

Washington Parish Council  
Emergency Ordinance 05-365

Introduced on September 13, 2005

Introduced by Councilman Brown

Adopted on September 13, 2005

An ordinance for the purpose of protecting health, safety and general welfare of all those persons dealing with persons engaged in the contracting vocation, and the affording of such persons of an effective and practical protection against the incompetent, inexperienced, unlawful and fraudulent acts of contractors with whom they contract

**Definitions:**

**“Contract”** means the cost of the construction undertaking, including labor, materials, rentals and all direct and indirect project expenses.

**“Contractor”** means any person who undertakes to, attempts to, or submits a price or bid or offers to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down, or furnishing labor, or furnishing labor together with material or equipment, or installing the same for any building, highway, road, railroad, sewer, grading, excavation, pipeline, public utility structure, project development, housing or housing development, improvement, removal of trees and storm debris or any other construction undertaking.

**“Person”** means any individual, firm partnership, association, cooperative, corporation, limited liability Company, limited liability partnership, or any other entity recognized by Louisiana law.

**“Residential building contractor”** Means any corporation, partnership, or individual who constructs a fixed building or structure for sale for use by another as a residence or who, for a price, commission, fee, wage or other compensation, undertakes or offers to undertake the construction or superintending of the construction of any building or structure which is not more than three floors in height, to be used by another as a residence when the cost of the undertaking exceeds fifty thousand dollars. The term “residential building contractor” includes all contractors, subcontractors, architects, and engineers who receive an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services.

**“Subcontract”** means the entire cost of that part of the contract which is performed by the subcontractor.

**“Subcontractor”** means a person who contracts directly with the primary contractor for the performance of a part of the principal contract or with another subcontractor for the performance of a part of the principal contract.

**“Home improvement contracting”** means the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, or demolition or the construction of an addition to any pre-existing owner occupied building which building is used or designed to be used as a residence or dwelling unit, or to structures which are adjacent to such residence or building.

**“Home improvement contractor”** means any person, including a contractor or subcontractor, who undertakes or attempts to or submits a price or bid on any home improvement contracting project.

**Section 1: No person shall work as a contractor, residential building contractor, or home improvement contractor unless he holds an active permit form the Washington Parish Government in accordance with the provision of this ordinance.**

**Section 2: In order to obtain a permit, the applicant must demonstrate to the Washington Parish Government that he:**

- 1) has general liability insurance in the amount of minimum \$100,000.**
- 2) has Workers Compensation coverage of \$100,000 minimum in Compliance with Title 23 of the LA Revised Statutes.**
- 3) has submitted a financial statement signed by applicant and accountant before a notary public stating applicant be a net worth of \$10,000 or may submit a bond letter of credit or other satisfactory security.**
- 4) Is domiciled in Washington Parish or if not has provided Washington Parish Government with an agent for service of process**
- 5) Tax ID # or proof of registration with LA. Department of Revenue and Taxation.**

**Section 3: Exemptions**

- 1) public utility**
- 2) owners of property on which construction is being done**
- 3) persons donating labor or service for maintenance and/or repair of churches**
- 4) farmers doing construction for agricultural purposes on leased or rented land**

**Section 4: Term of Contract**

**A. The term of the permit issued pursuant to this ordinance shall be 30 days.**

**B. All permits shall expire 30 days from date of issuance. Should expiration date fall on weekend or legal holiday, applicant shall have until the next regular business day to reapply or renew.**

**Section 5: Fees:**

**A. Fee for permits under this ordinance shall not exceed the following amounts:**

- 1) Permit Fee - \$100.00**
- 2) Renewal Fee - \$100.00**
- 3) Delinquent Fee - \$50.00**

**Section 6: Prohibition/Penalty**

**A. Prohibition**

- 1) unlawful to engage in contracting as defined in this ordinance unless he holds an active permit from the Washington Parish Government**
- 2) unlawful to advertise as a licensed contractor unless he holds an active permit from the Washington Parish Government**

**B. Penalty**

- 1) Anyone violating shall be guilty of a misdemeanor and upon conviction fined not more than \$500 per day of violation or 3 months in the parish jail or both**


**Having been submitted to a vote, the vote resulted as follows:**

YEAS: 6 (Sharp, Wheat, Miley, Nassauer, Brown and Sumrall)

NAYS: 0 (None)

ABSENT: 1 (Thomas)

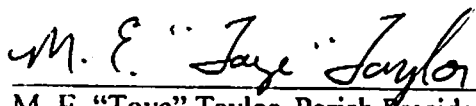
The Emergency Ordinance was declared adopted on the 13<sup>th</sup> day of September 2005.

  
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Darwin Sharp, Chairman

Delivered to the Parish President on

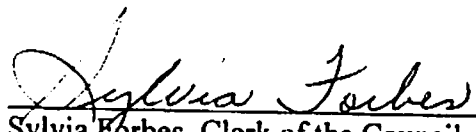
Returned to the Clerk of the Council on

Sept 14, 2005 at 10:05 AM Sept 14, 2005 at 10:06 A.M.

  
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M. E. "Toye" Taylor, Parish President

#### Certification

I hereby certify that the above and foregoing is a true and correct copy of an emergency ordinance adopted by the Washington Parish Council, of the Parish of Washington, State of Louisiana, in regular session on September 13, 2005, a quorum being present and voting.

  
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Sylvia Forbes, Clerk of the Council