

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : November 24, 2020 **(BOT) Date:** December 3, 2020

SUBJECT: Text Amendments to Section 150.143 of Village Code: Contractor
Registration Obligations

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Board of Building Appeals (BOBA) considered a series of amendments associated with the issuance with Contractor Registration requirements and obligations. The specific issue pertained to the ability for homeowners to undertake construction activities associated with developments. A number of amendments are summarized in the attached memorandum.

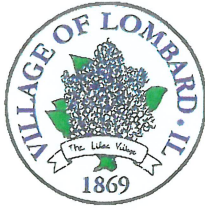
Please place this item on the December 3, 2020 Village Board agenda for consideration and approval, with a waiver of first reading of the Ordinance amending Section 150 of Village Code relative to contractor registration obligations. The Ordinance has an effective date of January 1, 2021.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: December 3, 2020

SUBJECT: Text Amendments to Section 150 of Village Code: Contractor Registration

The Board of Building Appeals (BOBA) considered a series of amendments associated with the issuance with Contractor Registration requirements and obligations. The specific issue pertained to the ability for homeowners to undertake construction activities associated with developments. A number of amendments are summarized in the attached memorandum. BOBA recommends approval of the text amendments.

ACTION REQUESTED

Please place this item on the December 3, 2020 Village Board agenda for consideration and approval, with a waiver of first reading of the Ordinance amending Section 150 of Village Code relative to contractor registration obligations. The Ordinance has an effective date of January 1, 2021.



MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: November 4, 2020

SUBJECT: **Text Amendments to Section 150.143 of Village Code – Contractor Registration Obligations**

As part of a regular review of Village Codes and based upon an inquiry to the Community Development Department by a builder, staff undertook a review of Section 150.143 of Village Code as it pertains to contractor registration obligations. The specific issue pertained to the ability for homeowners to undertake construction activities associated with developments. Through this review and a corresponding review of State Statutes, a number of amendments are proposed as set forth in the attachment. Such amendments can be summarized in the following manner:

1. Electrical and plumbing contractor provisions remain unaffected, as those provisions are set forth within State Statutes.
2. For all other disciplines, homeowners and lessees can make improvements to their properties and list themselves as a general contractor. However, such provisions cannot apply when the project is part of a Major Development or for the construction of Public Improvements, as both defined within the Subdivision & Development Ordinance.
3. Any listed contractor shall be registered by the State or as a business entity in DuPage county, whichever is required or applicable.
4. An adjustment to the Contractor Registration fee schedule is also offered, which will raise the annual rate from \$75.00 to \$100.00 for all such projects undertaken by a contractor. This increase is in alignment with neighboring communities and also addresses CPI changes since it was last established a decade ago.

DRAFT LANGUAGE TO ARTICLE XVII – BUILDING PERMITS

150.143 - Contractor registration and insurance requirements.

For purposes of this subsection, a contractor is defined as any person or firm performing work as a general contractor, carpenter, electrician, plumber, sewer and water contractor, excavator, concrete contractor, roofer, heating ventilation and air conditioning (HVAC) contractor, masonry contractor, iron or steel contractor, lawn sprinkler contractor, fire sprinkler contractor, paver and elevator contractor.

(A) All contractors, as defined above, performing work within the Village shall be required to apply for and receive contractor registration approval from the Village's Community Development Department, Building Division, prior to receiving a building permit and/or commencing contractor activities. Approved contractor registrations shall be effective for one year from the date of issuance. Contractors shall keep their registration in good standing throughout the year in which they are performing contractor services within the village. The cost for an annual contractor registration shall be \$100.00.

(B) Along with completing the contractor registration online or completing the contractor registration form, all contractors must place on file with the Community Development Department, Building Division, an insurance policy to meet or exceed the following: \$300,000.00 single limit manufacturers and contractor's general liability. The insurance requirement provisions shall not apply to any contractors who are required to be licensed and/or regulated pursuant to the preemption powers of the State of Illinois in the Illinois Compiled Statutes.

(C) Electrical contractors and communications contractors must be registered; certificate of insurance.

It is unlawful for any person, firm or corporation to engage in the business of electrical contractor or communications contractor within the Village, without being registered in the manner hereinafter set forth.

(1) Registration. Any person, firm or corporation desiring to engage in the business of an electrical contractor or communications contractor shall:

a) Furnish a copy of license issued by any city, village or town in the State of Illinois that was obtained only after the passage of a recognized written test.

b) Homeowner. A homeowner shall be registered by application to the village. Said registration shall be restricted to allow work only on the homeowners' personal and primary residence. A qualification test shall be passed in order to secure this registration and permits to install, modify or revise an electrical service or service conductors. No electrical work shall be allowed under this provision in commercial, industrial or multifamily residential occupancies. Work done on

these type occupancies shall be performed only by a registered electrical contractor.

(D) Plumbing Contractors

It is unlawful for any person, firm or corporation to engage in the business of plumbing contractor within the Village, without meeting the provisions of 225 ILCS 302/3.

(E) All Other Construction Disciplines

Nothing herein contained shall prohibit the owner occupant or lessee occupant of a single-family residence, or the owner of a single-family residence under construction for his or her occupancy, from planning, installing, altering or making repairs to such residence. The provisions within this section shall not apply in the following instances:

- 1) construction of any public improvement components, as defined within Chapter 154 of Village Code; or
- 2) any project defined as a Major Development, as defined within Chapter 154 of Village Code;

(F) Any listed contractor on a building permit application form must be registered with the Illinois Secretary of State, if the business is a partnership, LLC, LLP or corporation; and/or the provisions of 805 ILCS 405 et. seq., if applicable.

150.062 - Electrical contractors and communications contractor requirements must be registered; ~~certificates of insurance.~~

It is unlawful for any person, firm or corporation to engage in the business of electrical contractor or communications contractor within the Village of Lombard, without being registered meeting the provisions in the manner hereinafter as set forth below.

(A) Registration and Insurance. Any person, firm or corporation desiring to engage in the business of an electrical contractor or communications contractor shall:

~~(1) meet the registration and insurance requirements as set forth within Section 150.143. Furnish a copy of current registration or license issued by any city, village or town in the State of Illinois that was obtained only after the passage of a recognized written test.~~

~~(2) Homeowner. A homeowner shall be registered by application to the village. Said registration shall be restricted to allow work only on the homeowners' personal and primary residence. A qualification test shall be passed in order to secure this registration and permits to install, modify or revise an electrical service or service conductors. No electrical work shall be allowed under this provision in commercial, industrial or multifamily residential occupancies. Work done on these type occupancies shall be performed only by a registered electrical contractor.~~

(B) *Use of permit issued to another.* It shall be unlawful for any person to install, alter or repair any electrical wires or apparatus by authority of a permit issued to and for the use of some other person.

(C) *Permit for person not entitled to one.* It shall be unlawful for any registered Electrical or Communications Contractor to secure or furnish a permit for the installation, alteration, and repair of electrical wires and apparatus to any person not entitled to such permit under the regulations of this Chapter.

(D) *Revocation of permits.* The Community Development Director or his/her designee is authorized to revoke any permit or certificate obtained by fraud, misrepresentation, or in any way contrary to the provisions of the electrical regulations of this Chapter, for installation, alteration, repair and use of any electrical conductors, electrical equipment, signaling & communications conductors and equipment, and fiber optic cables and raceways.

~~(E) Certificate of insurance. Refer to contractor registration and insurance requirements §150.143.~~

CONTRACTORS' REQUIREMENTS
Village of Lombard Contractor Registration
Required for all contractors.

License Requirements: Copy of current license.
Certificate of Insurance Requirements:
Minimum \$300,000 single limit manufacturer's
and contractor's liability.

CARPENTER, Certificate of Insurance
See insurance requirements above.

COMMUNICATIONS, Certificate of Insurance,
See insurance requirements above.

ELECTRICIAN

License, Certificate of Insurance.
See insurance requirements above. License
must be from a testing facility. Chicago,
Naperville, Downers Grove, etc.

ELEVATOR

Elevator Co. License/Certificate of Insurance,
See insurance requirements above.

EXCAVATOR/CONCRETE/PAVING/MASONRY
Certificate of Insurance.

See insurance requirements above.

FENCE COMPANIES, Certificate of Insurance

GENERAL CONTRACTORS

Certificate of Insurance
See insurance requirements above.

HVAC, See insurance requirements above.

IRON/STEEL, See insurance requirements above.

PLUMBER/LAWN SPRINKLER

State of Illinois Department of Public Health
Registration.

ROOFER

Copy of Illinois State Roofing License.

SEWER CONTRACTOR

Certificate of Insurance.

See insurance requirements above.

SPRINKLER/ALARM CONTRACTORS

Copy of Illinois State License.

Above is not an inclusive list of contractors.

State of Illinois

Department of Professional Regulation
NOTICE

The Illinois Roofing Industry Licensing Act
(Ill. Rev. Stat. 1985, ch. 11, par. 7501, et seq.),
which became effective July 1, 1985, requires
the Illinois Department of Professional
Regulation to regulate the roofing industry in
Illinois.

The law mandates that the official who issues
building permits shall affix the roofing
contractor's license number to each application
for a building permit, and on each building
permit issued and recorded.

The roofing contractor is required to affix the
license number to all contracts and bids. His
name and license number also must be affixed to
all vehicles used as part of his roofing business
and shall be posted at his places of business.

Persons engaged in the business of roofing who
are not state licensed, may be fined up to \$5,000
for each offense as determined by the
Department of Professional Regulation.

Questions about the Illinois Roofing Industry
Licensing Act and requests for applications may
be directed to the Illinois Department of
Registration and Education, 320 West
Washington, 3rd Floor, Springfield, Illinois
62786.

Telephone: (217)782-8556.

Contractor Registration Requirements

Carpenters

Concrete

Electricians/Communications

Elevator

Excavators

Fence

Fire Protection/Alarm/Sprinkler

General Contractors

HVAC

Iron/Steel

Masonry

Paving

Plumbers/Lawn Sprinkler

Roofers

Sewer

Village of Lombard

Community Development

Building Division

255 E. Wilson Avenue

Lombard, IL 60148

(630) 620-5750

FAX (630) 629-2374

Contractor Registration Fee
\$75.00. Registration is valid for
12 months from issue date.

Contractor Registration apply online
at villageoflombard.org/onlinepermits

The Village of Lombard has passed Ordinance 6580, Title 15, Section 150.143, Contractor Registration and Insurance be amended to be read as follows:

All contractors performing work within the Village shall be required to apply for and receive a contractor's registration from the Community Development, Building Division and place on file an insurance policy to meet or exceed the following:

\$300,000 single limit manufacturer's and contractor's liability. If doing work in the Village's right of way, the Village of Lombard must be listed as an Additional Insured and Certificate Holder. The insurance requirement provision shall not apply to any contractors who are required to be licensed and or regulated pursuant to the preemption powers of the State of Illinois in the Illinois Compiled Statutes.

The Community Development, Building Division will not issue any building permits without this documentation.

Information may be faxed or sent to:

Village of Lombard
 Community Development
 Building Division
 255 E. Wilson Avenue
 Lombard, IL 60148
 (630) 620-5750
 FAX: (630) 629-2374

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

Companies Affording Coverage
 Company Letter A
 Company Letter B
 Company Letter C
 Company Letter D
 Company Letter E

EXAMPLE ONLY

Insured
**NAME OF CONTRACTOR,
 ADDRESS, CITY**

COVERAGES
 This is to certify that policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions, and conditions of such policies. Limits shown may have been reduced by paid claims.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF. DATE	POLICY EXP. DATE	ALL LIMITS IN THOUSANDS (Minimum)
A	General Liability (X) Commercial General Liability () Claims Made (X) Occurrence (X) Owners & Contractor Protective	CCX 0057647	01/01/11	01/01/12	General Aggregate \$300 Product-Comp/OPS Aggregate \$300 Personal & Advertising Injury \$300 Each Occurrence \$300 Fire Damage Medical Expense
A	Automobile Liability (X) Any Auto (X) All Owned Autos (X) Scheduled Autos				CSL Bodily Injury (Per Person) (Per Accident)
A	Excess Liability				Each Occurrence
A	Worker's Compensation And Employers' Liability				Aggregate Statutory
	Other				

Description of operations/locations/vehicle/special items

Certificate Holder: ****Please be aware that the Village of Lombard no longer needs to be listed as certificate holder or additional insured unless work is being performed in the Village's public right of way.**
 Cancellation: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 60 day written notice to the certificate holder, but failure to mail such notice shall impose no obligations or liability of any kind upon the company, its agents or representatives.

ORDINANCE NO. _____

**AN ORDINANCE GRANTING APPROVAL OF TEXT AMENDMENTS
TO TITLE 15, CHAPTER 150 OF THE LOMBARD VILLAGE CODE
RELATIVE TO CONTRACTOR REGISTRATION OBLIGATIONS**

WHEREAS, the Village of Lombard maintains a Building Code which is found in Title 15, Chapter 150 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Building Code and make necessary changes; and,

WHEREAS, a review of the Building Code has been conducted by the Village of Lombard Board of Building Appeals on November 4, 2020; and,

WHEREAS, the Board of Building Appeals has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 150, Section 150.062 of the Lombard Village Code is hereby amended as follows with text amendments in **bold and underline** and deletions denoted by ~~strikethrough~~:

§ 150.062 - Electrical contractors and communications contractors **requirements** ~~must be registered; certificate of insurance.~~

It is unlawful for any person, firm or corporation to engage in the business of electrical contractor or communications contractor within the Village of Lombard, without **meeting the provisions as being registered in the manner hereinafter set forth below.**

(A) Registration and **Insurance**. Any person, firm or corporation desiring to engage in the business of an electrical contractor or communications contractor shall:

(1) **meet the registration and insurance requirements as set forth within Section 150.143.** ~~Furnish a copy of current registration or license issued by any city, village or town in the State of Illinois that was obtained only after the passage of a recognized written test.~~

(2) ~~Homeowner. A homeowner shall be registered by application to the village. Said registration shall be restricted to allow work only on the homeowners' personal and primary residence. A qualification test shall be passed in order to secure this registration and permits to install, modify or revise an electrical service or service conductors. No~~

~~electrical work shall be allowed under this provision in commercial, industrial or multifamily residential occupancies. Work done on these type occupancies shall be performed only by a registered electrical contractor.~~

- (B) Use of permit issued to another. It shall be unlawful for any person to install, alter or repair any electrical wires or apparatus by authority of a permit issued to and for the use of some other person.
- (C) Permit for person not entitled to one. It shall be unlawful for any registered Electrical or Communications Contractor to secure or furnish a permit for the installation, alteration, and repair of electrical wires and apparatus to any person not entitled to such permit under the regulations of this Chapter.
- (D) Revocation of permits. The Community Development Director or his/her designee is authorized to revoke any permit or certificate obtained by fraud, misrepresentation, or in any way contrary to the provisions of the electrical regulations of this Chapter, for installation, alteration, repair and use of any electrical conductors, electrical equipment, signaling & communications conductors and equipment, and fiber optic cables and raceways.
- ~~(E) Certificate of insurance. Refer to contractor registration and insurance requirements §150.143.~~

SECTION 2: That Title 15, Chapter 150, Section 150.143 of the Lombard Village Code is hereby amended as follows with text amendments in **bold and underline** and deletions denoted by ~~strikethrough~~:

§ 150.143 - Contractor registration and insurance requirements.

For purposes of this subsection, a contractor is defined as any person or firm performing work as a general contractor, carpenter, electrician, plumber, sewer and water contractor, excavator, concrete contractor, roofer, heating ventilation and air conditioning (HVAC) contractor, masonry contractor, iron or steel contractor, lawn sprinkler contractor, fire sprinkler contractor, paver and elevator contractor.

- (A) All contractors, as defined in subsection (A) above, performing work within the village shall be required to apply for and receive contractor registration approval from the Village's Community Development Department, Building Division, prior to receiving a building permit and/or commencing contractor activities. Approved contractor registrations shall be effective for one year from the date of issuance. Contractors shall keep their registration in good standing throughout the year in which they are performing contractor services within the village. The cost for an annual contractor registration shall be **\$100.00** ~~\$75.00~~.
- (B) Along with completing the contractor registration online or completing the contractor registration form, all contractors must place on file with the Community Development

Department, Building Division, an insurance policy to meet or exceed the following: \$300,000.00 single limit manufacturers and contractor's general liability. The insurance requirement provisions shall not apply to any contractors who are required to be licensed and/or regulated pursuant to the preemption powers of the State of Illinois in the Illinois Compiled Statutes.

(C) Electrical contractors and communications contractors must be registered; certificate of insurance.

It is unlawful for any person, firm or corporation to engage in the business of electrical contractor or communications contractor within the Village, without being registered in the manner hereinafter set forth.

(1) Registration. Any person, firm or corporation desiring to engage in the business of an electrical contractor or communications contractor shall:

- a) **Furnish a copy of license issued by any city, village or town in the State of Illinois that was obtained only after the passage of a recognized written test.**
- b) **Homeowner. A homeowner shall be registered by application to the village. Said registration shall be restricted to allow work only on the homeowners' personal and primary residence. A qualification test shall be passed in order to secure this registration and permits to install, modify or revise an electrical service or service conductors. No electrical work shall be allowed under this provision in commercial, industrial or multifamily residential occupancies. Work done on these type occupancies shall be performed only by a registered electrical contractor.**

(D) Plumbing Contractors

It is unlawful for any person, firm or corporation to engage in the business of plumbing contractor within the Village, without meeting the provisions of 225 ILCS 302/3.

(E) All Other Construction Disciplines

Nothing herein contained shall prohibit the owner occupant or lessee occupant of a single-family residence, or the owner of a single-family residence under construction for his or her occupancy, from planning, installing, altering or making repairs to such residence. The provisions within this section shall not apply in the following instances:

- 1) **construction of any public improvement components, as defined within Chapter 154 of Village Code; or**
- 2) **any project defined as a Major Development, as defined within Chapter 154 of Village Code**

- (F) **Any listed contractor on a building permit application form must be registered with the Illinois Secretary of State, if the business is a partnership, LLC, LLP or corporation; and/or the provisions of 805 ILCS 405 et. seq., if applicable.**

SECTION 3: That Title 15, Chapter 150, Section 150.062 of the Lombard Village Code is hereby amended as follows with text amendments in **bold and underline** and deletions denoted by ~~strikethrough~~:

150.062 - Electrical contractors and communications contractor **requirements must be registered; certificate of insurance.**

It is unlawful for any person, firm or corporation to engage in the business of electrical contractor or communications contractor within the Village of Lombard, without ~~being registered~~ **meeting the provisions in the manner hereinafter as set forth below.**

(A) *Registration **and Insurance.*** Any person, firm or corporation desiring to engage in the business of an electrical contractor or communications contractor shall **meet the registration and insurance requirements as set forth within Section 150.143.**

~~(1) Furnish a copy of current registration or license issued by any city, village or town in the State of Illinois that was obtained only after the passage of a recognized written test.~~

~~(2) Homeowner. A homeowner shall be registered by application to the village. Said registration shall be restricted to allow work only on the homeowners' personal and primary residence. A qualification test shall be passed in order to secure this registration and permits to install, modify or revise an electrical service or service conductors. No electrical work shall be allowed under this provision in commercial, industrial or multifamily residential occupancies. Work done on these type occupancies shall be performed only by a registered electrical contractor.~~

(B) *Use of permit issued to another.* It shall be unlawful for any person to install, alter or repair any electrical wires or apparatus by authority of a permit issued to and for the use of some other person.

(C) *Permit for person not entitled to one.* It shall be unlawful for any registered Electrical or Communications Contractor to secure or furnish a permit for the installation, alteration, and repair of electrical wires and apparatus to any person not entitled to such permit under the regulations of this Chapter.

(D) *Revocation of permits.* The Community Development Director or his/her designee is authorized to revoke any permit or certificate obtained by fraud, misrepresentation, or in any way contrary to the provisions of the electrical regulations of this Chapter, for installation, alteration,

repair and use of any electrical conductors, electrical equipment, signaling & communications conductors and equipment, and fiber optic cables and raceways.

~~(E) Certificate of insurance. Refer to contractor registration and insurance requirements §150.143.~~

SECTION 4: That this ordinance shall be in full force and effect on January 1, 2021 after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2020.

First reading waived by action of the Board of Trustees this _____ day of _____, 2020.

Passed on second reading this _____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2020.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2020.

Sharon Kuderna, Village Clerk