

CHAPTER 6-2 CONTRACTOR'S LICENSE PROVISIONS

6-2-1

DEFINITIONS

Employee means a person whose compensation for construction work is reported by the employer on an Internal Revenue Service W-2 and is also otherwise considered an employee under the applicable law.

Personal Supervision means the building contractor or the designated construction supervisor oversees and directs the work for which he is licensed and for which a permit has been issued and that he is available to his laborers and he is able to and does determine that all work performed is in compliance with this chapter.

Building Contracting means the enlargement, alteration, repair, improvement, conversion, or new construction of any single, two, or three family dwelling or any accessory building or structure for which a building permit is required.

Legislative History:
Ordinance No. 402, 4/20/07.
Ordinance No. 428, 10/09/08.

Authority:
SDCL 9-34-12

6-2-2

LICENSE REQUIRED

Except as otherwise provided herein, no person shall undertake, or offer to undertake building contracting until the person obtains a building contractor's license.

The following are exempt from the requirements of this section:

- A. Employees or bonafide subcontractors of a person licensed in accordance with this chapter when they are under the direction and control of that person.
- B. A dwelling owner or the owner's immediate family member for work to be done on his property which he occupies as his own home or will occupy as his home when the dwelling owner is acting as his own building contractor. Immediate family member means child, step child, parent, step parent, sibling, uncle, aunt, grandchild, and grandparent.
- C. A landlord or his agent for work to be done on his property when the landlord is acting as his own building contractor.
- D. A builder constructing a commercial building in a B-1 or higher zoning district.

Legislative History:
Ordinance No. 402, 4/20/07.
Ordinance No. 515, 5/20/14.

Authority:
SDCL 9-34-12

6-2-3

LICENSE APPLICATION

Any person desiring to engage in the business of building contracting shall first make an application for a contractor's license to the Building Inspector for the City of Brandon on the forms furnished.

In addition to the insurance requirements in Section 6-2-8 of this code, the Building Inspector may require proof of identification and compliance with other applicable ordinances and laws of this city and the State of South Dakota.

Applications cannot be processed until an examination, indicating knowledge of the building codes, has been taken, passed, and all documents and fees have been submitted. Examinations will be provided and administered by the City of Brandon.

Presentation of a current valid contractors license issued by the City of Sioux Falls can be used in lieu of an examination.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-4

LICENSE TERM AND RENEWAL

All licenses issued under the provisions of this chapter are annual and expire on December 31st of every year regardless of the issue date. All renewal fees shall be paid prior to the license being renewed.

Examination for the renewal of a license will not be required if the license is in good standing, continually renewed, and all fees are paid under the terms of this ordinance. However, after the initial license has been obtained, continuing education, as specified from time to time by resolution of the Brandon City Council, will be required for renewal.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-5

EXCISE TAX NUMBER REQUIRED

A valid South Dakota contractor's excise tax license number is required on all applications.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-6

LICENSE USE RESTRICTED

No licensed building contractor shall allow his name to be used by any other person directly or indirectly, either to obtain a building permit or to perform building contracting outside his personal supervision.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-7

LICENSE FEE

The Brandon City Council shall, from time to time, establish a fee for the Contractor's License by resolution.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-8

INSURANCE AND BONDING

As a condition of this license, each building contractor shall maintain and deliver to the Department of Building Services a continuous compliance bond in the sum of \$10,000 in a form approved by the city with the contractor as Principal on the bond and the City of Brandon as obliged for its benefit and for the benefit of consumers dealing with the contractor.

The bond shall be conditioned upon the faithful and lawful completion of all work entered into by the contractor within the city and for compliance with all the provisions of this chapter. The bond shall be in addition to all other license bonds required by any political subdivision or government agency. The bond shall be written by a corporate surety authorized to transact business in the State of South Dakota.

Each contractor shall maintain a minimum of \$100,000 of liability insurance or a sum of 10% of the cost of the work to be performed on each project, as determined by the building permit.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-9

SUSPENSION, REVOCATION AND CENSURE OF LICENSE

The Building Inspection Department of the City of Brandon may refuse to issue, refuse to renew, or recommend revocation of a contractor's license by preparing a written report of the reasons for such refusal or revocation, and providing a copy of the report to the applicant. An applicant or contractor aggrieved by the decision of the Building Inspection Department may, in writing, request a hearing and shall state the reasons for such objections. The City shall promptly schedule a hearing on the matter before the City Planning & Zoning Commission, which shall act as the Board of Appeals on the issue. Written notice of the hearing shall be provided to the public and to the applicant by first class mail. The Board of Appeals shall conduct a full hearing on the matter with both the Inspection Department and the applicant/presenting facts and argument to the Board of Appeals.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-10

COOPERATION REQUIRED

A licensee or an applicant who is subject of an investigation by the City Building Inspections Department, or by the Board of Appeals, shall cooperate fully with the Department or the Board in its investigation. Cooperation includes but is not limited to:

- A. Responding fully and promptly to questions raised by the Department or the Board; and
- B. Providing copies of records in the person's possession relative to the matter under investigation as requested by the Department or the Board; and

- C. Appearing at conferences or hearings scheduled by the Department or the Board.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-11

ACTION BY THE BOARD OF APPEALS

A Board of Appeals may suspend, revoke or refuse to renew a contractor's license if the Board finds that, by a preponderance of evidence, the applicant or licensee:

- A. Has filed an application for a license which is incomplete in any material respect or contains statements which are false or misleading; or
- B. Has engaged in any fraudulent, deceptive, or dishonest act or practice; or
- C. Has been convicted in the past twelve months of a violation of this ordinance; or
- D. Has failed to cooperate as required in Section 6-2-10.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12

6-2-12

APPEALS

Decisions of the Board of Appeals may be further appealed to the Brandon City Council.

Legislative History:
Ordinance No. 402, 4/20/07.

Authority:
SDCL 9-34-12