

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1 AND ADDING SECTION 129.0121 RELATING TO LICENSE AND INSURANCE REQUIREMENTS OF CONTRACTORS AND SUBCONTRACTORS

Article 9: Construction Permits

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: General Construction Permit Authority and Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0101 through §129.0120 [No change in text.]

§129.0121 License and Insurance Requirements for Contractors and Subcontractors

(a) Applicability of this Section.

(1) The requirements of this section shall apply to the *construction permits* listed in Section 129.0121(a)(1)(A) if the project involves any of the *development* activities listed in Section 129.0121(a)(1)(B)-(D):

(A) Building Permits, Electrical Permits, Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Fire Permits.

(B) Residential and mixed-use *development* consisting of or involving twenty or more *dwelling units*, including *single dwelling unit* subdivisions.

(C) Commercial or industrial *development* that proposes 20,000 square feet or more of tenant improvements or 20,000 square feet of additional *gross floor area*.

(D) Any development that requires a Public Right-of-Way Permit.

(2) The requirements of this section shall apply to all local, state, and federal agencies except for the City of San Diego. The City of San Diego is subject to the requirements in Chapter 2, Article 2, Divisions 30, 31, 33, 34 and 36 of the Municipal Code.

(b) Requirements of this Section.

(1) No person shall be issued or utilize a construction permit subject to this Section, as specified in Section 129.0121(a), unless they are:

(A) A contractor licensed and insured pursuant to the applicable provisions of the California Business and Professions Code or agent; or

(B) The record owner performing their own work, or an agent of the record owner.

(2) All work on development subject to this Section, as specified in Section 129.0121(a), shall be performed by contractors and subcontractors licensed and insured pursuant to the applicable provisions of the California Business and Professions Code, with the exception of a record owner performing their own work.

(c) Compliance with this Section.

(1) Prior to permit issuance, the applicant shall submit the following:

(A) A list of all project contractors and subcontractors that includes the following information for each contractor and subcontractor:

(i) Valid worker's compensation insurance information, including policy number and expiration date;

(ii) State contractor license number, license category, and license expiration date;

(iii) City business license number and expiration date;

(iv) State and federal tax identification numbers; and

- (v) Whether the contractor or subcontractor has any pending and/or prior enforcement actions for any state or federal labor violations or paid any penalties to a government agency related to the provisions of the California Labor Code.
- (B) For Public Right-of-Way Permits, the *applicant* shall also state whether the work to be performed requires safety certifications, safety trainings, professional certifications, or professional licenses. If any of these apply, the *applicant* shall provide the following:
 - (i) A list of the certifications, trainings, and/or licenses required for the work; and
 - (ii) Confirmation that the *applicant's* employees or the employees of the relevant contractor, subcontractor, or agent have the required certifications, trainings and/or licenses, specifying the contractor, subcontractor, or agent if applicable.
- (2) If the *applicant* is unable to provide the information in Section 129.0121(c)(1)(A)-(B) prior to permit issuance, or in the event the *permit holder* adds or changes contractors or subcontractors following permit issuance, the *permit holder* shall provide the information required in Section 129.0121(c)(1)(A)-(B) prior to the new contractor or subcontractor starting work.
- (3) In the event that any of the information required in Section 129.0121(c)(1)(A)-(B) changes for any of the contractors or subcontractors, the *permit holder* shall provide updated information prior to the contractor or subcontractor undertaking any further construction related to the permit.
- (d) Violation of this Section. Any work performed without satisfying the requirements of this Section shall be deemed performed without the required permit, pursuant to Section 121.0302.
 - (1) A first-time violation of this Section shall be subject to the remedies in Section 121.0309, where the *permit holder* may be issued a Stop Work Order.
 - (2) A second-time violation of this Section shall be subject to the remedies in Section 121.0313, where the City Manager may issue a notice of intent to revoke a permit.

(3) Any additional violation shall be subject to the remedies in Section 121.0311.