

Chapter 28

BUILDERS AND CONTRACTORS

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 5-6-76. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code — See Ch. 27.

Unsafe buildings and structures — See Ch. 30.

Be it ordained by the Mayor and Common Council of the City of Gloucester City, in the County of Camden and State of New Jersey, that:

§ 28-1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

BUILDER — Any person, firm, partnership, corporation or other entity who or which contracts for the construction

of buildings or parts thereof and supervises the workmen who build them. This term is also intended to refer to and include building contractors and/or developer-sellers of residential dwellings, including but not limited to the following: general building contractors, brick and block masons and concrete and cement contractors, roofing contractors, tile-setting contractors, iron- and steel-working contractors, house-moving contractors, pile-drawing contractors, painting contractors, plastering contractors, metal storm door and window contractors, plate glass and glazing contractors, awning contractors, driveway bituminous concrete paving and sealing contractors, carpentry contractors, floor finishing and wall- and floor-covering contractors and excavating, filling or land-cleaning contractors. This definition shall not include an individual person who builds one single-family residence or any part thereof upon his own real estate for his own use or that of his family.

PERMIT — Any grant, license or permission required by the Building Code, Land Subdivision Ordinance or Swimming Pool Ordinance,¹ and including but not limited to building permits or certifications of occupancy.

SECURITY — Either cash, certified check or bank letter of credit.

§ 28-2. Registration required.

It shall be unlawful for any builder or contractor to perform any work or activities for which a permit is required involving construction of buildings or structures unless and until the aforesaid builder shall be duly registered in accordance with the provisions of the ordinance.

§ 28-3. Application procedure; fee.

Annually, all builders or contractors shall register with the Building Inspector prior to commencing any of the action con-

¹ Editor's Note: See Ch. 27, Building Code; Ch. 78, Subdivision of Land; and Ch. 102, Swimming Pool Code.

templated in § 28-2 above. The Building Inspector shall issue a permit to all applicants upon completion of the form and payment of the fee of twenty-five dollars (\$25.). The application form shall contain the name and street address of the applicant. If the applicant is a partnership, the names and street addresses of all partners shall be supplied. If the applicant is a corporation, the names and street addresses of all the directors, officers and persons holding ten percent (10%) of any issue of any outstanding class of stock shall be supplied. The application shall also contain information relative to the type of work sought to be performed within the city, a detailed statement of the prior experience of the applicant in the field and a statement as to whether or not the applicant or any of the parties required to be listed by this section has ever had its builder's registration revoked or denied and the reasons therefor, if any.

§ 28-4. Revocation of registration.

The Building Inspector shall revoke any registration where he finds any of the following:

- A. The workmanship and quality of the builder's project within the city clearly and convincingly demonstrates his inability to provide safe, habitable and workmanlike dwellings.
- B. The builder has made materially false statements on the application.

§ 28-5. Appeals.

If the Building Inspector shall revoke the registration of any builder or contractor, the builder or contractor may appeal the decision of revocation to the Mayor and Common Council within fifteen (15) days of the date of receipt of notice of the action of the Building Inspector. Upon receipt of the notice of said appeal, the Mayor and Common Council shall fix the time and place for a public hearing thereon, not less than two (2) weeks nor more than thirty-one (31) days from the date of receipt of the notice of appeal. At the hearing, the builder or contractor shall have the right

to appear and be heard and be represented by an attorney, to present witnesses on his behalf and to have a permanent record made of the proceedings, at his own expense. The Mayor and Common Council, by its second regular meeting after the conclusion of said hearing, shall affirm or reverse the decision of the Building Inspector. Any person whose registration has been revoked under the provisions of this ordinance may register and be permitted to operate as a builder or contractor within the City of Gloucester City when the grounds upon which the revocation was based are removed or corrected. Said determination shall be made by the Building Inspector and is applicable in the same manner as set forth previously in this section.

§ 28-6. Reregistration.

Whenever a builder or contractor whose registration has been revoked shall reapply for registration, the following is applicable:

- A. The application, in addition to those requirements set forth above, shall also contain a statement of the reason why the revocation was revoked and a detailed statement as to the removal or correction of the factual basis for the revocation.
- B. The security provision hereinafter detailed shall apply to any projects built by the reapplying builder or contractor for a period of three (3) years from the date of reissuance of a registration.

§ 28-7. Posting of security.

Prior to the issuance of a certificate of occupancy or building permit, as contemplated by this ordinance, the builders or contractors to whom this section applies shall post with the Building Inspector security in the form of cash, certified check or a bank letter of credit in an amount of five percent (5%) of the value of the improvements for which the certificate is to be issued, based upon the value established for the issuance of the permit or permits issued in connection therewith, but no such security shall be required if the total value of the work performed does not exceed

two thousand five hundred dollars (\$2,500.). The purpose of the security shall be to ensure that all the work performed upon the premises for which the certificate is issued shall have been performed in a good and workmanlike manner, including but not limited to the construction and completion of the improvements in accordance with the Building Code² and other applicable ordinances of the City of Gloucester City and all other applicable statutes and regulations in connection therewith. If the work is completed satisfactorily, said security shall be returned to the builder or contractor.

§ 28-8. Violations and penalties.

If any builder or contractor shall violate the requirements herein, they or it shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.) or imprisonment for a period not exceeding ninety (90) days, or both. Each and every day that such violation continues after notice of the violation shall be considered a separate and specific offense under this ordinance and shall not be deemed a single continuing offense.

§ 28-9. Severability.

If any Article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such shall not affect the remaining portions of this ordinance and they shall remain in full force and effect.

§ 28-10. When effective.

This ordinance shall take effect immediately upon due passage and publication according to law.

² Editor's Note: See Ch. 27, Building Code.