

ORDINANCE NO. 4461

AN ORDINANCE TO AMEND CHAPTER 15.10 OF THE WHEELING MUNICIPAL CODE REGARDING REGISTRATION, BOND AND INSURANCE REQUIREMENTS FOR CONTRACTORS

WHEREAS, the Village of Wheeling is a home rule unit pursuant to the Illinois Constitution of 1970; and

WHEREAS, the Village Board has determined that it is necessary and desirable to establish a registration system for contractors performing work within the Village; and

WHEREAS, the Village Board has further determined that it is necessary and desirable for contractors performing work within the Village to be adequately bonded and insured; and

WHEREAS, it is necessary to amend the Wheeling Municipal Code to implement this registration system to better monitor and regulate contractors working within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COOK AND LAKE COUNTIES, ILLINOIS,:

Section A: Title 15, Chapter 15.10 of the Wheeling Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 15.10

CONTRACTOR REGISTRATION, BONDS AND INSURANCE

Sections:

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| 15.10.010 | Contractor defined. |
| 15.10.020 | Registration requirements. |
| 15.10.030 | Penalty for violation. |

15.10.010 Contractor defined

- (a) A “contractor” is any person, firm, or corporation engaged in the construction, repair or alteration of any building, structure, accessory object, site or street or sidewalk pavement within the village. For purposes of this chapter, contractors shall include, but not be limited to, companies engaged in the business of asphalt, carpentry, concrete, drain laying, electrical, excavating, fencing, fire control and suppression, general contracting, heating and air conditioning, landscaping, lawn sprinklers, masonry, plumbing, roofing, sewers, siding, signs, private alarm installation, water well and pump installation, irrigation, tank installation and servicing, wrecking, and similar businesses. Subcontractors shall be considered as contractors for the purpose of this chapter.

- (b) The provisions of this ordinance shall not require a homeowner to be registered as a contractor to rehabilitate, alter or repair his or her own home.
- (c) The term contractor does not include any architect or engineer acting within the scope of his or her license.

15.10.020 Registration requirements

- (a) No contractor may undertake work within the village for which a permit is required without first being registered with the village. Registration shall be accomplished by providing the director of Community Development or his designee the name of the business, the type of contracting activity, the address of the business, evidence of relevant State of Illinois issued or mandated license or registration, telephone number and name of principal. The contractor shall also provide evidence of the surety bond and certificate of insurance required under this section. Registration may be accomplished at the time of application for permit.
 1. Plumbing contractors – Every contractor performing plumbing work within the village shall submit to the director of Community Development or his designee a copy of its State of Illinois plumbing license showing an expiration date not earlier than the application date for the permit for which it is applying (058 License). All work of plumbing within buildings in the village shall be performed by a master plumber, or a journeyman plumber under the direction of a licensed master plumber. All work of tile drain-laying underground and the building of masonry catchbasins or cesspools shall be performed by a drain layer licensed to engage in the business of drain laying. All work of laying sanitary waste sewers and connecting to sanitary sewer lines shall be performed by a person licensed and qualified to engage in the business of laying sanitary sewer lines.
 2. Electrical contractors – Every electrical contractor performing work within the village shall submit to the director of Community Development or his designee a copy of its electrical license certified from an established commission or a certifying municipality in the State of Illinois showing an expiration date not earlier than the application date for the permit for which it is applying. All electrical work performed within buildings or other structures in the village shall be performed by persons employed, supervised and directed by a licensed electrical contractor.
 3. Roofing contractors – Every roofing contractor performing work within the village shall submit to the director of Community Development or his designee a certified copy of its State of Illinois roofing certificate showing an expiration date not earlier than the application date for the permit for which it is applying.

- (b) Surety Bond – Each contractor performing work within the village must provide to the director of Community Development a surety bond in the amount of \$10,000 at the time of registration. The bond must be issued by a surety approved by the village and authorized to do business in Illinois, conditioned to indemnify and hold the village harmless from any loss, damage, claim or liability arising out of or resulting from the doing or failure to do any act required by the ordinances of the Village of Wheeling, or from any other loss, damage or liability suffered by the village resulting from the work performed by the contractor. Homeowners acting as their own contractor will not be required to post a surety bond unless the permit work has the potential to impact the public right of way or public easement.

- (c) Certificate of Insurance – Each contractor performing work within the village shall submit to the director of Community Development or his designee a current certificate(s) of insurance evidencing the following coverage in not less than the following amounts:
 - 1. Commercial general liability insurance: \$500,000 per person and \$1,000,000 per occurrence covering liability arising from premises, operations, independent contractors, products completed operations, and personal injury.

 - 2. Workers' Compensation Insurance: In the amounts and coverage required under Illinois law.

15.10.030 Penalty for violation

Any person, firm or corporation violating the provisions of this chapter shall be subject to a fine of not less than fifty dollars nor more than five hundred dollars. Each day that a violation is permitted to exist constitutes a separate offense.

Section B:

Those sections, paragraphs and provisions of Title 15, Chapter 15.10 of the Wheeling Municipal Code which are not expressly amended or repealed by this Ordinance are hereby reenacted, and it is expressly declared to be the intention of this Ordinance not to amend any portion of the Wheeling Municipal Code other than those sections expressly amended in Section A of this Ordinance.

Section C:

If any provision of this Ordinance, or any application thereof to any person, property or circumstance, shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not effect other provisions or applications which can be given effect without the invalid or unenforceable provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section D:

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.

Trustee Argiris moved, seconded by Trustee Voach,
that Ordinance No. 4461 be passed.

President Abruscato Aye
Trustee Argiris Aye
Trustee Brady Aye
Trustee Lang Aye

Trustee Heer Aye
Trustee P. Horcher Aye
Trustee D. Vogel Aye

APPROVED this 21st day of Sept, 2009.

Judy Abruscato
Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson
Elaine E. Simpson, Village Clerk



APPROVED AS TO FORM ONLY:

James K. Gardo
Village Attorney

Published in pamphlet form this 22nd day of September, 2009, by order of
the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.



Elaine E. Simpson
Elaine E. Simpson, Village Clerk