

150-O-17

AN ORDINANCE

Amending City Code Section 4-2-3, "Building Contractors"

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: Section 4-2-3, "Building Contractors," of the Evanston City Code of 2012, as amended, is hereby amended as follows:

4-2-3. - BUILDING CONTRACTORS.

- (A)** Definition: The term "building contractor" means any person, individual, company, or corporation engaged in the business of constructing, enlarging, altering, removing, or remodeling any structure by furnishing of labor, material, and methods necessary to accomplish a given result, and who retains for himself/herself the control of the means, method, and manner of accomplishing this desired result.
- (B)** Registration Required: Any person engaged in the business of building contractor within the City for which a building permit is required must register with the Community Development Department.

Registration must be submitted on forms available from the City and must include the following information:

1. Contractor's name;
2. Business name;
3. Business address;
4. Business telephone;
5. Federal Employer Identification Number (FEIN);
6. Whether the business is a sole proprietorship, partnership or corporation, and registered agent, if applicable;
7. Whether the contractor is required to be licensed by the State of Illinois, a copy of the current license number and an original certificate of insurance as detailed in this Section;
8. Electrical contractors must be licensed by an accredited licensure commission, a copy of the current license with the license number, and an original certificate of insurance as detailed in this Section;
9. An original certificate of insurance or policy declaration documenting that the contractor carries general liability insurance with a minimum of three hundred thousand dollars (\$300,000.00) per occurrence, bodily injury

insurance with a minimum of one hundred thousand dollars (\$100,000.00) per occurrence, property damage insurance with a minimum of one hundred thousand dollars (\$100,000.00) per occurrence and workers' compensation insurance at the statutory minimum amounts.

Exceptions:

- a. Sole proprietorships and partnerships with no employees are exempt from the workers' compensation insurance requirement with submission of an affidavit.
 - b. Contractors required to maintain insurance as part of their state licensure must provide proof of insurance in forms and amounts required by state law.
 - c. Contractors who are engaged to perform work in the public right of way must carry general liability insurance with a minimum of one million dollars (\$1,000,000.00) per occurrence and name the City of Evanston as an additional insured.
- (C) Registration Fee: The amount of the annual registration fee for persons engaged in the business of building contractor shall be established from time to time by action of the City Council.
- (D) Renewal of Registration: Registration is valid for one year from the date of issuance. Registration may be renewed based upon an application for renewal and the payment of the annual registration fee. The City Manager or his/her designee is authorized to review a renewal request in the same manner as the initial application.
- (E) Amended Registration: Registered individuals must notify the Community Development Department within twenty (20) business days of any change in the registration information by filing an amended registration statement on a form provided by the Community Development Department for such purpose. There is no additional fee for filing an amended registration.
- (F) Suspension or Revocation of Registration:
1. If any person shall violate any of the provisions of this Chapter or the Code adopted hereby, he/she shall be liable to be prosecuted against for any fine or penalty imposed thereto and his/her registration may be suspended or revoked by the City Manager.
 2. No such registration shall be so revoked or suspended except after a hearing by the City Manager or his/her designee with a three (3) business day notice to the registered person affording the registered person an opportunity to appear and defend. The notice shall specify the reason for the contemplated suspension or revocation and shall give the date, time, and room number in the civic center of the hearing. Notice shall be sufficient if sent to the address stated on the registered person's application.
 3. If the Building Official certifies to the City Manager that he/she has reason to believe that immediate suspension of the registration is necessary to prevent the threat of immediate harm to the community, the City Manager may, upon the issuance of a written order stating the

reason for such conclusion and without notice or hearing, order the registration suspended for not more than seven (7) days. The City Manager may extend the suspension during the pendency of a hearing upon a written determination that doing so is necessary to prevent the aforesaid harm to the community.

4. Hearings shall be conducted in accordance with procedures on file with the City Clerk.
5. The City Manager shall issue his/her decision within ten (10) business days after the close of the hearing. In reaching a decision, the City Manager may consider any of the following:
 - a. The nature of the violation.
 - b. The nature and extent of the harm caused by the licensee's action or failure to act.
 - c. The factual situation and circumstances surrounding the violation.
 - d. Whether or not the action or failure to act was willful.
 - e. The record of the registered person with respect to violations.
6. The City Manager may suspend a registration for a period of up to ninety (90) days. A registered person whose registration has been revoked shall not be eligible to reapply for a registration until the expiration of one year after the effective date of the revocation.

SECTION 2: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This Ordinance 150-O-17 shall be in full force and effect on January 1, 2018, after its passage, approval, and publication in the manner provided by law.

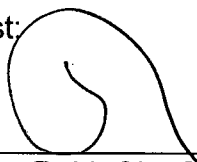
SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid

application of this ordinance is severable.

Introduced: Nov 20, 2017

Adopted: Nov 27, 2017

Attest:



Devon Reid, City Clerk

Approved:

December 4, 2017



Stephen H. Hagerty, Mayor

Approved as to form:



W. Grant Farfar, Corporation Counsel