

**AN ORDINANCE REQUIRING LICENSING AND CERTIFICATION OF CERTAIN
CONTRACTORS IN CITY OF BYRAM, MISSISSIPPI,
AND FOR ENFORCEMENT THEREOF**

Whereas, the City of Byram finds it necessary to the public welfare and safety to regulate and license certain contractors; and

Whereas, the Mayor and Board of Aldermen have reviewed and refined the proposed Ordinance and find its adoption to be in the best interest of City of Byram for the reasons set out in said Ordinance; and

Whereas, this matter was presented to the Mayor and Board of Aldermen of City of Byram and after discussion thereof, Alderman ALDAY offered the following ordinance and moved that it be adopted, seconded by MARBLE ;

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Byram, Mississippi that the following be adopted in whole:

Section I. Records.

The Building Official shall act as the administrative official and shall maintain accurate records in regard to certification and licensing.

Section II. Registration; License or Certificate of Responsibility Required; Certificate-issuance

All commercial and residential construction general contractors and mechanical, electrical and plumbing general contractors before doing business with the City of Byram, Mississippi, shall first register with the city Building Official in order to qualify to do business within the City. It is hereby established that the Building Official shall maintain a list of general contractors and sub-contractors who have duly registered. In order to register, a commercial or residential construction general contractor or sub-contractor shall comply with Mississippi Code of 1972, Annotated, Section 27-17-457.

(a) A copy of a Residential Builder License, Residential Remodeler License, Certificate of Responsibility as required by the Mississippi State Board of Contractors, or other such license issued by any one municipality or county of the State of Mississippi which has an examining board where there is regularly given a written examination shall be presented to the Building Official prior to issuance of a building permit subject to exceptions provided for by the State of Mississippi.

(b) All Master Electricians, Plumbers and Mechanical Installers shall present a Certificate of Responsibility or a letter from an approved examining and licensing board within the State of Mississippi stating that the applicant stood before their board and successfully passed an exam and has held a current valid license for at least (1) year.

(c) Certificates shall be valid for one year from October 1 through September 30 and shall be renewed each year. The fee for such renewal shall be twenty-five dollars (\$25.00) for each renewal.

Section III. Revocation.

(a) It shall be the duty of the Mayor and Board of Aldermen, upon recommendation from the Building Official, to revoke or cause to be revoked the certificate and building permits for any person or job for any one or more of the following reasons;

1. Willful or false misstatements in the exam application.
2. Permitting the use of the certificate by any person other than himself.
3. Persistent refusal or neglect to observe the provisions of the applicable codes;
4. The applicant has failed to furnish evidence that he is either licensed as required by Miss. Code Ann. § 73-59-1, et. seq., or § 31-3-1, et. seq, whichever is applicable, or he is exempt from the requirements of that chapter; and
4. Any other act intended to violate the provisions of the applicable codes.

(b) The revocation of a certificate shall not serve as a bar to any further remedy or action at law which might be invoked by the city.

Section IV. Bond and Insurance required; amount.

(a) Every person before engaging in the business of contracting in those occupations covered by this article, shall execute a bond payable to the city in the amount of five thousand dollars (\$5,000.00) and show proof of General Liability Insurance. Such bond shall be made by an approved surety company authorized to do business in this state.

(b) Duration; renewal. Such bond shall run for a period of one (1) year and shall be renewed every year. No permit shall be issued to any person who does not have the required bond in full force and effect at the time of application for such permit.

(c) Conditions. All such bonds shall be conditioned to protect the city against all loss or damages occasioned by any act or negligence of the principal therein, or in failing to properly execute and protect all work done by him or by his employees, or done under his direction or supervision, and from all loss or damage occasioned by or arising in any manner from any work done by such principal or his employees, or under his supervision; conditioned further, that the principal therein will keep and observe all ordinances at any time enacted by the county.

(d) Approval. All such bonds shall be approved by the Building Official before they become effective, and may be declared in default and sued upon by the city in any court of competent jurisdiction.

Section V. Exemptions from bonding, certification and licensing.

Nothing contained in this article shall be interpreted as prohibiting an individual from installing, altering or repairing his own electrical, gas, mechanical, plumbing, appliances, or installing, extending, replacing, altering or repairing in general on his own premises, or as

requiring a license, certificate or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of this article, including those relating to permits, inspections and fees. This provision shall apply only to a residence owned and occupied by the individual doing the work and not a building structure which is readily accessible to the general public or not occupied by an individual doing the work. No one who is not licensed and bonded may assist the home owner in the work.

Section VI. Penalties and fines.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than fifty dollars (\$50.00) and not exceeding one thousand dollars (\$1,000.00) or to be imprisoned in the county jail for a period not exceeding ninety days or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

This Ordinance shall be effective on 3RD of MARCH, 2012.

ORDAINED, ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN OF CITY OF BYRAM, MISSISSIPPI, at a meeting thereof held on the 27TH day of OCTOBER, 2011.

A Motion for adoption was seconded by Alderman MARBLE. The foregoing ordinance having been first reduced to writing, and no request being made by any member of the Mayor and Board of Aldermen that the Ordinance be read before any vote was taken, it was submitted to the Mayor and Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

Alderman Alday voted:	<u>AYE</u>
Alderman Douglas voted:	<u>AYE</u>
Alderman Ford voted:	<u>AYE</u>
Alderman Marble voted:	<u>AYE</u>
Alderman White voted:	<u>AYE</u>

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted. The foregoing ordinance was approved this the 27TH of OCT, 2011.

CITY OF BYRAM

BY: 
NICK TREMONTE, Mayor

ATTEST:


ANGELA RICHBURG, City Clerk