

## **CHAPTER 113: CONTRACTORS**

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## **Huntley – Business Regulations**

### **§ 113.01 GENERAL PROVISIONS.**

Whenever the regulations of this chapter require a person to register with the Village as a prerequisite to “doing,” “conducting,” “engaging in,” “maintaining,” “operating,” “carrying on,” or “managing” a business, occupation, or activity, such terms or one or more of such terms shall include any person or persons who hold themselves forth as being engaged in the business, occupation, or activity, or who solicit patronage therefore, either actively or passively, or who perform or attempt to perform any part of such business, occupation, or activity in the Village. (Ord. 95-08-24-02, passed 8-24-95)

### **§ 113.02 REGISTRATION REQUIRED.**

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage a business, occupation, or activity, either by oneself or through an agent, employee, or partner, for which registration is required by any provision of this chapter without first having obtained a certificate of registration for such business, occupation, or activity. (Ord. 95-08-24-02, passed 8-24-95) Penalty, see § 113.99

### **§ 113.03 EXEMPTION FROM DOUBLE REGISTRATION.**

(A) Except as otherwise expressly provided for in this chapter to the contrary, any person registered under this chapter to engage in a business, occupation, or activity may, in addition to the main activity, engage in any other business, occupation, or activity mentioned in this chapter and, in lieu of an additional fee, shall pay the sum of \$10 for each additional activity. This section shall not be construed as to relieve any such person from complying with the regulatory requirements applicable to such other business.

(B) The foregoing division (A), however, shall not apply to any person engaging in the sale of cigarettes, cigars, tobacco at retail, or in the sale of alcoholic beverages, or in the sale of food, and such dealer shall be required to comply with the regulatory requirements of such business or activity. (Ord. 95-08-24-02, passed 8-24-95) Penalty, see § 113.99

### **§ 113.04 APPLICATIONS FOR REGISTRATION.**

(A) All applicants for registration of any character whatsoever, except those registrations specifically exempted, shall be made in written form to the Village authority on such form provided for that purpose.

(B) Every application for registration shall contain the name, residence address, and phone number of the person desiring the registration. If the applicant is a partnership or firm, the application shall contain all the names, residence addresses, and phone numbers of its members; and if a limited partnership, the names, addresses, and phone numbers of each general partner thereof; and if a corporation, the names, residence addresses, and phone numbers of its principal officers.

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(C) In addition, there shall be set forth in the application the type of kind of registration desired, the location or proposed location of the place of business, occupation, or activity for which the license is sought or the principal location of the business if located elsewhere than the Village limits, the fees to be paid and such other information as may be required by this chapter or by the Village Board, Village President, or other authority having jurisdiction.

(D) The Village Building Department shall be the custodian of all applicants for registration which, under the provisions of this chapter are required specifically by such department.

(E) The Village Manager and/or Building Official shall be the custodian and primary authority of all applications for registration which pertain to this chapter. The Village President and Board are the ultimate authority.  
(Ord. 95-08-24-02, passed 8-24-95)

### **§ 113.05 INVESTIGATIONS AND APPROVALS.**

(A) Where any provision of this chapter authorizes or necessitates any investigation or inspection by any department or the Village official prior to the issuance of any license and requires the approval by said department or official regarding the character or fitness of any applicant for the registration, or regarding the location or condition of the premises in which the business, occupation, or activity for which the registration is applied for and managed, conducted, operated, or carried on, or regarding the condition and nature of the equipment methods intended to be used by the applicant in such business, occupation, or activity, then the authority having jurisdiction shall transmit within 72 hours of the time the application is received to each department or official charged with the investigation as may be necessary. Each such department shall make investigation or inspection and note results thereof on the registration application and also note on the registration either approval or disapproval.

(B) Any and all surety bonds, certificates or insurance, or other requirements specified shall be filed or current at time of application. The validity of any such required surety bond, certificate of insurance, or other specified requirement shall remain in effect for the duration of the registration, and when their validity has expired or been revoked for any given reason, so too does the registration issued.

(C) Upon receiving satisfactory proof that the applicant has complied with the provisions of this chapter, the registration shall be issued as hereinafter provided for.  
(Ord. 95-08-24-02, passed 8-24-95)

### **§ 113.06 ISSUANCE AND FORM OF REGISTRATION.**

(A) All registrations granted by the authority shall be issued by the authority except otherwise specifically provided for. The Village Board may provide as the authority having jurisdiction in absence of said authority.

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(B) All certificates so issued shall bear the expiration date of the registration, the signature of the authorized representative of the Village, and the Village President. All registrations shall be subject to the provisions of this chapter and all ordinances that pertain to the operation of occupation or stated business that are in effect at the time of issuance and those which may be subsequently passed by the Village Board.  
(Ord. 95-08-24-02, passed 8-24-95)

### § 113.07 FEES AND FEES SCHEDULE.

A schedule of fees shall be determined by the Village Board, by separate amendment to this chapter as deemed necessary from time to time. The schedule shall be kept on file and be available for public inspection in the office of the Village Clerk.  
(Ord. 95-08-24-02, passed 8-24-95)

### § 113.08 NON-APPROVAL OF REGISTRATION.

Whenever a registration is not approved and the applicant has not engaged in the business, occupation, or activity for which the license was sought, the fees paid in advance shall be refunded to the applicant by the authorized custodian who collected the fee. If a contractor has conducted any business or activities without authorization, then fees are nonrefundable.  
(Ord. 95-08-24-02, passed 8-24-95)

### § 113.09 TERMS OF REGISTRATION.

(A) *Duration; pro rated fee.* Except where otherwise expressly provided for in this chapter to the contrary, no registration shall be granted for a period longer than one year. Every registration shall expire on December 31 following the date of its issuance, and no registration fee shall be granted for a sum less than the full annual registration fee, except as qualified hereafter: the applicant for a registration shall be required to pay the full amount of the required fee unless the submitted application is dated after July 15 of the calendar year, which then would only require payment of one-half the annual fee.

(B) *Rebate of fee.* A rebate of fee:

(1) Can only be granted through Village Board approval.

(2) Shall be requested in written form by the applicant, stating reason(s) for request of rebate.

(C) *Transfer of registration.* No registration holder may assign, sell, or transfer such registration to any other person, even if the person intends to conduct the same business, occupation, or activity as the registrator.

(D) *Suspension; revocation of license or permit.*

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(1) When the conduct or operation of any business, occupation, or activity registered hereunder shall constitute a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, or where the holder of any registration shall have refused to allow an inspection of his or her premises. The President of the Village Board or the Appointed Custodians shall be authorized to summarily order the cessation of the activity until the danger no longer exists.

(2) Within eight calendar days after a registration or permit is suspended, the President of the Village Board shall call a hearing for the purpose of determining whether or not the registration or permit should be revoked.

(3) (a) Registrations and permits issued by the Village, unless otherwise provided, may be revoked by the President of the Village Board after notice and hearing as provided in divisions (D)(4) and (5) of this section for any of the following causes:

1. Any fraud, misrepresentation, or false statement contained in the application for the registration or permit.
2. Any violation by the registrator or permittee of provisions of this chapter or other ordinances of the Village relating to the registration or permit.
3. Conviction of the registrator or permittee of any felony or of a misdemeanor, where such conviction indicates the inability to operate a safe, honest, and legitimate business operation within the Village.
4. Failure of the registrator or permittee to pay any fine, penalty, or charge owed to the Village.
5. Refusal to permit an inspection or any interference with a duly authorized Village officer or employee while in the reasonable performance of his or her duties in making such inspections.

(b) Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the Village.

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(4) Notice of the hearing for revocation of a registration or permit, except in division (D)(2) of this section, shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail, return receipt requested, to the registrator or permittee at his or her last known address, at least five days prior to the date set for the hearing. If the registrator shall request a continuance of the date of the hearing, the registrator registration shall be suspended pending a hearing on the complaint. The registration or permit in effect at the time a notice of hearing for revocation is issued shall be immediately suspended, unless otherwise ordered by the Village Board and shall remain suspended until such time as a decision on the hearing for revocation is issued.

(5) At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The registrator or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The President of the Village Board shall preside and render the decision of the Village Board.

(6) A stenographic or electronically recorded record of the hearings shall be kept. The Village shall pay the cost of attendance fees of the reporter and the cost of the transcript if such transcript should be ordered by the Village. The registrator or permittee shall pay the cost of any transcript ordered by the registrator or permittee.

(7) Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the President of the Village Board shall file a written decision in which he or she has summarized the evidence and has stated the reasons for his decision.

(Ord. 95-08-24-02, passed 8-24-95)

### § 113.10 CONTRACTORS.

(A) *Definition.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONTRACTOR.** Any person engaged in the business or activity of constructing, altering, or repairing buildings or other structures or sidewalks or street pavements, including but not limited to cement, concrete, or paving contractors, masonry contractors, carpentry contractors, lathing contractors, roofing contractors, heating contractors, air conditioning or refrigeration contractors, glazing contractors, excavating contractors, sewer contractors, plastering contractors, dry wall contractors, painting contractors, razing or landscaping contractors, tuckpointing contractors, insulating contractors, plumbing contractors, general contractors, and electrical contractors. Any person who engages in the construction, repair, or alteration of any building, structures, or street or sidewalk pavement within the Village, for which a building permit is required or not, is presumed to be a contractor and must be registered hereunder unless such presumption is rebutted and such is approved by the Village Board.

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(B) *Duties of registrant.* It shall be the absolute and irrevocable responsibility of all contractors registered hereunder to secure the appropriate and necessary building permits required by Village ordinances before undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish the whole or any part of any building, structure, or sidewalk or street pavements. It shall also be the duty of all contractors registered hereunder to comply with all the provisions of Village ordinances relating to or regulating their activities as contractors and, in addition thereto, to remove or cause to be removed at least once each week from the site of the contractor's activities in an orderly condition, free from standing water, unguarded dangerous implements, and health and safety hazards. Contractors shall not obstruct traffic, streets, or sidewalks, nor permit dirt or waste materials from falling or being carried onto the public ways.

(C) *Insurance requirements.*

- (1) The insured shall be the same as applicant.
- (2) The effective date shall be prior to conducting any services or actions that are relative to the business or contractor actions of applicant.
- (3) The expiration date shall be at minimum, the end of the calendar year which is also the expiration date of each registration issued. (December 31 of year relative to registration.)
- (4) A certificate of insurance, in favor of the Village shall be provided prior to conducting any business, service, or activity relative to the business or contractor actions of the registrant and/or applicant.
- (5) Coverage shall be the minimum set forth in this division (C)(5). The amounts denoted with an asterisk (\*) may be determined at the time of application for registration; discretion in setting the amount is left to the custodian authority of this chapter. Coverage shall be a minimum of:

(a) *General liability.*

1. General aggregate .....	\$600,000
2. Products – comp/OP agg. ....	600,000
3. Personal & adv injury .....	300,000
4. Each occurrence .....	300,000
5. Fire damage (any one fire) .....	50,000
6. MED EXP (any one person) .....	5,000

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### (b) *Automobile liability.*

1. Combined single limit ..... \$300,000
2. Bodily injury (per person) ..... 100,000
3. Bodily injury (per accident) ..... 300,000
4. Property damage ..... 50,000

### (c) *Garage liability (optional if required).*

1. Auto only, each accident ..... \*
2. Other than auto only:  
Each accident ..... \*

### (d) *Excess liability (umbrella) optional*

1. Each occurrence ..... \*
2. Aggregate ..... \*

### (e) *Workers compensation and employers' liability statutory limits.*

1. Each accident ..... \$100,000
2. Disease – policy limit ..... \$500,000
3. Disease – each employee ..... 100,000

### (f) Other ..... \*

## (D) *Bond requirements.*

(1) Any contractor performing work on or through or above a Village right-of-way, easements, or the like shall be bound to the Village in the minimum amount of \$10,000.

(2) Specifically, each excavating, plumbing, sewer, drain layer, or any contractor who potentially can perform work as stated above shall have on file such bond that is effective at least through the calendar year in which the registration is to be effective.

(3) Utility companies having franchise agreements with the Village are exempt from the requirements of this chapter.



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### *(E) Inspection.*

(1) The provisions of this chapter are declared to be of a regulatory nature, and it shall at all times be the duty of the Chief of Police, the Health Officer, the Chief of the Fire Department, and the Building Official, or their designee, to investigate whether persons engaged as contractors are properly registered and whether their activities are being conducted and operated in accordance with the provisions of any adopted ordinance applicable thereto.

(2) All required inspections by the Building Department shall be requested by the responsible contractor(s) at least 24 hours ahead of a desired time. Holidays and weekends are not to be calculated within any 24-hour period. Written inspection reports will be completed at time of inspection.

(Ord. 95-08-24-02, passed 8-24-95)

### **§ 113.99 PENALTY.**

Any person or persons violating this chapter shall be fined not less than \$50 nor more than \$5,000 for each offense. A separate offense shall be deemed committed on each day during or which a violation occurs or continues.

(Ord. 95-08-24-02, passed 8-24-95)