about that dwelling; or other homeowner who constructs his own residence, or accessory building, for his own personal use. An owner may secure a permit under this section for a principal building (as defined in the City's Unified Development Code, as amended only once within a three (3) year period. All work shall be performed directly by the owner, or by properly licensed contractors hired by the owner, in which case the owner is responsible for all the work performed, either by him or by the contractors. Any individual hired or compensated in any way by the owner to do work must be a licensed contractor. For the purpose of these regulations, the owner specified in this subsection is not a contractor and is not required to have a contractor license.
- 12.2.3 Owners of commercial buildings may do minor maintenance and repair, such as performing work that is exempt from a building permit, as identified in Section 105.2 of the *International Building Code*, and including interior painting and exterior painting of one story structures. Owners shall not be permitted to perform structural, plumbing, mechanical, fuel gas, fire protection or electrical work. Work on such systems shall require a properly licensed, and permitted, contractor. Owners of commercial buildings shall retain properly licensed sub-contractors for all other work on their buildings and obtain all required permits.
- 12.2.4 Owners of commercial (rental) one and two family dwellings may perform work except for structural, plumbing, mechanical, fuel gas and electrical.
- 12.2.5 Owners of commercial buildings may act as the construction manager for new construction, additions, remodels, major repair and other types of work that are not minor in nature. Any individual hired or compensated in any way by the owner to do work must be a licensed contractor. For the purpose of these regulations, the owner specified in this subsection is not a contractor and is not required to have a contractor's license.

For the purpose of Section 12.0, "owner" is hereby defined as any person, firm, corporation, or agent having a legal or equitable interest in the property. The term "owner" may extend to a tenant, or lessee or employee of the actual owner in regards to repairs, alterations, additions or improvements of a commercial structure. The actual owner must provide written authorization to perform work on the structure. Said authorization shall be submitted with the permit application and be approved by the Building Safety Department.

- 12.3 Exception. Class C (Type 1) Licensees may assign work they have contracted for to another contractor provided that contractor(s) is properly licensed by the City of Cheyenne Contractor Licensing Board.
- 12.4 Unlawful Use of License to Obtain Permit is Prohibited. No person holding a license under these regulations shall, either directly or indirectly, allow his/her license to be used for the purpose of obtaining a permit for any other person.

### 13.0 **Building Trade Licenses.**

#### 13.1 Requirements.

CLB regulations effective 9/12/12 Recorded May 29, 2013: Revised May 2015-Recorded June 12, 2015:  
Revised February 9, 2016, Recorded June 10, 2016

The following are the minimum experience, training and examination requirements for building trade licenses. Applicants shall furnish written evidence of experience and training. All experience and training is subject to Board approval. No more than two (2) apprentices are permitted to work without the direct supervision of a properly licensed journeyman or master. All applicants are required to successfully complete an examination as determined by the Board. Examinations shall be administered and obtained as prescribed by Section 3.5 of these regulations. All applicants for a license requiring an examination shall personally appear before the Board. Exception: Persons in possession of a valid State of Wyoming electrical license.

13.1.1 Class A qualified supervisor. At least seven (7) years comprehensive experience and/or education acceptable to the Board.

13.1.2 Class B qualified supervisor. At least five (5) years comprehensive experience and/or education acceptable to the Board.

13.1.3 Class R qualified supervisor. At least five (5) years comprehensive experience acceptable to the Board.

13.1.4 Class C qualified supervisor. At least three (3) years comprehensive experience acceptable to the Board.

13.1.5 Master level craft employee. Must show at least four (4) years documented experience as an apprentice, or certified equivalent training, in the field and at least three (3) years documented experience as a journeyman and possession of satisfactory examination results. Master electricians must possess a current Wyoming State license.

13.1.6 Class D qualified supervisor. At least one (1) year practical experience under the direction of a professional or licensed contractor or tradesman. Experience shall be in the field for which applicant is applying.

13.1.7 Class E qualified educator. A minimum of five (5) years of teaching construction or actual construction experience, an industrial Technology Teaching Certificate and a written recommendation from the Career/Tech Education Curriculum Coordinator of the school district or community college. This license is only valid as long as the individual in possession of the license is actively employed by an accredited school district or community college. In addition, permits issued pursuant to the provisions of this license are limited to the construction, alteration, repair or addition of one (1) and two (2) family dwellings. Any plumbing, mechanical, or electrical work that is performed must be under the direct supervision of a properly licensed plumbing, mechanical or electrical contractor and the contractor shall be liable for such work.

13.1.8 Class S Building Materials Supplier qualified construction project coordinator. At least two (2) years practical experience coordinating construction activities, as determined by the board.

13.1.9 Class F qualified supervisor. At least three (3) years comprehensive experience

acceptable to the Board.

- 13.1.10 Journeyman level craft employee. At least four (4) years documented experience, in the trade, as a licensed apprentice, or certified equivalent training, and possession of satisfactory examination results. Journeyman electricians must possess a current Wyoming state license.
- 13.1.11 Apprentice level craft employee. A person other than a journeyman or master, who as his principal occupation, is engaged in learning and assisting in the specialty for which he is licensed and works under the direct supervision of a properly licensed journeyman or master.
- 13.2 Master/Contractor/Shop training programs must certify to the Board: (a) the date of hiring and termination of each apprentice; (b) that the program did not exceed a ratio of two (2) apprentices to each Journeyman/Master; and (c) that each trainee has satisfied the time and training requirements and is eligible to apply to the board for Journeyman licensing. Apprentice electricians must possess a current Wyoming state license.
- 13.3 Department of Labor Office of Apprenticeship (DOL/OA) Apprentices indentured in DOL/OA approved programs shall adhere to the requirements of each program. There shall be no other requirements by the Contractor Licensing Board. Certification of completion shall be made by the program director and shall make the apprentice eligible to apply to the Contractor Licensing Board for Journeyman licensing.
- 13.4 No more than two (2) apprentices are permitted to work without the direct supervision of a properly licensed Journeyman or Master.
- 13.5 Experience disputes. Any dispute as to the acceptability of experience shall be resolved by the Board.

**14.0 Qualified supervisor or master required.**

- 14.1 A person may be issued a contractor license under these regulations only if he/she is, or employs at all times, in an active full time capacity, a qualified supervisor or master. The qualified supervisor or master shall hold the license of the class corresponding to the class and specialty of the contractor's license, or greater subject to the Building Official's approval.
- 14.1.1 A qualified supervisor or master shall represent no more than one contractor. Exception: In the event that one or more business entities are wholly owned by the same individual(s), those individual(s) may represent all business entities as A qualified supervisor or master, if the individual holds the appropriate qualified supervisor licenses. Any violation of this subsection shall result in the qualified supervisor's or master's license being placed into inactive status until the violation has been abated.
- 14.1.1 a. "Individual" for purposes of this subsection, shall mean any natural person or a limited liability company having identical members.
- 14.1.2 A qualified supervisor or master shall be in charge of, and responsible for, all work performed by a contractor. Qualified supervisors and masters shall be personally at the

job site within twenty-four (24) hours after notice given by the Chief Building Official and shall be personally on the job site at any time the Chief Building Official deems necessary.

14.1.3 A contractor license shall be valid, subject to the time periods set forth in this subsection, only if the qualified supervisor or master named in the application is employed by the Licensee in an active, full time capacity and the employment is the qualified supervisors' or masters' principal employment. If the qualified supervisor or master terminates employment with the Licensee, the Licensee shall notify the Chief Building Official in writing within three (3) working days after the termination. Failure of the Licensee to properly notify the Chief Building Official is cause for disciplinary action in accordance with Section 11.0 of these regulations. The Licensee shall obtain a qualified supervisor or master within seven (7) days after the termination of the qualified supervisor or master. If a qualified supervisor or master is not employed within seven (7) days, the contractor's license shall be subject to suspension or revocation in accordance with Section 11.0 of these regulations.

**15.0 Employment of Unlicensed Workers Prohibited.**

No person shall employ any individual in the capacity of a qualified supervisor, master, journeyman or apprentice who is not properly licensed in accordance with the provisions of these regulations.

**16.0 Building Contractor Class A License.**

This license entitles the holder to apply for permits for the construction, alteration, or repair of any type or size of structure, provided he/she employs properly licensed sub-contractors for all trades listed in Sections 17 through 24. In addition, the holder of this license may perform any or all of the work under the provisions of contractor's Class C and Class D licenses except electrical, plumbing, refrigeration, HVAC and Class F systems. Exception: A Class A contractor shall be allowed to do work, with qualified personnel, described in Section 19 below under Sewer and Water Main.

**17.0 Building Contractor Class B License.**

This license entitles the holder to apply for permits for the construction, alteration, addition, or repair of one, two, three, or four-family residential buildings of two (2) stories or less, other residential buildings including shops, garages, storerooms, alteration or repair of other buildings not affecting the structural integrity of the building, non-structural tenant finish and the construction of one-story commercial buildings with 2,500 square feet total area or less, provided he/she employs properly licensed sub-contractors for all trades listed in Sections 18 through 24 below. In addition, the holder of this license is allowed to do any or all of the work under the provisions of contractor Class C and Class D licenses except electrical, plumbing, refrigeration, HVAC and Class F systems.

**18.0 Building Contractor Class R License.**

This license entitles the holder to apply for permits for the construction, alteration, addition, or

repair of detached single family dwellings not more than three stories above-grade in height with a separate means of egress, and their accessory structures. In addition, the holder of this license is allowed to do any or all of the work under the provisions of contractor Class D licenses. The holder of this license is allowed to only do the work under the provisions of contractor Class C necessary for the construction of the structures allowed by this class of license. The holder of this license is not permitted to perform electrical, plumbing, refrigeration, HVAC and Class F systems unless properly licensed subcontractors are obtained.

## **19.0 Contractor Class C License.**

- 19.1 Class C licenses entitle the holder to apply for permits to perform the work described in this section. If an applicant wishes to engage in more than one activity, a license must be procured for each activity. Holders of Class C Type 1 licenses may perform the work of the Class C Type 2 contractors within their respective categories.

Structural masonry. (Type 1) The construction, alteration, repair or demolition of any structural masonry building, structure, retaining wall or any portion thereof.

Masonry veneer. (Type 2) The construction, alteration or repair of nonstructural facing brick, precast concrete, stone or tile. This license also includes the construction of residential masonry fireplaces.

Structural steel. (Type 1) The construction, alteration, repair or demolition of the structural steel portion of a building or portions thereof.

Non-structural steel. (Type 2) The installation and repair of ornamental ironwork and railings.

Manufactured housing. (Type 1) The installation or repair of manufactured housing (excluding structural, HVAC, electrical and plumbing).

Solid fuel installation. (Type 1) The installation, alteration or repair of solid fuel burning appliances (except masonry fireplaces).

Framing. (Type 1) The construction, alteration, repair or addition of the wood framing portions of buildings or structures.

Dry Wall. (Type 1) The installation, alteration or repair of drywall in commercial and residential buildings.

General roofing. (Type 1) Application, repair or demolition of all types of roofing material, except Hot roofing.

Special roofing. (Type 2) Application, repair or demolition of roofing materials not covered under hot roofing and shingles and which requires that the applicant(s) submit

to the Building Official manufacturers' certification of application.

Hot roofing. (Type 2) Application, repair or demolition of built-up roof covering which is cemented together, typically known as built-up three ply and cemented.

Shingles. (Type 2) Application, repair or demolition of any manufactured or processed roofing material, and wood shingles or shakes, including metal roofing.

Electrical. (Type 1) The installation, demolition, repair or alteration of all electrical systems and equipment. Electrical contractors are required to possess a valid State of Wyoming and City of Cheyenne license for each classification. (Note: Electrical licenses are tested licenses; however the Board requires that the applicant first obtain the appropriate State of Wyoming Electrical license which the Board may accept for testing and experience purposes.)

Low Voltage Electrical. (Type 2) Licensed low voltage electrical contractors employing properly licensed low voltage technicians or licensed low voltage apprentice technicians may install electrical equipment which falls under the scope of their low voltage license. The following low voltage licenses must comply with all of the following:

- a. The contractor must be in compliance with the provisions of Section 14 of these regulations. The contractor must have a current State of Wyoming and City of Cheyenne low voltage contractor license in the respective category.
- b. All persons engaged in the performance of low voltage work must have a current State of Wyoming and City of Cheyenne low voltage technician license or low voltage apprentice technician license, or equivalent, in the respective category.
- c. A licensed low voltage technician shall provide direct supervision for not more than two (2) licensed low voltage apprentice technicians.

Low Voltage General. (Type 2) The wiring, rewiring, installation, demolition, repair or alteration of any low voltage system not exceeding 90 volts, to include sound systems, burglar alarm systems, fire alarm systems, communication systems, cathodic protection systems and other low voltage systems. The holder of this license is allowed to perform work in all of the following low voltage categories.

Low Voltage Alarms. (Type 2) The wiring, rewiring, installation, demolition, repair or alteration of fire alarms, burglar alarms and other alarm systems not exceeding 90 volts. Residential smoke detectors, that are not part of fire alarm system required by building and related codes, are exempt from this license.

Low Voltage Communications. (Type 2) The wiring, rewiring, installation, demolition, repairing or alteration of telephone systems, intercom systems, related fiber optics, computer systems, and other communications systems not exceeding ninety volts.

Limited Electrical. (Type 3) Any plumbing, refrigeration or hvac licensee may perform work on the load side of the disconnect which supplies power to the electrical equipment that they are licensed to work on if they are in possession of a valid limited electrical license. Any plumbing, refrigeration or hvac licensee that does not hold a limited electrical license is not permitted to perform electrical work on the load side of

the disconnect.

Licensed limited electrical contractors employing properly licensed limited technicians or licensed limited apprentice technicians may install electrical equipment which falls under the scope of their limited license or registration. The electrical work shall only include the electrical system on the load side of the disconnect which supplies power to the electrical equipment that they are licensed to work on. The following limited electrical licenses must comply with all of the following:

- a. The contractor must be in compliance with the provisions of Section 14 of these regulations. The contractor must have a current State of Wyoming and City of Cheyenne limited electrical contractor license in the respective category.
- b. All persons engaged in the performance of limited electrical work must have a current State of Wyoming and City of Cheyenne limited electrical technician license or limited electrical apprentice technician license, or equivalent, in the respective category.
- c. A licensed limited electrical technician shall provide direct supervision for not more than two (2) licensed limited electrical apprentice technicians.

Licensing categories of limited electrical work by limited electrical contractors shall be as follows:

Limited Electrical – Elevators. (Type 3) The wiring, rewiring, installation, demolition, repairing or alteration of elevators and their related systems, limited to wiring on the load side of the equipment disconnect.

Limited Electrical – Signs. (Type 3) The wiring, rewiring, installation, demolition, repairing or alteration of electrical signs and their related systems, limited to wiring on the load side of the equipment disconnect. This may also be extended to the installation of the bases and support structures if proof of experience can be provided.

Limited Electrical - Light Fixtures. (Type 3) Routine repair of light fixtures, limited to replacement ballasts and fixture parts located in buildings and their premises.

Limited Electrical – (Type 3) Plumbing, refrigeration or HVAC. The wiring, rewiring, installation, demolition, repairing or alteration of heating, ventilating, air conditioning, and refrigeration, limited to electrical wiring on the load side of the equipment disconnect. HVAC energy management systems require possession of a valid Low Voltage General license.

Plumbing. (Type 1) The installation, demolition, repair or alteration of plumbing and pipe fitting systems, equipment and materials (excluding fire sprinklers). Requires limited electrical – HVAC (type 3) license in order to perform electrical work on the load side of the disconnect.

Sewer and water main. (Type 2) The installation, repair or alteration of public sewer or water mains, and their related appurtenances. The installation, repair or alteration of private sewer or water mains and their related appurtenances. The licensee may

perform the necessary excavation work only for the work allowed under the license, without obtaining a separate earthwork license.

Water softener. (Type 2) The installation of water softeners and required piping; however, the Licensee may not make the connection to the domestic water system.

Refrigeration. (Type 1) The installation, demolition, repair or alteration of refrigeration equipment and systems. Applicants for a refrigeration license are required to submit current certification of refrigerant reclaiming. Requires Limited Electrical – HVAC (Type 3) license in order to perform electrical work on the load side of the disconnect.

HVAC. (Type 1) The installation, demolition, repair or alteration of warm air heating systems, duct work, venting systems and general sheet metal work. Requires Limited Electrical – HVAC (Type 3) license in order to perform electrical work on the load side of the disconnect.

Structural Concrete. (Type 1) The construction, alteration, repair or demolition of footings, foundations, retaining walls, structural walls and columns, post tension and pretension construction, precast structures, flat work (both public and private) and paving.

Precast. (Type 2) The construction, alteration or repair of precast concrete buildings and structures.

Concrete Flat work. (Type 2) The construction, alteration, repair or demolition of streets, alleys, parking lots, sidewalks, driveways, curb cuts, curb and gutter, and floor slabs. This license also allows for the installation of monolithic foundations not exceeding 1,000 square feet.

Asphalt Paving. (Type 1) The construction, alteration, repair or demolition of streets, alleys, and both public and private parking lots.

Elevator. (Type 1) The installation, repair, demolition or maintenance of elevators, moving walkways, escalators and handicapped lifts. Requires Limited Electrical – Elevators (Type 3) license.

Solar/Wind Turbine. (Type 1) The installation, alteration, repair, or demolition of solar collection systems and wind generation systems. The applicant must possess four (4) years experience acceptable to the Board and shall submit written documentation of experience and appear personally before the Board to substantiate the experience. The Board shall determine if the applicants experience will qualify for approval of the license. The holder of this license shall be permitted to hire properly licensed subcontractors (i.e. foundation, electrical etc.) or, with the exception of electrical work, be permitted to do the work himself. All electrical work, including low voltage, shall only be performed by properly licensed electrical or Low Voltage Electrical contractors.

## **20.0 Contractor Class D License.**

20.1 All other contractors not included within categories Class A, Class B and Class C above, who

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perform any type of work on any building, structure or site. This includes, but is not limited to plaster and stucco, fencing, floor and wall covering, painting and wall paper, siding and windows, and those who do any of the work under the Class D License Category. An applicant must specify which specialty work he/she wishes to engage in. If an applicant wishes to engage in more than one specialty, a separate license must be procured for each specialty. The Chief Building Official may create or delete Class D License Categories as the need arises. The Chief Building Official shall maintain a register of all Class D License Categories.

20.2 Contractors in possession of a valid Class D license(s) shall not act as a General Contractor and shall not be allowed to hire subcontractors. Except when the project has minor work requiring Class C licensed contractors, the Class D licensee may, with prior approval of the Chief Building Official, engage a Class C licensee to perform such work. This provision applies only to electrical, plumbing, refrigeration, HVAC and fire protection.

### **21.0 Class E Educational**

This license is intended to be utilized by a school district or community college as part of an approved curriculum, under the direct supervision of a qualified instructor, relative to the construction industry. State Board of Education accredited educational institutions may be granted a Class E, Educational Contractor License, with approval of the Board.

### **22.0 Contractor Class F License, Fire Protection Systems.**

This section pertains to fire protection systems. A separate Class F license is required for each type of activity in this section. A qualified supervisor shall provide direct supervision for not more than two (2) craft employees. The qualified supervisor for all Class F licenses shall show successful completion of an approved examination or be certified by NICET as level III within the appropriate category.

Chemical Fire Suppression. (Type 1) The installation, demolition, repair, alteration, removal or maintenance of chemical fire suppression systems or appurtenances. (This class does not include the installation or maintenance of portable fire extinguishers. Portable fire extinguishers are regulated by other provisions of the City Code.)

Flammable or Combustible Liquids. (Type 1) The installation, removal, repair, alteration, or maintenance of flammable or combustible liquid storage tanks and appurtenances.

Sprinkler (Fire)/Standpipe. (Type 1) The installation, demolition, repair, alteration, removal, or maintenance of building fire suppression systems or appurtenances (water type).

Stationary Pumps for Fire Protection. (Type 1) The installation, demolition, repair, alteration, removal, or maintenance of stationary pumps for fire protection.

### **23.0 Class S Building Materials Supplier**

This license entitles the holder to hire and oversee the work of properly licensed class C (except for electrical, plumbing, HVAC and F licenses) and class D contractors when working

in conjunction with a properly licensed contractor or homeowner in possession of a valid building permit. This license may only be issued to a company in the business of supplying building materials. The holder of this license is not permitted to perform construction related activities and is not permitted to obtain building permits. This license shall not be construed as allowing the holder thereof to construct an entire structure, but only hire and oversee subcontractors for specific portions of the project.

The holder of this license must employ at all times, in an active full time capacity, a class S qualified construction project coordinator with a valid license.

**24.0 Work within the City Of Cheyenne Right-Of-Way (ROW).**

24.1 Work shall not be performed in the City ROW unless the person has first obtained a license as required by this section, and has obtained the necessary permit(s) from the City Engineer's Office.

24.1.1 All work performed within the ROW shall be performed by the holder of a valid contractor license, of the appropriate classification, as required by these regulations, or if no category exists, no work shall be performed until a Class D ROW license has been obtained.

**25.0 Board Conditions.**

The Board recognizes that these regulations may not cover every eventuality that may arise in the course of construction. Therefore the Board may, at any time, put a condition on a licensee as the Board deems necessary, upon notification to the applicant or licensee.

**26.0 Specialty Class A License.**

The Board may grant a one-time only Specialty Class A license to a contractor that is working for a national chain, for a single project. The applicant shall submit a written recommendation from the company and contractor experience verification. The applicant will not be required to wait until the next Board meeting if the application is complete and approved by the Chief Building Official. The approval of a Specialty Class A license shall be reviewed by the Board at its next regularly scheduled meeting.

**27.0 Register.**

The Chief Building Official shall maintain a register of all currently licensed contractors and trade Licensees under the provisions of these regulations.

**28.0 Stop Work Orders.**

Whenever any work is being done contrary to the provisions of these regulations, the Chief Building Official may order the work stopped by giving notice in writing served on any persons engaged in the doing or causing such work to be done. Any such persons must stop such work immediately until authorized by the Chief Building Official to proceed with the work.

The Chief Building Official shall notify the Board of the contractors who repeatedly violate the licensing and permitting requirements described by the building and related codes and these regulations.

**29.0 Reciprocity.**

The Board may grant reciprocity with other jurisdictions and agencies as the Board determines. The Chief Building Official shall maintain a record of all reciprocal agreements that the Board has approved.

**30.0 Appeals.**

An applicant or Licensee aggrieved by a decision of the Board may appeal the decision to the District Court having jurisdiction pursuant to Wyoming Statutes § 16-3-114, *et seq.*, and/or other applicable rules.