

ORDINANCE NO. 96-4
AN ORDINANCE TO REQUIRE
CONTRACTOR REGISTRATION

WHEREAS, the Board of Commissioners of Newton County, State of Indiana, is authorized pursuant to Indiana Code 36-1-3-2 to enact such laws as may be necessary for the effective operation of government as it relates to local affairs; and

WHEREAS, the board of Commissioners of Newton County, State of Indiana, further finds the registration of contractors who do business within the County is necessary.

NOW, THEREFORE, BE IT ORDAINED, that the Board of Commissioners of Newton County, State of Indiana, does hereby enact the following to be added to the Newton County Building Code, Ordinance 94-2, Contractors Registration, which provides as follows:

SECTION 1: REGISTRATION REQUIRED

SECTION 2: DEFINITIONS

SECTION 3: EXCLUSIONS

SECTION 4: APPLICATION FOR REGISTRATION

SECTION 5: REGISTRATION FEES

SECTION 6: BOND

SECTION 7: INSURANCE

SECTION 8: REVOCATION OF REGISTRATION

SECTION 9: REVOCATION PROCEDURES

SECTION 10: PENALTIES

SECTION 1: REGISTRATION REQUIRED:

No contractor or specialty contractor shall do or perform any work to construct, alter, remodel, remove, repair, or demolish any structure or improvement thereon, unless such contractor or specialty contractor shall first obtain a valid registration certificate.

SECTION 2: DEFINITIONS

“Contractor”

Any person who, in any capacity, other than as the employee of another for wages as the sole compensation, undertakes to construct, alter, repair, move, wreck, or demolish any structure or improvement

“Person”

An individual, partnership, or corporation

“Building Department”

Shall mean the Building Department for Newton County, which operates under supervision of the Building Commissioner

SECTION 3: EXCLUSIONS

The provisions of this ordinance shall not apply to the following individuals:

- A. Licensed Architects
- B. Registered or Professional Engineers
- C. Owner and/or occupant of a one or two-family dwelling who undertakes to construct, alter, remodel, or repair his or her own dwelling. To the extend an owner and/or occupant may retain the services of a contractor or sub-contractor to assist the owner and/or occupant in performing such work, the contractor, sub-contractor, and/or specialty contractor must be registered.

SECTION 4: APPLICATION FOR REGISTRATION

A contractor shall complete an application for registration form with the Building Department which shall be on a form prescribed by the Building Department which shall require in part the following information:

- A. Name;
- B. Address;
- C. Description of the type of work being performed;
- D. Qualifications;
- E. Years of service/business;
- F. Identification of all other licenses, registrations, certifications, etc., currently held;
- G. Identification of all the names and qualifications of all individuals who will be providing services under this registration.

SECTION 5: REGISTRATION FEES

Each contractor shall pay an annual registration fee of fifty dollars (\$50.00). Registration shall be renewed annually with the renewal fee of fifty dollars (\$50.00) payable on January 1st of each year.

SECTION 6: BOND

All contractors must provide to the Building Department as a part of the registration application either a five thousand dollar (\$5,000.00) bond to insure full and complete compliance with all applicable Ordinances, rules, regulations, and/or laws at the local, state, and/or federal level or proof that such a bond has been duly recorded in the Newton County Recorder's Office pursuant to the requirements of the Newton County Contractors' Registration Ordinance.

AMENDMENT TO ORDINANCE NO 96-4

AN ORDINANCE TO REQUIRE CONTRACTOR REGISTRATION

SECTION 6: BOND

Said Ordinance is hereby amended by adding the following:

A. The bond requirements shall not be required for Registration renewal.

SO ENACTED THIS 1ST DAY OF DECEMBER 1997

BOARD OF COMMISSIONERS OF NEWTON COUNTY

LORRIE LAFFOON

RUSSELL COLLINS

JAMES ELIJAH

ATTESTED BY MARCIA L. SCOTT, NEWTON COUNTY AUDITOR

RECOMMENDED AND APPROVED FOR ADOPTION THE 1ST DAY OF DECEMBER 1997.

NEWTON COUNTY PLAN COMMISSION:

SHANNON L. COTHRAN, SECRETARY

SECTION 7: INSURANCE

All contractors must further submit to the Building Department as part of the registration application a current certificate of insurance establishing that the contractor maintains public liability, property and personal injury coverage, and workman's compensation in an amount not less than five hundred thousand dollars (\$500,000.00) per occurrence or one million dollars (\$1,000,000.00) in the aggregate, which certificate contains adequate notice of cancellation requirements indicating that the Newton County Building Department will be notified in the event of a cancellation at least thirty (30) days prior to the effective date of cancellation.

SECTION 8: REVOCATION OF REGISTRATION

The following shall constitute grounds for the revocation of registration:

- A. Cancellation of or failure to maintain the bond required under Section 6.
- B. Cancellation of or failure to maintain the insurance coverage required in Section 7.
- C. Failure to pay the registration and/or renewal fees under Section 5.
- D. Violation of any Ordinance or state or federal laws related to the work or services performed by the contractor, including but not limited to, violation of Newton County.
- E. Failure to correct any red card or inspection violation within the required time frame and/or proceeding with a project in violation of any red inspection notice.
- F. Fraud and/or misrepresentation of any fact set forth in the application for registration and/or any supplements thereto.

SECTION 9: REVOCATION PROCEDURES

In the event that the Building Department shall determine that grounds exist to revoke a registration, the Building Department shall immediately serve written notice of the intent to revoke at least ten (10) days prior to its effective date on the contractor and advise the contractor that the contractor may request a hearing. Upon a contractor's request for hearing, the Building Department shall proceed to schedule a hearing and receive evidence by the BZA under authority of IC 36-7-4-901.

SECTION 10: PENALTY

In addition to the procedures for revocation of registration, any violation of the provisions of this Ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) per occurrence; an occurrence shall accrue for each business day of non-compliance with this Ordinance subject to the limitations of IC 36-1-3-8.

ALL OF THE FOREGOING IS DULY ENACTED THIS 21ST DAY OF OCTOBER 1996.

NEWTON COUNTY BOARD OF COMMISSIONERS

ZONING ORDINANCE AMENDMENT

ZONING ORDINANCE 94-1 IS HEREBY AMENDED TO ADD:

VIOLATIONS BY BUILDING CONTRACTOR:

After a Building Contractor violates a building permit, zoning, or subdivision ordinance three (3) times in a calendar year, the contractor is ineligible to receive an improvement location or building permit for one (1) year, beginning on the date of the third (3rd) violation. Whenever a person, for whom the structure is to be build, applies for a permit, he must disclose under the penalties for perjury, the identity of his contractor; such a person is eligible to receive a permit only if his contractor is eligible.

THIS AMENDMENT BEING DULY ENACTED this 20th day of November 1995, shall become effective immediately upon its enactment.

NEWTON COUNTY BOARD OF COUNTY COMMISSIONERS

RUSSELL COLLINS

LORRIE LAFFOON

JAMES ELIJAH

ATTESTED BY

MARCIA L. SCOTT, NEWTON COUNTY AUDITOR