

**ORDINANCE 28, 2005**

**AN ORDINANCE AMENDING SECTION 32, ENTITLED  
"BUILDING CONTRACTORS", OF THE MUNICIPAL CODE OF  
THE CITY OF VALPARAISO**

**WHEREAS**, the City of Valparaiso, Indiana, has determined that it is in the best interests of the City that contractors, subcontractors and specialty contractors register with the City; and

**WHEREAS**, Ordinance No. 25-2003 amending the building contractors section of the municipal code was adopted on June 23, 2003; 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, subcontractors and specialty contractors;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Valparaiso that Section 32 of the Municipal Code of the City of Valparaiso be amended to read as follows:

32.01 **CONTRACTOR REGISTRATION.** This ordinance, and all ordinances supplemental or amendatory hereto shall be know as the "Requirements for the registration and listing of contractors, subcontractors and specialty 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, subcontractor and specialty 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, subcontractors and specialty contractors in the performance of construction, alteration, repair, moving, wrecking, demolishing of any structures.

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

32.04 **DEFINITIONS.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Contractor* means any person, except a licensed architect or registered professional engineer, who in any capacity other than as the employee of another for wages as the sole compensation, undertakes to construct, alter, repair, move, wreck, or demolish any structure. The term includes general contractor, subcontractor or specialty contractor, but does not include a person who furnishes materials or supplies.

*Subcontractor/Specialty Contractor* means a person who makes an agreement to perform a limited segment of the construction, improvement, repair or remodeling of the premises. This includes agreements with a general contractor or property owner.

(IC 22-11-3.1-1)

32.05 **REQUIREMENTS FOR REGISTRATION.** It shall be unlawful for any person to engage in the business or act in the capacity of a contractor or subcontractor/specialty contractor within the City without having registered and submitted the following:

- (1) An application form indicating the name, address and legal business status of the contractor/subcontractor/specialty contractor to the Building Commissioner. If the contractor/subcontractor/specialty contractor is a corporation, the name and address of the resident agent is required. Area of expertise shall be stated on the application. The areas of expertise shall include but not be limited to the following:
  - (a) General Contractor
  - (b) Carpentry
  - (c) Plumbing
  - (d) Electrical
  - (e) Masonry/Tiling
  - (f) Concrete
  - (g) Heating/Cooling/Ventilating
  - (h) Roofing/Siding/Insulation/Weather protection
  - (i) Drywall/Plaster
  - (j) Mechanical (HVAC)
  - (k) Excavating
  - (l) Demolition
  - (m) Flooring, excluding hardwood & carpeting
  - (n) Tree removal/trimming/landscaping/lawn maintenance
  - (o) Snow removal
- (2) Each contractor or subcontractor/specialty contractor shall submit a certificate of insurance in the minimum amounts of \$500,000 bodily injury and property damage and worker's compensation in the maximum amount required by state law.
- (3) Each contractor or subcontractor/specialty contractor shall submit a bond in the amount of \$5,000 to provide an assurance that they will comply with the ordinances and regulations of the City of Valparaiso. This bond shall be filed with the Porter County Recorder.  
(IC 22-11-3.12)

Upon presentation of the above requirements the Clerk-Treasurer shall furnish the contractor, subcontractor or specialty contractor with a registration receipt.

#### 32.06 FEES, PAYMENT; ISSUANCE OF PERMITS; HOMEOWNERS.

- (1) Upon presentation of the requirements, the Clerk-Treasurer shall furnish the contractor, subcontractor/specialty contractor with a registration receipt upon payment of the registration fee of \$100.00.
- (2) If registering for the first time between June 1st and July 31st of any year the initial registration fee of \$100.00 will be charged, however this fee will carry over to pay the renewal fee for the succeeding year.
- (3) No person shall engage in the business of contracting, subcontracting or specialty contracting in the city without first procuring from the Clerk-Treasurer a receipt evidencing payment of the registration fees prescribed in this section. The Building Commissioner shall not issue building permits to anyone except a duly registered contractor, subcontractor or specialty contractor or his duly authorized active officer or agent under the provisions of this division.
- (4) Building permits shall be granted to actual homeowners who are undertaking to do the work or construction themselves on their own homes or structures on the premises on which they reside.

32.07 DURATION. A registration shall be for a period of one (1) year, between August 1<sup>st</sup> and July 31<sup>st</sup> of the following year or for the remainder thereof, whichever time is shorter.

32.08 RENEWAL PROCEDURE. Upon the expiration of any registration issued under this section, the contractor, subcontractor or specialty contractor will be required to reapply for a new registration. Any registrant renewing his registration or paying his renewal after August 1<sup>st</sup> of each succeeding year shall be subject to a penalty of \$30.00. When renewing the registration the registrant shall again provide the Clerk-Treasurer with a new registration form, a copy of the bond recorded with Porter County and with a certificate of insurance as specified in Section 32.05.

32.09 RENEWAL FEES.

- (1) As long as a registrant pays the registration renewal fee annually by August 1<sup>st</sup>, the fees shall be \$50.00
- (2) If the registrant does not pay the registration fee by August 1<sup>st</sup> annually, the fees shall be calculated in accordance with the provisions of section 32.08.

32.10 COMPLAINT RECORD. The Building Commissioner will accept written complaints against listed contractors and shall maintain such complaints in a file to be kept for five (5) years. These records shall be open to the public.

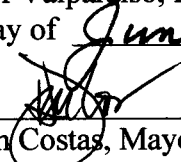
32.11 NOTICE OF VIOLATION. Failure of a contractor, subcontractor or specialty contractor to comply with this ordinance shall result in a written notice of said failure served on the contractor by the Building Inspector. Said notice shall state that said contractor must comply with this ordinance within forty-eight (48) hours of said notice. Said notice shall state that a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) shall be imposed upon the failure to comply with said notice.

32.12 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 Dollars (\$2,500.00).

32.13 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.

32.14 NON-TRANSFERABLE. No listing issued under the provision of this Code shall be assignable or transferable.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 5-0 vote of all members present and voting this 27<sup>th</sup> day of June, 2005.

  
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Jon Costas, Mayor

ATTEST:

  
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Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 27<sup>th</sup> day of June, 2005, at 7:30 p.m.

  
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Sharon Swihart, Clerk-Treasurer