

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. TITLE.

This Local Law shall be known and may be cited as the Ulster County Contractor Licensing Law.

SECTION 2. LEGISLATIVE INTENT.

The Ulster County Legislature finds that the licensing of Contractors is a fair and effective method to safeguard and protect the public and to insure that qualified persons practice the contracting trade in Ulster County.

Nothing in this local law is designed to interfere with or shall be construed to interfere with (i) any existing state or local law or the industry practice relating to construction work; (ii) authority of the local municipalities within Ulster County to issue certificates of occupancy or any permits necessary for the performance of contracting work to a Contractor who has a license issued by Ulster County pursuant to this local law; or (iii) a homeowner from making construction repairs to his/her residence, except as otherwise provided for in this Local Law.

SECTION 3. DEFINITIONS.

For the purposes of this local law, the following terms shall have the following meanings:

“Applicant” – The qualifying individual applying for the license.

"Board" - The Ulster County Contracting Licensing Board established by this local law.

"Chairman" - The Chairman of the Ulster County Contractor Licensing Board.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

“Contractor” – Any person, other than a bona fide employee of the owner, who owns or operates a home improvement business or who undertakes or offers to undertake or agrees to perform any home improvement whether or not such a person is licensed or subject to the licensing requirements of this Local Law.

"Homeowner" - any person who hold title to land in Ulster County upon which there is an existing, unattached, single-family home used as such person(s), primary residence and/or where there may also be non-residential buildings used solely for the private use of such person.

“Home Improvement” – The repair, replacement, remodeling, alteration, conversion, modernizing, demolition or removal of, or improvement or addition to any land or building, or that portion thereof which is used or designed to be used as a private residence, dwelling place for not more than six families, a condominium dwelling unit or a cooperative dwelling unit, and shall include, but not be limited to, the installation, construction, replacement or improvement of driveways, swimming pools, roofs, porches, garages, storm windows, awnings, installed floor coverings, landscaping, interior and exterior painting, wallpaper and wall covering installations and other improvements to structures or upon land which is adjacent to a dwelling house.

“Home Improvement Contract” – An agreement between a Contractor and an owner or between a Contractor and a tenant for the construction of a home improvement, including but not limited to terms regarding labor, services and materials to be furnished and performed thereunder.

"Director: - the Director of the Office of Weights and Measures OR Director of the Office of Consumer Affairs of the County of Ulster.

"County Executive" - The County Executive of the County of Ulster.

"County Legislature" - The County Legislature of the County of Ulster.

"Provisional Contractor License"- A Contractor license issued to an applicant who qualifies pursuant to the specifications set forth in Section 18 of this Local Law.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

"Shelve" - the voluntary placement by a person of his/her County of Ulster of a valid Contractor's license to in an inactive status. A person with a shelved license shall be unlicensed. This person shall not maintain, conduct, operate, advertise, engage in or transact a business as a Contractor in the County of Ulster.

"Violation"- shall mean an offense, as defined under Article 10 of the New York State Penal Law, punishable by a fine of up to \$1,000.00 and/or a sentence to a term of imprisonment, not to exceed fifteen days.

SECTION 4. LICENSE REQUIRED.

On or after the effective date of this Local Law, no person shall own, maintain, conduct, operate, engage in or transact in the business of home improvement construction, or solicit home improvement construction contracts or hold himself or herself out as a Contractor within the County of Ulster unless he or she is licensed pursuant to this Local Law or unless employed by a person so licensed.

SECTION 5. CONTRACTOR LICENSING BOARD.

A. There is hereby established in and for the County of Ulster, a Board known as the "Contractor Licensing Board" comprised of the following five (5) individuals who reside in Ulster County:

The Director who shall be a non-voting member of the Board;
One (1) individual who is qualified as a Building Inspector in New York State;
One (1) member representing the licensing board of the City of Kingston;
One (1) Contractors;
One (1) member of the public; and
One (1) County Legislator designated by the Chairman of the Legislature;

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

B. Members of the Board, except for the Director, shall be appointed by the County Executive, subject to confirmation by the County Legislature. Of the members first appointed, one shall be appointed for a term of one (1) year; two for a term of two (2) years; three for a term of three (3) years; and one for a term of five (5) years. Members may continue to serve after the expiration of their respective terms of office until their successors have been appointed and confirmed. The successors of all members of the Board thereafter shall be appointed for terms of five (5) years.

C. The Board shall elect a chair, deputy-chair and secretary from its membership annually.

D. A majority of the Board shall constitute a quorum for the transaction of business.

E. No compensation to be paid to any member of the Board. However, board members shall be entitled to be compensated for reasonable expenses in relation to their duties included but not limited to mileage and meals.

SECTION 6. POWERS AND DUTIES OF THE BOARD.

The Board shall have the following powers and duties in addition to other powers and duties set forth in this Local Law:

A. Hold regular monthly meetings and special meetings as often as necessary or required. At least twenty-four (24) hours written notice of a special meeting shall be given to the members of the Board. Such Board meetings shall keep minutes of its proceedings, showing the vote, if any, of each member upon every question, or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions. Every rule, regulation, amendment or repeal thereof and every decision or determination of the Board shall be immediately filed with the office of the Director of Consumer Fraud and shall be a public record .

B. Adopt by-laws and such rules and regulations as may be necessary to implement this Local Law, including licensing standards not inconsistent herewith. A certified copy of such bylaws and rules and regulations shall be filed with the Clerk of the County Legislature prior to its effective date.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

C. Review the qualifications and fitness of applicants for licenses under this Local Law.

D. Assist in the preparation of and review the Contractor license application and standard written tests in such form as determined by the Board from time to time, based on the applicable New York State Uniform Fire Prevention, New York State Property Maintenance Code and Building Code and relevant reference standards provided in the Code and grade such tests in accordance with such standards.

E. Issue licenses as authorized by this Local Law to applicants possessing the requisite qualifications. Licenses shall be signed by the Chairman and the Secretary of the Board.

F. Issue notices of violation, appearance tickets, hear and dispose of complaints of alleged violations of this Local Law. Suspend and/or revoke licenses. Impose and collect fines and penalties. Refer violations to the County Attorney to institute legal action in the name of the County of Ulster and enjoin unlawful activity.

G. Comply with the New York State Public Officers Law (Open Meetings Law & Freedom of Information Law).

H. Suspend or revoke licenses "for cause" pursuant to this Local Law.

I. Keep records of all of its meetings and proceedings and of all licenses issued, suspended or revoked and of all fines imposed.

J. Allow the Director to issue notices of violations and/or appearance tickets for alleged violations of this Local Law.

SECTION 7. APPLICATION FOR LICENSE.

A. Every person seeking a license in Ulster County as prescribed by this Local Law shall submit an application, along with the required fee, to the Board in the form and manner prescribed by this Local Law and any rules and regulations of the Board.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

B. Examinations shall be in writing or in other forms as the Board may determine. A complete record of every examination given shall be kept on file until three years after the date of the examination. Examinations shall be held at such times and places as the Board may fix.

SECTION 8. LICENSES; TERM, RENEWAL, FEES.

A. The Board may issue and renew a Contractor's License. Such license shall permit the licensee to engage in the business of home improvement who is an owner, officer or partner of a Contracting business within the County of Ulster for the period of one year from the date it was issued. A Contractor will only be entitled to possess one (1) valid license pursuant to this Local Law for any given year.

B. The license fee shall be as follows:

- i. Residents of Ulster County – two hundred and fifty (\$250) dollars - for persons who
 - (a) have passed the examination, or
 - (b) are entitled to a temporary license pursuant to this Local Law or
 - (c) can be issued a license under the Grandfather Clause set forth in this Local Law;
- ii. Residents of New York State - five hundred (\$500) dollars;
- iii. Non-residents of New York State – seven hundred and fifty (\$750) dollars.

C. The license fee for a Class “b” and Class “c” license issued in accordance with this Local Law shall be two hundred (\$200) dollars.

D. Each application shall be accompanied by a non-refundable check or money order representing the fee as determined by the Board for administration of the examination.

E. Renewal. All licenses issued under this Local Law must be renewed annually on or before the expiration thereof for the period of one (1) year upon payment of the applicable annual fee of \$150.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

F. Each application for renewal of a license must also be accompanied by proof that the individual has successfully completed a refresher course on changes to the New York State Uniform Fire Prevention and Building Code and the current Property Maintenance Code adopted by New York State.

G. Licensed Contractors who are not actively engaged in the business of Home Improvement may shelve such a license for a fee of fifty (\$50) dollars per year.

H. Failure of a licensed Contractor to renew such license after thirty (30) days of the expiration date shall result in a penalty of fifty (\$50) dollars. If renewal is not received after the thirtieth (30) day from the expiration date, it shall result in revocation of the license unless, upon good cause shown, an additional thirty-day extension is granted by the Board.

I. Each Contractor duly licensed under this Local Law shall list his or her license number in each advertisement, estimate, bill or contract and post such license number at each job and prominently display it on the Contractor license decal issued by the Board on each vehicle while in the course of said licensee's trade or business. One decal shall be provided free of charge upon the issuance of a license hereunder. A fee of ten dollars (\$10) shall be charged for each additional decal needed to comply with the provisions contained herein. Said decals shall include the words "Ulster County" and "Contractor", which must be clearly legible from a distance of fifty (50) feet.

J. The fee for a Contractor's license "Certificate of Name Change" after initial issuance of said License shall be one hundred and fifty dollars (\$150.00). A "Certificate of Name Change" shall only be issued to a qualified person as required by this Local Law who is also the owner, officer, or partner of an Contracting business.

SECTION 9. EXEMPTIONS FROM LICENSE REQUIREMENT.

This local law shall not apply to:

A. An individual who performs labor or services for a Contractor for wages or salary.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

B. A plumber, electrician, architect, professional engineer or any other such person who is licensed by a state or local law;

C. Any retail clerk, clerical, administrative or other employee of a licensed Contractor as to a transaction on the premises of the Contractor.

D. Any work involved in the manufacture, assembly, test or repair of machinery, apparatus, materials and equipment by a person, firm or corporation engaged in manufacturing as his principal business; and

E. Persons employed by public service companies authorized to do business in the State of New York;

F. Homeowners engaged in the installation, maintenance, replacement and/or improvement of construction work in their property. All such work must comply with local municipal building permit requirements. To the extent that a building permit is required, such construction work must be inspected by a certified building inspector as defined in this local law.

G. This Section shall not apply to a home improvement contract otherwise within the purview of this Section which was made prior to the effective date of the respective provisions of this Section governing such contracts.

SECTION 10. CONTRACT REQUIREMENTS.

Every home improvement contract where the total aggregate cost exceeds \$250 shall be subject to the provisions of this section. Every contract and any changes in the contract subject to the provisions of this section shall be in writing, shall be signed by all parties to the contract, and the writing shall contain the following:

A. The name, address, license number and federal employer identification number, if any, of the Contractor.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

B. The approximate dates when the work will begin and on which all construction is to be completed.

C. A description of all work to be done, the materials or material allowances and equipment to be used, the agreed consideration for the work and whether any other work is required to be performed to comply with any other law, ordinance, local law, resolution or building code governing home improvement work or requiring permits therefor or any requirement contained in the rules and regulations of the Board and any revisions thereof.

D. If the payment schedule contained in the contract provides for a down payment to be paid to the Contractor by the owner before the commencement of work, such down payment shall not exceed \$1,000 or 15% of the contract price, excluding finance charges, whichever is the lesser. However, this Subsection D shall not be construed to prohibit any Contractor from demanding or receiving from any owner at any time during the performance of any contract advance payment for any materials that are necessary for the owner's specific project, provided: (1) that the Contractor has become or may become, for any reason, irrevocably committed to purchase such materials from any supplier, vendor, materialman, or other person; or (2) that the Contractor has become or may become, for any reason, contractually liable to pay any supplier, vendor, materialman, or other person for such materials; or (3) such materials have become irreversibly customized for the owner's specific project and may not feasibly, without undue hardship to the Contractor, be salvageable by the Contractor from the owner's specific project; and provided, further, that the contract shall contain in bold twelve-point or larger print, immediately above the signature of the owner, the following language, which shall be separately initialed by the owner: "At any time during the performance of this contract, the Contractor may demand and shall be entitled to receive in full from the owner advance payment for any materials that are necessary to perform this contract."

E. A schedule of payments showing the amount of each payment as a sum in dollars and cents. In no event shall the payment schedule provide for the Contractor to

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

receive, nor shall the Contractor actually receive, payments in excess of 100% of the value of the work performed on the project at any time, excluding finance charges, except that the Contractor may receive an initial down payment and any advance payments authorized by Subsection "D". The schedule of payments shall be stated in dollars and cents and shall be specifically referenced to the amount of work to be performed and to any materials and equipment to be supplied.

F. The contract shall state that, upon satisfactory payment being made for any portion of the work performed, the Contractor shall, prior to any further payment being made, furnish to the person contracting for the work a full and unconditional release from any claim of a mechanic's lien by the Contractor or by a person entitled to enforce a mechanic's lien for that portion of the work for which payment has been made.

G. The requirements of Subsections D, E and F, shall not apply when the contract provides for the Contractor to furnish a performance and payment bond, lien and completion bond, or a bond equivalent approved by the Board, covering full performance and completion of the contract and such bonds are furnished by the Contractor or when the parties agree for full payment to be made upon or for a schedule of payments to commence after satisfactory completion of the project. The contract shall contain, in close proximity to the signature of the owner, a notice in at least ten-point type stating that such owner has the right to require the Contractor to have a performance and payment bond.

H. No additional work shall be performed without prior written authorization of the person contracting for the construction of the home improvement. Any such authorization shall be on a contract change-order form, showing the agreed terms and reasons for such changes and shall be approved by both parties in writing. Any such change-order forms shall be incorporated in, and become part of, the contract.

I. The writing shall be legible and shall be in such form as to clearly describe any other document which is to be incorporated into the contract, and before any work is

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

done, the owner shall be furnished a copy of the written agreement, signed by the Contractor.

J. The contract shall contain not less than a one-year warranty guaranteeing the quality of workmanship.

K. The contract shall require the Contractor to obtain any necessary permits and provide to the owner a certificate of occupancy, if required by the home improvement, unless specifically provided otherwise in the contract. Should the contract indicate that the homeowner is to obtain any necessary permits and certificate of occupancy, the same shall be set forth in not less than ten-point bold lettering.

L. The writing may also contain other matters agreed to by the parties to the contract.

M. At the time a contract is signed by the parties, the Contractor shall deliver a legible copy of such contract to the person contracting for the construction.

N. Each Contractor shall maintain books of account, copies of all contracts with buyers and such other records as shall properly and completely reflect all transactions involving the home improvement business. These records shall be maintained for six years or the length of time of the contract guaranty, whichever is longer.

O. A notice to the owner that, in addition to any right to otherwise revoke an offer, the owner may cancel the home improvement contract until midnight of the third business day after the day on which the owner has signed an agreement or offer to purchase relating to such contract. Cancellation occurs when written notice of cancellation is given to the home improvement Contractor. Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and postage prepaid. Notice of cancellation shall be sufficient if it indicates the intention of the owner not to be bound. Notwithstanding the foregoing, this subsection shall not apply to a transaction in which the owner has initiated the contact and the home improvement is needed to meet a bona fide emergency of the

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

owner, and the owner furnishes the home improvement Contractor with a separate dated and signed personal statement in the owner's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the home improvement contract within three business days. For the purposes of this subsection, the term "owner" shall mean an owner or any representative of an owner.

SECTION 11: CONTRACTOR FUNDS

A home improvement Contractor must treat all funds received from a customer pursuant to a home improvement contract as trust funds to be applied solely to the payment of expenses directly related to the customer's home improvement project. Such funds may not be applied to the payment of expenses unrelated to the home improvement of a given customer unless and until the home improvement is completed and all the expenses for direct labor, material and sub-Contractors related thereto have been paid by the Contractor.

SECTION 12. APPLICATIONS.

Every person desiring a license as a Contractor under this local law and who meets the qualifications set forth herein shall apply for a license in such form and detail as the Board may prescribe. Such application shall state, among other things:

1. Name, home and business address;
2. Telephone number;
3. *Social security number and employer identification numbers;
4. *Valid driver's license or passport photos for identification;
5. A statement of all qualified work experience and education, setting forth names, addresses and descriptions of work performed or degrees attained, and dates of employment or attendance;
6. A statement of whether the applicant was licensed under any other law, where such license is currently valid, whether such license was ever suspended, revoked or other action taken and, if so, the disposition thereof;

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

7. An authorization to the Board to investigate the facts set forth in the application as required to make a determination as to the person's qualifications for a Contractor license;
8. A statement that such application is made under penalties of perjury

SECTION 13. QUALIFICATIONS FOR APPLICANTS FOR LICENSES.

To qualify for the examination, a person must prove to the satisfaction of the Board that he or she is a competent contractor and qualified to do contracting work; has a working knowledge of construction and the natural laws, properties and functions of construction work and of appliances, apparatus, materials, devices and systems used and required in such work, combined with a practical working knowledge of the requirements and provisions of the Building Code and Property Maintenance Code and a knowledge of the provisions of this local law and the rules and regulations of the Board and the State of New York, if any, and of the County of Ulster and of the provisions thereof requiring permits therefor.

SECTION 14. EXAMINATIONS.

A. All applicants for a Contractor's License must submit to and pass an examination. Examinations shall be in writing or in such form as determined by the Board from time to time. An applicant must receive a grade of seventy-five (75%) percent or more to pass the examination. A complete record of every examination given shall be kept on file for three (3) years after the date of the examination. Examinations shall be held at such times and places as the Board may fix.

B. The applicant must present himself for examination at the time and place specified in a notice from the Board.

C. An applicant who fails his or her first examination shall not be eligible for reexamination until the next regularly scheduled exam. A person who fails the

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

examination twice shall not be eligible for further reexamination until at least six (6) months have elapsed from the date he or she last took the examination.

SECTION 15. APPROVAL OR DENIAL OF LICENSE.

A. Upon meeting all the requirements of this Local Law, the Board shall direct the Chairman and Secretary to issue a Contractor's License to the applicant. The individual's name shall then be placed on the Ulster County list of qualified Contractors.

B. Failure to pass the exam with a passing grade of *seventy-five (75%)* percent or more, or to meet the qualifications and other requirements set forth herein, shall be summary grounds for denial of a license under this Local Law.

SECTION 16. DENIAL OF LICENSES; APPEALS AND HEARINGS.

A. If the Board shall deny a license the Board shall set forth the reasons for such denial in writing and mail it to the applicant by certified mail, return receipt requested within ten (10) business days after a determination has been made by the Board. Failure of the written examination shall be grounds for summary denial of a license. Within thirty (30) business days after the date of mailing such notice of denial, the applicant may, by written request, seek a hearing to review the determination of the Board. All such hearings shall be held and conducted in accordance with the attached Regulations for Adjudicatory proceedings.

B. No application shall be denied on the grounds that the applicant was convicted of a crime, except in accordance with Article 23A of the Corrections Law.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

SECTION 17. GRANDFATHER CLAUSE.

A. Any person possessing a certified copy of a Contractor's License issued by the City of Kingston, which was valid and effective as of the date of the adoption of this Local Law and who completes an application to the Board as required by the Board no later than two (2) years from the date of the adoption of this Local Law shall be entitled to an Ulster County license without examination.

B. Any person who can show satisfactory proof that he or she has been in business as a Contractor continuously and competently performing the work of a Contractor in Ulster County for at least ten (10) consecutive years prior to the date of the adoption of this Local Law shall be entitled to a Contractor's License without examination.

C. Any person who is issued a Contractor's License under this Grandfather Clause may renew said license annually on or before the expiration of the license upon payment of an annual renewal fee.

D. If a person is issued a Contractor's License under this Section, such person may renew his or her license for an additional fee without taking the written examination only if:

- (a) he or she has been actively and continuously engaged in work as a Contractor since the issuance of his or her last valid Contractor's License; or
- (b) he or she has been actively and continuously engaged in work as an inspector of construction work; or
- (c) he or she has not been actively or continuously engaged in work as a Contractor during the past two years but can provide proof acceptable to the Board that he or she has recently participated in a continuing education course updating his or her knowledge of the work of a Contractor.

E. If a person fails to apply for a license under the Grandfather Clause of this local law within two (2) years of enactment of this local law, then said person must comply with all the other requirements contained in this local law in order to receive an Ulster County Contractor's License.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

SECTION 18. PROVISIONAL CONTRACTOR'S LICENSE.

A person who has been in the home improvement business in Ulster County, continuously and competently doing the work of a Contractor, for a period of less than eleven (11) consecutive years but more than seven (7) consecutive years, prior to the date of the adoption of this Local Law can apply to the Board for a Provisional Contractor's License. Upon completion of ten (10) consecutive years of successfully and competently performing contracting work in Ulster County, such person may apply to the Board for a Contractor's License under the Grandfather Clause as set forth in this Local Law.

SECTION 19. NO TRANSFERABILITY OF LICENSE; DESIGNATION AND TERMINATION OF SUPERVISOR, NAME CHANGE, DISPLAY OF LICENSE.

A. No license issued hereunder shall be assignable or transferable.

B. Each license issued hereunder shall specify the name of the person, firm, partnership, corporation or other legal entity, who or which shall be known as the "holder of the license." The license of a Contractor shall specify the name of the person who is the Contractor, and such person shall be designated in the license of a Contractor as the supervisor of all work to be done under the license.

C. In the event that the business association of the supervisor of the work, or the employment of the supervisor of the work by the Contractor shall terminate, the supervisor of the work shall notify the Board of such fact forthwith and upon notification the license shall no longer be licensed pursuant to the Local Law.

D. All licenses shall be numbered in the order in which they are issued and shall be in such form and of such color and shall contain such information as may be prescribed by the Board.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

E. Each license shall at all times be kept conspicuously displayed in the place of business of the licensee.

SECTION 20. IMPOSITION OF FINES; REFUSAL, SUSPENSION OR REVOCATION OF LICENSE.

A Contractor may be fined or his or her license refused, suspended or revoked by the Board for anyone (1) or more of the following reasons:

1. Violation of any provision of this local law or of any rule or regulation adopted hereunder by the Board or any other law or ordinance pertaining to Contractors;
2. Violation of any law, rule, regulation or any building code governing construction work, or any order issued by building departments of any municipality in Ulster County;
3. Violation of any requirement contained in the rules and regulations of the National Fire Protection Association or the Building Code;
4. Conviction of a felony by a court of competent jurisdiction or when the issuance of the license would invoke an unreasonable risk to the property or to the safety or welfare of specific individuals or the general public;
5. Fraud, misrepresentation or bribery in securing a license;
6. The making of any false statement as to a material matter in any application for a license or name change;
7. The business transactions of the Contractor have been marked by a practice of failure to perform contracts or the fraudulent manipulation of assets or accounts;
8. Failure to display the license decal issued under this Local Law;
9. Maintaining, conducting, operating, advertising, engaging in or transacting a business as a Contractor in the County of Ulster with a shelved license; or

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

10. Employing an unlicensed sub-Contractor or sub-Contractors to perform contracting work or any combination thereof in the County of Ulster.

11. Violating the County of Ulster's Flow Control and Mandatory Source Separation and Recycling Law.s

SECTION 21. PENALTY FOR OFFENSES.

A. Failure to comply with the provisions of this Local Law shall constitute a Violation and subject to imprisonment not to exceed fifteen days and/or a fine pursuant to the following schedule:

First offense: Not to exceed One thousand dollars (\$1,000.00)
Second offense: Not to exceed Two thousand dollars (\$2,000)
Three or more offenses: Not to exceed Five thousand dollars (\$5,000) for each offense.

B. The Director, and/or his or her designee, shall have the authority to issue violations and/or appearance tickets as they are defined in this local law and Article 150 of the Criminal Procedure Law.

C. Nothing herein contained shall prevent the Director from proceeding to enforce by both Criminal and Civil Action the requirements of this Local Law.

D. The Board may withhold the issuance of a license, either new or renewed, to any person who has failed to pay any fine imposed pursuant to the provisions of this Local Law.

E. Nothing in this Local Law shall prevent a local municipality or law enforcement agency from initiating independent proceedings against a Contractor or any other person who has violated any other law.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

F. Prior to the imposition of any fine or penalty or the refusal, revocation or suspension of a Contractor's License, the applicant or licensee shall receive in writing sent by certified, registered or ordinary mail, all the particulars of the alleged violation and shall have an opportunity to present his or her defense at adjudicatory proceeding as set forth in the attached regulations.

SECTION 22. LIABILITY FOR DAMAGE; INSURANCE.

A. This Local Law shall not be construed to relieve, limit or reduce the responsibility of any person owning, operating, controlling or constructing home improvements for loss of life or damage to person or property caused by any defect therein, nor shall the County of Ulster be deemed to have assumed any such liability by reason of any license issued pursuant to this Local Law.

B. Every person holding a license shall submit proof to the Board that he or she maintains liability, workers compensation and disability insurance for damage to persons and property in connection with the carrying on of his or her business as a Contractor in such amounts as shall be established by the Board from time to time.

C. The failure to maintain an insurance policy or file proof of coverage shall be grounds for the summary suspension of such person's license under this local law, which suspension shall continue in effect until coverage is obtained or reinstated.

SECTION 23. INSTALLATION STANDARDS; EVIDENCE OF PROPER INSTALLATION.

A. All installations of, extensions to and alterations of work within the County of Ulster shall conform to the applicable Building Code, New York State Property Maintenance Code and of any other applicable statute, ordinance or building code pertaining thereto and shall also be in conformity with approved standards for safety to life and property. In every case where no specific type of class of material or no

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

specific standards are prescribed by law, conformity with the regulations and requirements contained in the applicable New York State Uniform Fire Prevention, Building Code and Property Maintenance Code adopted by New York State shall be prima facie evidence of conformity with approved standards for safety to life and property.

B. Inspections made and the certificates of approval or permits issued by a certified building inspector approved by the local municipality having jurisdiction over building permits for such construction work in the County of Ulster shall be deemed by the Board as evidence of proper construction. A certified building inspector shall be an individual who has met the minimum qualifications as recommended by the National Fire Protection Association and who has also received certifications by a nationally recognized inspection certification program.

SECTION 24. RECIPROCAL LICENSING.

A. The Legislature may authorize the County Executive to enter into reciprocal license agreements with individual municipalities or other jurisdictions within New York State upon the recommendation and finding of the Board that the qualifications required for a Contractor's License in such municipality or jurisdiction are equal to or greater than those required by this Local Law.

B. Pursuant to such formalized reciprocal license agreements, the Board shall be authorized to issue reciprocal licenses upon such terms and conditions as are applicable to the individual reciprocating municipalities and other jurisdictions. Said licenses may be granted without examination upon application to the Board and payment of all required fees.

C. However, a reciprocal Contractor's license shall only be issued if the municipality or jurisdiction which licensed such individual is similarly issuing a reciprocal license to individuals licensed pursuant to this section. Said licenses may be granted without examination upon the filing of an application with the Board, submission of a certificate from the reciprocating municipality or jurisdiction that the individual

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

requesting such license is in good standing, the payment of all required fees and such other and further terms and conditions as the board deems appropriate.

D. Reciprocal Contractor's licenses shall only be valid for a period of one and may only be renewed from year to year if there is reciprocity between the County of Ulster and the reciprocating municipality or jurisdiction at the time of each such renewal.

E. The initial fee for a reciprocal Contractor's license shall be five hundred (\$500.00) dollars and may be renewed annually on or before the expiration thereof for the period of one (1) year upon payment of the below applicable annual fee of two hundred (\$200) dollars.

SECTION 25. ISSUANCE OF PERMITS BY MUNICIPALITIES.

Nothing contained herein shall be construed to obviate the necessity of procuring a permit for construction work whenever required by statute, local law, resolution, building code or ordinance of the municipality wherein such work is to be performed. No permit for construction or certificate of approval or certificate of occupancy shall be issued by a municipality in the County of Ulster if there has been an installation, erection, alteration or repair of construction work or equipment in violation of the licensing requirements contained herein.

SECTION 26. DISPOSITION OF MONEY RECEIVED.

All fees, fines and penalties imposed in accordance with this Local Law shall be turned over to the Commissioner of Finance by the Board in accordance with Ulster County's financial procedures and such moneys shall be deposited in the General Fund of Ulster County.

SECTION 27. CONSTRUCTION.

Nothing in this Local Law shall operate to restrict the meaning of or diminish or impair any power granted to a local government by the constitution or any other law.

Proposed Local Law Number 12 Of 2018

County Of Ulster

Establishing The Ulster County Contractor Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Home Improvement Contractors In Ulster County, New York

SECTION 28. SEVERABILITY.

If any part of this Local Law, or the application thereof to any person or circumstances, shall be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

SECTION 29. EFFECTIVE DATE.

This Local Law shall take effect January 1, 2019.