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Marion, IN Code of Ordinances

CHAPTER 113: CONTRACTORS

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§ 113.01 REGISTRATION REQUIREMENTS.

(A) 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 must be registered under this chapter.

(B) 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 or her 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.

(C) 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.

(D) 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.

(E) Property owners and tenants working on their own property are excluded from registration.

(Ord. 9-2005, passed 4-19-2005)

§ 113.02 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.

(Ord. 9-2005, passed 4-19-2005)

§ 113.03 APPLICATION; QUALIFICATIONS OF REGISTRATION.

A person, partnership or corporation shall be entitled to receive a contractor registration as a contractor in the city if the following requirements are met:

(A) An application form indicating the name, address and legal business status of the contractor has 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;

(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; and

(E) The contractor obtains insurance as hereafter stated.

(Ord. 9-2005, passed 4-19-2005)

§ 113.04 INSURANCE REQUIREMENTS.

(A) 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:

(1) 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:

(a) \$500,000.00 for any occurrence relative to which there is an injury or death to one or more persons; and

(b) \$100,000.00 for any occurrence relative to which there is damage to property.

(2) Worker'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 give appropriate notice to the Building Commissioner with a properly executed independent contractor affidavit of exemption.

(B) The insurance policies described in division (A) of this section shall require the insurance carrier to give notice both to the registered contractor and to the Building Commissioner at least ten days before such insurance is either cancelled or not renewed, and the certificate shall state this obligation.

(Ord. 9-2005, passed 4-19-2005)

§ 113.05 APPROVAL OF CONTRACTOR REGISTRATION; NONTRANSFERABLE.

(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 year period beginning on the date of issuance.

(D) No contractor registration issued under the provision of this chapter shall be assigned or transferred.

(Ord. 9-2005, passed 4-19-2005)

§ 113.06 SUSPENSION OR REVOCATION OF 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 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 or her application or registration;

(B) The contractor acted fraudulently or with deceit in his or her 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 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 or her 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 violation 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.

(Ord. 9-2005, passed 4-19-2005)

§ 113.07 CONTRACTOR REGISTRATION FEES.

(A) Upon making application for any contractor registration, the contractor filing such application shall pay to the Building Commissioner the following annual fees.

(1) *General contractor and non-categorized permit.*

(a) Unrestricted \$200;

(b) Residential \$150.

(2) *HVAC (heating & A/C) permit.*

(a) Unrestricted \$125;

(b) Residential \$100.

(3) *Electrical permit.*

(a) Unrestricted \$125;

(b) Residential \$100.

(4) *Plumbing permit.*

(a) Unrestricted \$125;

(b) Residential \$100.

(B) Provided, however, a sole proprietor from any of the above categories without employees shall pay an annual \$50 registration fee for either unrestricted or residential categories. All other requirements of this chapter apply.

(Ord. 9-2005, passed 4-19-2005)

§ 113.08 REMEDIES.

(A) The Building Inspector may, in the name of the city, order all work stopped on any 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.

(B) The Building Inspector may, in the name of the city, bring actions in the municipal, superior or circuit courts of Grant 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 Inspector 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 chapter.

(Ord. 3-1995, passed 3-9-1995)

§ 113.99 PENALTY.

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 \$100 and not more than \$1,000. Each day may be considered a separate violation.

(Ord. 3-1995, passed 3-9-1995)