

ORDINANCE NO:

2022-007

ORIGINAL

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 3 OF THE DELAWARE COUNTY
CODE REGARDING CONTRACTOR REGISTRATIONS**

WHEREAS, the construction, alteration, occupancy and additions to all buildings and structures in unincorporated Delaware County, Indiana, are regulated by rules, regulations and codes adopted by the Indiana General Assembly, the Indiana Register and the Fire Prevention and Building Safety Commission as set forth in the Indiana Administrative Code, Title 675; and

WHEREAS, for several years, all contractors doing work in unincorporated Delaware County have met the requirements for registration set forth in Title 4, Chapter 3 of the Delaware County Code regardless of whether the work being done is residential or commercial in nature; and

WHEREAS, said Chapter 3, which is titled "Residential Contractor Registration", is in need of updating to reflect current practice so that the provisions apply to both residential and commercial contractors and projects; and

WHEREAS, the last revisions to Chapter 3 were in 2013 and there is a need to supplement the definitions, update the insurance amounts, include commercial bonding amounts, update the penalty amount and make certain other minor revisions.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Delaware County, Indiana, that Title 4, Chapter 3 of the Delaware County Code shall be supplemented and revised as follows:

Section 1. That the title of said Chapter 3 shall be changed from "Residential Contractor Registration" to "Contractor Registration".

Section 2. That Title 4, Chapter 3 shall be amended throughout by replacing the phrase "general residential or skilled trades contractor" with "general contractor or skilled trades contractor" and by replacing the phrase "residential builder" with "general contractor".

Section 3. That Title 4, Chapter 3, Section 2 Definitions shall be amended by changing the Residential contractor definition to read General contractor, by inserting the phrase "or commercial" following "residential" so that the revised definition reads as follows:

General contractor means any person engaged in the construction of residential or commercial structures, who for a fixed sum, price, fee, percentage, valuable consideration or other compensation undertakes with another or offers to undertake or purports to have the capacity to undertake with another for the erection, construction, replacement, repair, alteration, or any addition to, subtraction from or improvement of a residential or commercial structure, or any person who manufactures, assembles, constructs, deals in, or

distributes residential or commercial structures which are pre-fabricated, preassembled, pre-cut, packaged or shell housing.

Section 4. That Title 4, Chapter 3, Section 2 Definitions, Skilled trades contractor, shall be amended by inserting the phrase “or commercial” following the word “residential”.

Section 5. That Title 4, Chapter 3, Section 2 Definitions shall be supplemented by adding two new definitions as follows:

Commercial structure shall mean any structure which is not a residential structure.

Accessory structure shall mean a structure that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

Section 6. That Title 4, Chapter 3, Section 3 Exclusions shall be amended by deleting Item B in its entirety which had read “Any undertaking as set forth above, wherein the total price for labor and materials does not exceed fifteen hundred dollars (\$1,500.00). Providing, however, this exemption does not apply in any case wherein the undertaking is only a part of a larger undertaking and the division of the undertaking is made in amounts less than five hundred dollars (\$500.00) each for the purpose of evasion of this ordinance.” and changing Items C and D to Items B and C.

Section 7. That Title 4, Chapter 3, Section 3, Exclusions, Item C, now known as Item B, shall be amended by deleting the word “residential” preceding “structure” in the first sentence so that the sentence reads as follows: “Roofing, guttering, siding, cabinets, window replacement, non-covered patio construction, aluminum patio enclosure, erection of aluminum canopies or awnings, unless the same is a part of an entirely new structure.”

Section 8. That Title 4, Chapter 3, Section 5, Insurance and Bond, Item A.1 shall be amended and supplemented to provide for a higher bond for commercial construction and to clarify the general liability insurance amount to be one million dollars so that a revised Item A.1 shall read as follows:

- A. At the time of filing an original or renewal application, the applicant shall furnish a bond by a surety insurer or in cash in which the county commissioners shall appear as the insured.
 - 1. Such bond shall be in the amount of five thousand dollars (\$5,000.00) for each general contractor or skilled trade contractor engaged in residential construction and twenty thousand dollars (\$20,000) for each general contractor or skilled trade contractor engaged in commercial construction. In addition, thereto, each applicant shall provide proof of general liability insurance of not less than one million dollars (\$1,000,000.00) and workman’s compensation insurance coverage for all the registrant’s employees.

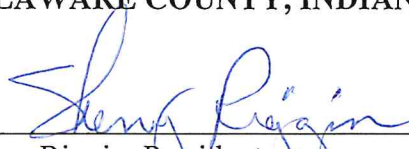
Section 9. That Title 4, Chapter 3, Section 10 Public Record shall be supplemented by inserting the phrase “for a period of time in accordance with an approved local government retention of records schedule” at the end of the first sentence.


Section 10. That Title 4, Chapter 3, Section 11 Penalties shall be amended to increase the maximum penalty for violation of this Chapter from five hundred dollars (\$500.00) to twenty-five hundred dollars (\$2,500.00).


Section 11. That this Ordinance shall be considered in effect upon its adoption and such publication as may be required by law.

ADOPTED this 18 day of April, 2022.

**BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA**


Sherry Riggan, President


James King, Member


Shannon Henry, Member

ATTEST:


Steven Craycraft, Auditor
Delaware County, Indiana