

ORDINANCE 2009-07

AN ORDINANCE OF THE CITY OF LOGANSPOBT, INDIANA ESTABLISHING A PROCEDURE FOR
REGISTRATION OF CONTRACTORS

WHEREAS, the Common Council restates that it is the purpose of the Building Code to provide minimum standard for the protection of life, limb, health, property, environment, public safety, and for the conservation of energy in the design and construction of buildings; and

WHEREAS, the Common Council finds that the foregoing stated purpose of its Building Code would be further served by requiring **CONSTRUCTION/BUILDING CONTRACTORS** who are engaged in the site preparation, construction, demolition, alterations, repair or maintenance of building sites, buildings and structure within the corporate limits of the City of Logansport, Indiana to register annually with the City of Logansport before commencing any such work.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Logansport, Indiana:

CONTRACTOR REGISTRATION

CONTRACTOR REGISTRY

- Section 1. Contractor Registration Requirements
- Section 2. Registry of Contractor
- Section 3. Application; Qualifications of Contractor Registration
- Section 4. Insurance Requirements
- Section 5. Approval of Contractor Registration; Non-transferable
- Section 6. Suspension of Revocation of a Registered Contractor
- Section 7. Contractor Registration Fees
- Section 8. Remedies
- Section 9. Penalties

Section 1. Contractor Registration Requirements

Any person, partnership or corporation that enters into any contract (verbal or written) with another person, partnership or corporation to engage in any type of construction activity, including demolition work, in or upon real estate located within the City of Logansport must be "Registered" under this chapter.

- (A) A person not listed under this chapter who is employed by a "Contractor" who has not been "Registered" may, however, accomplish construction work for which his employer is "Registered" while working under the direction and control of such "Contractor", but shall not otherwise enter into or offer to enter a contractual relationship to engage in any type of construction activity. "Sub-Contractors" are required to be "Registered".
- (B) A person not "Registered" under this chapter may, however, accomplish construction type activities in carrying out ordinary maintenance of sole, full time employment by the owner of the premises where such ordinary maintenance and repair occurs.
- (C) Any public utility company, and their sub-contractors, that work exclusively for the public utility company, shall be exempt from all the requirements and penalties contained in this chapter.
- (D) Property owners and tenants working on their property are excluded from "Registration".

Section 2. Registry of Contractors

The Building Commissioner shall maintain a registry of all persons, partnerships, and corporations which apply for "Contractor Registration" and all persons, partnerships, and corporations which receive such permits.

Section 3. Application; Qualifications of Contractor Registration

A person, partnership, or corporation shall be entitled to receive a "Contractor Registration" as a contractor in the City of Logansport if the following requirements are met:

- (A) An application form indicating the name, address, and legal business status of the contractor had been submitted to the Building Commissioner;
- (B) The "Registration" fee as provided in this chapter has been paid;
- (C) The person, partnership, or corporation has not had a "Contractor Registration" issued under this chapter suspended or revoked within one year of the application; and
- (D) The partnership has not had a partner or the corporation has not had an officer who has had a "Contractor Registration" issued under this chapter suspended or revoked within one year of the permit application.
- (E) The contractor obtains insurance as hereafter stated.

Section 4. Insurance Requirements

The contractor shall maintain bodily injury, property damage and workman's compensation insurance unless properly exempted. The insurance requirements of this chapter are met if the "Contractor" secures and maintains insurance covering all construction or demolition activity by such contractor or under any permit obtained by such contractor, such insurance to include:

- (A) A bodily injury and property damage insurance policy insuring the contractor, providing for the payment of any liability imposed by law on such contractor arising out of operations performed by or on behalf of the "Registered Contractor" in minimum amounts of:
- (B) \$500,000.00 (Five Hundred Thousand Dollars), for any occurrence relative to which there is an injury or death to one of more persons; and \$100,000.00 (One Hundred Thousand Dollars), for any occurrence relative to which there is damage to property.
- (C) Workman's Compensation Insurance covering the personnel employed by the "Registered Contractor" for death or injury arising out of operations provided that this provision shall not apply if the contractor has no employees and gives appropriate notice to the Building Commissioner with a properly executed Independent Contractor Affidavit of Exemption.
- (D) The insurance policies described in subsection (A) above shall require the insurance carrier to give notice both of the "Registered Contractor" and to the Building Commissioner at least ten (10) days before such insurance is either cancelled or not renewed, and the certificate shall state this obligation.

Section 5. Approval of Contractor Registration: Non-transferable

- (A) Approval of the "Contractor Registration" shall be issued by the Building Commissioner with no waiting period.
- (B) Upon receipt of such approval, the Building Commissioner shall issue the "Contractor Registration".
- (C) The "Contractor Registration" shall be for a one (1) year period beginning on the date of issuance.
- (D) No "Contractor Registration" issued under the provision of this chapter shall be assigned or transferred.

Section 6. Suspension of Revocation of a Registered Contractor

The Board of Public Works and Safety may suspend the "Registered Contractor" issued under this chapter to any person, partnership or corporation for a period of up to one (1) year or may revoke the listing permit of any person, partnership or corporation if one of the following is shown:

- (A) The "Contractor" made any materially false statement of fact on his application or "Registration";
- (B) The "Contractor" acted fraudulently or with deceit in his relationship with other person, partnerships or corporations with regard to construction activities engaged in by such contractor;
- (C) Construction activity was performed either incompletely or in such manner that it does not comply with the Building Code and procedure or any provisions of state law or regulations of the city;
- (D) The "Contractor" failed to correct a violation of the Building Code, provisions of state law or regulation of the city relative to the construction activity for which the "Contractor" was responsible after an authorized official or employee of the city issued a notice of such violation, revoked a permit or issued a stop work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days after the "Registered Contractor" received notice of such violation, unless a longer period is allowed by the Building Commissioner.
- (E) The "Contractor" has consistently failed to apply for or obtain required permits for construction activity accomplished by such contractor;
- (F) The "Contractor" has consistently failed to timely file certificates of completion and compliance as required for construction activity accomplished pursuant to his "Registration";
- (G) The "Contractor" has consistently failed to give notice of availability for inspection at designated stages of construction activity;
- (H) The "Contractor" has attempted to conceal violations of the building provisions of state law, regulations or ordinances of the city relative to construction activity;
- (I) The "Contractor" is delinquent in any fees owed pursuant to this chapter.

Section 7. Contractor Registration Fees

Upon making application for any "Contractor Registration", the contractor filing such application shall pay to the Building Commissioner the annual fee of Thirty-five (\$35) Dollars.

Section 8. Remedies

The Building Commissioner may, in the name of the City of Logansport, order all work stopped on construction, alteration repair, installation, removal or demolition of building in the city if such work is being performed by a contractor who is not listed under this chapter;

The Building Commissioner may, in the name of the City of Logansport bring actions in the Municipal, Superior or Circuit Courts of Cass County, Indiana, for mandatory or prohibitory injunctive relief in the enforcement of, and to secure compliance with, any order or orders made by the Building Commissioner pursuant to this chapter, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

Section 9. Penalties

In addition to all other remedies stated in this chapter, whosoever violates any provision of this chapter shall be subject to a fine of not less than Three Hundred (\$300) Dollars and not more than One Thousand Dollars (\$1,000.00). Each day may be considered a separate violation.

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor and as provided by law.

Section 10. That this ordinance shall be in full force and effect after its passage by the Logansport Common Council and approval by the Mayor of the City of Logansport, Indiana.

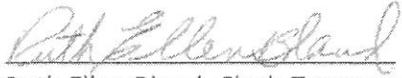
Introduced, Filed and Approved on first reading by a vote of 7 in favor and 0 opposed on the 6th day of July, 2009.

Duly passed, Ordained, and Adopted this 3rd day of August, 2009 by the Common Council of the City of Logansport, Cass County, Indiana by a vote of 7 in favor and 0 opposed.

Common Council of the City of
Logansport, Indiana

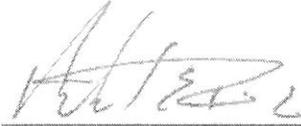
By: Chuck LaDow
Chuck LaDow, President

ATTEST:



Ruth Ellen Bland, Clerk-Treasurer

Submitted to, approved by and signed by me, the Mayor of the City of Logansport,
Indiana this 5th day of August, 2009.



Michael E. Fincher, Mayor