

Special Board of Examiners Meeting

October 23, 2024

4:30 PM

Town Council Chambers

Chair: Jade Beus

I. OPENING

A. Call to Order

B. Roll Call

II. PUBLIC COMMENT

This section is reserved for public comment about items not included in this agenda. Public comment is limited to 3 minutes. The Board does not discuss, debate, or act on issues raised under public comment. The Board may or may not discuss an issue raised under Public Comment later in the meeting during Matters from Board at their discretion. If you would like to communicate with the Board during the meeting about an item on the agenda, please wait until public comment has been called for that item.

III. CONSENT CALENDAR

All matters listed in this section are considered to be of routine nature by the Board and will be enacted in one motion, unless it is removed from the consent calendar and considered separately by the Board. Public comment may be given on any item.

IV. DISCUSSION ITEMS AND/OR POSSIBLE ACTION ITEMS

A. Election of Officers

B. Bylaws – Consider Amendments

C. Title 15.36 Contractor Licensing Overview of Previously Approved Ordinance

V. MATTERS FROM THE BOARD

VI. TIME AND PLACE OF NEXT MEETING

A. November 12, 2024 at 4:30pm the Jackson Town Hall, 150 East Pearl Avenue

VII. ADJOURN

Please note that at any point during the meeting, the Chair may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

BYLAWS
Town of Jackson Board of Examiners

- A. Purpose.** The Board of Examiners shall establish rules, regulations, and procedures for conducting business, which rules, regulations, and procedures shall be approved by the Town Council prior to being effective. The Board of Examiners shall also serve as the Board of Appeals as required by the building codes to hear and decide appeals of orders, decisions, or determinations made by the Town Building Official relative to the application and interpretation of the codes adopted by the Town of Jackson.
- B. Qualification for membership.** Members of the Board of Examiners shall consist of a minimum of five and a maximum of nine professionals in the construction industry, including by way of example and not exclusion, tradespeople, architects, and engineers. All members are appointed by the Town Council of the Town of Jackson Wyoming and serve two-year terms.
- C. Vacancies for unexpired terms on the Board.** Vacancies for unexpired terms shall be filled by appointment by the Town Council of the Town of Jackson, Wyoming. A vacancy shall exist if during the term for which appointed any board member no longer qualifies pursuant to Title 1 of the Jackson Municipal Code, applicable state law, or otherwise resigns.
- D. List of offices.** There shall be a chairperson, vice-chairperson, and secretary.
- E. Powers and duties of officers.**

 - 1. Chairperson.** The Chairperson shall administer oaths and compel the attendance of witnesses and shall be in charge of all proceedings before the Board and shall take such action as necessary to preserve order and the integrity of all proceedings before the Board.
 - 2. Vice-chairperson.** The vice-chairperson shall serve as the presiding officer of meetings of the Board in the absence of the chairperson. They may perform all duties as may be prescribed from time to time in the absence of the chairperson.
 - 3. Secretary.** The Secretary shall sign and officially attest to the validity of actions taken by the Board.
- F. Election of Officers.** Officers shall be elected at the annual meeting of the Board, or as soon as possible thereafter. Vacancies shall be filled at the next meeting of the Board after the vacancy occurs. The election of officers and filling of vacancies shall be by a majority of all Board members and not by a majority of those present. Nominations shall be made from the floor and votes shall be by written ballot, to be collected, tallied, and the results announced by the Building Official or their designee. Voting shall take place until one nominee obtains a majority of support. The newly elected officers shall take office immediately following the close of the meeting at which they are elected, and the term of office shall be one year. Officers may be removed from office at any meeting of the Board by a majority of all board members and not by a majority of those present. Resignations of officers go to the Jackson Town Clerk for dissemination to the full Board.
- G. Meetings.**

 - 1. Annual Meeting.** The annual meeting of the Board will be the regular meeting of the year each year.
 - 2. Regular Meeting.** The regular meeting of the Board shall be held once a year on the second Tuesday of January at 4:30pm to deal with matters properly before the Board and elect officers for the year.

3. **Special Meetings.** A special meeting may be called by the Chairperson by giving verbal, electronic, or written notice of the meeting to each member of the Board and to each newspaper of general circulation, radio, or television station requesting the notice. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted other than that noticed.
4. **Location.** Board meetings shall be held in the Town Hall, 150 East Pearl Avenue, or such other place within the Town of Jackson accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting, and/or via electronic conference.
5. **Meetings Open to the Public.** All meetings of the Board shall be open to the public in a place accessible to the public.
6. **Notice.** Meetings shall be set for a time convenient to the Board, and after due public notice.

H. Quorum.

1. A quorum shall consist of not less than 50% plus 1 member of the Board. If a quorum is not present, the meeting cannot be held. The agenda will carry over until the next regular meeting or, if necessary, a special meeting of the Board may be called.
2. Board members may virtually participate, vote, and be counted for purposes of the quorum for no more than 2 meetings in a one-year period, whether regular or special meetings, without the approval of the Chair. The ability for a Board member to virtually participate, vote, and be counted in the quorum of the Board beyond the 2 occurrences in the one-year period shall be allowed only with the approval of the Chair for each individual meeting where such a request is made.

I. Conflict of interest. All members shall comply with Wyo. Stat. § 9–13–101 to § 9–13–109, as amended.

J. Amendment to Bylaws. Amendments to these Bylaws may be considered at any meeting of the Board. Amendments to these Bylaws shall be by a majority of all Board members and not by a majority of those present, and effective upon approval of the Jackson Town Council.

Approved and adopted by the Board of Examiners of the Town of Jackson Wyoming on _____.

_____	ATTESTATION:	_____
_____, Chairperson		_____, Secretary

Approved and adopted by the Jackson Town Council on _____.

_____	ATTESTATION:	_____
_____, Mayor		_____, Town Clerk

BYLAWS

Town of Jackson Board of Examiners~~OARD OF EXAMINERS/BOARD OF APPEALS~~ RULES AND REGULATIONS/BYLAWS

A. ~~Establishment and Purpose.~~ The Board of Examiners shall establish rules, regulations, and procedures for conducting business, which rules, regulations, and procedures shall be approved by the Town Council prior to being effective. The Board of Examiners shall also serve as the Board of Appeals as required by the building codes to hear and decide appeals of orders, decisions, or determinations made by the Town Building Official relative to the application and interpretation of the codes adopted by the Town of Jackson. ~~There is hereby established a Board of Examiners/Board of Appeals, hereinafter known as the Board, for the Town of Jackson, consisting of members who are qualified by experience and training to pass on matters pertaining to the building construction industry and who are not employees of this jurisdiction.~~

~~1. Powers and Duties.~~

- ~~a. **Prepare Licensing Procedures.** The Board of Examiners shall prepare or cause to be prepared the licensing procedures, requirements, fees, qualifications and testing requirements for the contracting trades to be licensed as contractors in the Town of Jackson.~~
- ~~b. **To Hear and Decide Appeals.** The Board of Examiners shall also serve as the Board of Appeals as required by the building code, 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 building codes.~~
- ~~c. **Recommend Amendments.** To initiate, review, hear, consider and make recommendations to the Town Council to approve or disapprove amendments to building construction matters in and for the Town of Jackson.~~
- ~~d. **Make Expertise Available.** To make its' special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town, State or Federal governments.~~

~~2. Membership.~~ ~~The Board shall consist of qualified persons appointed by the Town Council.~~

- ~~a. **Qualifications.** Members of the Board shall be residents of The Town of Jackson or Teton County. No member of the Town Council or Town employees shall serve as a member of the Board. Although no specific requirements shall be necessary as a prerequisite to appointment, special consideration shall be given to applicants who have experience or education in the construction trades and related fields.~~
- ~~b. **Appointment.** The Board shall be composed of a minimum of five (5) and a maximum of nine (9) members, all to be appointed by the Mayor with the consent of the Town Council.~~
- ~~c. **Terms of Office.** All members serving on the Board shall be appointed for a term of two (2) years, after the initial Board has been appointed. There shall be no limit on the number of terms a person may serve on the Board. When a person is appointed to finish out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.~~
- ~~d. **Removal from Office.** The Town Council may terminate the appointment of each person as a member of the Board after a public hearing.~~

~~e. **General.** In the event that any member is no longer a qualified appointee of the Town, or is convicted of a felony, or an offense involving moral turpitude while in office, the Town Council may terminate the appointment of such person as a member of the Board after a public hearing, and the Mayor shall appoint a new member with the consent of the Town Council.~~

~~f. **Attendance.** If any member of the Board fails to attend four (4) regular meetings without cause over a six (6) month period, the Chairperson of the Board shall notify the Town Council who may, after a public hearing, declare the seat vacant. If the seat is declared vacant, the Mayor shall appoint a new member with the consent of the Town Council.~~

B. **Qualification for membership.** Members of the Board of Examiners shall consist of a minimum of five and a maximum of nine professionals in the construction industry, including by way of example and not exclusion, tradespeople, architects, and engineers. All members are appointed by the Town Council of the Town of Jackson Wyoming and serve two-year terms.

C. **Vacancies for unexpired terms on the Board.** Vacancies for unexpired terms shall be filled by appointment by the Town Council of the Town of Jackson, Wyoming. A vacancy shall exist if during the term for which appointed any board member no longer qualifies pursuant to Title 1 of the Jackson Municipal Code, applicable state law, or otherwise resigns.

D. **List of offices.** There shall be a chairperson, vice-chairperson, and secretary.

~~C.E.~~ **Powers and duties of Officers; Quorum; Rules of Procedure.**

1. **Chairperson. and Vice Person.** At an annual organizational meeting, the members of the Board of Examiners/Appeals, herein known as the Board, shall elect a Chairperson and Vice Chairperson from among its' members. The Chairperson and Vice Chairperson's term shall be for one (1) year. No member shall serve as Chairperson for more than two (2) consecutive terms. The Chairperson shall administer oaths and compel the attendance of witnesses and shall be in charge of all proceedings before the Board and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Board. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.

2. **Vice-chairperson.** The vice-chairperson shall serve as the presiding officer of meetings of the Board in the absence of the chairperson. They may perform all duties as may be prescribed from time to time in the absence of the chairperson.

~~2.3.~~ **Secretary.** The Building Official or designee shall serve as secretary and shall be an ex-officio member of the Board. The Secretary shall sign and officially attest to the validity of actions taken by the Board. keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Board, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the voting members on the Board. In addition, the Secretary shall maintain all records of the Board meetings, hearings, proceedings and the correspondence of the Board.

~~3.~~ **Staff.** The Planning Department shall be available to provide professional assistance to the Board, at the Direction of the Town Administrator.

~~4. **Quorum and Voting.** The presence of two thirds (2/3) or more members of the Board shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of affirmative votes of the quorum present.~~

F. Election of Officers. Officers shall be elected at the annual meeting of the Board, or as soon as possible thereafter. Vacancies shall be filled at the next meeting of the Board after the vacancy occurs. The election of officers and filling of vacancies shall be by a majority of all Board members and not by a majority of those present. Nominations shall be made from the floor and votes shall be by written ballot, to be collected, tallied, and the results announced by the Building Official or their designee. Voting shall take place until one nominee obtains a majority of support. The newly elected officers shall take office immediately following the close of the meeting at which they are elected and the term of office shall be one year. Officers may be removed from office at any meeting of the Board by a majority of all board members and not by a majority of those present. Resignations of officers go to the Jackson Town Clerk for dissemination to the full Board.

D.G. Meetings.

1. Annual Meeting. The annual meeting of the Board will be the regular meeting of the year each year.

~~**1.2. General Regular Meeting.** ~~The regular meetings~~ of the Board shall be held ~~at least once a year~~ monthly on the second Tuesday of January at 4:30pm ~~each month~~ to deal with matters properly before the Board and elect officers for the year. ~~More meetings shall be called as needed.~~~~

~~**2.3. Special Meetings.** A special meeting may be called by the Chairperson- by giving verbal, electronic, or written notice of the meeting to each member of the Board and to each newspaper of general circulation, radio, or television station requesting the notice ~~by giving notice to each member and to the official advertising newspaper of the Town of Jackson.~~ The notice shall specify the time, place and business to be transacted, and no other business shall be conducted other than that noticed.~~

4. Location. ~~The location of a~~ Board meetings shall be held in the Town Hall, 150 East Pearl Avenue, or such other place within the Town of Jackson accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting, and/or via electronic conference.

~~**3.5. Meetings Open to the Public.** All meetings ~~and public hearings~~ of the Board shall be open to the public in a place accessible to the public.~~

~~**4.6. Notice.** Public hearings ~~Meetings~~ shall be set for a time convenient to the Board ~~Members,~~ and after due public notice.~~

H. Quorum.

1. A quorum shall consist of not less than 50% plus 1 member of the Board. If a quorum is not present, the meeting cannot be held. The agenda will carry over until the next regular meeting or, if necessary, a special meeting of the Board may be called.

2. Board members may virtually participate, vote, and be counted for purposes of the quorum for no more than 2 meetings in a one-year period, whether regular or special meetings, without the approval of the Chair. The ability for a Board member to virtually participate, vote, and be counted in the quorum of the Board beyond the 2 occurrences in the one-year period shall be allowed only with the approval of the Chair for each individual meeting where such a request is made.

I. **Conflict of interest.** All members shall comply with Wyo. Stat. § 9–13–101 to § 9–13–109, as amended.

J. **Amendment to Bylaws.** These Bylaws may be amended at any meeting of the Board. Amendments to these Bylaws shall be by a majority of all Board members and not by a majority of those present.

Approved and adopted by the Board of Examiners of the Town of Jackson Wyoming and effective upon approval by the Town Council.

_____, Chairperson

Attest:

_____, Secretary

~~D. **Compensation.** The members of the Board shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Town Council.~~

ORDINANCE 1380

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 701, 1089, 1090, AND 1142; AND SECTION 8 OF JACKSON ORDINANCE NO. 1280; AND CHAPTER 15.36 OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING CONTRACTOR LICENSING AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. Section 1 of Town of Jackson Ordinance Nos. 701, 1089, 1090, and 1142; Section 8 of Town of Jackson Ordinance No. 1280; Chapter 15.36 of the Town of Jackson Municipal Code are hereby amended and reenacted to read as follows:

Chapter 15.36 CONTRACTOR LICENSING AND CERTIFICATION**15.36.005 Purpose and relationship between Licenses and Certificates of Qualification.**

A. The purpose of authorizing contractors and tradespeople is to ensure minimum safety, education, and qualification standards are applied in the construction of buildings within the Town in order to protect the public, property, and workers. To ensure appropriate standards are met, every person is required to be qualified for the trade they practice, and the level of their trade, via Certificates of Qualification. Moreover, every Licensee is required to obtain a Master certificate, or employ a person who has obtained a Master certificate, appropriate to the types of work the Licensee is undertaking. A Licensee is responsible for the work covered by the License and may be a business or corporation. The Certificate of Qualification holder is responsible for on-site supervision during all phases of construction and is an individual.

15.36.010 Board of examiners created; duties of same.

A. Town of Jackson Board of Examiners shall be created, consisting of five to nine members, including a chairperson, to be appointed by the Town Council. The Board shall serve at the pleasure of the Town Council and members shall be volunteer, nonpaid positions. Upon the affirmative vote of a majority of the Town Council, members may be removed from the Board. Members of the Board of Examiners shall consist of professionals in the construction industry, including by way of example and not exclusion, tradespeople, architects, and engineers.

B. Initial appointments to the Board of Examiners shall be two appointments for one year and three appointments for two years, and thereafter appointments shall be for a term of two years at the expiration of the term of each member.

C. The Board of Examiners shall establish rules, regulations, and procedures for conducting business, which rules, regulations, and procedures shall be approved by the Town Council prior to being effective.

D. The Board of Examiners shall also serve as the Board of Appeals as required by the building codes to hear and decide appeals of orders, decisions, or determinations made by the Town Building Official relative to the application and interpretation of the codes adopted by the Town of Jackson.

15.36.020 Definitions.**15.36.020 – Definitions.**

A. As used in this title:

1. *Apprentice* means an individual who is learning a trade under the direct Supervision of a person qualified under the terms of this chapter to train an individual in that trade.
2. *Certificate of Qualification* means nontransferable authority to perform certain skills and is issued to an individual.
3. *Contractor* means anyone engaged in any of the trades as a general, building, or residential contractor, construction manager, and/or any of the classifications as set forth herein.
4. *Journeyman* means an individual who, through proven experience and demonstrated knowledge, shows proficiency in their trade. Such an individual shall be qualified to work for a Licensed Contractor without direct Supervision.

5. *License* means the authority to contract and obtain permits for the construction, alteration, addition to, or relocation of, any system or portions of a system regulated by this chapter.
6. *Master* means an individual who, through demonstrated knowledge and verified experience, may qualify a business, corporation, partnership or individual for a License.
7. *Principal Place of Residence* means the place which is an individual's primary home used for the purposes of filing taxes or, if a vacant lot, that will upon issuance of a certificate of occupancy become the individual's primary home used for the purposes of filing taxes.
8. *Supervision* means the continuous control of all work in progress as authorized by the Journeyman or Master.

15.36.030 – Building Official authority.

- A. Authority. There is vested in the Building Official, or their designees, the authority of determining the qualifications of applicants for those Licenses and Certificates of Qualification established by this Chapter and to effectuate all authority and power as set forth in the building codes adopted by the Town.
- B. The Building Official may render reasonable interpretations of these provisions and rules and regulations as established by the Board of Examiners as necessary to carry out the intent and purpose of this Chapter and the rules and regulations, respectively.
- C. Jurisdictional Reciprocity. The Building Official, or their designee, may grant reciprocity with other jurisdictions and agencies as the Building Official, or their designee, determines. The Building Official shall maintain a record of all reciprocal agreements that have been approved.

15.36.31 – License and certification required.

- A. It shall be unlawful for any person to undertake any of the types of work regulated by this Chapter within the Town without first obtaining a Certificate of Qualification, complying with the provisions of this Chapter.
- B. Except as otherwise provided in Section 15.36.040.D, it shall be unlawful for any firm, corporation, or other corporate entity to undertake any of the types of work regulated by this Chapter within the Town without first obtaining an appropriate License complying with the provisions of this Chapter. Such License shall serve as the business license required by Title 5 of this Code.
- C. It is the duty of each Licensee and Certificate of Qualification holder to renew and maintain a valid License and/or Certificate in conformance with the requirements of this Chapter.

15.36.032 – Personal privilege.

- A. The Licenses and Certificates of Qualification issued under this Chapter shall be a personal privilege, good for the period for which issued, subject to the condition however, that they may be denied, revoked, or suspended.

15.36.033 – Evidence of doing business

- A. Whenever any person by the use of signs, circulars, cards, telephone books, or newspapers, advertises, holds out, or represents that they are in any and every kind of lawful business, trade, calling, profession, or occupation in the Town, or when any person holds an active license or permit issued by a governmental agency indicating that they are in any business, trade, calling, profession, or occupation in the Town, these facts shall be considered prima facie evidence that they are conducting business in the Town.

15.36.034 – Fees; Payment

- A. There shall be annual application fees for all Licenses and Certificates of Qualification authorized hereunder, for both initial issuance and for renewal, and the fees for such shall be in an amount established by resolution, be paid at the time application therefor is made, and be nonrefundable.
- B. Applicants seeking reciprocity pursuant to Wyo. Stat. § 16-6-1101, as amended, shall not pay an initial issuance fee, provided the work they are seeking to perform in the Town is covered under their existing license issued by another jurisdiction and is at an equivalent level of required competency in the Town. If they seek to perform work that is not covered under the license issued by another jurisdiction or that is not at an equivalent level of required competency in the Town, they shall pay initial application fees. All parties that are Licensed and/or Certified via reciprocity pursuant to Wyo. Stat. § 16-6-1101, as amended, shall, consistent with all other Licensed and Certified parties, pay annual renewal fees.

- C. Applicants seeking reciprocity other than under Wyo. Stat. § 16-6-1101, as amended, shall pay fees in accordance with Section 15.35.034.A.
- D. There shall be no pro-rated reduction of the fee based on the time of year when a License or Certificate of Qualification is applied for.
- E. Receipt of payment does not constitute approval of a License or a Certificate of Qualification application.
- F. If a Licensee or Certificate holder seeks to change or upgrade a License or Certificate, no credit shall be given for fees paid on the existing License or Certificate. A complete initial application and associated fee shall be paid for the new License or Certificate.

15.36.035 — Applications—Initial and renewal

- A. Every person seeking to begin work regulated by this Chapter, or continue it if previously licensed or certified, within the Town must complete the appropriate application pursuant to this section and obtain approval before beginning or continuing such work.
- B. All applications, whether for a License or a Certificate of Qualification, shall be made in writing to the Town Manager, or their designee, on forms provided by the Town, which must be complete to be processed.
- C. It shall be the duty of the applicant to seek any reviews, authorizations, permits and/or approvals from state, federal, Town or Teton County authorities that may be required in addition to the License and Certificate of Qualification set forth in this Chapter.
- D. Each application, whether for a License or a Certificate of Qualification, submitted shall be affirmed as being true and correct to the best of the applicant's knowledge and shall affirm that the applicant understands that information provided on and with the application may be investigated for accuracy.
- E. Applications, whether for a License or a Certificate of Qualification, shall be processed within 30 days of the receipt of an application.
- F. Applications for a Contractor License shall include:
 - 1. Proof of workers' compensation with the State of Wyoming or provide proof of why workers' compensation is not required.
 - 2. Proof of unemployment insurance with the State of Wyoming or provide proof of why unemployment insurance is not required.
 - 3. A compliance bond in the amount set forth below for the respective license class and executed by a surety company authorized to transact business in the State of Wyoming, with the applicant as principal and the Town of Jackson as obligee, conditioned that the applicant shall faithfully perform the duties and in all things comply with the provisions of this Chapter, including all amendments thereto. Bond amounts are as follows:

i.

License	Bond amount
General Contractor (Class A)	\$250,000
Building Contractor (Class B)	\$250,000
Building Contractor—Restricted (Class Br)	\$100,000
Residential Contractor (Class C)	\$100,000

- 4. If the applicant is a corporation or limited liability company, proof of good standing with the office of the Wyoming Secretary of State.
- 5. A License shall not be issued until a certificate of insurance has been filed and approved by the Building Official, or their designee. Licensees 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 Town of Jackson must be named as certificate of insurance holder. Commercial general liability limits are as follows:

i.

License	Limit Per Occurrence	Total Aggregate
General Contractor (Class A)	\$1,000,000	\$2,000,000
Building Contractor (Class B)	\$1,000,000	\$2,000,000

Building Contractor— Restricted (Class Br)	\$500,000	\$1,000,000
Residential Contractor (Class C)	\$500,000	\$1,000,000

G. Renewal of a Certificate of Qualification requires the applicant to either have completed 8 hours of educational seminar covering the adopted code for the applicable trade approved by the Building Official, or their designee, or to re-test through the ICC Trade Certification Program.

15.36.036 – Possession and Display Certificate of Qualification.

A. Any person certified hereunder shall maintain possession of their current Certificate of Qualification and shall produce the same upon the request of the Building Official, or their designee, any Law Enforcement Officer, any Community Service Officer, or any Special Municipal Officer of the Town of Jackson.

15.36.037– Transfer; Using another’s License or Certificate of Qualification.

- A. No License or Certificate of Qualification shall be valid for more than one person, nor shall a License or Certificate of Qualification be transferable.
- B. A licensed or certified person may not enter into an agreement, oral or written, whereby their License or Certificate of Qualification is used, or will be used, by any other person.
- C. A licensed or certified person may not knowingly allow their License or Certificate of Qualification to be used by any other person.
- D. A licensed or certified person may not apply for or obtain a building permit for construction work unless the licensed or certified person have agreed to make improvements to, or perform the contracting at, the real property specified in the application or permit. This paragraph does not prohibit a person from applying for or obtaining a building permit to allow the person to perform work for another person without compensation or to perform work on property that is owned by the applicant.
- E. The dissolution of a business entity which has been licensed terminates the License and no person may operate under that License.
- F. A new License is required for the creation of a new business entity and shall not entitle any person to transfer any License to the new entity.

15.36.038 – Expiration; Licenses and Certificates of Qualification.

- A. All Licenses expire on December 31 annually.
- B. All Certificates of Qualification expire on December 31 triennially.
- C. All Licenses and Certificates of Qualification automatically expire if any applicable requirement(s) of this Chapter lapse, are canceled, or expire during the term of an existing License or Certificate of Qualification; provided Licensees and Certificate of Qualification holders shall have 30 days from the date of the lapse, cancellation, or expiration of the requirement to provide proof of being current with said requirement before an expiration shall be effective.
- D. If an application has not been received by the Town prior to January 1, the Licensee or Certificate of Qualification holder will have until January 31 to submit a renewal application together with payment of the annual fee, plus an additional late fee in an amount established by resolution. All Licenses and Certificates of Qualification are delinquent beginning January 1 and concluding January 31 on 11:59 p.m. After 11:59 p.m. on January 31 the License or Certificate of Qualification is not eligible for renewal; an application for a new License or Certificate of Qualification must be submitted.

15.36.039 – Denial, revocation, and suspension

- A. The Town Manager, or their designee, may deny an application except for an application for reciprocity pursuant to Wyo. Stat. § 16-6-1101, as amended, and may suspend or revoke an issued License or Certificate of Qualification, whether initially issued via reciprocity or otherwise, when the applicant/holder commits any one or more of the following acts or omissions:
 - 1. The breach of any condition upon which the License or Certificate of Qualification was issued or failure to comply with any applicable provision(s) of law.
 - 2. The violation of any local, state, or federal law(s) or codes relating to health and safety of the premises at which work is taking place or relating to the Town of Jackson Land Development Regulations.

3. The securing of any License or Certificate of Qualification by fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the application process.
 4. Failure of the Licensee to notify the Building Official, or their designee, within 5 business days that the Master left the Licensee's employ.
 5. The securing of any permit sought pursuant to the codes of this Title or the Land Development Regulations by fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the application process.
 6. Engaging in any work regulated by this Chapter or advertising as available to engage in any such work without being duly licensed or certified pursuant to this Chapter.
 7. Commencing or performing work for which a permit is required pursuant to this Title or the Land Development Regulations without such permit being in effect.
 8. The conviction for a crime involving dishonesty, false statement, or a felony.
 9. The conduct of the License or Certificate of Qualification holder puts the health, safety, or welfare of their customers, public employees, or the public at risk.
 10. The failure to timely provide any information required by the Town for the application process.
 11. The applicant had a License or Certificate of Qualification issued hereunder revoked or suspended within three years immediately preceding the date of application.
- B. The Town Manager, or their designee, may deny an application for reciprocity pursuant to Wyo. Stat. § 16-6-1101, as amended, when the applicant:
1. Fails to comply with Wyo. Stat. § 16-6-1101, as amended.
 2. Previously had a License or Certificate of Qualification revoked or suspended by the Town.
- C. When the Town Manager, or their designee, deems that a License or Certificate of Qualification issued hereunder shall be denied, suspended, or revoked, the procedure shall be as follows:
1. The applicant or Licensee or Certificate of Qualification holder shall be notified by the Town Manager, or their designee, in writing, sent via certified mail; such notice shall be sent at least 15 days prior to the action contemplated, setting forth the reasons therefor.
 2. Upon receipt of the notice, the applicant or Licensee or Certificate of Qualification holder may request a hearing before the Town Council. Such request shall be in writing and shall be received by the Town Manager, or their designee, within 15 days of the postal date of the suspension or revocation notice; failure on the part of the applicant or Licensee or Certificate of Qualification holder to request a hearing in writing and within the specified time period shall be deemed a waiver of their right to a hearing.
 3. If a hearing is requested by the applicant or Licensee or Certificate of Qualification holder, the Town Manager, or their designee, shall set the time, date, and location, which shall be not less than 15 days and not more than 45 days of receipt of the notice requesting such. The Town Manager, or their designee, shall notify the applicant or Licensee or Certificate of Qualification holder in writing, sent by certified mail, of the hearing.
 4. At the hearing, the parties have the right to be represented by counsel, and to present testimony and evidence. The Town Council shall, by majority vote, render a decision. The decision of the Town Council shall be final and binding on all parties concerned.
 5. The Town Manager, or their designee, shall notify the applicant or Licensee or Certificate of Qualification holder in writing, by certified mail, of the Town Council decision as the result of the hearing.
- D. Such revocation or suspension may be in addition to any fine imposed.

15.36.040 Contractor Licenses.

- A. *Classifications.* There shall be the following classes of Licenses and the respective Licensee shall be authorized to do the following:
1. *General Contractor (Class A)*—To contract for the construction, alteration, or repair of any type or size of structure.
 2. *Building Contractor (Class B)*—To contract for the construction, alteration, or repair of commercial buildings and single or multi-dwelling residential buildings, not exceeding three stories in height.
 3. *Building Contractor—Restricted (Class Br)*—To contract for work of a nonstructural nature in a commercial tenant space with a maximum gross floor area of 5,000 square feet or less and for

the construction, alterations and repairs of one- and two-family residences, townhouses and buildings accessory thereto.

4. *Residential Contractor (Class C)*—To contract for the construction, alterations, and repairs of one- and two-family residences, and buildings accessory thereto.

5. *Proprietary Homeowner Contractor*— To construct, alter, or repair only i) once every 8 years, which period begins on the date of the issuance of a certificate of occupancy; ii) one's own principal place of residence, including accessory buildings and excluding accessory residential units; iii) that are regulated under the International Residential Code; and iv) if an accessory building, that is on the same property as the principal place of residence. Prior to issuance, the owner is required to pass a written Proprietary Homeowner Contractor exam administered by the Town of Jackson or a Class C Contractor License exam.

6. *Plumbing Contractor*—Installation, alteration, addition or relocation of all sanitary plumbing, sanitary sewer and potable water supply and distribution piping, including all plumbing fixtures and traps and potable water-treating or water-using equipment, and including piping for transmission of chemicals, oil and gases, installation of steam and hydronic heating and chilled systems and water heaters and related vents.

7. *Heating, Ventilating, and Air Conditioning (HVAC) Contractor*—Installation, alteration, addition to, relocation, or replacement of any heating, ventilating, cooling, refrigeration system, incinerators, or other miscellaneous heat-producing appliances, to include gas piping of related equipment.

8. *Gas Service Contractor*—Installation, repair, or maintenance of fuel gas systems.

9. *Specialty Solar Panel Installer* – NABCEP Certification or similar Certifications approved by the Building Official is required.

10. *Specialty Licenses*—Pool and Spa, Cell Tower Installers, and any other Installers that the Building Official deems appropriate to need a contractor's license.

B. *Supervision required.* Every Contractor shall be or must have in their employ a person holding a Master Certificate of Qualification in such classification as the Licensed is issued. The License shall be valid only as long as the named Master shall remain in the employ of the Licensee in an active, full-time capacity. If the Master should leave the employ of the Licensee, the Licensee shall notify the Building Official, or their designee, within 5 business days. The Licensee shall be required to obtain a qualified Master as otherwise required by this Chapter within 30 days of the Master leaving the employ of the Licensee. The Building Official, or their designee, may grant not more than three 10-day extensions when considered to be in the best interest of the Town. If such Master is not obtained within the 30-day period or subsequent extensions, the License shall be deemed suspended until such supervisor is obtained.

C. *Responsibilities.* All Licensees shall be responsible, without limitation, for the following:

1. For all work requiring a permit under the provisions of this Chapter.
2. To provide minimum safety measures and equipment to protect property, workers and the public as provided herein or otherwise prescribed by the Town of Jackson and other local, state, or federal regulations.
3. To obtain permits;
4. To request inspections and be physically present on-site for inspections, which inspection shall be coordinated by the general contractor.
5. To present Certificate of Qualification cards when requested by the Building Official, or their designees,.
6. To faithfully construct and complete the project as indicated by the permit and approved set of plans, without substantial departure from, or disregard of, drawings and specifications, when such drawings and specifications have been filed and approved and permit issued for same, unless such changes are approved by the Building Official, or their designee.
7. To complete all work authorized by the permit issued unless good cause is shown.
8. To pay any fee required by the Town of Jackson.
9. To comply with all applicable codes and ordinances.
10. To be responsible for all work for which a permit is issued.

D. *Exemptions.* A firm, corporation, or other corporate organization may undertake the types of work regulated by this Chapter within the Town without first obtaining a License only under the following exemptions:

1. *Permits-Exempt Building Code Provisions.* The owner or tenant of a commercial structure or tenant space may perform their own repairs or maintenance as permitted in the permits-exempt work provisions of each applicable code adopted by the Town.

2. *Proprietary Certificate of Qualification.* An individual employed by a Person may perform work requiring a permit without a Contractor's License, provided they have been granted a Proprietary Certificate of Qualification specific to one business and specific to the trade(s) applicable to the work being performed.

3. *Sewer and Water Service Lines.* Sewer and water service line installation and repair work from a structure to the public sewer or public watermain shall be exempt from the requirements of this Chapter. However, this shall not exempt the work being performed from the requirements of a permit pursuant to the current edition of the adopted codes.

(Ord. 1380 § 1, 2024; Ord. 1280 § 8, 2021; Ord. 1089, § 1, 2015; Ord. 701 § 1, 2002).

15.36.050 Certificates of Qualification.

A. *Requirement.* Certificates of Qualification shall be required of individuals for all types of work involving skills as specified and classified in this section.

B. *Exam procedure.*

1. The Town shall use the then current International Code Council National Contractor/Trades Examination as a means of determining the qualification of applicants.

2. Testing arrangements and testing fees are the responsibility of the applicant.

3. A Town of Jackson Certificate of Qualification will be issued to the applicant upon presentation of the International Code Council National Contractor/Trades Examination certificate noting successful completion of the appropriate examination and meeting all other requirements of this Chapter.

C. *Reciprocity.*

1. *Reciprocity with Wyoming Jurisdictions.* In lieu of an examination, the Building Official, or their designee, may issue a Certificate of Qualification to persons that, in addition to meeting all other requirements of this Chapter, possess and present a valid authorization issued to them by any other governmental agency pursuant to Wyo. Stat. § 16-6-1101, as amended. The applicant shall procure the Certificate of Qualification from the Town within 30 days after being notified of being granted reciprocity. If the applicant fails to procure said Certificate of Qualification within 30 days, the Certificate of Qualification shall be void and a new application shall be required.

2. *Reciprocity with jurisdictions outside of Wyoming.* Reciprocity may be granted pursuant to 15.36.030.

D. *Examination failure.* Every applicant who fails to pass the required examination shall not be eligible for another examination for 30 days, and any applicant who fails to pass the second examination shall not be eligible for re-examination for 6 months thereafter.

E. *Classifications.* There shall be the following classes of certification and the holder shall be authorized to do the following:

1. *Masters Certificate of Qualification.* A Certificate of Qualification shall be required and shall permit the holder thereof to be supervisor or Master for each of the trades in which they have been certified.

2. *Journeyman Certificate of Qualification.* A Certificate of Qualification shall be required in the trades described in this chapter and shall entitle the individual to work only in the trade for which they are certified and classified. Such certificates shall permit the individual to work only under the authority of a certified Master or supervisor.

3. *Apprentice Certificate of Qualification.* A Certificate of Qualification shall serve as a registration with the Town. Such certificate shall entitle the Apprentice to work under the direct Supervision of a Journeyman or Master within each respective classification. With the exception of general, building, and residential Contractors, no individual Journeyman or Master shall have more than four Apprentices under their direct Supervision.

F. *Classifications—experience required.* An application shall be filed in accordance with the time periods listed below unless otherwise approved by the Building Official or their designee. A person may not apply to upgrade their certificate to the next higher classification until they have met the experience requirement or equivalent, as approved by the Building Official or their designee. Up to 50 percent credit may be given toward the experience period set forth below at the discretion of the Building Official, or their designee, for relevant equivalent education in the construction field. The applicant is responsible for providing proof to verify such experience. Applicants that are unable to

provide adequate and appropriate experience or time in service will be issued the next lower classification regardless of the exam they passed.

1. *General Contractor Certification (Class A)*. Master applicants shall be able to verify at least eight years actively working in the building construction or contracting trade, which must include at minimum having constructed or acted principally in the role of supervisor for the construction of three entire buildings, each of which must have been at least two stories in height, and have been of occupancy classifications other than Group R3 and U.
2. *Building Contractor Certification (Class B)*. Master applicants shall be able to verify at least four years working in the building construction or contracting trade, which must include at minimum having constructed or acted principally in the role of supervisor for the construction of three entire buildings of occupancy classifications other than Group R3 and U, each of which must have exceeded 5,000 square feet in floor area.
3. *Building Contractor restricted Certification (Class Br)*. Master applicants shall have held a Class C License for the previous two years and make application to the Building Official, or their designee, for this License classification. No additional testing required.
4. *Residential Contractor Certification (Class C)*. Master applicants shall be able to verify at least two years working in the building construction or contracting trade.
5. *Plumbing Certification* —Apprentices shall be able to verify four years of working actively in a training program or for a qualified plumbing Contractor prior to applying to advance to the Journeyman level. Journeyman shall be able to verify four years of working actively in a training program or for a qualified plumbing Contractor prior to applying to advance to the Master level.
6. *HVAC Certification* —Apprentices shall be able to verify four years of working actively in a training program or for a qualified HVAC Contractor as an Apprentice prior to applying to advance to the Journeyman level. Journeyman shall be able to verify four years of working actively in a training program or for a qualified HVAC Contractor as a Journeyman prior to applying to advance to the Master level.
7. *Gas service Certification* —Applicants shall be able to verify three years of working actively in a training program or for a qualified gas service Contractor prior to attempting to advance to the Master level. Masters shall pass an examination as required by the Town of Jackson.
8. *Specialty Solar Panel Installer Certification* — Applicants shall have NABCEP Certification or similar Certifications approved by the Building Official.
9. *Other Specialty Contractors Certification* - Must be able to verify that there is a minimum of three-year work history in the related field of the type of construction they will be performing.
10. *Proprietary Certificate of Qualification* — Applicants must be either the owner or a qualified individual in the employ of the owner's business to be able to perform work requiring a permit without obtaining a Contractor's License for that trade specific to that business.

(Ord. 1380 § 1, 2024; Ord. 1280 § 8, 2021; Ord. 1142 § 1, 2016; Ord. 1090 § 1, 2015; Ord. 701 § 1, 2002).

SECTION III.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION V.

This Ordinance shall become effective after its passage, approval, and publication.

PASSED 1ST READING THE 5th DAY OF AUGUST , 2024.

PASSED 2ND READING THE 19th DAY OF AUGUST , 2024.

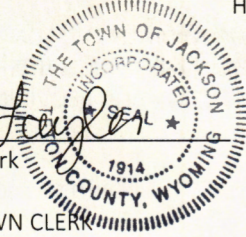
PASSED AND APPROVED THE 9th DAY OF SEPTEMBER , 2024.

TOWN OF JACKSON

BY: Hailey Morton Levinson
Hailey Morton Levinson, Mayor

ATTEST:

BY: Riley Taylor
Riley Taylor, Town Clerk



ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. 1380 was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the 11th day of September, 2024.

I further certify that the foregoing Ordinance was duly recorded on page 469 of Book 9 of Ordinances of the Town of Jackson, Wyoming.

Riley Taylor
Riley Taylor, Town Clerk