Honorable President

and Members of the City Council,

The Ordinance attached hereto is to amend Ordinance No. 39090. The purpose of the amendment is to change the effective date of the contractor licensing requirement from March 1, 2012, to September 1, 2012. We are requesting this change due to inability of licensing applicants to complete the testing requirement by March 1, 2012.

Your favorable consideration of this Resolution is respectfully requested.

Respectfully submitted,

R.E. Cunningham, RA, F. SAME
Planning Director

Date

Referred to City Council for Consideration

Mayor’s Office/Title

Date

Approved

Pam Spaccarotella
Finance Director

Date

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ORDINANCE NO. 39269

AN ORDINANCE to amend Section 43-272 of the Omaha Municipal Code entitled “Licensing required.” and Section 43-278 of the Omaha Municipal Code entitled “Issuance or denial.”; repealing Sections 43-272 and 43-278 as heretofore existing; and providing for the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Section 43-272 of the Omaha Municipal Code is hereby amended to read as follows:

Sec. 43-272. License required.

(a) It shall be unlawful for any person to act as a contractor, as defined in this article, in the city or within the three-mile extraterritorial jurisdiction of the city, without having first obtained a license to do so from the permits and inspections division. The prohibition contained in this subsection shall become effective commencing six months from the effective date of this ordinance, September 1, 2012.

(b) In the case of a corporation, partnership, or other entity doing business as a contractor, at least one executive officer or designated full-time employee shall be required to hold the requisite license. Such officer or designated full-time employee shall be liable to service of regular process, and shall be responsible for such entity’s compliance with applicable laws.

Section 2. That Section 43-278 of the Omaha Municipal Code is hereby amended to read as follows:

Sec. 43-278. Issuance or denial.

(a) The permits and inspections division shall issue a license, of the class applied for, to a qualified applicant who has successfully passed the examination for such class of license.

(b) A person may apply for a “grandfather” license without taking the exam, by September 1, 2012, subject to the following conditions:
(1) An applicant for a grandfathered E Class license shall provide an application on a form provided by the permits and inspection division. The applicant shall provide proof of one year of completed projects including contact information, job address, permit history and the applicant’s scope of responsibility. The application shall also include a $500.00 non-refundable application fee.

(2) An applicant for a grandfathered B, C, or D Class license shall provide an application on a form provided by the permits and inspection division. The applicant shall provide proof of projects completed within the past five years, with the project name, address, owner’s name and contact information, designer’s name, permit history and scope of work performed. The application shall also include a $2,500.00 non-refundable application fee to cover the cost of investigation, research and verification of the information.

(3) No Class A license will be issued without the applicant passing the Class A test.

(4) The planning director and/or his/her designated representative shall decide whether a grandfathered license should be issued, and make the final determination of the class of license to be issued, after reviewing the facts above and a face-to-face interview with the applicant. The class of license issued may or may not be the class applied for.

(5) If approved, the grandfathered contractor shall perform only the work permitted under that class of license under which he/she is authorized.

Section 3. This Ordinance shall be in full force and take effect fifteen days from and after its passage.
ORDINANCE NO. 39269

INTRODUCED BY COUNCILMEMBER

Thomas Mulligan

APPROVED BY:

[Signature]
3/15/12
MAYOR OF THE CITY OF OMAHA

PASSED MAR 13 2012 AS AMENDED 6-1
Nay: Thompson

ATTEST:

[Signature]
3/15/12
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

[Signature]
3/15/12
ASS'T CITY ATTORNEY
AN ORDINANCE

PRESENTED TO COUNCIL

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