

**ORDINANCE 16, CHAPTER 32 OF THE MUNICIPAL CODE
AND ADDITIONAL REQUIREMENTS FOR
CONTRACTOR REGISTRATION**

WHEREAS, the City of Valparaiso, Indiana, has determined that it is in the best interests of the City that contractors, skilled trades and environmental/seasonal contractors register with the City; and

WHEREAS, it is the intent of this Ordinance to provide protection of life, health, environment, public safety and general welfare to the users of such contractors, skilled trades and environmental/seasonal contractors;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

32.01. CONTRACTOR REGISTRATION. This ordinance, and all ordinances supplemental or amendatory hereto shall be known as the "Requirement for the registration and listing of contractors, skilled trades and environmental/seasonal contractors in the City of Valparaiso, Indiana" and may be cited as such as referred to as "this code".

32.02 PURPOSE. The purpose of this code is to provide for central information and record keeping of contractor performance in the hope that minimum standards will be encouraged for the protection of life, health, environment, public safety and general welfare to users of contractors, skilled tradesman and/or environmental/seasonal contractors in the performance of construction, repair, replacement, addition or alteration or regular maintenance to all properties, buildings and structures and their electrical, plumbing and mechanical systems, fire-safety standards, or weather protection, and other contractor related features.

32.03. ADMINISTRATION. The Building Commissioner is hereby authorized and directed to administer and enforce all provisions of this Code.

32.04. PERSONS AFFECTED. Any person, partnership or corporation which has entered into a contractual relationship to engage in any construction activity with another person, partnership or corporation which holds a property interest in real estate on which construction and/or any environmental/seasonal activity is occurring, shall obtain a listing as a contractor.

32.05. APPLICATION. A person, partnership or corporation shall be entitled to receive a listing as a contractor if the following requirements are met:

- (1) An application form indicating the name, address and legal business status of the contractor has been submitted to the Building Commissioner. If the contractor is a corporation, the name and address of the resident agent is required.
- (2) A listing fee has been paid of \$100.00.
- (3) Applicant shall have stated its area of expertise. The areas of expertise may include, but are not limited to, one or more of the following:
 - a) General Contractor
 - b) Roofing
 - c) Plumbing
 - d) Electrical
 - e) Drywall
 - f) Carpentry
 - g) Mechanical (HVAC)
 - h) Siding
 - i) Gutters/Downspouts
 - j) Weather protection
 - k) Infrastructure

In addition, this Ordinance also applies to what is commonly known as Environmental/Seasonal Contractors, including but not limited to the following:

- a) Landscapers
 - b) Tree trimmer/services
 - c) Snow removal Contractors
 - d) Lawn Maintenance Contractors
- (4) Although contractors performing cosmetic work, such as house painters, wallpaper hangers, flooring installers, etc., are not required to register under this Ordinance, it will be in the sole discretion of the Building Commissioner of the City to determine whether the work being performed is cosmetic in nature or whether such work requires registration under this Ordinance.
- (5) The applicant, as part of the application, shall agree to hold the City of Valparaiso harmless for its enforcement of this Ordinance. The applicant shall further agree to defend the City against any suit arising out of the enforcement of this Ordinance.
- a) Each entity who is registered with the City of Valparaiso pursuant to this Ordinance shall provide proof of insurance to the Building Commission at the time the application for registration is applied for and on an annual basis thereafter with said insurance to be in an amount not less than Two Hundred Fifty Thousand (\$250,000.00) Dollars for property damage; Two Hundred Fifty Thousand (\$250,000.00) Dollars for injury to one person and One Million Dollars per occurrence.
 - b) Each registered entity shall provide a bond in the amount of Five Thousand (\$5,000.00) Dollars to provide an assurance that the entity will comply with the various codes, rules and regulations of the City of Valparaiso.

32.06 DURATION. The listing shall be for a one (1) year period between August 1st and July 31st of the following year, or for the remainder thereof, whichever time is shorter. No listing shall be issued by the Clerk-Treasurer to any person, partnership or corporation except as provided by this Code.

32.07 COMPLAINT RECORD. The Building Commissioner shall maintain a registry of all persons, partnerships and corporations which apply for listing and all persons, partnerships and corporations which received approval as a listed contractor. The Building Commissioner shall accept written complaints against listed contractors and shall maintain said complaints, along with contractors applications for seven (7) years. These records shall be open to the public.

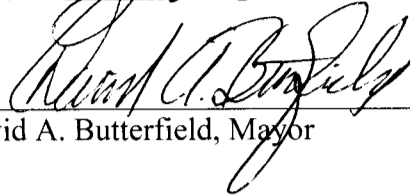
32.08 NOTICE OF VIOLATION. Failure of a contractor to comply with this ordinance shall result in a written notice of said failure served on the contractor by the Building Inspector. Said notice shall state that said contractor must comply with this ordinance within ten (10) days of said notice. Said notice shall state that a fine of up to Two Thousand Five Hundred (\$2,500.00) Dollars shall be imposed upon the failure to comply with said notice.

32.09 FINE. Failure to comply with the Building Inspector's notice of non-compliance shall result in a fine of up to Two Thousand Five Hundred (\$2,500.00) Dollars.

32.10 SERVICE. Service under the terms of this ordinance shall be effective upon the posting of said notice in First Class regular mail addressed to the business address of the contractor.

32.11 NON-TRANSFERABLE. No listing issued under provisions of this Code shall be assignable or transferable.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 10th day of June, 2002.



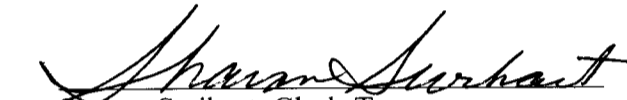
David A. Butterfield, Mayor

ATTEST:



Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 10th day of June, 2002, at 7:20 p.m.



Sharon Swihart, Clerk-Treasurer