

Village of Glen Ellyn

Ordinance No. 5854-VC

An Ordinance Amending the Village Code of the Village of
Glen Ellyn - Title 4, Chapter 1 – Building Code;
Contractor Registration Provisions

Adopted by the
President and Board of Trustees
Of the Village of Glen Ellyn
DuPage County, Illinois
this 8th day of March, 2010.

Published in pamphlet form by the authority of the
President and Board of Trustees of the Village of
Glen Ellyn, DuPage County, Illinois, this 9th
day of March, 2010.

Ordinance No. 5854 -VC

**An Ordinance Amending the Village Code of the Village of
Glen Ellyn - Title 4, Chapter 1 – Building Code;
Contractor Registration Provisions**

Whereas, the Village of Glen Ellyn has determined that it would be in the best interest of the Village to register contractors working in the Village; and

Whereas, the establishment of contractor registration requirements would allow the Village to collect contact information on contractors working in the Village and also obtain copies of appropriate security bonds, licenses and certificates of insurance to provide the customers of the contractors and the Village additional information regarding contractors; and

Whereas, Planning and Development staff researched contractor registration requirements in other local municipalities to determine what requirements would be appropriate for the Village of Glen Ellyn; and

Whereas, the Planning and Development staff and legal counsel have reviewed these contractor registration requirements and the Village Board discussed the proposed contractor registration procedures and processes at Village Board Workshops and Meetings on November 16, 2009, January 18, 2010, February 22, 2010; and

Whereas, the Planning and Development Department will manage the administration and enforcement of the contractor registration requirements; and

Whereas, the Planning and Development Department conducted a Builder's Forum meeting with local builders and contractors to obtain input on the proposed contractor registration requirements on December 17, 2009.

Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in exercise of its home rule powers, as follows:

Section One: That Title 4 of the Village Code of the Village of Glen Ellyn entitled "Building Code" is hereby amended by adding thereto a new Section 4-1-11 as set forth in Exhibit "A" attached hereto.

Section Two: That Title 4 of the Village Code of the Village of Glen Ellyn entitled "Building Code" is hereby amended by adding thereto a new subsection 4-1-4(A)20 as follows:

4-1-4(A)20

"20. Contractor Registration:

- | | | |
|-----|--|--------|
| (a) | 12 month application or renewal fee (general contractor) | \$100 |
| (b) | 12 month application or renewal fee (independent contractor) | \$50 |
| (c) | 24 month application or renewal fee (general contractor) | \$190 |
| (d) | 24 month application or renewal fee (independent contractor) | \$95 |
| (e) | Reinstatement fee for a suspended registration | \$125 |
| (f) | Appeal fee (denied application, renewal or suspended registration) | \$700* |
- *plus reimbursement of fees agreement and escrow fund deposit
(see subsection 4-1-4(H))"

Section Three: The effective date of this Ordinance being a matter of urgency due to the desire to implement consumer protections shall be in full force and effect on March 15, 2010 but it shall also be published in pamphlet form in accordance with law.

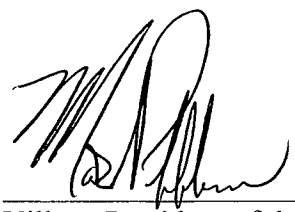
Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 9th day of March, 2010.

Ayes: *Ladesic, Comerford, Cooper, Hartweg, Henninger, Thorsell*

Nays: - 0 -

Absent: - 0 -

Approved by the Village President of the Village of Glen Ellyn, Illinois, this 8th day of March, 20 10.



Village President of the
Village of Glen Ellyn, Illinois

Attest:

Suzanne R. Connors
Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 9th day of March 2010).

EXHIBIT A – 3/1/10
(Clean)

4-1-11 Contractor Registration Required

It shall be unlawful for any contractor, to perform construction or demolition work within the Village of Glen Ellyn that requires a building permit unless the contractor holds a current valid contractor registration.

(A) Application for Contractor Registration

Application for contractor registration shall be made to the Director of Planning and Development, on such forms that are provided including an application, documents that include all required information, applicants signature, submittal date and payment of applicable fees.

(B) Contractor Classifications

A contractor is any person, partnership, corporation or other business entity engaged in the business of constructing, altering, repairing or demolishing buildings, structures, utilities, site improvements or topography. Contractor classifications are based on the work they perform and the contractual relationships established as follows:

1. A general contractor is a contractor who employs or manages the work of one or more independent contractors. A general contractor may also be the developer, builder, construction manager or property owner.
2. An independent contractor is a contractor who only manages his own work or the work of his own employees and performs one trade or craft. Independent contractors are generally contracted by a property owner, owner's agent or building occupant or subcontracted by a general contractor.
3. A public utility contractor is a contractor completing public improvement work in the rights of way under agreements and licenses with the Village of Glen Ellyn and managed by the Public Works Department.
4. A subcontractor is any contractor working under a contract agreement with a general contractor.

(C) Contractor Registration Exemptions

1. An independent contractor is exempt from the contractor registration requirements of this code section when all of the following conditions are met:
 - a. The independent contractor is not required to hold a professional license issued by the State of Illinois or Illinois municipality to perform their work.
 - b. The independent contractor is subcontracted by the general contractor to perform work under the same building permit for which the general contractor is the building permit applicant.
 - c. The independent contractor has been listed on the building permit application as a contractor working under subcontract to the general contractor.
2. A property owner who hires contractors to work on their property, or personally works on their property, is exempt from the contractor registration requirements provided the property owner is not also a general contractor. However, all contractors working on the property must meet the contractor registration requirements.
3. A public utility contractor is exempt from the contractor registration requirements of this code section for all work completed in the rights of way.

4. Any person providing design, engineering or testing services, furnishing materials and equipment, completing cleaning and maintenance work or performing any activity for which a building permit is not required is exempt from the contractor registration requirements.
5. A licensed electrical contractor is exempt from the requirement to pay a contractor registration fee as provided under Illinois State Statutes.
6. A licensed contractor is exempt from the requirement to provide a surety bond and/or certificate of insurance provided a surety bond and/or certificate of insurance is a licensing requirement under Illinois State Statutes.

(D) Application Documents

1. Contractors must possess and submit a copy of their current professional license issued by the State of Illinois, Illinois municipality or other entity authorized to issue such license. This includes contractors performing electrical, plumbing, irrigation, roofing, fire sprinkler, elevator/conveyance equipment work or other construction work that requires a State of Illinois license.
2. Contractors must possess and submit a surety bond issued by a company approved and authorized to issue bonds by the State of Illinois. The surety bond shall assure that the contractor's work will be completed in accordance with the requirements of the building permit and the Glen Ellyn Village Code. The surety bond shall be in the minimum amount of \$20,000 and list the Village of Glen Ellyn and third party beneficiaries as the obligees. Contractors completing storm water work under a storm water permit are exempt from the requirement to provide a security bond under this code section.
3. Contractors must possess and submit a certificate of insurance issued by a company approved and authorized to issue insurance by the State of Illinois. The certificate of insurance shall list the Village of Glen Ellyn as an additional insured and include the following insurance in the minimum amounts:
 - a. General Contractor

General liability each occurrence	\$ 1,000,000
General liability each person	\$ 100,000
Property damage	\$ 10,000
Worker's compensation	as required by law
 - b. Independent Contractor

General liability each occurrence	\$ 500,000
General liability each person	\$ 100,000
Property damage	\$ 10,000
Worker's compensation	as required by law
4. Contractors must submit a notarized affidavit stating that they have no employees if the certificate of insurance excludes worker's compensation.

(E) Processing of Applications

Applications received by the Director of Planning and Development shall be examined for complete and accurate information. The Director shall have the authority to require the applicant to submit supplemental evidence to confirm the application information or respond to any objection to the issuance, renewal or reinstatement of the contractor's registration. Contractor registration applications shall be granted or denied by the Director by written notice within 30 days of receipt of all required application documents

(F) Term of Contractor Registration

Contractor registration shall be valid through a 12 or 24 month registration term as selected by the applicant provided that the required contractor license, surety bond and certificate of insurance have not expired or been suspended or terminated by the issuing authority.

(G) Renewal of Contractor Registration

Contractor registration may be renewed during the registration term or after the registration term by submittal of a new application, current application documents and payment of the renewal fee.

(H) Suspension of Contractor Registration

Contractor registration is immediately suspended upon the expiration, revocation or termination of any required contractor license, surety bond or certificate of insurance during the registration term. The contractor is prohibited from performing any work during the period in which the contractor's registration is suspended. No notice shall be issued to the contractor prior to suspension. A written notice of suspension and a stop work order shall be issued to the contractor on or after the suspension date. A suspended registration may be reinstated by the Director upon submittal of a new application, current application documents and payment of the reinstatement fee.

(I) Denial of a Contractor Registration Application, Renewal or Reinstatement

Contractor registration applications, renewals and reinstatements may be granted or denied by the Director by written notice within 30 days of the submittal date. Applications, renewals and reinstatements will be denied for failure to submit the required application documents, submitting false information or failure to pay the application, renewal or reinstatement fee.

(J) Appeal of a Denied Application or Renewal or a Suspended Contractor Registration

All appeals from the decisions of the Director of Planning and Development must be filed with the Planning and Development Department within 30 days after the contractor's receipt of the written notice. The appeal must include a petition submitted by the contractor describing the basis upon which the appeal is founded and payment of an administrative appeal fee. The Director of Planning and Development shall transmit the appeal to the Building Board of Appeals for a public hearing. The Board shall review evidence and hear testimony relevant to the appeal and reach a decision. The decision of the Board shall be the final administrative decision.

(K) Enforcement

No building permit shall be issued for any work if the permit applicant or the contractors listed on the permit application are not in compliance with this section. Contractors shall provide personal identification and identify their employers to the building inspector or other authorized village official on the work site to verify compliance with these contractor registration requirements. A contractor performing work in violation of this section may be served with a citation and a stop work order may be issued and the building permit may be suspended or revoked by the building official.

(L) Penalty

Any persons violating the provision of this code section shall be fined not less than one hundred and fifty dollars (\$150) nor more than seven hundred and fifty dollars (\$ 750) for each offense and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

EXHIBIT A – 3/1/10

(blacklined)

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It shall be unlawful for any contractor, to perform construction or demolition work within the Village of Glen Ellyn that requires a building permit unless the contractor holds a current valid contractor registration.

(A) Application for Contractor Registration

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(B) Contractor Classifications

A contractor is any person, partnership, corporation or other business entity engaged in the business of constructing, altering, repairing or demolishing buildings, structures, utilities, site improvements or topography. Contractor classifications are based on the work they perform and the contractual relationships established as follows:

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2. A property owner who hires contractors to work on their property or personally works on their property is exempt from the contractor registration requirements ~~of this code section for work completed on their property by the property owner or the property owner's contractors~~ provided the property owner is not also a general contractor. ~~engaged in the general contracting business.~~ However, all contractors working on the property must meet the contractor registration requirements.

3. A public utility contractor is exempt from the contractor registration requirements of this code section for all work completed in the rights of way.
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(F) **Term of Contractor Registration**

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(L) **Penalty**

Any persons violating the provision of this code section shall be fined not less than ~~twenty five~~ **one hundred and fifty** dollars (~~\$ 25~~) (**\$150**) nor more than seven hundred and fifty dollars (\$ 750) for each offense and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.