

**TOWN OF ST. JOHN, LAKE COUNTY, INDIANA**

**ORDINANCE NO. 962**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR THE  
REGISTRATION OF CONTRACTORS IN THE  
TOWN OF ST. JOHN.**

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the existing guidelines and regulations regarding construction, permits, contractors and degree or quality of general construction and related construction concerns within the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that the quality and condition of occupancy and residency of buildings and structures in the Town, whether Residential, Business or Industrial, is dependent, at least, in part, on the quality of the construction of such buildings and structures; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that contractors in the Town are required to comply with the designated Building, Electrical, Plumbing, and other related Administrative Codes in the fulfillment and completion of construction projects within the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has further determined that local governance of compliance with applicable Administrative Codes such as Building, Commissioner is a full-time Official of the Town who is empowered to inspect, review and approve Construction projects within the Town to verify and ascertain conformance by Contractors to the aforementioned Administrative Codes; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that the Town Electrical Inspector is a part-time Official of the Town who is empowered to inspect, and ascertain conformance by Contractors to the aforementioned Administrative Codes; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that it is necessary and advisable that all reasonable regulations be enacted to assure that the quality and condition of occupancy and residency of buildings and structures in the Town, whether Residential, Business, or Industrial, are preserved to the greatest possible extent; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that minimal regulations requiring submission of proof of Insurance and Lake County Bond currently exist for the Registration of General Contractors, Electrical Contractors, Plumbers, and various Specialty Contractors in the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that the Town examination and licensing currently exists only for Electrical Contractors in the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that no Registration fee is currently collected to assist the Town with costs required to maintain and check Registration records of all Contractors working in the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that it is necessary, advisable and in the best interests of the residents of the Town to establish and adopt regulations and fees for the Registration of all contractors in the Town in order to assure that the quality and condition of occupancy and residency of buildings and structures in the Town, whether Residential, Business, or Industrial, are preserved to the greatest possible extent, and so as to promote the public health, safety, comfort, morals, convenience, and general welfare and well-being of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: DEFINITIONS.

This Ordinance is intended to be gender neutral and equally applicable to all persons so that if the masculine or feminine gender of a word is used it should be interpreted to mean both sexes. As set forth in this Ordinance, the following definitions shall apply unless expressly denoted otherwise:

A. CONTRACTOR.

Any Business Entity, or an Officer, Employee, Agent, or Representatives of such who, for compensation undertakes to, or submits bid to, or does himself, or has done by others, construction repair, alteration, remodeling, addition to, subtraction from, and improvement of any structure and building, and/or manages all or any other above items, and who is responsible for all contracting within an entire project.

B. SPECIALTY CONTRACTOR.

In addition to the foregoing, one who specializes in a particular branch of the building construction industry who shall be limited to said specific field of work practiced.

C. REGISTRATION.

The act by which the Town confers upon a Business Entity the privilege to act and perform as a Contractor within the Town,

which Registration shall be evidence by a Certificate of Registration.

D. TOWN.

The Town of St. John, Lake County, Indiana, or its duly designated official or representative.

SECTION TWO: BOARD.

The Town of St. John Contractors Board of Licensing is hereby created. This Board shall have general charge and responsibility of administering this Ordinance. The title of this Board is as follows:

**"Town of St. John Contractors Board of Licensing"**

A. DUTIES AND POLICIES

It shall be the duty and policy of the Board to:

1. Prescribe the form Licenses and issue same, and to investigate and supervise all Licenses it issues;
2. Issue Contractor and Specialty Contractor Licenses to any business entity who meets the requirements and complies with the provisions of this Ordinance.
3. It shall be the responsibility of this Board to adopt and promulgate rules and regulations for conduct of its business consistent with the guidelines and provisions of this Ordinance and do all things necessary to carry out and enforce the provisions of this Ordinance.
4. The Secretary shall call all meetings of the Board as directed by the Board Chairman. Sufficient notice shall be given to permit each Board member to attend all meetings. Three (3) members in attendance at Board meetings shall constitute a quorum sufficient for the transaction of the Board's business. A majority vote of all members in attendance shall be required to bind the Board.

B. BOARD COMPOSITION

This Board shall consist of Five (5) Members to be appointed as follows:

1. The Town Administrative Assistant/Zoning Administrator, or his designated agent, by virtue of his office, shall serve as a voting member on the Board as long as he serves in his capacity as Administrator Assistant/Zoning Administrator.
2. Four (4) Citizen Members shall be appointed by the Town Council as follows:
  - (a) All Citizen Members shall be residents of the Town of St. John, Indiana.
  - (b) One (1) Citizen Member who shall have been actively engaged in the Building Construction Industry for not less than Two (2) years immediately prior to appointment.
  - (c) One (1) Citizen Member shall be from the community at large.
  - (d) One (1) Citizen Member who shall have been actively engaged in the Electrical Construction Industry for not less than Two (2) years immediately prior to appointment.
  - (e) One (1) Citizen Member who shall have been actively engaged in the Building Construction or Electrical Construction Industries for not less than Two (2) years immediately prior to appointment.
3. All Five (5) Members of this Board shall be entitled to vote on all issues pertaining to the functions of this Board;
4. Upon initial passage of this Ordinance, Two (2) of the Citizen Members appointed to this Board by the St. John Town Council shall serve a term of One (1) year and Two (2) shall serve a term of Two (2) years.
5. Appointments thereafter shall be staggered and shall be for a term of Two (2) years. Each term of Two (2) years shall begin January 1st and end (or expire) on December 31st of each respective member's term. Members whose term ends or expires shall continue to serve until an appointment is made to replace them.
6. One (1) of the Five (5) Board Members shall be elected to serve as Chairman at the first meeting of each calendar year to serve as Chairman until the next election. A Member can serve as Chairman for as many terms as he is elected. The Board may elect such other Officers when and how it deems necessary.

SECTION THREE: Registration.

Business Entities seeking to conduct business in the Town shall be required to be registered in order to engage in the business of building construction in the Town. Business Entities file a written application of a form to be provided by the Town which shall contain such information as the Town deems necessary to determine the qualifications and competency of the Applicant.

SECTION FOUR: Registration APPLICATION.

A. Any Business Entity seeking to be registered to conduct business in the Town as a Contractor or Specialty Contractor shall file a written application on a form to be provided by the Town which shall contain such information as the Town deems necessary to determine the qualifications and competency of the Applicant.

B. The application shall be filed on behalf of the Business Entity, and shall also contain the name of the Individual who will manage said business. Where a Certificate of Registration shall be issued, authority to transact business thereunder as Contractor, or Specialty Contractor shall be limited to One (1) Individual, Officer or Representative of such Business Entity to be designated in the application and named in the Certificate of Registration. In the event the designated Individual, Officer or Representative leaves the entity, the Certificate of Registration becomes null and void. Each other Individual or Employee of such Business Entity seeking to act as a Contractor or Specialty Contractor in connection with the business of the entity, shall be required to apply for and receive a separate Certificate of Registration.

C. Every application shall be accompanied by Two (2) recent photographs of the Applicant (size 1-1/2" x 2").

D. Every Applicant for a Certificate of Registration as a Contractor or Specialty Contractor in the Town shall present and accompany with the application a valid and current License issued by the Board of Licensing and Registration for Lake County, Indiana, and shall provide compliance with all requirements of the Lake County Board of Licensing and Registration, as amended from time to time.

E. Upon the filing of an Application, the Town may investigate the statements contained therein and, if any statements are found to be untrue, may refuse to register the Applicant.

F. Before a Certificate of Registration is issued by the Town to any Applicant; the Town shall require the Applicant to provide proof of the filing of the Bond required to be provided by the Lake County Board of Licensing and Registration, as well as proof of compliance with the Lake County Board of Licensing and Registration Insurance requirements.

G. Whenever any Certificate of Registration issued under the provisions of the Ordinance, as amended from time to time, is revoked by the Town, the Town shall be entitled to institute proceedings to forfeit the Bond or recover from the bond posted with Lake County.

H. A License issued by the Board is valid until the Contractor to whom the License was issued fails to perform any work under that License for a period of Five (5) years, in which case the License expires. A license issued by the board is valid unless revoked by the Board.

I. In the event a Contractor or Specialty Contractor who is issued a Certificate of Registration by the Town allows the Registration to expire, that Business Entity shall be required by the Town to reapply for a new Certificate of Registration.

J. Upon receipt of an Application for renewal by an Applicant who, during the preceding period of Registration, has violated any of the provisions of this Ordinance, as amended from time to time, or any rules and regulations promulgated therein, the Town shall make such investigation as it deems necessary to determine the fitness of the Applicant for renewal of the Certificate of Registration. In the event the Town determines after said investigation that issues exist as to whether the Application for renewal under consideration should be renewed, it shall advise the Applicant and that Applicant shall thereafter within Thirty (30) days show cause to the Town why the Certificate of Registration should be renewed. If, after hearing, the Town determines that the Certificate of Registration should not be renewed, the Applicant shall be notified, and the applicant thereafter may seek remedies under the Laws of the State of Indiana.

K. No Certificate of Registration shall be renewed during any period a Registrant is under citation by the Town for Violation of any of the provisions of this Ordinance, as amended from time to time, or any rules promulgated by the Town; however, the Town, at its discretion, may temporarily extend the Applicant's current Registration for a period of Thirty (30) days, or until the act complained of shall be heard by the Town, and during any period of appeal provided for by this Ordinance, as amended from time to time.

L. The fees to be charged by and paid to the Town by Registrants for all Certificates of Registrations, and Renewals thereof, shall be as follows:

1. A fee of Twenty-Five (\$25.00) Dollars shall accompany an Application for a Certificate of Registration.
2. An additional fee of Fifty (\$50.00) Dollars shall be required for the initial issuance of the Certificate of Registration, upon approval of the application.
3. A fee of Fifty (\$50.00) Dollars shall be paid to the Town for every annual renewal of the Certificate of Registration.

M. All fees assessed by the Town and collected shall be paid into the Treasury of the Town of St. John, Indiana, and shall be credited to the Town General Fund.

N. All construction work in progress on the effective date of passage of this Ordinance shall be allowed to be completed without the issuance of a Certificate of Registration.

O. In the event a Certificate Holder shall have been convicted in this State, or any other state, of obtaining money under false pretenses, extortion, forgery, embezzlement, or criminal conspiracy to defraud, or other like offenses and a duly certified or exemplified copy of the record in the proceeding is filed with the Town, the Town shall revoke the Certificate of Registration issued to the Registrant Holder. In the event of the revocation or suspension of the Certificate of Registration issued to any member of a co-partnership, association, or corporation or an employee thereof, the Certificate issued to the other co-partner, member, or members of the firm, association, or corporation shall be revoked unless, within the time fixed by the Town, where as co-partnership or association, the connection of the member or employee whose License has been suspended (or revoked) shall be severed and his or her employment thereby in the case of an employee, be terminated, and his or her share in its activities brought to an end, or where a corporation, the offending officer of employee shall be discharged and shall have no further participation in the corporate activities.

#### SECTION FIVE: VIOLATIONS AND ENFORCEMENT PROCEDURES.

The Town may, upon its own motion, upon the verified complaint in writing of any individual setting forth specifically the wrongful action or acts complained of, investigate any action or business transaction of a Certificate of Registration Holder and shall have the power to suspend or revoke a Certificate of Registration issued by the Town under the provisions of this Ordinance, as amended from time to time, if after due proceedings as herein provided, it shall find the holder to have been guilty of the performance or attempt to perform any of the following prohibited acts or conduct.

A. Willful and deliberate disregard of the applicable Construction Codes and Ordinances of the Town, Lake County, State of Indiana, or any Rules or Administrative Building/Construction Codes;

B. Aiding or abetting any unlicensed entity, or its designated agent or representative, to evade the provisions of this Ordinance, as amended from time to time, or Rules and Regulations promulgated pursuant thereto, including any and all applicable Administrative Building/Construction Codes;

C. Knowingly combining or conspiring with a non-Registered Business Entity, or its duly authorized agent or representative, with the intent to evade the provisions of this Ordinance, as amended from time to time, or Rules and Regulations thereto, including any and all applicable Administrative Building/Construction Codes;

D. Acting in the capacity of a Contractor under any Certificate of Registration issued hereunder except in the name of the Holder as set forth on the issued Certificate;

E. Diversion of funds or property received from prosecution of completion of a specified construction project, or operation, where as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his here obligation or contract;

F. In the case of a contractor being adjudicated as bankrupt, or the making by a contractor of a composition with creditors or the appointment of a receiver for the Registrant's business;

G. Paying compensation in money or other valuable consideration to any Business Entity, or its duly authorized agent or representative, other than a Registered Contractor, for rendering services of doing any act required by this Ordinance, as amended from time to time, to be performed by a Registered Contractor holding a valid Certificate of Registration;

H. Violation of any provisions of this Ordinance, as amended from time to time, by an agent or employee of any Registered Contractor shall be grounds for the suspension or revocation of the License of the employer. For the purpose of the preceding sentence, a course of dealing shown to have been consistently followed by an employee shall constitute prima facie evidence of knowledge on the part of the employer;

I. Any Business Entity, or its designated agent or representative aggrieved by any action by the Town is suspending, revoking, or failing to renew a Certificate of Registration may seek judicial review thereof;

J. The record of the Town, or a duly certified copy thereof, shall be admissible in any proceedings at law or in equity in any court of Competent Jurisdiction in this County or any other Jurisdiction in which the Applicant or Certificate of Registration Holder charged or under investigation is a Party, and where the issues involved in the proceedings are pertinent to the inquiry being made, and the verdict or judgment of the Court in any proceeding in equity shall be prima facie evidence of the facts at issue in the proceedings and necessarily adjudicated therein;

K. The verdict in any prosecution in any Court of record of this or any State in which the applicant or Certificate of Registration Holder charged shall have been the defendant, shall be conclusive as to the facts charged and at issue in such prosecution;

L. After the revocation of any Certificate of Registration, no new Certificate of Registration shall be issued to the same Certificate of Registration Holder within a period of at least One (1) year subsequent to the date of revocation;

M. Whenever a new Certificate of Registration is issued by the Town to any Business Entity whose Certificate of Registration has been previously revoked, the issuance shall be treated as an initial issuance and the Applicant shall be required to pay the fee, and in the case of Contractors, shall be required to submit all information and documentation required of all other Applicants;



N. When any Business Entity of duly authorized agent or representative of such, acts as a Contractor without first obtaining a Certificate of Registration from the Town as provided herein, or any Individual who continues to act as a Contractor after his or her Certificate of Registration has been suspended or revoked, the duly appointed representative of the Town shall, in the name of the Town, bring actions in the Circuit or Superior Courts of Lake County, Indiana for mandatory and injunctive relief in the enforcement of, and to secure compliance with, any Order or Orders made by the Town, and any such action for mandatory injunctive relief may be joined with an action to recover the Penalties provided for in this Ordinance, as amended from time to time.

O. Any person or entity violating any of the provisions of this Ordinance, as amended from time to time, or refusing a lawful order issued by the Town, or a duly designated representative of the Town, shall be fined in a sum not less than Ten (\$10.00) Dollars, nor more than Three Hundred (\$300.00) Dollars and additionally, shall be required to pay any and all costs incurred by the Town in enforcing this Ordinance, as amended from time to time, including but not limited to, reasonable Attorney's Fees, inspection fees, Administrative costs, court costs and the like. Each day of such unlawful activity shall constitute a separate offense. The Town shall further be permitted to institute proceedings seeking injunction, abatement, or any other appropriate legal action to prevent, enjoin, abate or remove such violation. The remedies provided for herein shall be cumulative, and not exclusive, and shall be in addition to any other remedies provided by applicable law.

P. Any Business Entity, or duly designated agent or representative, which fails to renew its Certificate of Registration and continues to act as a Contractor after the same has expired, shall be fined in accordance with the provisions set forth in this Ordinance, as amended from time to time.

#### SECTION SIX: EXCEPTIONS AND EXCLUSIONS.

This Ordinance, as amended from time to time, does not apply to the following:

A. An unauthorized Employee of the United States, The State of Indiana, County of Lake, Town of St. John, or any political subdivisions thereof, so long as the Employee does not hold himself out for hire and is acting within the scope of his employment;

B. Public Utilities, where construction, maintenance, and development work performed by their own forces and incidental to their business;

C. The Owner-Occupant of a single-family dwelling unit when said Owner-Occupant is himself alone constructing, installing altering, remodeling or repairing the residential unit he occupies. However, this exclusion shall not be available more than once every Five (5) years when applied toward construction of a new single-family residence.

D. Any construction, alteration, improvement or repair of improvements located on any site and project where State and Federal law supersedes this Section;

E. Any individual who is employed or acts as a maintenance person at his place of employment.

F. Plumbers who possess a valid Indiana Plumbing contractors License will not be required to be licensed with the Board of Licensing and Registration for Lake County, Indiana, but must provide proof of Bond and Insurance as required elsewhere in this Ordinance, as amended from time to time.

#### SECTION SEVEN: REGISTRATION -- ENFORCEMENT.

Nothing in this Ordinance, as amended from time to time, shall limit the power of any political subdivision to regulate the quality and the character of work performed by Contractors through the enforcement of Building Codes and inspections.

State Licensed Plumbers and Well Diggers shall be required by the Town to pay a fee as prescribed by this Ordinance, as amended from time to time, for a Certificate of Registration empowering the aforementioned Contractors to perform work in the Town.

#### SECTION EIGHT: RENEWAL.

(a) All Certificate of Registration expire at midnight, February 28th or 29th, if applicable, of each year unless the Holder renews the Certificate of Registration prior to expiration and pursuant to the terms of this Ordinance, as amended from time to time.

(b) Upon receipt of an Application for Renewal of a Certificate of Registration from an applicant and upon satisfactory evidence of compliance with Paragraphs (d) and (e) of this Section, the Administrative Assistant, or his designated representative shall make such investigation as deemed necessary to determine the fitness of the applicant for renewal of the Certificate of Registration. In the event the Administrative Assistant, or his designated representative, determines, after said investigation, that the application under consideration should be approved, the Administrative Assistant, or his designated representative shall issue a Renewal and so inform the Board. However, in the event the Administrative Assistant, or his designated representative determines, after said investigation, that an issue exists as to whether the Application for Renewal should be approved, he shall so advise the Applicant and the Board. The Applicant shall, within Thirty (30) days show cause to the Board the reason(s) the Certificate of Representation should be renewed. The Board shall issue a written decision after reviewing the evidence submitted by the Applicant and Administrative Assistant, or his designated representative and, if the decision is to deny the renewal, the Board shall state in the written decision, the reason(s) for the denial.

(c) Upon receipt of an Application for Renewal of a License from an Applicant who, during the preceding registration period, has been found by the Board to have violated any of the provisions of this Ordinance of any rules or regulations promulgated by the Board, the Board shall make or direct to have made such investigation as it deems necessary to determine the fitness of the Applicant for renewal of his Certificate of Registration. In the event the Board determines after said investigation that any issues exist whether the Application for Renewal under consideration should be approved, it shall so advise the Applicant and he shall, thereafter, within Thirty (30) days, show cause to the Board why the Certificate of Registration should be renewed. The Board shall issue a written decision after reviewing the evidence submitted the Applicant, and, if the decision is to deny the renewal, the Board shall state in the written decision the reason(s) for the denial.

(d) Annual Continuation Certificates or other document(s) necessary to maintain insurance required by this Ordinance, as amended from time to time, filed with the St. John Building and Planning Department. All Continuation Certificates or other documents shall be filed with the St. John Building and Planning Department in such timely manner to provide evidence necessary for License, renewals under this Section of the Ordinance, as amended from time to time.

(e) There shall be a fee of Fifty (\$50.00) Dollars accompanying every annual Certificate of Registration Renewal Application.

(f) No Certificate of Registration shall be renewed during any period a Holder is under citation by the Board for violation of any of the provisions of this Ordinance or any rules or regulations promulgated by the Board; however, the Board, at its discretion may temporarily extend the Applicant's current Certificate of Registration period, or periods of time, not to exceed Thirty (30) days, or until the violation is heard by the Board.

#### SECTION NINE: IDENTIFICATION.

Every Contractor's Certificate of Registration shall be displayed at the principal business office of the Contractor, or place of employment.

#### SECTION TEN: LEGAL PROCEEDINGS.

Where in any proceeding before the Town, any Contractor or witness shall fail or refuse to attend a request issued by the Town or any representative; or appearing, shall refuse to provide any information or data, the production of which is called for by the Town, the Town shall institute legal action which shall be enforced by the Circuit or Superior Courts of Lake County.

#### SECTION ELEVEN: AUTHORIZATION.

The Town Contractors Board of Licensing of St. John, Lake County, Indiana, is hereby

authorized and empowered to adopt, fix, and establish all Rules and Regulations necessary for the proper administration of the provisions of this Ordinance, as amended from time to time.

SECTION TWELVE:

That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and no legal effect, and are specifically repealed.

SECTION THIRTEEN:

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decisions shall not affect any other section, clause, provisions or portion of this Ordinance.

SECTION FOURTEEN:

That this Ordinance shall take effect, and be in full force and effect, from and after, January 1995, and passage by the Town Council of the Town of St. John, Lake County, Indiana.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 11<sup>th</sup> DAY OF October, 1994.

TOWN OF ST. JOHN, LAKE COUNTY,  
INDIANA, TOWN COUNCIL

Carl Brown  
Carl Brown, President

Kenneth D. Gembala  
Kenneth D. Gembala, Member

Douglas E. Patterson, Member

ATTEST:

Judith L. Companik  
JUDITH L. COMPANIK  
Clerk-Treasurer