

City of Pontiac
115 W. Howard St.
Pontiac, IL 61764

Phone: (815) 844-1038
Fax: (815) 842-3885

The City of
PONTIAC
APPLICATION FOR BUILDING CONTRACTOR'S REGISTRATION

BUSINESS NAME

FORM OF ORGANIZATION: SOLE PROPRIETORSHIP CORPORATION PARTNERSHIP LLC

STATE OF ORGANIZATION IF CORPORATION OR LLC: _____

TYPE OF CONTRACTOR/TRADE

BUSINESS/MAILING STREET ADDRESS

CITY

STATE

ZIP CODE/+ 4

TELEPHONE NUMBER

CELL PHONE NUMBER

FAX NUMBER

E-MAIL ADDRESS

It shall be the duty of all building contractors to comply with all ordinances of the City of Pontiac relating to the construction of buildings or other structure, the construction of streets or sidewalk pavements, and all laws or ordinances pertaining to or regulating the activities in which they are engaged.

Every building contractor shall be responsible for the faithful compliance with the requirements of the code and all other City of Pontiac ordinances by its own employees and by every subcontractor working under its control.

Signature of Owner/Officer/Representative

Print Name

Title or Capacity

REQUIRED ATTACHMENTS:

\$5,000 PERMIT BOND

CERTIFICATE OF INSURANCE FOR AT LEAST \$500,000 LIABILITY INSURANCE

CERTIFICATE OF INSURANCE FOR WORKER'S COMPENSATION OR AFFIDAVIT OF EXEMPTION

Building and Zoning Office
City of Pontiac, Illinois



115 W. Howard Street
Pontiac, Illinois 61764
Phone (815) 844-1038
Fax (815) 842-3885

BUSINESS NAME _____

NUMBER OF EMPLOYEES _____

TAX I.D. NUMBER (Not Social Security) _____

DATE _____

SIGNATURE _____

STATE OF ILLINOIS :

SS

COUNTY OF LIVINGSTON :

AFFIDAVIT OF CONTRACTOR CLAIMING
EXEMPTION FROM WORKER'S COMPENSATION INSURANCE

The undersigned, being duly sworn on oath states as follows:

1. The Affiant, is the _____ of _____, a building contractor business which is applying for a City of Pontiac Building Contractor's license, and is duly authorized to make this Affidavit for and on behalf of said business and has full knowledge of the matters stated herein.

2. The business is exempt from the requirement of carrying Workers' Compensation insurance for one of the following reasons as checked:

_____ The business is a sole proprietorship and has no employees

_____ The business is a corporation, partnership or limited liability company and has no employees other than the partners, shareholders, officers, directors or members of said entity, and the entity, together with all of the partners, shareholders, officers, directors or members of said entity, have made a written election to be excluded from the requirement of carrying Worker's Compensation Insurance coverage.

3. This Affidavit is made for the purpose of inducing the City of Pontiac to issue a Building Contractor's License to said business without the business providing a Certificate of Insurance to the City documenting that said business is fully insured under the Worker's Compensation laws.

4. On behalf of said business, the Affiant acknowledges the following:

a. That the City may request further documentation of the eligibility of the claimed exemption, and the false claim of an exemption is cause for the City to deny the license applied for, or to revoke the license if issued.

b. That is status of the business changes and the exemption is no longer applicable, the business must immediately obtain Workers' Compensation insurance coverage and provide the City with the required certificate of insurance, and that the failure to do so will be cause for revoking the license issued by the City.

c. All subcontractors used by the licensed business for any construction activity in the City shall have a current City of Pontiac Building Contractor's License, and the subcontracting with unlicensed businesses will be cause for revoking the license issued by the City.

Further the Affiant Sayeth Not.

Printed Name and Title

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

STATE OF ILLINOIS :
:
LIVINGSTON COUNTY : SS.
:
CITY OF PONTIAC :

COPY

ORDINANCE NO. 2008-O-003

ORDINANCE AMENDING CHAPTER 14 OF THE
CODE OF ORDINANCES, CITY OF PONTIAC,
LIVINGSTON COUNTY, ILLINOIS

WHEREAS, the City Council of the City of Pontiac has determined that Building Contractors doing business in the City should be licensed for the benefit and protection of the City and its residents, and to assure and facilitate the City's enforcement various City codes and ordinances regulating building and construction in the City.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Pontiac, Livingston County, Illinois, as follows:

Section 1. That Chapter 14 of the Code of Ordinances of the City of Pontiac, Livingston County, Illinois shall be, and the same is, hereby amended to add thereto a new Article XIII entitled "Building Contractor" to read and provide as follows:

Article XIII. Building Contractors.

Sec. 14-501. Building Contractor Licensing.

It shall be unlawful to engage in the business of construction, demolition, rehabilitation, alteration or repair of buildings or other structures, sidewalk or street pavements, landscaping which makes changes to the topography of the property, and the installation or repair of electrical, plumbing, heating, ventilating, air conditioning, low level and data systems or other mechanical systems, or any such business, in the City of Pontiac, as a general contractor, subcontractor or otherwise, without first obtaining a Building Contractor's License as hereinafter provided. Any person or entity engaged in such business shall be deemed a building contractor.

Sec. 14-502. Compliance with Codes and Ordinances.

It shall be the duty of all building contractors to comply with all ordinances relating to the construction of buildings or other structures, the construction of streets or sidewalk pavements, and all laws or ordinances pertaining to or regulating the activities in which they are engaged. Every building contractor shall be responsible for the faithful compliance with the requirements of this Code, all other City codes and ordinances, and with all other laws and regulation by its own employees and by every subcontractor working under its control.

Sec. 14-503. Insurance Requirements.

Every person and entity engaged in business as a building contractor as described in this Article shall submit to the City with the Building Contractor License application a current certificate or certificates of insurance issued by a company having at least an "B+/VI" rating in The Best Insurance Guide, evidencing the following required insurance coverages in not less than the following amounts:

- (a) Commercial General Liability Insurance having combined single limits of \$500,000.00 for each occurrence covering liability arising from premises, operations, independent contractors, products-completed operations, property damage and personal injury.
- (b) Workers' Compensation Insurance in the amounts and coverages required by law. In the event the building contractor does not have any employees other than owners and officers who have elected to be excluded from such coverage, the application shall include an sworn affidavit executed before a notary stating facts establishing the exemption from the requirement of carrying workers' compensation insurance.

Sec. 14-504. Term of License.

Every Building Contractor's License issued shall be for a term ending at midnight on December 31st of the year issued. However, in the event the required insurance lapses prior to December 31st and if no new certificate of insurance coverage is provided to the City, the license shall expire upon the date of the expiration said required insurance coverage as shown on the last certificate of insurance on file with the City.

Sec. 14-505. License Fees.

There shall be no fee for any Building Contractors License issued hereunder.

Sec. 14-506. Homeowner's License Requirements.

The provisions of this Article shall not require a homeowner to be licensed as a subcontractor or general contractor to construct, demolish, rehabilitate, alter or repair his/her own home, but any compensated non-homeowner who assists the homeowner shall be so licensed.

Sec. 14-507. Licensed Plumbing Contractors.

Every plumbing contractor shall submit to the City with its application a certified copy of its State of Illinois Plumbing Certification. If the Illinois Plumbing Certification expires prior to December 31st, and if no new certified copy thereof is provided to the City, the license shall expire upon the date of the expiration of said certification on file with the City.

Sec. 14-508. Roofing Contractors.

Every roofing contractor shall submit to the City with its application a certified copy of its State of Illinois Roofing Certificate. If the Illinois Roofing Certificate expires prior to December 31st, and if no new certified copy thereof is provided to the City, the license shall expire upon the date of the expiration of said certification on file with the City.

Sec. 14-509. License Required to Obtain.

All general contractors and all subcontractors on any construction, demolition, rehabilitation, alteration and repair of a building(s), or other structure(s), sidewalk, street pavement or landscape project

involving any change in topography shall be licensed and insured in accordance with the requirements of this Article before a building, plumbing or other required permit can be processed and approved. In the event that a building permit is issued in error, or if after issuance a general contractor(s) and or subcontractor's(s) license is suspended, revoked, expires, the Building Officer may issue a stop work order and suspend the permit(s) until such time as there is compliance.

Sec. 14-510. License Bond.

Every person and entity engaged in the business described in this Article shall submit to the City with his, her or its Building Contractor's License application a license bond or permit bond in the amount of \$5,000.00 to guaranty the building contractor's compliance with the provisions of this Article and with all codes and ordinances of the City, and all other applicable laws and regulations, said bond to be co-signed by a surety authorized by the Illinois Department of Insurance to sell and issue sureties in the State of Illinois.

Sec. 14-511. Suspension and/or Revocation of License.

The City Building Officer is authorized to suspend and/or revoke any Building Contractor's License' in accordance with the following and subject to the following notice and hearing requirements:

(a) Suspension of License.

1. The Building Officer is hereby authorized to summarily order the cessation of business operations within the City and the suspension of any license issued to a building contractor for a period not to exceed thirty (30) days when the continued conduct or operation of the building contractor's business constitutes a danger to public health, safety or morals, or if the Building Officer determines that the license is subject to revocation under the terms of this Article as hereafter provided.
2. Any person or entity whose license is suspended may, at any time, either petition the City in writing requesting a hearing for reinstatement of his, her or its license. Upon receipt of the written application, the City shall schedule a hearing to be held within five (5) days of receipt of the application. At the hearing to be held in front of the City Administrator, the person or entity whose license is suspended may present reasons why the suspension should be terminated and the City Administrator shall make a finding and shall sustain, modify or rescind any official suspension notice of order, considered in the hearing. A written report of the hearing decision shall be furnished by the City Administrator to the person or entity whose license was suspended within five (5) days after the conclusion of said reinstatement hearing.

(b) Revocation of License.

Any Building Contractor's License issued under this Article during the term of such license may be revoked by the Building Officer for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for such license; or
2. The entry of a final, unappealable order by any court, administrative agency or hearing officer finding that the licensee, or employee or agent of the licensee:
 - A. Has been engaged in acts constituting a danger to the public health, safety or morals; or

- B. Has violated the consumer fraud laws of the State, or any other state, or of the United States; or
 - C. Has been engaged in a business or profession in defiance of the State statute or local ordinance regulating or prohibiting the same, which includes, but is not limited to, dealing in stolen property.
3. Failure of the licensee to pay any fine, penalty or license fee owed the City.
 4. Refusal on at least two occasions by the licensee or any of its employees or agents to permit any inspection by any such person with a duly authorized code officer, enforcement officer or city employee while in the performance of their duties in making any inspection required under this or any City ordinance.
 5. Any violation by the licensee of any of the application provisions of this Article, of any City codes or ordinances governing zoning or building construction in the City, including the City Flood Ordinance under Chapter 9 of this Code, or of any other applicable laws or regulations pertaining to building construction.
 6. The commission by the licensee or any acts and/or omissions that would constitute a violation of any consumer fraud laws of the State of Illinois, any other State, or of the United States, including, but not limited to Section 505/2Q(c) of the Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/2Q(c)) and/or the Home Repair Fraud Act (815 ILCS 515/1 et seq.) (collectively, "Consumer Fraud Laws"); provided, however, such charges are proven by a preponderance of the evidence and that such findings are made by the Building Officer following a hearing as provided for herein, and subject to the licensee's right to appeal such findings and decisions to the City Administrator as provided herein.

The license may be suspended by the Building Officer as provided on this Article pending revocation proceedings, but no revocation shall be effective until after the licensee has had an opportunity to have a hearing as herein provided

©) Revocation Procedure.

1. The City shall cause to be served upon the licensee, either personally or by certified mail, return receipt requested, written notice of intention to revoke the license issued to the licensee, said notice to include the following:
 - A. That the license will be revoked effective not less than twenty (20) days after such notice is served upon said licensee;
 - B. Specifying the allegations of the cause for such revocation, including the nature of the violation, the code, ordinance, law or regulation allegedly violated, if applicable, and the date, time and place such violation occurred;
 - C. Informing the licensee of the licensee's right to a hearing before the City Administrator, provided the licensee requests such hearing by written notice to the City within fifteen (15) days after notice of revocation is served upon the licensee.
2. If the licensee does not request a hearing within fifteen (15) days after service upon the licensee of the notice of intention to revoke the license, the license revocation shall be effective upon the date set forth in the notice served on the licensee.

3. If the licensee requests a hearing within the time provided, the license may not be revoked until the conclusion of such hearing and only upon a preponderance of the evidence and the making of findings and conclusions by the City Administrator that there is cause for the license revocation. If a suspension is in place pursuant to this Article, said suspension need not be lifted but may in fact be extended by the Building Officer pending the revocation hearing for a period not to exceed an additional thirty (30) days upon findings by him or her that the continued conduct or operation of the business constitutes a danger to the public health, safety and morals. At the hearing on the revocation, the City shall present evidence of the violation or cause on the basis of which the license should be revoked and the licensee, who shall have the right to be represented by an attorney, shall have the right to examine witnesses and present evidence on behalf of the licensee. If requested by the licensee and at the expense of the licensee, a certified shorthand reporter shall be employed to make a complete record of the hearing. After the conclusion of the hearing, the City Administrator shall make findings of fact and conclusions of law as to whether or not there is cause for license revocation and shall submit such findings and conclusions to the licensee within fifteen (15) days after the conclusion of the hearing. If the City Administrator revokes the license, the revocation shall be effective immediately.
4. Any licensee or entity whose license is revoked by the City Administrator may, within thirty (30) days of receipt of notice of said revocation, petition the City Council in writing requesting the reinstatement of the license. Within thirty (30) days after the receipt of the petition, the City Council shall review the findings and conclusions of the City Administrator, together with any record made of the hearing before the City Administrator, and determine whether the revocation should be confirmed or whether the license shall be reinstated. If the City Council reinstates the license, the reinstatement shall be effective immediately.
5. Any licensee who has had a license revoked shall be ineligible to obtain a Building Contractor's License hereunder for a period of one (1) year from and after the effective date of the revocation. As to an individual licensee, the ineligibility shall extend to any entity in which the licensee, the licensee's spouse or any ancestor or descendant of the licensee has at least a ten (10%) ownership interest. As to an entity licensee, the ineligibility shall extend to any owner or officer of the entity, individually, and to another entity where the owners of the original entity, or their spouses, ancestors or descendants own at least ten (10%) of the other entity.

Sec. 14-512. Fines for Violations.

Any person who shall violate any of the provisions of this Article shall be subject to punishment as provided in section 1-11 of this Code for each such offense, and each day a violation occurs or continues shall be considered to be a separate offense. The suspension or revocation of a license issued under this Article shall not be a bar to the levy of fines with respect to the violation(s) which resulted in the suspension or revocation.

Sec. 14-513 Expiration and Savings Provision.

Unless renewed or extended, this Article will expire at midnight on December 31, 2008. The expiration of this Article shall not effect any offense or act committed or done, any penalty or forfeiture incurred, any causes of action, any contract or right established, or any pending litigation occurring or instituted prior to the expiration of this Article.

Section 2. That all Ordinances in conflict herewith and the same are hereby expressly repealed.

Section 3. This Ordinance shall be effective ten (10) days from and after passage, approval and publication in the manner provided by law.

Motion made by Kallas, seconded by Stalter that the above ordinance be passed.

VOTES:	YEA:	8
	NAY:	0
	ABSENT:	2
	ABSTAIN:	0

Passed and approved this 22nd day of January, 2008.

Mayor

ATTEST:

Sharon P. Hugdom
City Clerk