

ORDINANCE NO. 59 -2010

AN ORDINANCE CREATING REGISTRATION OF CONTRACTORS CONDUCTING BUSINESS WITHIN THE JURISDICTION OF THE CITY OF OTTAWA, LASALLE COUNTY, STATE OF ILLINOIS

WHEREAS, the Council of the City of Ottawa, LaSalle County, State of Illinois have determined that it is in the best interests of public health, safety and welfare that all contractors conducting business within the City of Ottawa be registered.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OTTAWA, ILLINOIS, AS FOLLOWS:

Section One: Section 22-31 of the Code of Municipal Ordinances of the City of Ottawa shall be added and shall read as follows:

“Sec. 22-31. Contractor registration.

It shall be unlawful for any person to engage in the business of contracting within the City of Ottawa without being registered as a contractor in the manner hereinafter set forth.

(a) Definitions.

(1) Contractor – Any person engaged in the business of constructing, altering or repairing buildings or other structures or sidewalks or street pavements including but not limited to the following contractors; general buildings; cement or concrete; masonry; carpentry; acoustical; electrical; drywall; excavating; fencing; flooring; garage; glazing; heating, air conditioning and refrigeration; lawn chemical and fertilizer applicators; porch and deck; roofing; sewer; sheet metal; tuck pointing and cleaning; window; demolition; black top sealer; paving; landscaping; swimming pool; insulation; water and damp proofing; siding; sign; but does not include employees performing services for a governmental entity.

(2) Person – Any person or individual, partnership, firm, association, corporation, trust or other legal entity.

(b) Registration. Any person desiring to engage in the business of contracting within the City of Ottawa shall file an application for registration with the Building and Zoning Officer. Plumbing and roofing contractors shall provide proof of state licensing along with their applications. Upon the filing of such application on the proper form and providing all necessary

bonds and insurance certificates along with payment of the registration fees set out in subparagraph (c)(3), the Building and Zoning Officer shall register the applicant as a contractor and classify the applicant into the property category as outlined in subparagraph (c)(3). The registration of any and all contractors upon filing of the appropriate application and applicable contingencies, and compliance thereof shall be within the sole discretion of the Building and Zoning Officer of the City of Ottawa or his designee. Upon verification of the applicant's application, references, bond and insurance, the Building and Zoning Officer shall issue a certificate of registration which will authorize the applicant to engage in such business for the calendar year within which it is issued.

(c) Fees/Bonds.

(1) The fee for the registration of contractors shall be an annual fee which shall be paid by the applicant to the City of Ottawa at the time of the filing of the application. The certificate of registration issued there under shall expire on the 31st day of December of the year in which it is issued.

(2) In addition to the fee referred to in subparagraph (c)(1) above, every contractor shall execute and file with the City Clerk a \$10,000.00 license and permit bond payable to the City of Ottawa with sureties to be approved by the City conditioned upon the applicant faithfully observing all of the provisions of the building code and other ordinances and regulations of the City of Ottawa relating to the business conducted by the contractor and conditioned further to indemnify and hold harmless the City of Ottawa against any cause or act upon which it may suffer or which may occur against it or any cause of action that may be charged to or recovered by the City of Ottawa from or by reason of any act by any such person or by any agent or employee thereof and further to indemnify and hold harmless any property owner who suffers injury by the failure of the contractor to comply with the building code and other ordinances and regulations of the City of Ottawa.

(3) The fees for registration and the bond required by this subparagraph shall be as follows, with a maximum fee of \$200.00 for multiple classifications:

Class	Fee
General Contractor	\$100
Electrical Contractor	\$100
Plumbing Contractor	\$ 0

Roofing Contractor	\$100
All other contractors	\$100

(d) Insurance. Every person registered as a contractor by the City of Ottawa shall show proof of insurance to the Building and Zoning Officer in the following amounts:

Bodily injury liability	\$500,000
Property damage liability	\$500,000
Workers Compensation	as required by the Illinois Workers' Compensation Commission

(e) Exemptions. A property owner may perform work personally without registering as required by this Section under the following circumstances only: (1) the work is being performed on the property owner's primary residence; or (2) the work is being performed on other property and is non-structural renovation or maintenance work and is not electrical, plumbing, roofing or lead paint abatement or other work requiring a license issued by the State of Illinois.

(f) Revocation. The Building and Zoning Officer in his discretion may revoke a contractor's registration if the contractor violates the building codes or other applicable ordinances of the City of Ottawa. The contractor must be notified of the intent to revoke the contractor's registration and of the alleged violations and the contractor will then be given ten (10) days from the date that notice is given to correct said violations, to show cause why there is no violation or to otherwise, appeal in writing to the Mayor and the City Council of the City of Ottawa who shall conduct a hearing on such revocation. Notice may be given by (1) Certified mail at the address provided on the contractor's registration; (2) Personal delivery; or (3) Posting on a site within which the contractor is working.

(g) Violations/Penalties. Any person violating any provisions of this ordinance shall be subject to a fine of not less than \$100 nor more than \$750. Each day that an offense occurs shall be deemed as a separate incident for the purposes of assessing a fine.

(h) Severability. This ordinance and every provision thereof shall be considered severable. In the event that any court of any competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section of part of a phrase, clause, sentence, paragraph, provision or section of this ordinance to be void, the remaining words, phrases, clauses, sentences, paragraphs, and provisions and parts of phrases, clauses, sentences, paragraphs, provisions or sections not ruled void, shall continue in full force and effect."

Section Two: That section 22-123(f) of the Code of Municipal Ordinances of the City of Ottawa is deleted and repealed.

Section Three: That section 22-161.3 of the Code of Municipal Ordinances of the City of Ottawa is deleted and repealed.

Section Four: All ordinances and parts of ordinances that conflict with any provisions of this ordinance shall be and the same are hereby repealed.

Section Five: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

	Aye	Nay	Absent
Mayor Eschbach	<u>X</u>	_____	_____
Commissioner Aussem	<u>X</u>	_____	_____
Commissioner Whitney	<u>X</u>	_____	_____
Commissioner Baxter	<u>X</u>	_____	_____
Commissioner Eichelkraut	<u>X</u>	_____	_____

PASSED AND APPROVED this 21st day of December, A.D., 2010.



Robert M. Eschbach, Mayor

ATTEST:



Shelly L. Monks, City Clerk