

ORDINANCE NUMBER 3757

**AN ORDINANCE PROVIDING FOR THE LICENSING AND REGISTERING
OF ELECTRICAL AND MECHANICAL CONTRACTORS
IN THE CITY OF GOSHEN, INDIANA**

WHEREAS, in order to safeguard the life, health, and public welfare of City of Goshen citizens, the work of electrical and mechanical contractors is a matter affecting the public interest, and any individual engaging in such work as herein defined shall be required to show proof of his or her competency and qualifications by becoming licensed to perform such work in the City of Goshen;

WHEREAS, in order to safeguard the life, health, and public welfare of City of Goshen citizens, the quality and character of work performed by electrical and mechanical contractors shall be regulated through inspections and the enforcement of building codes; and

WHEREAS, to insure that City of Goshen Building Department officials have the records necessary to inspect the work of electrical and mechanical contractors licensed hereunder, such individuals, must register annually with the City of Goshen.

NOW, THEREFORE, be it ordained by the Common Council of the City of Goshen, Indiana that:

SECTION 1 - TITLE

1. This ordinance shall be more commonly known as the “Licensing and Registering of Contractors Ordinance of the City of Goshen, Indiana.”

SECTION 2 - DEFINITIONS

1. **CLASS A MECHANICAL CONTRACTOR.** A class A mechanical contractor within the meaning of this ordinance shall be considered any individual who, for hire, does himself or herself or by employing others to do the same on his or her behalf, erects, installs, alters, repairs, relocates, replaces, maintains, designs or performs any other work to any heating, ventilating, cooling, refrigeration system and other miscellaneous heat-producing appliances, including all appurtenances, apparatus or equipment used in connection therewith. A mechanical contractor, however, may not make the electrical connection from the warm air heating unit, air-conditioning unit, or wet/dry heat pump into the main service box.
2. **CLASS B MECHANICAL CONTRACTOR.** A class B mechanical contractor within the meaning of this ordinance shall be considered any individual who, for hire, does himself or herself or by employing others to the same on his or her behalf, installs, alters, repairs, relocates, replaces, maintains or performs any other work to any heating, ventilating or cooling system, including all appurtenances, apparatus or equipment used in connection therewith exclusively in any mobile home dwelling unit. A mechanical contractor, however, may not make the electrical connection from the warm air heating unit, air-conditioning unit, or wet/dry heat pump into the main service box.
3. **ELECTRICAL CONTRACTOR.** An electrical contractor within the meaning of this ordinance shall be considered any individual who, for hire, does himself or herself or by employing others to do the same on his or her behalf, installs, alters, repairs, replaces, designs or performs any other work to an electrical system.

4. LICENSEE. A licensee within the meaning of this ordinance shall be considered any individual who holds an electrical contractor license, class A mechanical contractor license or class B mechanical contractor license, and is registered with the City of Goshen Building Department pursuant to this ordinance.

SECTION 2 - LICENSING AND REGISTERING REQUIRED; DISPLAY

1. Any individual acting in the capacity of an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen, Indiana shall be required to first obtain the appropriate license and register annually with the City of Goshen Building Department.
2. Any license granted under this ordinance shall be prominently displayed at the licensee's principal place of business.

SECTION 3 - APPLICATION FOR LICENSE AND LICENSING REQUIREMENTS

1. Any individual desiring to be licensed as an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen must file with the City of Goshen Building Department a written application, on the form provided by the Building Department, that contains information considered necessary to determine the qualifications of the applicant.
2. Any individual at least 18 years of age and that satisfies the further requirements of this ordinance may be licensed by the City of Goshen as an electrical contractor, class A mechanical contractor or class B mechanical contractor, as appropriate.
3. Any individual desiring to be licensed as an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen, Indiana is eligible for such a license upon the successful completion of an examination as provided for in this ordinance.
4. To qualify for an electrical contractor, class A mechanical contractor or class B mechanical contractor licensing examination, the applicant must also provide to the City of Goshen Building Department evidence of the applicant's training, experience and past work record.
5. If the applicant holds an electrical contractor license, class A mechanical contractor license or class B mechanical contractor license in another locality, the appropriate license may be granted in the City of Goshen without examination, provided that the requirements for the licensing of an electrical contractor, class A mechanical contractor or class B mechanical contractor in the other locality are equal to or greater than the requirements in force in the City of Goshen.

SECTION 4 - EXAMINATIONS

1. Except as otherwise provided in section 3, paragraph 5 of this ordinance, applicants for a license as an electrical contractor, class A mechanical contractor or class B mechanical contractor, as appropriate, must pass an examination administered by the City of Goshen Building Commissioner. The contents of the examination must, for each license category, test the current level of skills required of individuals to be licensed in that category.
2. A passing score shall be considered a score of 75 percent or better.

3. Examinations will be administered at least two times each year at the times, dates and locations as the City of Goshen Building Commissioner may prescribe. A notice will be posted in the City of Goshen Building Department and the Clerk-Treasurer's Office at least 30 days prior to the application deadline for taking the examination.
4. An examination fee in the amount as indicated in the "City of Goshen Building Department Fee Ordinance" that is currently in effect shall accompany an application to take an examination for each licensing category.
5. No refund of the examination fee will be made to an applicant after the application deadline.

SECTION 5 - LICENSING APPROVAL

1. The applications of all new applicants scoring 75 percent or better on the licensing examination shall be submitted to the Board of Public Works and Safety for approval, along with any other information regarding the applicant's training, experience and past work record.
2. The applications of all new applicants holding an electrical contractor, class A mechanical contractor or class B mechanical contractor license in another locality shall be submitted to the Board of Public Works and Safety for approval, along with any other information regarding the applicant's training, experience and past work record. The application must include written verification from the other locality that the applicant has met the requirements for the licensing of an electrical contractor, class A mechanical contractor or class B mechanical contractor in the other locality, and those requirements are equal to or greater than the requirements in force in the City of Goshen.
3. If the Board of Public Works and Safety approves the application for the licensing of any individual to act in the capacity of an electrical contractor, class A mechanical contractor or class B mechanical contractor, the Board shall authorize the Building Commissioner to issue an initial license, as appropriate, and register the applicant.
4. All new applicants seeking licensing under this ordinance are required to pay an initial licensing fee in the amount as indicated in the "City of Goshen Building Department Fee Ordinance" that is currently in effect the date their application is submitted for approval.
5. All new applicants seeking licensing under this ordinance are required to file with the City of Goshen an approved surety bond, as required by this ordinance.

SECTION 6 - LICENSE RENEWAL AND REGISTRATION REQUIREMENTS

1. Every license and registration issued under this ordinance shall expire December 31 of each year.
2. Any licensee in good standing shall have the right, without further examination or approval of the Board of Public Works and Safety, to renew their license and registration by filing an application with the City of Goshen Building Department no later than 15 days prior to the expiration of their current license and registration. Upon receipt of the application for renewal, payment of the required renewal fee in the amount as indicated in the "City of Goshen Building Department Fee Ordinance" that is currently in effect, and the filing of an approved surety bond, as required by section 7 of this ordinance, the Building Commissioner shall issue to the applicant a renewal license and registration in the license category the applicant previously held.

3. In the event any licensee fails to renew their license by February 28, the licensee may no longer act in the capacity of an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen, Indiana, and shall be considered a new applicant for purposes of this ordinance.

SECTION 7 - SURETY BOND REQUIRED

1. Any individual desiring to be licensed as an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen shall furnish a surety bond in the amount of Five thousand dollars (\$5,000.00), to be approved by the Board of Public Works and Safety, guaranteeing the faithful compliance of all ordinances, codes and laws regulating work and services provided by electrical contractors, class A mechanical contractors or class B mechanical contractors, as appropriate, with an agreement to pay all costs, damages and expenses that may result from the negligence of the licensee in failing to comply with such ordinances, codes and laws.
2. All surety bonds shall expire on December 31.

SECTION 8 - EXPIRATION, SUSPENSION, REVOCATION OR RESTRICTION OF LICENSE

1. Any license issued pursuant to this ordinance may be expired, suspended, revoked or otherwise restricted by the Board of Public Works and Safety if:
 - a. A licensee has employed or knowingly cooperated in fraud or deceit in order to obtain a licence to practice as an electrical contractor, class A mechanical contractor or class B mechanical contractor.
 - b. A licensee has engaged in fraud, deceit or other misconduct in the course of providing services to clients in the City of Goshen.
 - c. A licensee has violated any ordinance, code or law regulating work and services provided by electrical contractors, class A mechanical contractors or class B mechanical contractors, as appropriate.
 - d. A licensee ceases to be an electrical contractor, class A mechanical contractor or class B mechanical contractor, as appropriate.

SECTION 9 - VIOLATIONS

1. It shall be a violation of this ordinance for any individual to act in the capacity of an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen, Indiana without first obtaining the appropriate license and registering with the City of Goshen Building Department.
2. It shall be a violation of this ordinance for any individual that fails to renew the individual's license and continues to act in the capacity of an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen, Indiana after the license has expired.
3. It shall be a violation of this ordinance for any individual to continue to act in the capacity of an electrical contractor, class A mechanical contractor or class B mechanical contractor in the City of Goshen, Indiana after the individual's license has been suspended or revoked pursuant to this ordinance.

SECTION 10 - ENFORCEMENT AND PENALTIES

1. If the Building Commissioner believes that the license of any electrical contractor, class A mechanical contractor or class B mechanical contractor should be suspended, revoked, or otherwise restricted, the Building Commissioner may request that the Board of Public Works and Safety take action by issuing an order to:
 - a. Suspend the licensee's license;
 - b. Revoke the licensee's license; or
 - c. Restrict the licensee's license as deemed appropriate by the Board of Public Works and Safety.
2. The Board of Public Works and Safety may take action only after a notice is given to the individual whom the order is specifically directed, and a hearing is conducted at least ten days after the date notice is deemed to be given.
 - a. Notice to the individual shall be deemed sufficient if given by:
 - i. Sending a copy of the order by registered or certified mail to the residence, place of business or employment of the individual to be notified with return receipt requested;
 - ii. Delivering a copy of the order personally to the individual to be notified; or
 - iii. Leaving a copy of the order at the residence or usual place of abode of the individual to be notified.
 - b. At the hearing, the individual to whom an order has been issued shall be given the opportunity to appear at the hearing with or without counsel, present evidence, cross-examine witnesses and present arguments.
 - c. Any individual aggrieved by any action of the Board of Public Works and Safety in suspending, revoking, or otherwise restricting the individual's license and certificate of registration may appeal the decision to any court of competent jurisdiction in Elkhart County, Indiana within 30 days from the date of the Board's action.
3. The City of Goshen may bring action to enforce the provisions of this ordinance by filing a complaint in any court of competent jurisdiction within Elkhart County, Indiana.
4. Any individual violating any provisions of this ordinance may be fined an amount not to exceed Five hundred dollars (\$500.00), in addition to any court costs, including reasonable attorneys' fees. Each day that a violation occurs or continues shall be deemed a separate offense of this ordinance.

SECTION 11 - REPEAL OF PRIOR ORDINANCES

1. This ordinance specifically repeals ordinance numbers 3285 and 3291.

SECTION 12 - SEVERABILITY CLAUSE

1. If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

SECTION 13 - EFFECTIVE DATE

1. The provisions set forth in this ordinance shall become and remain in full force and effect from and after its passage and adoption, approval and publication as required by law.

PASSED AND ADOPTED, by the Common Council of the City of Goshen, Indiana on February 4, 1997.

/s/Mike Puro
Mike Puro, Presiding Officer

Attest:

/s/ Nancy Hoke
Nancy Hoke, Clerk-Treasurer

Presented by me to the Mayor of the City of Goshen, Indiana for his approval on February 4, 1997 at the hour of 7:00 p.m.

/s/ Nancy Hoke
Nancy Hoke, Clerk-Treasurer

This ordinance, having been passed by the Common Council of the City of Goshen, Indiana and presented to me is approved and duly adopted on February 4, 1997 at the hour of 7:00 p.m.

/s/ Mike Puro
Mike Puro, Mayor