

ORDINANCE NO. 904

“AN ORDINANCE TO AMEND TITLE 9, CHAPTER 7, OF THE ATHENS MUNICIPAL CODE ENTITLED ‘BUILDING TRADESMEN’ IN AN EFFORT TO ELIMINATE THE CITY OF ATHENS BOARD OF EXAMINERS AND OTHER LANGUAGE PURSUANT THERETO.”

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

SECTION 1: That Title 9, Chapter 7, Section 9-703 entitled “Procedure for qualification of building tradesmen” be deleted in its entirety, with a new Section 9-703 being added as follows: Any person or corporation, that desires to do work in the City of Athens, shall make application with the Department of Community Development and having verifiable proof of a minimum of five (5) years experience in the trade in which they are seeking licensing in or by showing proof of passing the trade examination given by the State of Tennessee Board of Licensing Contractors. Said person or corporation shall pay all necessary city license fees, that are applicable at that time, and shall abide by all city ordinances.

SECTION 2: That Section 9-704 entitled “Board of licensing examiners” be deleted in its entirety.

SECTION 3: That Section 9-705 entitled “Issuance and term of license” be renumbered to reflect the correct numbering sequence and that the last sentence of that section (Any licensee who fails to renew his license on or before March 31st, must stand an examination prior to re-issuance) be deleted and the following sentence added in lieu thereof: Contractors with a State of Tennessee license shall pay all licensing fees as set forth by the City of Athens Department of Community Development.

SECTION 4: That Section 9-706 entitled “Illegal work-revocation of licenses” be deleted in its entirety and a new Section 9-705 be inserted in lieu thereof: 9-705. Illegal work-revocation of licenses. Any person or corporation engaged in doing work in any of the above mentioned trades, which does not conform to the applicable codes adopted by the City of Athens, or whose workmanship or materials are of inferior quality, shall on notice from the appropriate inspector, make necessary changes or corrections at once so as to conform to the applicable code. If such work has not been corrected after ten (10) days notice from the inspector, the inspector shall then refuse to issue further permits to such licensee until his work has been made to fully comply with the applicable code. The building inspector may revoke any license issued hereunder for continuous violations. When the revocation of any license is to be considered, the person to whom the license has been issued shall be given seven (7) days notice in writing of the revocation of the license. Such notice shall state the reasons for the revocation and shall inform the licensee of the appeals process, whereby upon the request of the licensee, the building inspector shall present his charges resulting in revocation to the Board of Adjustments and Appeals. During the appeal process, the licensee shall be allowed to appear in his own behalf, to be represented by legal counsel, and to present witnesses. It shall be the responsibility of the Board of Adjustments and Appeals to render a decision to concur with the revocation or to reinstate the license.

SECTION 5: That sections 9-707 (entitled “Allowing name or license to be used fraudulently”) and 9-708 (entitled “Permit required”) be renumbered to reflect correct numbering sequence.

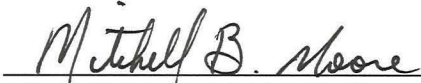
SECTION 6: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

SECTION 7: BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and as provided by law.

PASSED ON FIRST READING: September 17, 2002

PASSED ON SECOND READING: OCTOBER 15, 2002


JOHN M. PROFFITT, JR., Mayor


MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:


CHRIS TREW, City Attorney

Public Hearing on Ordinance No. 904 to be held during the regular meeting on Tuesday, October 15, 2002.

Changes to the following ordinance

CHAPTER 7

Building Tradesman

Under the heading SECTIONS delete the following; 9-704 Board of licensing examiners.

Under section 9-703 reword as follows:

Any person or corporation, that desires to do work in the City of Athens, shall make application with the department of community development and having verifiable proof of a minimum of five (5) years experience in the trade in which they are seeking licensing in, and upon showing proof of a State of Tennessee contractors license, or by showing proof of passing the trade exam given by the State of Tennessee Board of Licensing Contractors, and must pay all the necessary city license fees, that are applicable at that time, and must abide by all city ordinances.

Delete the exception to 9-703.

Delete the section 9-704 part 1, 2, 3, 4, 5.

Section 9-705 after March 31st; delete the remainder of the paragraph;

Sections 9-705 insert the following statement at the end of the paragraph;

Contractors with a State of Tennessee license must pay all licensing fees set forth by the City of Athens, Department of Community Development.

In sentence 3 of section 9-706 delete the word Board and insert the word Building Inspector.

In sentence 4 of section 9-706 delete the wording, at any meeting.

After the wording (7) days notice in writing, delete the remainder of the paragraph, and insert the following: of the revocation of the license and the reasons the license is being revoked, this notice must also inform the licensee of the appeals process. In the appeals process the Building Inspector shall present his charges to the Board of Adjustments and Appeals, at this time the licensee shall be allowed to appear in his own behalf, to be represented by council, and to present witnesses. The Board of Adjustments and Appeals shall render a decision to revoke or to reinstate the license.

CHAPTER 7

BUILDING TRADESMEN

SECTION

- 9-701. Definitions.
- 9-702. Building tradesmen to be licensed.
- 9-703. Procedure for qualification of building tradesmen.
- 9-704. Board of licensing examiners.
- 9-705. Issuance and term of license.
- 9-706. Illegal work-revocation of licenses.
- 9-707. Allowing name or license to be used fraudulently.
- 9-708. Permit required.

9-701. Definitions. Building tradesmen (hereinafter referred to as the trades) includes the following occupations: electricians, plumbers, and mechanical (heat ventilation, & air conditioning "HVAC") contractors, but not limited to these occupations.

9-702. Building tradesmen to be licensed. Before any person or corporation, shall perform any trade in the City of Athens, they shall be qualified as set forth herein and a license shall be obtained from the city, or they must hold a valid State of Tennessee contractors license for their particular trade.

9-703. Procedure for qualification of building tradesmen. Any person or corporation, that desires to do work in the City of Athens, shall make application with the department of community development and having verifiable proof of a minimum of five (5) years experience in the trade of which they are seeking licensing in, on such forms as is approved by the board, for the purpose of standing for and examination as approved by the board.

DELETE Exception: Persons holding valid State of Tennessee contractors license for the respective trade are exempt from the examination, but they must pay the necessary city license fees, that are applicable at that time, and must abide by all city ordinances.

DELETE 9-704. Board of licensing examiners. (1) Board personnel. There is hereby established a board of licensing examiners (hereinafter referred to as the board) to consist of the community development director, the building inspector, two (2) plumbers, (each holding an active master plumbers license with the City of Athens), two (2) electricians (each holding an active master electricians license with the City of Athens), two (2) mechanical contractors, (each holding an active master mechanical license with the City of Athens), and one (1) building contractor. Each of the seven (7) appointive members of the board shall

have had at least five (5) years experience in his respective field. The appointive members of the board shall be appointed by the city council to serve for three (3) years except that the first six (6) members, of which two (2), shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and two (2) shall be appointed for three (3) years, respectively so that the term of two (2) members expires each year. The terms shall begin on July 1, of the year of appointment.

DELETE

(2) Meetings and organization of the board. The board shall hold its first meeting not later than thirty (30) days following its appointment. Thereafter the board shall meet at such intervals as it may deem necessary for the proper performance of its duties, but in any case not less than twice a year. The board shall elect a chairman annually at its first meeting after July 1. The building inspector shall serve as secretary to the board and shall keep the minutes of the meetings.

DELETE

(3) Examination and certification of applicants. The board shall establish standards and procedures for the qualifications, examination, and licensing of the respective trades and shall authorize an appropriate license for each person or corporation, that meets the qualifications therefore and successfully passes the examination prescribed by the board. The board shall keep an official record of all its transactions.

DELETE

(4) Re-examination. Any person who fails to pass an examination as prescribed by the board may apply for re-examination by making, re-application for examination and the payment of the regular examination fees to the department of community development.

DELETE

(5) Examination fee. Any person or corporation desiring to be licensed in their respective trade shall make written application to the department of community development, and by paying the examination fee that is in force at that time. Examination fees are non-refundable.

9-705. Issuance and term of license. Licenses shall be issued annually by the department of community development to all applicants who comply with the requirements of this chapter. All licenses shall carry an expiration date of December 31st of each year with a grace period extending through March 31st of the next year. The fee for license renewal shall be set by the department of community development, and must be submitted to the City of Athens before March 31st. Any licensee who fails to renew his license on or before March 31st, must stand an examination prior to re-issuance.

DELETE +
INSCRIPT.

9-706. Illegal work-revocation of licenses. Any person or corporation, engaged in doing work in any of the above mentioned trades, which does not conform to the applicable "Standard Codes", or whose workmanship or materials are of inferior quality, shall on notice from the appropriate inspector, make necessary changes or corrections at once so as to conform to the applicable code. If such work has not been corrected after ten (10) days notice from the inspector, the inspector shall then refuse to issue further permits to such licensee until his

work has been made to fully comply with the applicable code. The board may revoke any license issued hereunder for continuous violations. When the revocation of any license is to be considered at any meeting, the person to whom the license has been issued shall be given seven (7) days notice in writing of the time and place of such meeting, together with a statement of the grounds upon which it is proposed to revoke his license. At such meeting the licensee shall be allowed to appear in his own behalf, to be represented by counsel, and to present witnesses.

9-707. Allowing name or license to be used fraudulently. No person or corporation engaged in doing work in any of the above mention trades, shall allow his name to be used by any other person, firm, or corporation, directly or indirectly, to obtain a permit, or for the construction of any work under his name or license nor shall he make any misrepresentations or omissions in his dealings with the City of Athens.

9-708. Permit required. Each trade shall be responsible to purchase the proper permits for each job of record, and they are responsible for the proper inspections to be made at each phase of the construction process, and to see that proper entrance to the premises is provided to the appropriate inspector. No work shall be covered or made inaccessible until the proper inspection has been made.

Delete +
Insert.