

**AN ORDINANCE OF THE COUNTY OF CASS, INDIANA ESTABLISHING A PROCEDURE FOR
REGISTRATION OF CONTRACTORS**

WHEREAS, the County Commissioners states that it is the purpose of the Building Code to provide minimum standards for the protection of life, limb, health, property, environment, public safety, and for the conservation of energy in the design and construction of buildings; and

WHEREAS, the County Commissioners find that the State Building Code would be better served by requiring "Contractors" both General Contractors who are engaged in site preparation, construction, demolition, alterations, repair or maintenance of building sites, building and structure and Subcontractors who are engaged in electrical services, heating and cooling services, plumbing services, and signage services within the unincorporated County of Cass, Indiana to register annually with the County of Cass before commencing any such work.

NOW, THEREFORE, BE IT ORDAINED by the County of Cass, Indiana:

CONTRACTOR REGISTRATION

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- Section 1. Contractor Registration Requirements**
- Section 2. Registry of Contractor**
- Section 3. Application; Qualifications of Contractor Registration**
- Section 4. Insurance Requirements**
- Section 5. Approval of Contractor Registration; Non-transferable**
- Section 6. Suspension or Revocation of a Registered Contractor**
- Section 7. Contractor Registration Fees**
- Section 8. Remedies**
- Section 9. Penalties**

Section 1. Contractor Registration Requirements

Any person, partnership or corporation that enters into any contract (verbal or written) with another person, partnership or corporation to engage in any type of construction, repair, remodeling, demolition, or upgrade activity in or upon real estate located in the County of Cass must be "Registered" under this chapter.

- (A) A person not listed under this chapter who is employed by a "Contractor" who has not been "Registered" may, however, accomplish construction, repair, remodeling, demolition, or upgrade work for which his employer is "Registered" while working under the direction and control of such "Contractor", but shall not otherwise enter into or offer to enter a contractual relationship in any activity. "Contractors" are required to be "Registered".

- (B) A person not "Registered" under this chapter may, however, accomplish construction activities in carrying out ordinary maintenance of sole, full time employment by the owner of the premises where such ordinary maintenance and repairs occur.
- (C) Any public utility company, and their sub-contractors, that work exclusively for the public utility company, shall be exempt from all the requirements and penalties contained in this chapter.
- (D) Property owners and tenants working on their property are excluded from "Registration".

Section 2. Registry of Contractors

The County Building Commissioner shall maintain a registry of all persons, partnerships, and corporations which apply for "Contractor Registration" and all persons, partnerships, and corporations which receive such permits.

Section 3. Application; Qualifications of Contractor Registration

A person, partnership, or corporation shall be entitled to receive a "Contractor Registration" as a contractor in the County of Cass if the following requirements are met:

- (A) An application form indicating the name, address, and legal business status of the contractor has been submitted to the County Building Commissioner;
- (B) The "Registration" fee as provided in this chapter has been paid;
- (C) The person, partnership, or corporation has not had a "Contractor Registration" issued under this chapter suspended or revoked within one year of the application date; and
- (D) The partnership has not had a partner or the corporation has not had an officer who has had a "Contractor Registration" issued under this chapter suspended or revoked within one year of the permit application date.
- (E) The contractor obtains insurance as hereafter stated.

Section 4. Insurance Requirements

The contractor shall maintain bodily injury, property damage and workman's compensation insurance unless properly exempted. The insurance requirements for this chapter are met if the "Contractor" secures and maintains insurance covering all construction or demolition activity by such contractor or under any permit obtained by such contractor, such insurance to include:

- (A) A bodily injury and property damage insurance policy insuring the contractor, providing for the payment of any liability imposed by law on such contractor arising out of operations performed by or on behalf of the "Registered Contractor" in minimum amounts of:
- (B) \$1,000,000.00 (One Million Dollars), for any occurrence relative to which there is an injury or death to one or more persons; and \$500,000 (five hundred thousand dollars) for any occurrence relative to which there is damage to property.
- (C) Workman's Compensation Insurance covering the personnel employed by the "Registered Contractor" for death or injury arising out of operations provided that this provision shall not apply if the contractor has no employees and gives appropriate notice to the County Building Commissioner with a properly executed Independent Contractor Affidavit of Exemption.
- (D) The insurance policies described in subsection (A) above shall require the insurance carried to give notice both of the "Registered Contractor" and to the County Building Commissioner at least ten (10) days before such insurance is either cancelled or not renewed, and the certificate shall state this obligation.

Section 5. Approval of Contractor Registration: Non-transferable

- (A) Approval of the "Contractor Registration" shall be issued by the Building Commissioner with no waiting period.
- (B) Upon receipt of such approval, the County Building Commissioner shall issue the "Contractor Registration".
- (C) The "Contractor Registration" may be good for up to a one (1) year period. Initial "Registrations" may occur throughout the year, but renewals will be due January 1 of each year following initial "Registration".
- (D) No "Contractor Registration" issued under the provision of this chapter shall be assigned or transferred.

Section 6. Suspension or Revocation of Registered Contractor

The County of Cass Board of Commissioners may suspend the "Registered Contractor" issued under this chapter to any person, partnership, or corporation for a period of up to one (1) year or may revoke the listing permit of any person, partnership, or corporation if one of the following is shown:

- (A) The "Contractor" made any materially false statement of fact on his application or "Registration";

- (B) The "Contractor" acted fraudulently or with deceit in his relationship with other person, partnerships or corporations with regard to activities engaged in by such contractor;
- (C) Activity was performed wither incompletely or in such manner that it does not comply with Building Code and procedure or any provisions of state law or regulations of the county;
- (D) The "Contractor" failed to correct a violation of the Building Code, provisions of state law or regulation of the county relative to the activity for which the "Contractor" was responsible after an authorized official or employee of the county issued a notice of such violation, revoked a permit or issued a stop work order and the violation causing any of these actions remained uncorrected for a period of ten (10) days after the "Registered Contractor" received notice of such violation, unless a longer period is allowed by the County Building Commissioner.
- (E) The "Contractor: has consistently failed to apply for or obtain required permits for activities accomplished by such contractor;
- (F) The "Contractor" has consistently failed to timely file certificates of completion and compliance as required for construction activity accomplished pursuant to his "Registration";
- (G) The "Contractor" has consistently failed to give notice of availability for inspection at designated stages of activity;
- (H) The "Contractor" has attempted to conceal violations of the building provisions of state law, regulations or ordinances of the county relative to the activity;
- (I) The "Contractor" is delinquent on any fees owed pursuant to this chapter.

Section 7. Contractor Registration Fees

Upon making application for any "Contractor Registration", the General Contractor filing such application shall pay the County Building Commissioner an annual fee of fifty (\$50) dollars and the Subcontractor will pay an annual fee of twenty-five (\$25) dollars to the County Building Commissioner.

Section 8. Remedies

The County Building Commissioner may, in the name of the County of Cass, order all work stopped on construction, alterations, repair, installation, removal or demolition of building in the county if such work is being performed by a contractor who is not listed under this chapter.

The County Building Commissioner may, in the name of the County of Cass bring actions in Superior or Circuit Courts of the County of Cass, Indiana, for mandatory or prohibitory injunctive relief in the enforcement of, and the secure compliance with, any order or orders made by the County Building

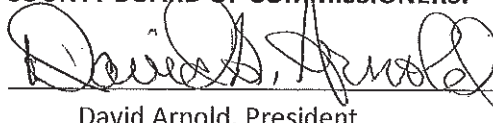
Commissioner pursuant to this chapter, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

Section 9. Penalties

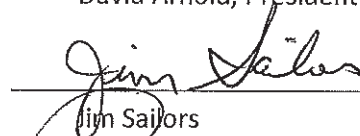
In addition to all other remedies stated in this chapter, whosoever violates any provision of this chapter shall be subject to a fine of not less than Two hundred and fifty (\$250) Dollars and not more than One Thousand Dollars (\$1,000.00). Each day may be considered a separate violation. This Ordinance shall be in full force and effect upon publication.

DULY PASSED, ORDAINED AND ADOPTED this 2 day of December, 2013.

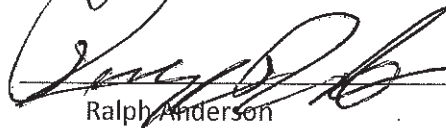
CASS COUNTY BOARD OF COMMISSIONERS:



David Arnold, President



Jim Sailors



Ralph Anderson

ATTEST:



Vaneen Ide, Cass County
Auditor