

**CHAPTER 38<sup>1</sup>**  
**BUILDING CONTRACTOR LICENSING**

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**38.01 LICENSE REQUIRED**

No person, firm, corporation, partnership, sole proprietorship or limited liability corporation shall operate as a "building contractor" either by himself, herself or itself, or through an agent, employee or partner, without first having obtained a contractor license from the Village of Lake in the Hills.

The term "building contractor" shall mean and include, but not be limited to, any business engaged in the constructing, altering, or razing of buildings or other structures. Also included would be contracting for concrete work, masonry, carpentry, general contractors, asphalt, roofing, mechanical, electrical, plumbing, or the installation of pools, hot tubs, patios, walks, siding, decks, piers, gazebos, pergolas, sheds, driveways, air conditioners, or signs.

Any person or business doing construction of work that would require a building permit per Chapter 24 of this code would be presumed to be a "building contractor" and would be required to obtain a contractor license.

Plumbing Contractors licensed by the Illinois Department of Public Health must obtain a license from the Village. Plumbing Contractors must submit an application and a copy of their state license. The building contractor license fee, insurance and bond requirements are waived.

**38.02 APPLICATIONS**

Applications for all licenses shall be made to the Community Development Department on a form provided by the Village.

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<sup>1</sup> Established by Ordinance 1994-95-29, 12/8/94.

In addition to the application, each applicant shall provide the Village with the following:

A. Each building contractor shall provide a certificate or other sufficient proof of insurance showing that the contractor carries comprehensive general liability insurance with limits totaling not less than \$1,000,000 for general aggregate, \$1,000,000 for each occurrence and \$1,000,000 for products and completed operations aggregate. By submitting an application to the Village, the contractor represents, warrants and covenants that the contractor shall maintain such liability insurance in full force and effect for the term of the license. The Village of Lake in the Hills must be listed as the certificate holder.

B. All building contractors shall give bond to the Village in the penal sum of ten thousand dollars (\$10,000) with surety to be approved by the Director of Community Development or his or her designee, conditioned to keep and save harmless the Village from any and all damage that may result to pavements, sidewalks, or other public property of the Village resulting from the use of its streets in connection with such business, and further, to save and keep harmless the Village from damages to persons or property arising from suits or claims resulting from obstructions or materials deposited or dropped upon the streets or other public places in the Village by such building contractor. The Village of Lake in the Hills must be listed as the certificate holder.

Each application also shall contain:

1. The principle location of the place of business, occupation or activity;
2. The applicable fee;
3. A certificate of "good standing" from the Illinois Secretary of State or a copy from the Secretary of State's website showing proof of "good standing", if applicable; and
4. Such additional information as may be required by the Village.

### **38.03 INVESTIGATION**

By submitting an application to the Village, such applicant authorizes the Village to undertake the following:

1. Consult with the Better Business Bureau to assess the number and nature of complaints filed against the applicant, if any;
2. Consult with the building departments of municipalities

in which the applicant has undertaken construction projects;

3. Interview the officers, partners and principals of the applicant; and
4. Review any past complaints made against the applicant for work within the Village.

Notwithstanding the foregoing, the Village shall not be obligated to undertake such an investigation of an applicant. The Director of Community Development shall make the determination for or against the Village's granting a license to the applicant.

#### **38.04 APPROVAL; DISAPPROVAL**

A. After considering the information contained within the application and related investigative reports, if any, the Director of Community Development or his or her designee shall determine if the application is satisfactory. When an application has been approved the Village shall notify the applicant. All licenses shall be signed by the Director of Community Development or his or her designee before they are issued.

B. In the event an application is not approved, the Village shall notify the applicant of such decision in writing. In such event, no license will be issued.

#### **38.05 LICENSE TERM; RENEWAL**

A. Every license shall be issued for a term from the date of issuance until the 31st day of December following the date of issuance.

B. Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for renewal of a license shall be the same as the requirements and procedures for granting a new license.

#### **38.06 LICENSES NOT ASSIGNABLE; UNLAWFUL USE**

A. No license may be assigned, sold, loaned or transferred. No person, firm or corporation shall use or display any license that has been improperly acquired.

B. No person, firm or corporation shall alter, deface, forge or counterfeit any license issued by the Village.

#### **38.07 REVOCATION OF LICENSE**

A. Licenses issued by the Village may be revoked by the

Village after notice and hearing as provided in this Section for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the license.
2. Any violation by the licensee of any provision of this Chapter 38 or other ordinances of the Village relating to the license, the subject matter of the license or permit, or to the premises under construction or alteration.
3. Conviction of the licensee of any felony or any conviction of the licensee of a misdemeanor when such misdemeanor conviction indicates the licensee's inability to operate a safe, honest, or legitimate business operation within the Village.
4. Failure of the licensee to pay any fine, penalty by the Village or charge owed by the licensee to the Village.
5. Refusal to permit an inspection or sampling by the Village or any interference with a Village officer or employee while in the reasonable performance of his or her duties in making such inspections.
6. Repeated and documented incidents of poor or deficient workmanship in connection with projects undertaken within the Village.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this Chapter 38 or other ordinances of the Village.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds for such revocation, and shall include the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee, at his or her last known address, at least five days prior to the date set for the hearing.

C. At the hearing, the licensee may be represented by an attorney and shall have the right to submit evidence and cross-examine witnesses. The Village President shall preside at such hearing. After considering testimony and evidence, the Village President shall determine whether such license shall be revoked.

D. An electronically recorded record of the hearing shall be kept. The licensee may provide, at the licensee's expense, a court reporter to record the proceedings.

E. Within a reasonable time after the conclusion of the hearing, but no later than 30 days thereafter, the President shall file a written decision with the Administrator, in which he/she sets forth the written findings of the Village, has summarized the evidence and has stated the reasons for such decision.

#### **38.08 NO SEPARATE BUSINESS LICENSE REQUIRED**

A licensed building contractor who has their established business location in the Village of Lake in the Hills must obtain a separate business license pursuant to this Code, however the business license fee will be waived.

#### **38.09 LICENSE FEE**

The license fee shall be \$75.00 and shall be paid annually unless otherwise provided.

#### **38.10 INSPECTIONS**

A. It shall be the duty of the licensee or the person in charge of the premises to admit Village officers or employees for the purpose of making inspections and to investigate whether persons engaged as building contractors are properly licensed and that their activities are being conducted and operated in accordance with the provisions of this code.

B. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with any Village ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

#### **38.11 DUTIES OF BUILDING CONTRACTOR**

It shall be the absolute and irrevocable responsibility of all building contractors licensed hereunder to secure the appropriate and necessary building permits required by the Village of Lake in the Hills or the adopted codes or to ensure that said permit has been obtained by the owner before undertaking the project. It shall also be the duty of the building contractor to comply with all provisions of this code relating to or regulating their activities. Building contractors shall, at all times, keep the site of activities in an orderly condition, free from health and safety hazards and shall remove or cause to be removed from the site all trash, refuse and waste materials. Building contractors shall not obstruct traffic, streets or sidewalks nor permit dirt or waste materials from falling or being carried onto such public ways.

**38.12 COMPLIANCE WITH CONSUMER PROTECTION LAWS**

All building contractors shall refrain from all deceptive trade practices as defined by state or federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices.

**38.13 PENALTY; ENFORCEMENT**

A. Any person, firm or corporation convicted of violating any provision of this Chapter 38 shall be fined \$100.00 per day except that the third and all subsequent convictions within any 12 month period shall be deemed to be misdemeanors, and the person, firm or corporation guilty thereof may be fined \$10,000.00.

B. Whenever a person, firm or corporation shall neglect or refuse to procure any license required by this Chapter 38, or shall otherwise violate the terms of this Chapter 38, the Board of Trustees shall be authorized to cause appropriate legal action and proceedings to be instituted to enforce the provisions of this Chapter 38.

C. No owner of real estate upon which a building is being constructed, or altered, shall be liable for a building contractor's failure to secure a license as required by this Chapter 38 or otherwise comply with the provisions of this Chapter 38.

*Recodified 02/28/02  
Amended 04/10/08  
Amended 5/28/09*