

CHAPTER 6

BUILDINGS

ARTICLE I - BUILDING CODE

6-1-1 **ADOPTION OF BUILDING CODE.** There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain Building Code known as NFPA 101 Life Safety Code, 2000 edition, published by the National Fire Protection Association, as modified by the Administrative Rules of the Office of the Illinois State Fire Marshall, and the BOCA National Building Code, 1999 edition, recommended by the Building Officials Conference of America, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which **one (1) copy** has been and is now filed in the office of the City Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Code shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City. (**Ord. No. 09-01; 01-13-09**) (**See 65 ILCS Sec. 5/1-3-2**)

[**ED. NOTE: Only one (1) copy of adopted codes has to be on file in the City Clerk's office.**]

6-1-2 **DEFINITIONS IN BUILDING CODE.**

(A) Wherever the word "**municipality**" is used in the Building Code, it shall be held to mean the City of Murphysboro, Illinois.

(B) Wherever the term "**corporation counsel**" is used in the Building Code, it shall be held to mean the City Attorney for the City.

6-1-3 **AMENDMENTS TO BUILDING CODE.** The Building Code herein adopted is amended and changed in the following respects:

(A) **Article 27**, (Electric Wiring, Equipment, and Systems) is hereby deleted from this Code;

(B) **Article 28**, (Plumbing System) is hereby deleted from this Code.

(C) **Article 29**, (Signs) is hereby deleted from this Code.

(D) **Section 112.5** (Approved Plans) is hereby amended by changing the Section to read as follows instead of the language as it now appears therein:

"Approved Plans: The Building Inspector shall stamp or endorse in writing three (3) sets of correct plans Approved and two (2) sets of such approved plans shall be retained by the Building Inspector and the other set shall be kept at the building site, open to inspection of the Building Inspector or an unauthorized representative at all reasonable

times. One (1) set of the approved plans of every building or structure other than temporary structures shall be kept in file in the office of the Building Inspector until such time as final inspection is made and work certified by the Building Inspector as complete at which time such plans may be returned to the owner."

6-1-4 ESTABLISHMENT OF OFFICE OF BUILDING INSPECTOR.

(A) The office of Building Inspector is hereby created and the executive official in charge shall be known as the Building Inspector.

(B) The Building Inspector shall be appointed by the Mayor with the approval of the City Council. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

(C) During the temporary absence or disability of the Building Inspector, the City Consulting Engineer shall be empowered to exercise the duties of the Building Inspector.

6-1-5 QUALIFICATIONS OF BUILDING INSPECTOR. To be eligible to appointment, the candidate for the position of Building Inspector shall have had experience as an architect or structural engineer or building inspector or superintendent of building construction. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition.

6-1-6 DUTIES OF BUILDING INSPECTOR.

(A) The Building Inspector shall devote full time to the duties of his office. He shall receive applications required by this Code, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so required, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(B) Inspections required under the provisions of the Building Code shall be made by the Building Inspector or his duly appointed assistant. The Building Inspector may accept reports of inspectors or recognized inspection service, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

(C) The Building Inspector shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(D) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Inspector without his written consent.

(E) The Building Inspector shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

(F) The Building Inspector shall also be responsible for the enforcement of the zoning regulations of the City and take all actions necessary as prescribed in this Section as same would apply to enforcement of the zoning regulations.

6-1-7 COMPENSATION OF BUILDING INSPECTOR. The Building Inspector shall receive from the City, a salary to be determined by the City Council from year to year.

6-1-8 BOND OF THE BUILDING INSPECTOR. The Building Inspector shall post a penal bond in the amount of **Two Thousand Dollars (\$2,000.00)** which is to be a commercial surety bond, premium therefor to be paid by the City.

6-1-9 COOPERATION OF OTHER OFFICIALS. The Building Inspector may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the Municipality.

6-1-10 RIGHT OF ENTRY. The Building Inspector, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

6-1-11 BUILDING COMMISSION. A Building Commission is hereby created. The Building Commission shall consist of **five (5) members**. The Building Commission shall consult with and advise the Building Inspector on the enforcement and interpretation of the Building Code and shall make recommendations to the City Council for amendments to the Building Code to keep it up to date and make the necessary changes from time to time. The Building Commission shall meet upon, call to listen to complaints and rule one the same.

6-1-12 NOTIFICATION TO BUILDING INSPECTOR. The Building Inspector shall be notified: (1) prior to pouring the footings; (2) after completion of framing prior to interior finishing; and (3) after completion and prior to occupancy. The Building Official shall examine the work within **one (1) day** after receipt of notice that the work is ready for inspection. Upon satisfactory completion of the construction, the Building Inspector shall issue a certificate of occupancy. **(Ord. No. 316; S.8)**

6-1-13 FEES. No wall, structure, building or part thereof shall hereafter be built, enlarged or altered until plans of the proposed work, together with a statement of the materials to be used, shall have been submitted in duplicate to the Building Commissioner, who shall refer the matter to the Fire Chief for inspection and investigation and if the same be found to be in accordance with the provisions of the National Building Code or Housing Code adopted by the proceeding sections, the Fire Chief shall indicate his approval and the Commissioner shall issue a permit for the proposed construction.

The fee to be charged for such permit shall be based on the cost of construction as follows:

A base fee of **Twenty Dollars (\$20.00)** (for construction not exceeding **One Thousand Dollars (\$1,000.00)** in cost) plus **Two Dollars (\$2.00)** per **One Thousand Dollars (\$1,000.00)**, or part thereof, in construction costs thereafter. **(Ord. No. 06-05; 04-11-06)**

6-1-14 PENALTIES.

(A) **Noncompliance.** A person who shall violate a provision of this Article or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, altered or repaired a building or structure or portion thereof, in violation of a detailed statement or

plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a fine of not less than **Ten Dollars (\$10.00)** nor more than **One Hundred Dollars (\$100.00)**, or by imprisonment not exceeding **six (6) months**, or by both such fine and imprisonment. Also, the owner of a building or structure or portion thereof, or of the premises where anything in violation of this Chapter shall be placed or shall exist, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be punishable by a fine of not less than **Ten Dollars (\$10.00)** nor more than **One Hundred Dollars (\$100.00)**, or by imprisonment not exceeding **six (6) months**, or by both such fine and imprisonment.

(B) **Abatement.** The imposition of the penalties herein prescribed shall not preclude the Corporation Counsel from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises.

ARTICLE II – CONSTRUCTION CODES

6-2-1 ADOPTION OF NATIONAL PROPERTY MAINTENANCE CODE.

The substantive (penalty provisions excepted) provisions of “**The BOCA National Property Maintenance Code, 1990 edition**” and all subsequent amendments thereto, published by the Building Officials and Code Administrators International, Inc. is hereby adopted by reference, pursuant to statutory authority; provided that if any of the provisions of said Code are in conflict with State law or any ordinances of the City, the State law or such ordinance shall prevail.

At least **three (3) copies** of such property maintenance code will be found on file in the Office of the City Clerk and are available for public use, inspection and examination.

6-2-2 **ADOPTION OF NATIONAL MECHANICAL CODE.** The substantive (penalty provisions excepted) provisions of "**The BOCA National Mechanical Code, 1990 edition**", and all subsequent amendments thereto, published by the Building Officials and Code Administrators International, Inc. is hereby adopted by reference, pursuant to statutory authority; provided that if any of the provisions of said Code are in conflict with State law or any ordinances of the City, the State law or such ordinance shall prevail.

At least **three (3) copies** of such mechanical code will be found on file in the Office of the City Clerk and are available for public use, inspection and examination.

6-2-3 **ADOPTION OF NATIONAL FIRE PREVENTION CODE.** There is hereby adopted by the City, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the **BOCA National Fire Prevention Code**, recommended by the Building Officials and Code Administrators International, Inc., being particularly the 1990 edition thereof and the whole thereof, of which code not less than **three (3) copies** have been and now are filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Code shall take effect the provisions thereof shall be controlling within the limits of the City.

6-2-4 **PENALTY.** Any person convicted of violating any provisions of this Article shall be punishable by a fine of no less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**. Each and every day that any person is in violation of any provision of this Article shall constitute a separate offense and said persons may be prosecuted therefor.

ARTICLE III – DILAPIDATED BUILDINGS

6-3-1 PURPOSES. The City Council has determined that there are and may in the future be buildings or structures which are dilapidated, unsafe, unsanitary, dangerous, a menace to the health, morals, safety and general welfare of the people of the City, and which might tend to constitute a fire menace, and thus are determined to be a public nuisance. Therefore, it is the purpose of this Article to eliminate and abate said nuisances. **(Ord. No. 73-14; § 1; 09-10-73)**

6-3-2 DANGEROUS BUILDINGS DEFINED. Any building or structure within the City which has **one (1)** or more of the following defects shall be deemed a “dangerous building” for the purposes of this Article:

(A) A building or structure whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(B) A building or structure which, exclusive of the foundation, shows **thirty-three percent (33%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** damage or deterioration of the nonsupporting enclosing or outside walls or covering;

(C) A building or structure which has improperly distributed loads upon the floors or roofs or in which the same are overloaded, on which have insufficient strength to be reasonably safe for the purpose used;

(D) A building or structure which has been damaged by fire, wind or causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants of the people of the City;

(E) A building or structure which has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;

(F) A building or structure having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;

(G) A building or structure having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, or fire escapes;

(H) A building or structure which has parts thereof which are so attached that they may fall and injure members of the public or property;

(I) A building or structure which because of its condition is unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the City.

(J) A building or structure existing in violation of any provision of the Building Code of this City or any provisions of the Fire Prevention Code, or other ordinances of this City. **(Ord. No. 73-14, § 2; 09-10-73)**

(K) A building which is uncompleted and abandoned. **(Ord. No. 96-16; 12-10-96)**

6-3-3 DANGEROUS BUILDINGS – NUISANCES. All “dangerous buildings” within the terms of **Section 6-3-2** of this Article are hereby declared to be public nuisances, and shall be repaired, enclosed, or demolished as hereinbefore and hereinafter provided. **(Ord. No. 96-16; 12-10-96)**

6-3-4 DEMOLITION, REPAIR OR ENCLOSURE – ACTION TO COMPEL – LIEN.

(A) Upon a determination being made by the Code Enforcement Officer that a building is a “dangerous building” within the terms of **Section 6-3-2** of this Article, the corporate authorities of the City may demolish, repair, or enclose or cause the demolition, repair, or enclosure of such dangerous and unsafe building or an uncompleted and abandoned building within the corporate limits of the City, and may remove or cause the removal of garbage, debris and other hazardous, noxious, or unhealthy substances or materials from said building.

(B) Application shall be made to the Circuit Court of Jackson County, Illinois, for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, including the lien holders of record, after at least **fifteen (15) days** written notice by mail from the Code Enforcement Officer have failed to put such building in a safe condition or demolish it. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

(C) The cost of demolition, repair, enclosure, or removal incurred by the City, or by a lien holder of record, including court costs, attorney’s fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate and is a lien on the real estate which is enforceable and assignable in accordance with **65 ILCS Sec. 5/11-31-1, et seq.**

(D) In addition to any other remedy provided by law, the City may petition the Circuit Court to have property declared abandoned and proceed under **65 ILCS Sec. 6/11-31-1(d)** in the proper case. **(Ord. No. 96-16; 12-10-96)**

6-3-5 DUTIES OF THE FIRE DEPARTMENT. The Chief of the Fire Department shall make a report in writing to the Code Enforcement Officer of all buildings or structures which are, may be, or are suspected of being a “dangerous building”, within the terms of this Article. Such reports must be delivered to the Code Enforcement Officer within **twenty-four (24) hours** of the discovery of such building by the Chief of the Fire Department. **(Ord. No. 73-14; § 8; 09-10-73)**

6-3-6 FURTHER REQUIREMENTS FOR DEMOLITION.

(A) No person, firm or corporation shall demolish a building or structure without a permit therefor.

(B) Application for a permit hereunder shall be made to the Code Enforcement Officer on forms to be provided by the City. The fee shall be **Ten Dollars (\$10.00)** per residential structure and **Fifty Dollars (\$50.00)** per commercial structure unless the cost shall exceed **Twenty-Five Thousand Dollars (\$25,000.00)**, whereupon the work to be performed shall be classified as remodeling and the fee shall be determined in accordance with the provisions of **Section 6-1-13** of this Chapter. **(Ord. No. 96-16; 12-10-96)**

When processing an application, the Code Enforcement Officer shall consider whether the proposed work may result in damage to adjoining municipal property. If he finds that the proposed work may cause such damage, he shall report this finding to the City Council at its next regular meeting. If the Council, following such investigation as it deems necessary, concurs in said finding, the applicant shall also, prior to issuance of a permit, give bond in the amount and of the type determined by the Council to be adequate conditioned that he will suitably guard and protect the adjoining municipal property and defend, save, keep harmless and indemnify the City of and from all actions, suits, costs, damages and expenses including attorneys' fees which shall or may come to it for or on account of any injuries or damages received or sustained by any person or from acts or omissions of the applicant or his employees in doing such work; and that he will restore such municipal property to its former condition and complete such work as speedily as possible and when completed notify the City Clerk of such fact so that the Code Enforcement Officer may see that the same has been promptly and properly restored to its former condition; and guaranteeing that such work so reconstructed and restoration so made is made in a good and workmanlike manner, and of good and proper material; and that the same shall not deteriorate, cave in or require repair or reconstruction for a period of at least **two (2) years** from the date of approval of such work; and further conditioned that he will, upon the giving of notice to that effect, pay to the City Clerk for use of the City any and all costs and expenses to which the City may have been put, paid or become liable for in repairing and replacing such municipal property, if the work shall be done by the City, or it becomes necessary for the City to do so, the costs in all cases to be certified by the City Engineer. Any bond required hereby shall be approved by the Mayor. **(Ord. No. 82-10; 11-09-82)**

(C) The following additional requirements must be met for all demolition work performed within the City:

- (1) Demolition work shall conform to all applicable codes and regulations as specified in **Chapter 6** of the Revised Code of Ordinances for the City as well as any other applicable Federal, State or County Codes.
- (2) All work shall be performed in accordance with all applicable Federal, State and Local Codes.

- (3) No wrecking or removal of any structure shall commence until every precaution for the protection of the public has been taken.
- (4) Prior to demolition of any structure within the corporate limits, all utility connections shall be properly disconnected by the appropriate utility service; and all openings shall be properly plugged and/or capped at the property line. It is required that utility disconnections shall be performed or supervised by the proper company or agency responsible for that service.
- (5) Burning of paper, refuse, waste, or other materials is strictly prohibited within the corporate limits.
- (6) All adjacent streets, alleys and other public ways shall be kept free and clear of all rubbish, refuse and loose materials resulting from the demolition and removal operation.
- (7) All wells, cisterns, basement walls, floors, footings, steps, porches, sidewalks and all other concrete, blocks, bricks, rock, asphalt and any other parking lot materials must be removed from the site.
- (8) Septic systems must be removed in accordance with all Jackson County Health Department standards.
- (9) In clearing a demolition site, all excavations shall be filled with natural soil, and to a level compatible with the adjoining grade. If necessary, crawlspace area shall be filled to grade level with natural soil fill and graded to a tire tread finish. Soil compaction of the demolition site will be at a minimum of **eighty-five percent (85%)** and verified by the Code Enforcement Officer.
- (10) If new construction is permitted to commence within **thirty (30) calendar days** after completion of the demolition work, excavation of the site may not be required. If immediate filling is not performed, the owner is required to provide said excavation with a substantial fence protecting the excavation on all sides.
- (11) It is required to seed and straw all demolition sites unless where construction is to begin within **thirty (30) calendar days**.
- (12) All debris and plunder must be hauled to an approved landfill. Copies of receipts for each individual load from the landfill must be submitted to the Code Enforcement Officer for each individual demolition site within the City limits. No debris from outside the City limits may be brought in and disposed of onto any property within the City limits.
- (13) Unless an extension of time has been obtained in writing from the Code Enforcement Office, all work must be completed within **thirty (30) calendar days** after issuance of the permit. If not, the permit shall automatically expire, and a new permit will be required for any further work. **(Ord. No. 11-5; 04-12-11)**

(D) The following additional requirements must be met by all contractors bidding on City demolition projects:

- (1) Unless an extension of time has been obtained in writing from the Code Enforcement Office, all work must be completed within **thirty (30) calendar days** from bid award. If work is not started within **thirty (30) calendar days**, the contract will be awarded to the next low bidder at his bid price. If work has begun but is not completed, the contractor will be charged delay costs at the rate of **two percent (2%)** of his bid price per day until completion. Total charges will be deducted from contract payment.
- (2) Prior to the contractor receiving payment, the appropriate persons must sign-off verifying that the work is **one hundred percent (100%)** complete.
- (3) Payment will not be processed prior to the Code Enforcement Office receiving the required landfill receipts.
- (4) Contractor shall bear the responsibility of guarantee of his work for a period of not less than **one (1) year** after final work is complete.
- (5) Contractor must provide the Code Enforcement Office with a certificate of insurance providing the following minimum amounts:
 - (a) General Liability
 - (i) **One Hundred Thousand Dollars (\$100,000.00)** per person
 - (ii) **Three Hundred Thousand Dollars (\$300,000.00)** per occurrence
 - (b) Property Damage - **Fifty Thousand Dollars (\$50,000.00)**
- (6) Contractor must provide proof that all persons under his employ are covered by Workman's Compensation; this coverage is to include the contractor.

(Ord. No. 06-04; 04-11-06)

6-3-7 NOTICE. For the purposes of this Article, any notice required to be made by mail shall be made by certified mail, without the necessity of a return receipt requested, properly addressed and posted, to the last known address of the addressee. Proof of mailing shall be sufficient proof of receipt of any such notice.
(Ord. No. 96-16; 12-10-96)

ARTICLE IV – SATELLITE DISH

6-4-1 PERMIT FOR CONSTRUCTION. It shall be unlawful for any person to construct, install or operate a satellite dish antenna without first having complied with each of the following provisions:

(A) Obtain a permit for installation from the Code Enforcement Officer. The cost of such permit shall be **Five Dollars (\$5.00)**.

(B) Comply with the Zoning Code and in addition the following restrictions: No satellite dish antenna shall be installed so that any part thereof shall be within **six (6) inches** of any lot or property line.

(C) Comply with the National Electrical Code, Chapter 11 requirements for the installation of motor driven antennas including grounding requirements. **(Ord. No. 85-11; 11-12-85)**

ARTICLE V - FENCES

6-5-1 PERMIT FOR CONSTRUCTION. It shall be unlawful for any person to construct, install, or renovate any fence without first having complied with each of the following provisions:

(A) Obtain a permit for installation from the Code Enforcement Office. The cost of such permit shall be **Five Dollars (\$5.00)**.

(B) Comply with the Zoning Code and, in addition, the following restrictions:

- (1) No fence shall be installed closer than **three (3) feet** of any property line without the written permission of the adjacent property owner. With such written permission, such fence may be placed on the property line.
- (2) In all cases, posts to support such fences are to be on the side of the property owner constructing such fence.
- (3) No fence, other than those designated as industrial, security, or otherwise approved by the Code Office, shall present a hazard to the public (e.g. be constructed of barbed or razor wire, have broken glass exposed on the top thereof).
- (4) For the purposes of this Article, shrubs used for delineating property lines shall be considered to be fences. The setback on such shrubs shall be **three (3) feet** from any property line, to permit the owner of the property where said shrubs are planted to remain on his property in maintaining said shrubs.
- (5) All fences are to be maintained in a manner that will insure public health, safety, and protection of surrounding property values.
- (6) Swimming pool fences around in-ground pools are required and shall be at least **four (4) feet** in height with a child-proof gate.
- (7) The maximum height of a fence shall not exceed **eight (8) feet** and a fence erected on a corner lot shall conform to regulations contained in **Section 40-6-2** of the existing City Zoning Code.
- (8) Any changes made to presently existing fencing shall comply with the regulations contained within this Article.

(Ord. No. 91-20; 10-22-91)

ARTICLE VI - CONTRACTOR LICENSING

6-6-1 **PURPOSE.** To protect the public health, safety and general welfare of the citizens of the City, the Construction Contractors' Registration Program is hereby established. Said program shall ensure that all persons performing construction or certain specified trades in the incorporated areas of the City carry the appropriate insurance necessary to insure safety to life and property from all hazards incident to the construction, alteration, repair or demolition of buildings, structures or other improvements to a premises.

6-6-2 **DEFINITIONS.**

(A) **Person.** An individual, partnership, corporation, firm or other business entity.

(B) **Contractor.** Means any person engaged in the business of construction, alteration, repair or demolition of buildings, structures or other improvements to a premises and all trades of crafts associated with such work, including, but not limited to, general building contractors, carpentry contractors, heating, air conditioning, ventilating, mechanical, electrical, plumbing, roofing, landscaping when it includes lawn sprinkler systems, masonry, concrete, insulating or drywall, fencing, pool installers, siding and guttering installers, including sub-contractors who require a building permit.

Any person performing work within the City, for which a permit is required, is presumed to be a contractor and must be licensed hereunder, unless provided otherwise by this Article.

Exemption: A homeowner, his/her family member or an unpaid friend engaged in constructing, altering or repairing his/her personal residence shall not be considered a contractor for purposes of this Article, and no license is required.

(C) **Family Member.** Means brother, sister, mother, father, aunt, uncle, grandparent, step-brother, step-sister, step-mother, step-father, half-brother, half-sister, father-in-law, mother-in-law, brother-in-law, sister-in-law and first cousins.

6-6-3 **LICENSE REQUIRED.** No person shall act or perform any services as a contractor or subcontractor within the City without first obtaining a license from the City, as herein provided.

6-6-4 **LICENSE IS IN ADDITION TO STATE LICENSING.**

(A) Licensing by the City under this Article shall be in addition to any required State licensing, except where expressly provided otherwise, and shall not be construed as an attempt to supplant any State licensing requirements.

(B) Licensing by the City shall not relieve a contractor from any insurance requirements of the State that are more stringent than the minimum coverage amount as required by **Section 6-6-8(A)**.

6-6-5 EXCEPTIONS TO LICENSING REQUIREMENTS.

(A) **Electrical Contractors/Electricians.** Electrical contractors/electricians are required to be licensed pursuant to **Chapter 11, Article VI, Sections 11-6-1** through **11-6-11**, of the Revised Code of Ordinances, and no additional licensing of electrical contractors/electricians is required by this Article. Electrical contractors/electricians licensed by some other municipality of this State, who do not require further licensing with the City in accordance with **Section 11-6-1**, shall not be required to be further licensed under this Article, however, proof of such licensing and a certificate of insurance with the minimum amount of coverage as required by **Section 6-6-8(A)** must be presented prior to performing any work within City and prior to the issuance of any permits by the City.

(B) **Heating, Air Conditioning and Refrigeration Contractors.**

(1) The definitions of "heating, air conditioning and refrigeration contractor," "heating system", "air conditioning system" and "refrigeration system" as are used in **65 ILCS 5/11-32-1** are hereby adopted and incorporated by reference as if fully stated herein.

(2) A heating, air conditioning or refrigeration contractor properly licensed in the municipality of the contractor's principal place of business in this State shall not be required to be further licensed under this Article, however, proof of such licensing and a certificate of insurance with the minimum amount of coverage as required by **Section 6-6-8(A)** must be presented prior to performing any work within the City and prior to the issuance of any permits by the City.

(C) **Plumbing, Irrigation and Lawn Sprinkler System Contractors.** Plumbing, irrigation and lawn sprinkler system contractors licensed under the Illinois Plumbing License Act (**225 ILCS 320/0.01, et. al.**) shall not be required to be further licensed under this Article, however, proof of such State license must be presented prior to performing any work within the City and prior to the issuance of any permits by the City.

6-6-6 LICENSE APPLICATION. All applications for a contractor's license shall be made in writing to the Code Enforcement Officer upon forms furnished by the City.

6-6-7 **LICENSE FEE AND TERM OF LICENSE.**

- (A) The term of the license shall commence on **May 1** of the year in which it is issued and expire on **April 30** of the following year.
- (B) The fee for a contractor's license shall be **Fifty Dollars (\$50.00)**.

6-6-8 **LIABILITY INSURANCE REQUIRED.**

(A) No person shall act as a contractor or subcontractor within the City, unless exempt per **Section 6-6-5**, nor shall be licensed, unless said contractor or subcontractor deposits with the City, a certificate of general liability insurance with minimum coverage of **One Million Dollars (\$1,000,000.00)** per occurrence issued to said contractor or subcontractor by a company approved and authorized to issue such insurance by the State of Illinois, and said contractor or subcontractor shall continuously remain insured for the full period of the license period.

(B) If said insurance should at any time expire, be canceled or otherwise lapse, the license of the license holder shall immediately be revoked and all work, within the City, shall immediately cease.

(Ord. No. 10-15; 07-13-10)

6-6-9 **LICENSE ISSUANCE.**

(A) The City shall license contractors to work within the corporate limits of the City upon proper application, compliance with the provisions of this Article and payment of the fee set out in **Section 6-6-7**.

(B) All contractors and subcontractors must be licensed prior to being issued any building permits by the City.

6-6-10 **LICENSE SUSPENSION AND REVOCATION.** Any license issued under the provisions of this Article may be suspended or revoked, for any violation of this Article or any other provisions of the Revised Code of Ordinances.

6-6-11 **ENFORCEMENT.** It shall be the duty of the Code Enforcement Officer to regularly inspect the site of contractors' activities to see that the same are being conducted and operated in accordance with the requirements of this Article and all laws and Ordinances applicable thereto.

6-6-12 **PENALTY.** Any person convicted of violating any provisions of this Article shall be punishable by a fine of no less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each and every day that any person is in violation of any provision of this Article shall constitute a separate offense and said persons may be prosecuted therefore.

(Ord. No. 06-25; 09-19-06)