

ORDINANCE A-253

AN ORDINANCE ESTABLISHING LICENSING FOR CONTRACTORS
WHICH IS AN ORDINANCE ESTABLISHING LICENSE FOR PLUMBING, HVAC, AND
MECHANICAL CONTRACTORS PROVIDED THEREIN

WHEREAS, Mississippi State Legislation passed House Bill 1163, effective July 1, 2022;
and

WHEREAS, the Mississippi State Board of Contractors are charged to enforce laws,
regulations, and standards governing licensing laws and construction; and

WHEREAS, it is the desire of the Mayor and Board of Aldermen to establish licensing
under the guidelines set forth by House Bill 1163 and the Mississippi State Board of Contractors.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the
City of Newton, Mississippi, as follows, to-wit:

CHAPTER 18
BUILDINGS AND BUILDING REGULATIONS
ARTICLE IV
CONTRACTOR LICENSING

Sec. 18-90 – 18.110. Reserved.

ARTICLE IV. CONTRACTOR LICENSING

Sec. 18-90. Definitions.

For the purposes of this article, the following words shall have the meanings ascribed herein:

- (a) “Active licensee” means any builder or remodeler licensed under Mississippi Code Title 73, Chapter 59 and engaged in building and remodeling.
- (b) “Contractor” means any corporations, partnership, or individual undertaking as prime contractor, subcontractor, or sub-sub contractor of any tier to do erection, building, construction, reconstruction, demolition, repair, maintenance, or related work on any public or private project; however, “contractor” shall not include any owner of a dwelling or other structure to be constructed, altered, repaired, or improved and not for sale, lease, public use or assembly, or any person duly permitted by the Mississippi State Oil and Gas Board, pursuant to Section 53-3-11, Mississippi Code of 1972, to conduct operations within the state, and acting pursuant to said permit.

- (c) “Construction manager” means any person or entity, other than a residential builder, remodeler, or owner, who has a contract or agreement with the owner of the property for residential construction, residential improvement, commercial construction, or commercial improvement, no matter if that owner or manager is the general contractor or a holder of a building permit.
- (d) “Inactive licensee” means any builder or remodeler licensed under Mississippi Code Title 73, Chapter 59 and engaged in building and remodeling.
- (e) “MSBOC” means the Mississippi State Board of Contractors created in Section 31-3-3, Mississippi Code of 1972.
- (f) “Private project” means any project for erection, building, construction, reconstruction, repair, maintenance, or related work which is not funded in whole or in part with public funds.
- (g) “Public agency” means any board, commission, council, or agency of the State of Mississippi or any district, county, or municipality thereof, including school, hospital, airport, and all other types of governing agencies created by or operating under the laws of this state.
- (h) “Public funds” means any monies of public agencies, whether obtained from taxation, donation, or otherwise; or monies being expended by public agencies for the purposes for which such public agencies exist.
- (i) “Public project” means any project for erection, building, construction, reconstruction, repair, maintenance, or related work which is funded in whole or in part with public funds.
- (j) “Public property” means any property which is owned, leased, and/or operated by any board, commission, council, or agency of the State of Mississippi or any district, county, or municipality thereof, including school, hospital, airport, and all other types of governing agencies created by or operating under the laws of this state.
- (k) “Remodeler” means any corporation, partnership, or individual who, for a fixed price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction, or superintending of the construction, of improvements to an existing residence when the total cost of the improvements exceeds Ten Thousand Dollars (\$10,000.00).

- (l) “Residential builder” means any corporations, partnership, or individual who constructs a building or structure for sale for use by another as a residence or who, for a fixed price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction, or superintending of the construction, of any building or structure, when the total cost of the undertaking exceeds Fifty Thousand Dollars (\$50,000.00).
- (m) “Residential construction” means any undertaking described in paragraph (b) of this section performed by a residential builder.
- (n) “Residential improvement” means any undertaking described in paragraph (c) of this section performed by a remodeler.
- (o) “Residential solar contractor” means any person or entity that installs, modifies, maintains, and repairs thermal and photovoltaic solar energy systems.

Sec. 18-91. License required.

The City of Newton hereby adopts the residential and commercial contractor licensing requirements as set forth in House Bill 1163 that went into effect July 1, 2022.

Sec. 18-92. Requirements.

All contractors listed in Sec. 18-93 are required to be licensed by the Mississippi State Board of Contractors (MSBOC) regardless of project amount for both residential and commercial projects. It shall be unlawful for any person to engage in the business of performing services relating to contractors listed in Sec. 18-93 without first obtaining the appropriate license from the MSBOC. Once the appropriate license has been obtained from the MSBOC, a license shall be obtained from the City of Newton. It shall be unlawful for any person engaged in any business stated below to engage or contract with any subcontractor, entity, or individual which provides services which are regulated by this ordinance of the City of Newton who has not been duly licensed to perform said work. Residential HVAC, plumbing, electrical, and solar contractors, builders, and construction managers can perform services only for private projects classified as residential. Commercial HVAC, HVAC, plumbing, electrical, and solar contractors, builders, and construction managers can perform services for private projects classified as commercial and public projects. All properties considered “public property” must have services completed by commercial contractors, builders, and construction managers only.

Sec. 18-93. License fees.

The City of Newton hereby adopts the following licensing fees for each practice as annual fees to be due at the beginning of each fiscal year (October 1). Licenses are valid from October 1 to September 30; proration of licenses are hereby prohibited.

HVAC Contractor – Residential	\$50.00
HVAC Contractor – Commercial	\$50.00
Electrical Contractor – Residential	\$50.00
Electrical Contractor – Commercial	\$50.00
Construction Manager – Residential	\$50.00
Construction Manager – Commercial	\$50.00
Plumbing Contractor - Residential	\$50.00
Plumbing Contractor - Commercial	\$50.00
Residential Builder	\$50.00
Commercial Builder	\$50.00
Residential Remodeler	\$50.00
Residential Solar Contractor	\$50.00

Sec. 18-94. Fines and penalties.

Any corporation, partnership, or individual who habitually violates the prohibitions of Section 18 Article 4 of the City of Newton Code of Ordinances, upon conviction, shall, in addition to the double fee levied therein, be punished as follows:

- (1) For a first offense, a fine of fifty dollars (\$50.00);
- (2) For a second offense, a fine of not less than one hundred dollars (\$100.00) but not to exceed two hundred dollars (\$200.00) and revocation of license for ninety days (90);
- (3) For a third offense, a fine of not less than three hundred fifty dollars (\$350.00) but not to exceed five hundred dollars (\$500.00) and revocation of license for one hundred eight days (180); and
- (4) For subsequent offenses, a fine to be determined by the Mayor and Board of Aldermen and revocation of license for three hundred sixty-five days (365).

Sec. 18-95. Revocation; hearing; requirements for re-licensure; appeal.

Any certificate granted under this article, or which may be in force at the time this article is passed, may be revoked by the Mayor and Board of Aldermen if the holder of the certificate of licensure violates any ordinance or laws relating to Section 18 Article 4 of the City of Newton

Code of Ordinances, Mississippi State Board of Contractors, and/or the Mississippi Annotated Code. Such holder of a certificate of licensure shall be given a full hearing, the board fully satisfying itself as to the violation involved. When a certificate is revoked, a new certificate shall not be granted to the same person for the period specified by the provisions stated Sec. 18-94 or the Mayor and Board of Aldermen. At their discretion, the Mayor and Board of Aldermen may require the party involved to take an examination, as provided by this article prior to reissuing a certificate of licensure.

Sec. 18-96. Bond required.

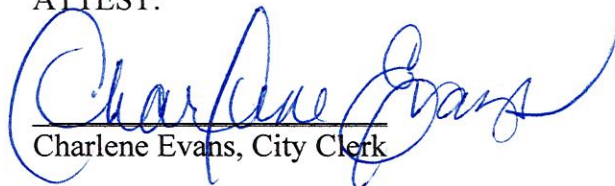
Before the certificate of licensure required by Sec. 18-92 shall be issued, the successful applicant shall maintain a bond made to the City of Newton in the amount of \$5,000.00. Bonds shall remain valid while performing services inside the city limits of Newton.

PASSED BY THE Board of Aldermen of the City of Newton County, Mississippi, this the 3rd day of December 2024.

APPROVED:


Antonio Hoye, Mayor

ATTEST:


Charlene Evans, City Clerk

