

**AN ORDINANCE FOR ADOPTION OF CONTRACTOR LICENSING
IN CONJUNCTION WITH THE FAMILY OF INTERNATIONAL
BUILDING CODES FOR PEARL RIVER COUNTY**

WHEREAS, the statutes of the State of Mississippi, Section 19-5-9 of the Mississippi Code of 1972, as amended, empowered the County to enact construction codes published by a nationally recognized code group which sets minimum standards and has the proper provisions to maintain up-to-date amendments with minimum standard guides for building, plumbing, electrical, gas, sanitary, and other related codes in Mississippi; and

WHEREAS, an ordinance of Pearl River County adopting The Family of International Building Codes, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in Pearl River County; providing for the issuance of permits and collection of fees therefore; and repealing all other ordinances and parts of the ordinances in conflict therewith; and

WHEREAS, the Board of Supervisors do find it necessary and in the best interest of Pearl River County and the public to establish contractor's licenses protect the health, safety and general welfare of all persons dealing with those who are engaged in the vocation of contracting and to afford such persons an effective and practical protection against incompetent, inexperienced, unlawful and fraudulent acts of contractors.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Pearl River County, Mississippi, that the following licensing requirements are hereby established as follows:

100. Contractor Licensing

100.1 Definitions

As used in this division the following terms are defined and classified as follows:

100.1.1 "Board": The State Board of Contractors.

100.1.2 "Contractor": Any person contracting or undertaking as prime contractor, subcontractor or sub-subcontractor of any tier to do any erection, building, construction, reconstruction, repair, maintenance or related work on any public or private project, however "contractor" shall not include any owner of the property to be constructed, altered, repaired or improved and it is further provided that nothing herein shall apply to:

100.1.2(a) Highway construction, highway bridges, overpasses and any other project incidental to the construction of highways which are designated as federal aid projects and in which federal funds are involved.

- 100.1.3** “Certificate of responsibility”: A certificate number held by a contractor issued by the board under the provisions of this chapter after payment of the special privilege license tax therefore levied under this chapter.
- 100.1.4** “Person”: Any person with corporation, partnership, association or other type of business entity.
- 100.1.5** “Private project”: Any project for erection, building, construction, reconstruction, repair, maintenance, or related work which is not funded in whole or in part with public funds.
- 100.1.6** “Public agency”: Any board, commission, council or agency of the State of Mississippi or any district, county or municipality thereof, including school, hospital, airport and all other types of governing agencies created by or operating under the laws of this state.
- 100.1.7** “Public fund”: Monies of public agencies, whether obtained from taxation, donation or otherwise: or monies being expended by public agencies for purpose for which such public agencies exist.
- 100.1.8** “Public project”: Any project for erection, building, construction, reconstruction, repair, maintenance or related work which is funded in whole or in part with public funds.
- 100.1.9** “Building Code Board of Adjustments and Appeals”
- 100.1.9(a)** The County Building Code Board of Adjustment and Appeals shall be appointed by the Pearl River County Board of Supervisors. They shall be appointed within ninety (90) days of adoption of this ordinance.
- 100.1.9(b)** The County Building Code Board of Adjustment and Appeals shall be composed of five (5) members with one (1) appointment of a one (1) year term, two (2) appointments of two (2) year terms, and two (2) appointments of three (3) year terms. Each subsequent appointment shall have a term of three (3) years.
- 100.1.9(c)** The County Building Code Board of Adjustment and Appeals shall consist of a Mississippi licensed Architect or Engineer, a Mississippi licensed Electrical Contractor, a Mississippi licensed Plumbing Contractor, a Mississippi licensed Mechanical Contractor, and a Mississippi licensed Residential Building Contractor. (B116P__12/11/06)
- 100.1.9(d)** The interim chairman of the County Building Code Board of Adjustment and Appeals shall be the member appointed for one (1) year. This interim chairman shall convene the first meeting at which time the chairman shall be elected for a term of one (1) year.

100.2 Certification

- 100.2.1** Application for certificate of competency. Those persons, firms or corporations who are not holders of a certificate issued by the Building Code Board of Adjustment and Appeals shall apply for such certificate of competency. Such application shall be accompanied by evidence of good moral character and integrity, a statement of familiarity and knowledge of the appropriate building codes of the county and such other matters as the board may deem to be necessary and applicable.
- 100.2.2** The applicant shall submit an application in writing to the chief building official containing the statement that the applicant desires the issuance of a certificate and the class of certificate desired on a form containing the information prescribed by the Building Code Board of Adjustments and Appeals and such application shall be accompanied by an application fee as set forth elsewhere in this ordinance. Such license or certificate of competency shall be issued by the Building Code Board of Adjustments and Appeals to all contractors who become qualified by the county Building Code Board of Adjustments and Appeals.
- 100.2.3** Certificates shall be valid for the calendar year or part thereof during which they are issued. Any holder of a valid certificate of competency issued heretofore by the Building Code Board of Adjustments and Appeals of the county who does not renew said certificate within thirty (30) days after the end of the fiscal year during or for which such certificate was issued, shall be subject to a fifty (50) percent renewal penalty. If such certificate is not renewed within a period of thirty (30) days from expiration re-examination may be required at the discretion of the building official.
- 100.2.4** A limited certificate of competency applicable for a single job may be issued by such board and shall automatically expire upon completion of the project for which such limited certificate of competency was issued. No such limited certificate of competency shall be issued unto the same party for new structures within the five (5) year period following the issuance of such initial certificate of competency. In such event, the chief building official shall fully document their reasons for issuing such temporary permits and their action in so doing shall be subject to review and possible revocation by the Building Code Board of Adjustments and Appeals.
- 100.2.5** A certificate of competency based upon the examination of an individual representing a partnership, firm or corporation shall be valid only during the time that such individual is a member or supervising employee of such partnership, firm or corporation. The building official may issue temporary licenses for periods not to exceed sixty (60) days in cases where he determines such action necessary to avoid undue hardships.

100.3 Examinations.

- 100.3.1** The county participates in a cooperative testing program in the state for standardized testing by the International Code Council, Inc. (ICC). Before an applicant is granted a certificate of competency, the county building official must receive and report to the Building Code Board of Adjustment and Appeals a report from the ICC that the applicant has received a passing score on the Mississippi Standard Contractor Examination. A passing score shall satisfy the written examination requirements for licensing.
- 100.3.2** If, however, the building official determines the applicant cannot take a written examination, they shall allow the applicant to take an oral examination. The examination shall determine the theoretical and practical knowledge of the applicant, including procedures and hazards of his trade, to further determine the ability of the applicant to work in conformity with approved practice and in keeping with all county and state requirements and regulations. The examination will be prepared, administered and graded by a testing facility approved by the Building Code Board of Adjustments and Appeals.
- 100.3.3** In lieu of an examination, a letter from an approved examining and licensing board within the state may be submitted which states that the applicant stood before their board and successfully passed an examination and has held a current valid license for at least one (1) year.
- 100.3.4** The applicant shall pay all examination fees as required by ICC to sit for the standard examination.
- 100.3.5** The applicant for examination shall be obligated to comply with all rules and regulations of the facility administering the test.
- 100.3.6** Three (3) work related letters of reference and copies of any state, county or city license shall be attached to the application for testing.

100.4 Residential Building Contractor, and Residential Remodeler.

- 100.4.1** All residential building contractors and residential remodelers operating within the county shall be required to be certified or licensed by the state prior to being certified or licensed by the county Building Code Board of Adjustments and Appeals. No building permits shall be issued to any such contractor who does not have such certification or license from both the state and county.
- 100.4.2** A copy of the commercial license, as required by the State Board of Contractors, for a residential building contractor or residential remodeler shall be presented to the building official prior to the issuance of a building permit, subject to the exceptions provided for by the state as set forth in MCA 1972, § 73-59-17.

100.4.3 All residential building contractors and residential remodelers applying for a certificate of competency shall be exempt from the written examination requirement if they satisfy either of the following conditions: (1) Furnish proof of passing the applicable Mississippi Standard Contractors Examination administered for a participating jurisdiction by ICC; or (2) furnish a certified copy of a State of Mississippi Certificate of Responsibility. A general contractor who has such a license shall not be required to hold such a license for a minimum of one (1) year.

100.5 Master Mechanical Contractor, Standard Journeyman Mechanical.

100.5.1 To qualify as a master mechanical contractor or a standard journeyman mechanical, an application must be completed showing the applicant has had three (3) years of practical experience as an apprentice.

100.5.2 All master mechanical contractor and standard journeyman mechanical tradesmen shall be required to pass the appropriate examination before engaging in business in the county.

100.6 Master Plumbing Contractor, Journeyman Plumber, Residential Plumber.

100.6.1 To qualify as a master plumbing contractor, journeyman plumber, or residential plumber, an application must be completed showing the applicant has had three (3) years of practical experience as an apprentice.

100.6.2 All master plumbing contractors, journeyman plumbers, or residential plumbers shall be required to pass the appropriate examination before engaging in business in the county.

100.7 Master Electrician, Journeyman Electrician.

100.7.1 To qualify as a master electrician or journeyman electrician an application must be completed showing the applicant has had three (3) years work experience for a master electrician.

100.7.2 All master electrician or journeyman electricians shall be required to pass the appropriate examination before engaging in business in the county.

100.7 Residential Electrician.

100.7.1 An application must be completed showing the applicant has had two (2) years of work experience for a residential electrician.

100.7.2 All residential electricians shall be required to pass the appropriate examination before engaging in business in the county.

100.8 Gas Pipe Fitter, Journeyman Gas Pipe Fitter.

- 100.8.1** An application must be completed showing the applicant has had three (3) years of practical experience as an apprentice in order to qualify for a gas pipe fitter's license.
- 100.8.2** All gas pipe fitters and journeyman gas pipe fitters shall be required to pass the appropriate examination before engaging in business in the county.

100.9 Roofing Contractor, Shingle Roofing Contractor.

- 100.9.1** An application must be completed showing the applicant has had three (3) years of practical experience as an apprentice in order to qualify for a roofing contractor or shingle roofing contractor license.
- 100.9.2** All roofing contractors and shingle roofing contractors shall be required to pass the appropriate examination before engaging in business in the county.

100.10 Certificate and Building Permit Revocation.

- 100.10.1** It shall be the duty of the board, upon recommendation of the building official, to revoke or cause to be revoked the certificate and building permits of any person or job for any of the following reasons:
 - 100.10.1(a)** Willful misstatements in the certificate or building permit application;
 - 100.10.1(b)** False statements in the application of a county license;
 - 100.10.1(c)** Permitting the use of a certificate by any person other than the permittee;
 - 100.10.1(d)** Persistent refusal or neglect to observe the provisions of the applicable codes; and
 - 100.10.1(e)** Any other act intended to violate the provisions of the applicable codes.
- 100.10.2** The revocation of a certificate shall not serve as a bar to any further remedy or action at law which might be invoked by the county.

- 100.11 Public liability insurance.** The applicant shall furnish evidence that the applicant has in force a policy of public liability insurance for the protection of the public covering the applicant's proposed work in a sum of not less than one hundred thousand dollars (\$100,000.00) per occurrence coverage / three hundred thousand dollars (\$300,000.00) aggregate coverage for general liability, together with completed product coverage (PCO). The insurance certificate must name the county as the certificate holder and set forth the expiration date and policy number. Residential building contractors shall not require liability insurance to

be licensed as set forth in MCA 1972, § 73-59-2(2) but if the licensee has liability insurance it shall be reflected on the certificate of licensure.

- 100.12 Fees.** The application required for a contractor license (certificate of competency) shall be accompanied by a fee described in Appendix E of the Building Code Fee Ordinance.

The contractor license (certificate of competency) may be renewed from year to year upon payment of the license fees listed in Appendix E of the Building Code Fee Ordinance, without reexamination, if proof of insurance is provided.

100.13 Penalty.

- 100.13.1** Any person who shall violate any of the provisions of this division or who fails to comply therewith or who shall commence construction without such license or certificate of competency and the appropriate building permit shall be guilty of a misdemeanor punishable by a fine or not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days or both such fine and imprisonment. In the event of any such violation, any certificate, license or permit issued to such contractor shall be subject to revocation. Such revocation or suspension of license and certificate of competency shall be by action of the Building Code Board of Adjustments and Appeals and shall be subject to appeal as other similar actions are appealed to the Board of Supervisors, and thereafter to the appropriate state courts as in the case of appeals of administrative decisions of other municipal boards and commissions. Prior to the revocation or suspension of any such license or certificate of competency or building permit, any contractor and/or subcontractor affected thereby (electrical, plumbing, or heating and air conditioning, etc.) shall first be given reason opportunity, not less than thirty (30) days, to appear before the building code board of adjustments an appeals, (electrical, plumbing, heating and air conditioning, etc.) to show just cause why such revocation or suspension should not be improved.

- 100.13.2** The imposition of one (1) penalty for any violation shall not excuse the violation and shall not be justification for such violation to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day during which such prohibited conditions continue shall constitute a separate offense. Further, the application of the above penalty/penalties shall not be held to prevent the enforced removal of prohibited conditions by other appropriate legal remedies.

- 100.14 Reciprocity.** Pearl River County shall grant competency examination reciprocity to any contractor, including, but not limited to, any electrical, plumbing, heating and air conditioning, water and sewer, roofing or mechanical contractor, who is licensed by another municipality or county of this state without imposing any further competency examination requirements provided:

- 100.14.1** That the contractor furnishes evidence that a license issued on the basis of a competency examination administered in one (1) municipality or county of the State of Mississippi which has an examining board that regularly gives a written examination which has been approved by the State Board of Public Contractors or the Building Officials Association of Mississippi;
- 100.14.2** That they furnish evidence that they actually took and passed the written examination which qualified them for such license; however, in lieu thereof, they may furnish evidence that they were issued a license prior to May 1, 1972, and prior to the existence of a written examination by a county or municipality which has an examining board that requires written examination to qualify for a license;
- 100.14.3** That they have been actively engaged in the business for which they are licensed for two (2) years or more;
- 100.14.4** That they have held a license for his business for one (1) year or more; and
- 100.14.5** That they pay the license fee to the municipality or county to which application is made for a license unless he holds a current certificate of responsibility issued by the State Board of Public Contractors, in which case no license fee shall be collected.

100.15 **Certificate Issue.** An applicant who meets the requirements as set forth in this ordinance shall be issued a certificate.

100.16 **Validity.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Pearl River County Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

100.17 **Records.** The building official shall act as the administrative official and shall maintain accurate records in regard to certification and licensing under this article.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Board of Supervisors of Pearl River County, Mississippi, that the Contractor Licensing in Conjunction with the International Building Codes for Pearl River County, Mississippi, be and hereby adopted on this, the third (3) day of April, 2006, filed and recorded on the Board of Supervisors' Minute Book Number 113, Pages 483-, in the office of the Chancery Clerk, Poplarville, Mississippi.