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**ORDINANCE NO. 1046****AN ORDINANCE AMENDING SECTIONS 2.64.010, 2.64.030, 2.64.040, 5.36.030, 5.36.010, AND 5.36.100  
PERTAINING TO THE LICENSING OF CONTRACTORS**

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**WHEREAS**, the City of Douglas (City) Council finds and determines that the following changes and clarifications need to be made in regard to the City of Douglas Municipal Code; and

**WHEREAS**, consideration has been given to ensure fairness to all City of Douglas residents and make new regulations reasonable.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLAS, WYOMING:**

**Section 1.** Section 2.64.010 of the Douglas Municipal Code is hereby amended to read as follows:

**2.64.010 Created - Purpose.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the adopted building codes and the revocation or suspension of contractor's licenses, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

**Section 2.** Section 2.64.030 of the Douglas Municipal Code is hereby amended to read as follows:

**2.64.030 Appeal Process.**

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

The board of appeals shall meet and act on the written notice of appeal within thirty (30) days and provide their decision in writing within five (5) days after they have met.

Appeals proceeding under Section 5.36.100 will be subject to the procedure outlined therein.

**Section 3.** Section 2.64.040 of the Douglas Municipal Code is hereby amended to read as follows:

**2.64.040 Appeal Process.**

The chairman, or in his absence, the acting chairman, may administer oaths for testimony at board hearings and compel the attendance of witnesses. All meetings of the board are open to the public. The board may meet virtually. The board shall keep minutes of its proceedings showing the vote of each member. The decision of the board of appeals shall be governed by a majority vote. No member of the board shall vote in regard to any matter in which he has an interest. The board shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The building official shall take immediate action in accordance with the decision of the board.

Appeals proceeding under Section 5.36.100 will be subject to the procedure outlined therein.

Any aggrieved person shall have the right of appeal to the district court for the county.

**Section 4.** Section 5.36.030 of the Douglas Municipal Code is hereby amended to read as follows:

### **5.36.030 Appeal of license denial.**

Any applicant who is refused a contractor's license by the administrative authority may appeal to the Board of Appeals within thirty (30) days after the date of refusal.

**Section 5.** Section 5.36.010 of the Douglas Municipal Code is hereby amended to read as follows:

#### **5.36.010 – License required.**

- A. Any person engaged in any of the trades, businesses or occupations listed in this chapter, or in any construction work, shall be licensed as a contractor as required in this chapter and such license shall not be transferable.
- B. Any person or entity who undertakes to perform any of the operations controlled by this chapter, shall be considered a contractor.
- C. Exceptions:
  - 1. Any person employed for compensation under the direction and control of another person or entity who is either appropriately licensed or who is an owner performing work on his or her private residence, shall not be considered to be a contractor provided the property is not for immediate resale.
  - 2. Any person who is an owner of the property (whether residential or otherwise) and any employee of said owner, whether compensated or volunteer, may perform the following operations/tasks on said property without a contractor's license:
    - a. Yard maintenance and landscaping not requiring attachment to any public utility or service line;
    - b. Fence installation and maintenance (per Section 16.5.4 Fences and Walls);
    - c. Concrete flatwork, tree trimming and removal, interior and exterior finish work and painting; and
    - d. Any activity for which no national or international testing is available and required for the issuance of a contractor's license.
  - 3. Any person who is an owner of the property may, personally, perform all building repairs and maintenance, including those requiring physical installation, modification, or alteration of electrical, plumbing, HVAC, fuel gas, or structural elements of the property without a contractor's license provided the property is not for immediate resale and provided the work does not exceed fifty percent (50%) of the existing building area. The Building Official may require licensed contractors for new construction and additions to existing structures based on the type of construction and life and safety.
- D. Owners/landlords performing work as described in Section 5.36.010 remain subject to state, local and municipal codes, and shall obtain building permits and are subject to inspections and all other regulations as required under Title 15 and elsewhere in this code.
- E. A contractor who is licensed by any other county, city, town or other State of Wyoming government entity may apply to have his/her license recognized by the City by providing the following information:
  - 1. A certificate of good standing from the issuing jurisdiction indicating that the license is still active; and
  - 2. Proof of the successful completion of the international code council examination for contractors, plumbing, mechanical or another appropriate examination, or an equivalent; and
  - 3. Proof of financial assurance required by the City under Section § 5.36.050.

**Section 6.** Section 5.36.100 of the Douglas Municipal Code is hereby amended to read as follows:

#### **5.36.100 – Suspension or revocation of license.**

- A. Grounds: The Building Official may suspend or revoke any license issued under the provisions of this chapter when the licensee or an employee of the licensee commits one or more of the following acts or omissions:
  - 1. Improperly obtaining a license and/or a building permit through nondisclosure, misstatement or misrepresentation of a material fact;
  - 2. Performing a form of construction contracting work for which they are not licensed;
  - 3. Accepting and performing work clearly beyond their level of proficiency and skill, which work does not meet code requirements;
  - 4. Failure to comply with any of the requirements of this chapter;

5. Combining or conspiring with any unlicensed person to evade the provisions of this chapter by permitting one's license to be used by such person;
  6. Acting as agent, partner, associate or in any other capacity with any unlicensed person, to evade the provisions of this chapter; and,
  7. Violating any provisions of the City ordinances pertaining to construction activities, including but not limited to failure to obtain required permits in a timely manner.; and,
  8. Conviction of any misdemeanor or felony involving dishonesty or fraud that relates to licensee's work under his/her license.
- B. Procedure: When the Building Official believes that a contractor's license should be suspended, revoked, limited, or reclassified based on a violation of one or more of the items listed in subsection A of this section, the building official shall notify the licensee that the building official will recommend to the Board of Appeals that the licensee's license be suspended or revoked. The building official shall give written notice either in person or by certified mail to the licensee of the facts and circumstances giving rise to the recommendation, including reference to the applicable sections of this Code which the licensee has violated. The notice shall state the requirement that the licensee shall have ten (10) days to request a hearing before the Board of Appeals, and that if the licensee fails to request such a hearing, the Board shall act on the building official's recommendation at its next meeting. The notice shall state the place, date and time of the meeting where the Board will hear the building official's recommendation.
1. Upon receipt of notice, the licensee may request a hearing before the Board. Such request shall be in writing to the Board within ten (10) days of receipt of notice. Failure by the licensee to request the hearing shall be deemed a waiver of any right to a hearing on the matter and the order of suspension or revocation shall become final.
  2. At such hearing, the licensee shall be given an opportunity to show compliance with all lawful requirements for the retention of the license. The licensee shall be given the opportunity to present testimony, oral and/or written, and shall have the right of cross examination. All testimony shall be under oath. The Board shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses. The decision of the Board shall be based upon the evidence produced at the hearing and made a part of the record thereof. The hearing shall be conducted in compliance with the procedures promulgated in accordance with the Wyoming Administrative Procedures Act.
- C. Effects: A person whose license has been revoked or suspended shall not be entitled to file a new application for licensure by the establishment of a new legal entity, or otherwise, during the length of such revocation or suspension. A person whose license has been revoked or suspended shall not be entitled to recognition of a license the contractor obtained in another jurisdiction.

**PASSED AND APPROVED ON FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED AND APPROVED ON SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Kim Pexton, Mayor

**Attest:**

\_\_\_\_\_  
Mary Nicol, City Clerk

*Published:* \_\_\_\_\_

**ATTESTATION**

I, Mary Nicol, the Clerk of the City of Douglas, Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming State law were complied with.

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Mary Nicol, City Clerk