

ORDINANCE 2017-010

PASSED: MARCH 13, 2017

**AMENDING CHAPTER 24 "BUILDING CODE", ARTICLE 0
"CONTRACTOR REQUIREMENTS" OF THE MUNICIPAL
CODE OF THE CITY OF DEKALB, ILLINOIS.**

WHEREAS, the City of DeKalb is a home-rule municipality pursuant to the Illinois Municipal Code and the applicable provisions of the Illinois Constitution of 1970; and

WHEREAS, the City of DeKalb currently maintains Chapter 24 of the City Code pertaining to building code requirements, and wishes to adopt certain updates to said Code; and

WHEREAS, on February 1, 2017, the Building Code Board of Appeals voted unanimously to recommend to the City Council approval of Chapter 24 as revised; and

WHEREAS, on February 6, 2017, after being asked by the City Council after first reading to further evaluate the impact of fee modifications on the City's approved budget; and

WHEREAS, on February 6, 2017 the Building Code Board of Appeals voted unanimously to recommend adjustments to their February 1, 2017 fee recommendations; and

WHEREAS, the City Council of the City of DeKalb has determined that adoption of such updates is in the public interest and promotes public welfare, health and safety.

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. The City of DeKalb hereby adopts the revisions to Chapter 24, as attached hereto as Exhibit A, as if fully set forth herein.


Section 2. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.


Section 4. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: March 14, 2017. Effective date: March 23, 2017.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of March, 2017, and approved by me as Mayor on the same day. First Reading February 27, 2017. Approved by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

ATTEST:



JENNIFER JEEP JOHNSON, City Clerk



JOHN A. REY, Mayor




Exhibit A

**ARTICLE 0
CONTRACTOR REQUIREMENTS**

**0.01 Registration of Construction Managers and General,
Electrical and Mechanical Contractors:**

a) Contractor Registration Required: General Contractors, Electrical Contractors and Mechanical Contractors (as defined below) shall be required to register with the City of DeKalb pursuant to the requirements of this Section 0.01. Registration shall be required for any individual, firm or corporation engaged in the businesses described below; a single registration shall suffice for any employee of a registered company. Registration shall not indicate any endorsement of quality or ability of a registered contractor by the City.

1) General Contractor / Construction Manager: Any person, firm or corporation that performs any building repair, installation, construction or work that requires a building permit, and any Construction manager who holds a prime contract and subcontracts for construction of any building repair, installation, construction or work that requires a building permit. Notwithstanding the foregoing, general contractor registration shall not be required for an owner, self-performing work that requires a building permit on his or her own single-family, owner-occupied structure. General contractor registration is also not required for any person who is registered as a Mechanical or Electrical Contractor, provided that such party is solely performing mechanical or electrical contractor work.

2) Electrical Contractor: Any person, firm or corporation that performs any manner of electrical wiring, repair, installation or work that requires a building permit, other than an owner, lawfully self-performing work on his or her own a single-family, owner-occupied structure.

3) Mechanical Contractor: Any person, firm or corporation that performs any manner of heating, ventilation, air-conditioning or mechanical system repair, installation or work that requires a building permit, other than an owner, lawfully self-performing work on his or her own a single-family, owner-occupied structure.

b) Registration Requirements: Registration shall require compliance with the following standards:

1) Registration shall be in form and content acceptable to the Community Development Director and shall have contact information for the contractor and key personnel employed thereby who will be performing work within the City of DeKalb. Registration shall require the payment of a \$50.00 initial application fee and shall be effective on a calendar year basis. Renewal of an existing registration shall require payment of a \$50.00 annual renewal fee and completion of a renewal application in form and content acceptable to the Community Development Director. Renewals shall be performed during or within sixty days of the end of the then-current term of registration; the failure to renew registration within such period shall terminate registration and shall require a new registration.

2) Applicants shall be required to provide proof of minimum insurance coverage for the full period of registration, indicating that the applicant has: a) commercial general liability insurance coverage with minimum policy limits of \$100,000 per person/\$300,000 per occurrence; b) automobile insurance with minimum policy limits in excess of then-current state requirements; and, c) workers compensation insurance with minimum policy limits in excess of then-current state requirements; all from insurers licensed to transact business in the State of Illinois. Sole-proprietorships may demonstrate compliance with workers compensation insurance with exemption of the owner where permitted by law.

~~1.1 ELECTRICAL CONTRACTORS.~~

~~a)Registration of Electrical Contractors. Any person, firm or corporation desiring to engage in the business of electrical contractor shall apply for registration to the Chief Building Official, on forms furnished by the City and pay a fee of Two Hundred Fifty Dollars (\$250.00) for registration. The applicant shall indicate the type of business, together with any limitations on his/her qualifications. The applicant shall have at least five (5) years' experience in the installation, alteration, repair and maintenance of electrical wiring equipment and apparatus. The applicant shall provide documentation of said experience at the time of submission of the application.~~

~~b)Examination. If the applicant fulfills the qualifications for examination, the Chief Building Official shall proceed to examine the applicant. The Building Division shall notify the applicant of the time and place of examination and shall examine said applicant as to his/her qualifications and competency to engage in the business of electrical contractor. The examination shall be practical in character and sufficiently strict to test~~

~~the practical and theoretical qualifications of such applicant. If such examination is passed satisfactorily, the application shall be returned to Chief Building Official, for issuance of a Certificate of Registration. The applicant shall successfully pass such examination with a grade of not less than 70%.~~

~~c) Certificate of Registration. Chief Building Official shall there upon register the applicant as an electrical contractor and shall issue to applicant a Certificate of Registration authorizing applicant to engage in electrical contracting business for a period from date of issuance of such Certificate of Registration to and including the following January 31. The Certificate of Registration may be renewed from year to year without examination upon application for such renewal being filed with the Building Division on or before January 1 of the year for which certificate is to be issued and upon payment of the Fifty Dollar (\$50.00) renewal fee. In order to renew a Certificate of Registration with the City of DeKalb that has been expired for sixty (60) days, or more, but less than one (1) year, the contractor shall pay double the renewal fee. If a Certificate of Registration has not been renewed for a period of one (1) year or more, applicant shall be subject to the provisions of this chapter for new applicants.~~

~~d) Bond. No electrical contractor shall be issued a Certificate of Registration under this chapter until he/she has made, executed and delivered to the Chief Building Official, a surety bond, in a form approved by the City of DeKalb, in the amount of Ten Thousand Dollars (\$10,000) payable to the City of DeKalb. After the initial bond is received and approved, electrical contractors may submit continuation certificates along with certificates of insurance in succeeding years. A record of such bonds shall be maintained in the Building Division. The surety bond shall be with a recognized and reliable surety company and shall cover compliance with all provisions and requirements of any and all laws of the State of Illinois, and all ordinances of the City of DeKalb covering electrical work. The bond shall also hold the City of DeKalb free of damage or loss of every nature for any act or neglect of the principal of said bond, his/her agent, or employees; guarantee any and all fees or other charges up to ten percent of the face of said bond due the City against the principal as such; and shall guarantee compliance with this chapter of all electrical work installed by the principal, his agents, or employees. The bond shall be for a period ending at midnight of the next ensuing January 31st.~~

1.2 MECHANICAL CONTRACTORS.

~~a) Eligibility for Examination: Any person, firm or corporation desiring to engage in the business of mechanical contractor shall apply for registration to Chief Building Official on forms furnished by the City and pay a fee of Two Hundred Fifty Dollars~~

~~(\$250.00) for registration. The applicant shall indicate the type of business, together with any limitations on his/her qualifications. The applicant for an HVAC license shall have had at least 8,500 hours of HVAC practical work related experience, or 5,100 hours of practical work related experience and a two (2) year certificate in an HVAC related field from a college or trade school. The applicant shall provide documentation of this information at the time of application for examination.~~

~~b)Any applicant that is denied the opportunity to take an examination may appeal as provided in this chapter.~~

~~c)Examination. There are separate examinations for residential and commercial licenses. If an applicant fulfills the qualification for examination, Chief Building Official shall proceed to examine the applicant. The Building Division shall notify the applicant of the time and place of examination and shall examine said applicant as to his/her qualifications and competency to engage in the business of mechanical contractor. The examination shall be practical in character and sufficiently strict to test the practical and theoretical qualifications of such applicant. In its examination, Chief Building Official shall take into consideration the work limitations specified by the applicant. If such examination is passed satisfactorily, the application shall be returned to Chief Building Official for issuance of a Certificate of Registration. The applicant shall successfully pass such examination with a grade of not less than 70%. Any person who fails the examination may take the examination again after 30 days.~~

~~d)Certification of Registration. Chief Building Official shall thereupon register the applicant as a mechanical contractor and shall issue to such applicant a Certificate of Registration authorizing such applicant to engage in such business for a period from date of issuance of such certificate of registration to and including the following January 31. The certificate of registration may be renewed from year to year without examination upon application for such renewal being filed with the Building Division on or before January 1 of the year for which certificate is to be issued and upon payment of the Fifty Dollars (\$50.00) renewal fee. In order to renew a Certificate of Registration with the City of DeKalb that has been expired for sixty (60) days, or more, but less than one (1) year, the contractor shall pay double the renewal fee. If a Certificate of Registration has not been renewed for a period of one (1) year or more, applicant shall be subject to the provisions of this chapter for new applicants.~~

~~e)Bond. No mechanical contractor shall be issued a Certificate of Registration under this chapter until he/she has made, executed and delivered to Chief Building Official, a surety bond in a form acceptable to the City of DeKalb in the amount of Ten Thousand Dollars (\$10,000.00) payable to the City of DeKalb. After the initial bond is received and approved, mechanical contractors may submit continuation certificates along with certificates of insurance in succeeding years. A record of such bonds shall be maintained in the Building Division. The surety bond shall~~

~~be with a recognized and reliable surety company and shall cover compliance with all provisions and requirements of any and all laws of the State of Illinois, and all ordinances of the City of DeKalb covering mechanical work. The bond shall also hold the City of DeKalb free of any damage or loss of every nature for any act or neglect of the principal of said bond, his/her agent or employees; guarantee any and all fees or other charges up to ten percent of the fact of said bond due the City against the principal as such; and shall guarantee compliance with this chapter of all mechanical work installed by the principal, his/her agents, or employees. The bond shall be for a period ending at midnight of the next ensuing January 31st.~~

~~1.3 REGISTRATION OF GENERAL CONTRACTORS.~~

~~a) Certification of Registration. Chief Building Official shall thereupon register the applicant as a general contractor and shall issue to such applicant a Certificate of Registration authorizing such applicant to engage in such business for a period from date of issuance of such certificate of registration to and including the following January 31. The certificate of registration maybe renewed from year to year without examination upon application for such renewal being filed with the Building Division on or before January 1 of the year for which certificate is to be issued and upon payment of the Twenty five Dollars (\$25.00) renewal fee. In order to renew a Certificate of Registration with the City of DeKalb that has been expired for sixty (60) days, or more, but less than one (1) year, the contractor shall pay double the renewal fee. If a Certificate of Registration has not been renewed fora period of one (1) year or more, applicant shall be subject to the provisions of this chapter for new applicants.~~

~~b) Bond. No general contractor shall be issued a Certificate of Registration under this chapter until he/she has made, executed and delivered to Chief Building Official, a surety bond in a form acceptable to the City of DeKalb in the amount of Ten Thousand Dollars (\$10,000.00) payable to the City of DeKalb. After the initial bond is received and approved, the general contractor may submit continuation certificates along with certificates of insurance in succeeding years. A record of such bonds shall be maintained in the Building Division. The surety bond shall be with a recognized and reliable surety company and shall cover compliance with all provisions and requirements of any and all laws of the State of Illinois, and all ordinances of the City of DeKalb covering construction work. The bond shall also hold the City of DeKalb free of any damage or loss of every nature for any act or neglect of the principal of said bond, his/her agent or employees; guarantee any and all fees or other charges up to ten percent of the fact of said bond due the City against the principal as such; and shall guarantee compliance with this chapter of all mechanical work installed by the principal, his/her agents, or employees. The bond shall be for a period ending at midnight of the next ensuing January 31st.~~

~~1.2 STATE OF ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~

LICENSED PLUMBING CONTRACTORS.

- a) All planning and designing of plumbing systems shall be performed only as defined by the Illinois State Plumbing Code (2014) and the City of DeKalb Plumbing Regulations.
- b) The inspection of plumbing and plumbing systems shall be performed only by the plumbing inspector of the City of DeKalb, as defined by the Illinois State Plumbing Code or, in his absence, by a licensed plumber appointed by the City Manager.
- c) Nothing herein contained shall prohibit the excavators who are installing mains in new subdivisions from installing SDR-26 ASTM 3034-1998 sanitary laterals to the property line. In subdivisions or in new commercial and industrial projects involving main extensions through easements on private property, excavators may run the SDR-26 piping from the street main and then from manhole to manhole (every 400 feet) until reaching the last manhole outside the building.
- d) Nothing herein contained shall allow back-to-back tub or shower installations that prevent access to fixtures when in need of repair.
- e) Nothing herein contained shall prohibit the owner occupant of a single family residence or the owner of a single family residence under construction for his/her occupancy, from himself/herself planning, installing, altering or repairing the plumbing system of such residence.
- f) For purposes of this subsection, a person shall be considered an "occupant" if and only if he/she has taken possession of and is living in the premises as his/her bona fide sole and exclusive residence, or in the case of an owner of a single family residence under construction for his/her occupancy, he/she expects to take possession of and live in the premises as his/her bona fide sole and exclusive residence, and he/she has a current intention to live in such premises as his/her bona fide sole and exclusive residence for a period of not less than two (2) years after the completion of the plumbing work performed pursuant to the authorization of this subsection or, in the case of the owner of a single family residence under construction for his/her occupancy, for a period of not less than two (2) years after the completion of construction of the residence. Failure to possess and live in the premises as a sole and exclusive residence for a period of two (2) years or more shall create a rebuttable presumption of a lack of such intention to occupy.
- g) Neither a tenant nor a landlord may perform plumbing work as defined by the Illinois State Plumbing Code.
- h) Contractors who are State-licensed under this Section shall provide the City with a copy of their State-issued license, and shall provide the City with contact information in form and content acceptable to the Community Development Director.

1.3 STATE OF ILLINOIS LICENSED ROOFING CONTRACTORS.

All Roofing Contractors shall meet the requirements of the State of Illinois Roofing Industry Licensing Act. Contractors who are State-licensed under this

Section shall provide the City with a copy of their State-issued license, and shall provide the City with contact information in form and content acceptable to the Community Development Director.

1.4 STATE OF ILLINOIS LICENSED PRIVATE ALARM CONTRACTORS.

All Fire Alarm Contractors shall meet the requirements of the Private Fire Alarm Contractors Licensing Act. Contractors who are State-licensed under this Section shall provide the City with a copy of their State-issued license, and shall provide the City with contact information in form and content acceptable to the Community Development Director.

1.5 STATE OF ILLINOIS LICENSED FIRE SPRINKLER CONTRACTORS.

All Fire Sprinkler Contractors shall meet the requirements of the Fire Sprinkler Contractor's Licensing Act. Contractors who are State-licensed under this Section shall provide the City with a copy of their State-issued license, and shall provide the City with contact information in form and content acceptable to the Community Development Director.

~~0.08 REVOCATION OF CONTRACTOR'S CERTIFICATE AND BOND.~~

~~a) A bond or Certificate of Registration issued to a contractor may be revoked by the City Manager of the City of DeKalb or his/her designee for the following reasons after due process notice and hearing as provided below:~~

~~1. Any material information furnished by the Certificate of Registration or bond holder has been falsely stated;~~

~~The Certificate of Registration or bond holder has any outstanding financial obligation to the City of DeKalb, including, but not limited to, past due water bills, past due property tax payments, weed mowing and nuisance abatement liens or charges, parking or nuisance ticket violations, or any past due loan payment owed to the City of DeKalb;~~

~~2. The Certificate of Registration or bond holder has demonstrated either consistent or gross indifference to City Codes, standards for performance, or permit requirements and procedures.~~

~~b) Upon a determination by the City Manager or his/her designee that probable cause exists for the revocation of a contractor bond or Certificate of Registration, the bondholder or Contractor and other interested parties shall be given written notice that a due process hearing will be held to determine if there is cause to revoke the Certificate of registration or bond. Such notice~~

~~shall be issued at least five (5) days prior to such hearing and shall be mailed to the Contractor's last known address or delivered in person and shall state as follows:~~

- ~~1. Specific grounds for revocation;~~
- ~~2. Date, time and place of hearing;~~
- ~~3. The right of the Contractor or bondholder to participate or to be represented;~~
- ~~4. Possible penalties;~~

~~These penalties shall include:~~

- ~~a. A fine of not less than \$250.00;~~
- ~~b. Compensation to the City for all costs incurred by the City in remedying substandard work;~~
- ~~c. Certificate of Registration or bond revocation.~~
- ~~d. Failure to pay any fine ordered by the City Manager or his/her designee shall be grounds for the revocation of the bond or Certificate of Registration under this Section.~~
- ~~e. The City Manager or his/her designee may, at his/her discretion, continue the hearing from time to time.~~
- ~~f. The City Manager or his/her designee shall issue a written decision within five (5) days of the hearing. Should the City Manager or his/her designee determine that cause exists for the revocation of the Certificate of Registration or bond, such Certificate of Registration or bond shall be revoked upon the issue of the written decision.~~

~~0.09 APPEALS FROM DECISIONS OF THE CITY MANAGER.~~

- ~~a) Any person who is a party to the revocation hearing and aggrieved by the decision of the City Manager or his/her designee in regard to the revocation of a Certificate of Registration or bond under this section shall have the right to appeal to the City Council. Such appeal shall be taken by filing a written notice of appeal setting forth the grounds for the appeal. Said notice shall be filed with the City Clerk and the City Manager within ten (10) days after notice of the decision by the City Manager has been rendered. The City Council shall then hold a hearing on such appeal at a special or regular council meeting occurring at least seven (7) days but not more than fourteen~~

~~(14) days after the filing of the notice of appeal. The decision of the Council shall be rendered no later than the following regular Council meeting.~~

~~b)The Mayor, upon finding that the interest of the public or parties other than the Contractor or bond holder would be better served, may issue a stay of the revocation, which would be issued by the City Manager, but shall report such stay of revocation to the City Council at its next regular Council meeting, specifying therein the reasons for issuing the stay, and the expiration date thereof. The City Council may, at its discretion, continue the stay until it reaches a final decision.~~