

*Repealed by Resolution  
See after ord. 69*

ORDINANCE NO. 43

TOWNSHIP OF STILLWATER

Washington County, Minnesota

AN ORDINANCE PROVIDING FOR THE LICENSING OF CERTAIN BUSINESSES AND OCCUPATIONS AND PROVIDING FOR THE REGULATION THEREOF.

The Township of Stillwater ordains as follows:

SECTION 1. For the purpose of protecting the public safety, health and welfare, the occupations hereinafter listed shall be carried on within Stillwater Township only as hereinafter provided.

SECTION 2. The following terms shall be defined for purposes of this ordinance as follows:

- (1) Person shall include the plural, and shall include corporations, partnerships and associations of all kinds.
- (2) General Contractor shall include a person who contracts with another to construct, alter or repair any building or structure for a consideration, and who is not a sub-contractor.
- (3) Sub-contractor shall include a person who contracts with a general contractor to perform a portion of a contract between the general contractor and the other party to the contract, and shall not include one who contracts directly with the person for whose use or benefit the construction, alteration or repair is undertaken.

SECTION 3. No person shall commence any work as a general contractor or as a sub-contractor unless such person has in effect a license issued by the Township of Stillwater, except as otherwise provided herein.

SECTION 4. Applicability.

Subdivision 1. This ordinance shall apply to each of the listed occupations separately and severally.

- (1) The erection, alteration and repair of any building or structure.
- (2) The pouring or laying of concrete, the laying of concrete blocks, bricks, tile and similar materials.
- (3) The application of roofing, siding, paint, or any other protective or decorative material to the exterior of any structure.
- (4) The application of plaster, stucco, sheet rock and similar finish materials, whether interior or exterior.
- (5) All heating, ventilating and refrigeration work not required by state law to be performed by a licensed contractor.
- (6) All plumbing work not required by state law to be performed by a licensed master plumber, or a licensed journeyman working under supervision of a licensed master plumber.
- (7) Excavating work done in conjunction with the erection of structures, including installation of septic systems.
- (8) Moving and wrecking of buildings.
- (9) Blacktopping.
- (10) Erection and repair of advertising signs and billboards.

Subd. 2. Whenever a license is required by the State of Minnesota for the performance of any work upon or within or without any structure, no license shall be required hereunder, but any work done in violation of such state statute is hereby

declared unlawful hereunder and shall constitute a violation of this ordinance.

Subd. 3. If any subdivision of this section, or any part of any subdivision, shall be declared invalid by any court of competent jurisdiction, the remaining provisions hereof shall continue in full force and effect; and for this purpose each subsection of subdivision 1 hereof is declared to be a separate enactment the same as if each stood alone.

#### SECTION 5.

Subdivision 1. All licenses shall be issued by the Clerk after approval of the Town Board, and shall be for the balance of the current calendar year in which the license is issued.

Subd. 2. License fees shall be set annually by the Town Board.

Subd. 3. Application for license shall be made to the Building Inspector upon forms to be provided by the Town. Upon receipt of such application, the Building Inspector may issue a temporary work permit which shall be valid until the Town Board has either approved or disapproved the issuance of a license.

Subd. 4. Upon disapproval of an application for license, or upon expiration of a license, all work under the temporary work permit or expired license shall cease, and any work done thereafter shall be in violation hereof.

Subd. 5. There shall be no pro-rating of annual license fees for any reason.

SECTION 6. General Contractors. A license granted to a general contractor shall include the right to perform all of the work included in his general contract, provided that each person performing such work is in the regular employ of such general contractor and qualified to perform such work. Sub-contractors on any work shall be required to comply with the sections of this Ordinance pertaining to license, qualifications, etc., for his particular type of work.

SECTION 7. Qualifications. Each applicant for a license shall satisfy the Town Board that he is competent by reason of education, special training, experience and that he is equipped to perform the work for which a license is requested. Where a State of Minnesota license is required, no license is required hereunder.

SECTION 8. Revocation or Suspension. The Council may suspend or revoke the license of any person licensed under this ordinance, whose work is found to be improper or defective or so unsafe as to jeopardize life or property. The person holding such license shall be given 20 days written notice by certified mail, return receipt requested, and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the address of the licensee that appears on his application for license and he fails or refuses to appear at the said hearing, his license will be automatically suspended or revoked 5 days after date of hearing.

SECTION 9. Suspension of License. When a license is suspended, the period of suspension shall be until the defective work has been corrected and approved by the Building Inspector of the Township.

SECTION 10. Revocation of License. When any person shall have been convicted in a court of competent jurisdiction of violation of the State Building Code or the Township of Stillwater Building Code Ordinance on two or more occasions within any 12 month period, the Town Board shall revoke the license of such person. Upon application for a new license, the Town Board may require as a condition of the license a penal bond in the sum of \$1,000.00 to secure payment of damages caused by any violation within the Township of the State Building Code or the Township Building Code Ordinance.

SECTION 11. Liability Insurance. Any person holding a license hereunder shall file with the Township Clerk policies of public liability and property damage which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that they shall not be cancelled without 10 days written notice to the Township. Public liability insurance shall not be less than \$25,000.00 for injuries, including accidental death to any one person, and subject to the same limit for each person, in an amount of not less than \$50,000.00 on account of any one accident, and property damage insurance in the amount of not less than \$5,000.00 for each accident or mishap. Said policies of insurance shall further provide for indemnity and security to the Township of Stillwater against any liability and/or responsibility for the acts, actions, or omissions of the licensee or of any of the agents or servants of such licenses subject, however, to the limitations as to amount herein stated. No work shall be done under any license hereunder

until said insurance policies shall have been filed and approved by the Township Clerk.

SECTION 12. Penalties. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$300.00 or by imprisonment in the county jail for a period of not to exceed 90 days.

SECTION 13. Severability. The provisions of this ordinance are severable. If any provision of this ordinance is found to be unconstitutional and void, the remaining provisions shall remain in effect unless the court finds that the remaining provisions are so essentially and inseparably connected with and dependent upon the void provisions that they, standing alone, are so incomplete as to be incapable of being executed in accordance with legislative intent.

SECTION 14. Effective Date. This Ordinance shall be in force and effect after its publication.

Enacted and ordained into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

THE TOWNSHIP OF STILLWATER

By \_\_\_\_\_  
WILLIAM VOELKER, Chairman

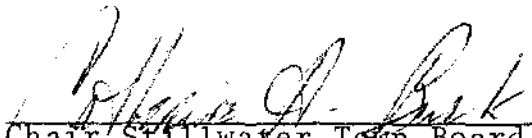
ATTEST:

\_\_\_\_\_  
LOREEN J. CLAYTON, Clerk

RESOLUTION

WHEREAS there are sufficient state and county regulations of contractors, it is hereby resolved:

That Ordinance Number 43 is repealed.

  
Chair Stillwater Town Board

ATTEST:



Clerk 2/12/81