

**Passed 3-23-09 by a vote of 5-0**  
**ORDINANCE No. 11-2009**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
VALPARAISO AMENDING CHAPTER 150 OF THE MUNICIPAL CODE  
ENTITLED "BUILDING REGULATIONS"**

WHEREAS, Chapter 150 of the Municipal Code of City of Valparaiso requires contractors performing services within the City to register with the City; and

WHEREAS, Chapter 150 of the Municipal Code needs to be amended to enable the Building Commissioner to better regulate contractors performing services within the City; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso, Indiana that certain sections of Chapter 150 of the Municipal Code of the City of Valparaiso shall be amended to read as follows:

Section 150.01 shall read as follows:

**150.01 CONTRACTOR REGISTRATION**

**(F) Fees, payment; issuance of permits; homeowners.**

(1) Upon presentation of the requirements, and provided that the contractor/subcontractor/specialty contractor is not otherwise in violation of this or any other city code/ordinance, the Clerk-Treasurer shall furnish the contractor, subcontractor/specialty contractor with a registration receipt upon payment of the registration fee of \$100.

(2) If registering for the first time between September 1 and October 31 of any year the initial registration fee of \$100 will be charged; however, this fee will carry over to pay the renewal fee for the succeeding year. All contractors registering for the first time between June 1, 2009 and October 31, 2009 only shall pay an initial registration fee of \$100; however this fee will carry over to pay the renewal fee of the registration expiring on October 31, 2010.

(4) Building permits shall be granted to actual homeowners who are undertaking to do the work or construction themselves on their own homes or structures on the premises on which they reside. However, this exclusion shall not be available more than once every 5 years when applied towards construction of new one- or two-family residences.

(5) All contractors/subcontractors/specialty contractors seeking to do business under a new or different name shall be required to submit a new

application form and pay the initial registration fee. The Building Commissioner may deny the issuance of a new registration until any and all outstanding violations and citations against the contractor/subcontractor/specialty contractor have been resolved.

**(G) Duration.** A registration shall be valid for a period of one year between November 1 and October 31 of the following year or for the remainder thereof, whichever is shorter. The registration period for the years 2009/2010 only shall be for the time period between August 1, 2009 and October 31, 2010.

**(H) Renewal procedure.** Upon expiration of any registration issued under this section, the contractor, subcontractor, or specialty contractor will be required to reapply for a new registration. Any registrant renewing his or her registration or paying his or her renewal after November 1 of each succeeding year shall be subject to a penalty of \$30. When renewing the registration the registrant shall provide the Clerk-Treasurer with a new registration form, a copy of the bond recorded with Porter County and a certificate of insurance as specified in division (E) above. For registration period 2009/2010 only; renewal of registration after August 1, 2009 will be subject to a penalty of \$30.

**(I) Renewal fees.**

**(1)** As long as a registrant pays the registration renewal fee annually on or before October 31, the fees shall be \$50. For registration period 2009/2010 only; as long as registrant pays the registration renewal fee annually on or before July 31, 2009, the fees shall be \$50.

**(2)** If the registrant does not pay the registration fee on or before the dates as listed in division (I) (1) annually, the fees shall be calculated in accordance with the provisions of division (H).

**(O) Revocation.** The Building Commissioner shall have the power to temporarily suspend or permanently revoke the registration of any contractor or subcontractor who the Building Commissioner determines to have committed one (1) or more of the following acts or omissions:

**(1)** Deliberate misrepresentations of any material fact, fraud, or deceit in obtaining a contractor registration.

**(2)** Gross negligence or gross incompetence while engaged in the business of acting in the capacity of a contractor or subcontractor within the meaning of this ordinance.

**(3)** Aiding, abetting, or knowingly combining with an unregistered person with the intent to evade the provisions of this ordinance.

(4) Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the registrant as contractor or subcontractor.

(5) Diversion of funds or property received for a specified purpose, and for the purpose and prosecution or completion of any construction project or operation, and the application or use of such funds for any other project or operation, obligation, or purpose with intent to defraud or deceive creditors or the owners.

(6) Willful and deliberate violations of the building laws of the State of Indiana and the City of Valparaiso.

(7) Willful departure from or disregard of plans and specifications in any material respect, without the consent of the person entitled to have the particular construction or operation completed.

(8) The doing of any willful or fraudulent act by the registrant as contractor or subcontractor as a consequence of which another is substantially injured.

(9) Failure in any substantial respect to comply with the provisions of this ordinance.

(10) Disregarding a stop work order which has been issued for violation of ordinances or building codes or laws; provided, when a contract has been executed or commenced, the contractor may proceed nevertheless to complete such contract on the condition that he or she will make the necessary adjustments and repairs.

(11) Any other reason not set forth herein that the Building Commissioner determines justifies a suspension or revocation of a contractor's registration.

**(P) Appeal to Board of Works.** A subcontractor or contractor may appeal a decision of the Building Commissioner to suspend or revoke said contractor's registration to the Board of Public Works and Safety.

**(Q) Revocation Procedure.** The Board of Public Works and Safety shall be the board authorized to conduct hearings on all appeals..

(1) When a hearing is requested by a contractor on charges brought under this ordinance, the Board shall set the time and place when such hearing shall be held. The contractor shall be present for such hearing and may be represented by counsel.

(2) At hearing the Board of Public Works and Safety shall determine if a contractor is in violation of the terms of this ordinance and the Board shall have

the power to suspend such contractor registration for a definite period, to revoke such contractor registration, or to issue an order against such contractor to correct the violation, fixing a reasonable time within which such correction shall be made or accomplished and, upon compliance with such order, the Board may dismiss such complaint. If the contractor does not correct such violation within the time required by the previous order, the Board shall have the power to extend such time for correction of the violation or shall have the right to suspend such contractor' registration for a determinative period or may revoke the contractor registration without any further right to hearing by registrant.

(3) After revocation of any contractor registration, such registration shall not be renewed, and no new contractor registration shall be issued to the same registrant or contractor registration holder within a period of at least one year subsequent to the date of revocation. After the expiration of the one year period, a contractor registration shall only be issued upon proper documentation showing that all violations, acts, or omissions for which the contractor registration was revoked have been corrected and that compliance with all conditions imposed by the decision of the revocation has been met.

(4) Any contractor who is aggrieved by the decision of the Board of Works may further appeal as allowed by the laws of the State of Indiana.

(5) Whenever a new contractor registration is issued to any applicant whose contractor registration has previously been revoked, the issuance shall be treated as an initial registration.

BE IT ORDAINED THAT, if any portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

BE IT FURTHER ORDAINED THAT, all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, re-established and confirmed.

This Ordinance shall be in full force and effect from and after its adoption and the procedures required by law.

**PASSED** by the Common Council of the city of Valparaiso, Indiana, by a \_\_\_\_\_ vote of all members present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Jon Costas, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this \_\_\_\_\_  
day of \_\_\_\_\_, 2009 at \_\_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009, at \_\_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Jon Costas, Mayor