# Contractors Licensing Ordinance No. 1628
# Unincorporated Lake County , Indiana

(Replacing Original Ordinance 966-D adopted January 4, 1982)

Amended through August 2010

Sections 3-1 p., License Application

Section 3-1-1 e., Annual License Renewal

Sections 3-2 o., and 3-2 p., Violation and Enforcement Procedures

Section 4-1 c., Exceptions - Exclusions
(Amended September 2006)

Approved by Lake County Council
June 13, 1995

Approved by Contractors Board of Licensing
April 23, 1995

LAKE COUNTY PLAN COMMISSION
Planning & Building Department
2293 North Main Street
Crown Point, Indiana 46307

PHONE (219) 755-3700 - 3701 - 3702

# CONTRACTORS LICENSING ORDINANCE NO. 1628

## UNINCORPORATED LAKE COUNTY CONTRACTORS BOARD OF LICENSING

---

An Ordinance creating a Contractors Board of Licensing in the unincorporated areas of Lake County, Indiana, setting forth the procedures and requirements, and establishing fines and penalties for any violation(s) thereof.

**SEC. 1-1** **PURPOSE**

The purpose of this Ordinance is to regulate contractors to ensure compliance with ordinances and rules and regulations governing business in Lake County, Indiana to improve the health, safety, convenience and welfare of the citizens.

**SEC. 1-2** **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**

Means any person, except a licensed architect or registered professional engineer, who in any capacity, other than as the employee of another for wages as the sole compensation, undertakes to construct, repair, move, wreck, or demolish any structure. The term includes a subcontractor or specialty contractor, but does not include a person who only furnishes materials or supplies.

b. **SPECIALTY CONTRACTOR**

A Contractor who specializes in a particular branch of the building construction industry and who shall be licensed in his specialty pursuant to the terms of this Ordinance in order to work in the specific field in which he is licensed.

c. **BUSINESS ENTITY**

Shall mean an individual, sole proprietorship, firm, partnership, limited partnership, corporation, or any other form of unincorporated enterprise.

d. **LICENSE**

A Certificate issued by the Board established pursuant to this Ordinance which confers upon the holder the privilege to perform as a Contractor or Specialty Contractor in the unincorporated areas of Lake County, Indiana.

e. **BOARD**

The Board as herein referred shall mean "The Unincorporated Lake County Contractors Board of Licensing".

f. **MAINTENANCE PERSON**

Means an individual who is employed on a permanent basis to keep the premises of a business establishment in good repair.

g. **DIRECTOR**

Director of the Lake County Plan Commission.

**SEC. 2-1** **BOARD**

The Unincorporated Lake County 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: "Unincorporated Lake County Contractors Board of Licensing".

**SEC. 2-2** **DUTIES AND POLICIES**

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

a. Prescribe the form of Licenses and issue same, and to investigate and supervise all Licenses it issues;

b. Issue Contractor and Specialty Contractor Licenses to any business entity who meets the requirements and complies with the provisions of this Ordinance.

c. 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.

d. 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. Four (4) 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.

**SEC. 2-3** **BOARD COMPOSITION**

This Board shall consist of seven (7) members to be appointed as follows:

1. **LAKE COUNTY COMMISSIONERS** shall appoint one (1) member from the Board of Commissioners of Lake County to serve on this Board;

2. **LAKE COUNTY COUNCIL** shall appoint one (1) member from the Lake County Council to serve on this Board;

3. **THE DIRECTOR OF THE LAKE COUNTY PLAN COMMISSION**, 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 Director of the Lake County Plan Commission.

4. **FOUR (4) CITIZEN MEMBERS** shall be appointed as follows:

   a. Three (3) citizen members of this Board shall be appointed by the Lake County Council and One (1) citizen member shall be appointed by the Lake County Board of Commissioners.

   These four (4) citizen members shall be residents of Lake County, Indiana, and they shall be actively engaged in the Building Construction Industry for not less than two (2) years immediately prior to appointment.

   In addition, said citizen members shall be representatives of the Building Construction Industry as follows:

   One (1) shall be representative of the Building Construction Industry;

   One (1) shall be representative of the Electrical Construction Industry;

   One (1) shall be representative of the Plumbing Construction Industry;

One (1) shall be representative of the Heating, Air-Conditioning and Sheet Metal Workers Industry.

5. All seven (7) members of this Board shall be entitled to vote on all issues pertaining to the functions of this Board;

6. Upon initial passage of this Ordinance, the four (4) citizen members appointed to this Board by the Lake County Council and the Lake County Commissioners shall serve the following terms:

   The One (1) citizen member appointed by the Lake County Commissioners shall serve a term of one (1) year;

   One (1) citizen member appointed by the Lake County Council shall serve a term of one (1) year;

   Two (2) citizen members appointed by the Lake County Council shall serve a term of two (2) years.

7. 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.

8. One of the seven (7) 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.

**SEC. 3-1** **LICENSE APPLICATION**

a. Except as otherwise provided in this Ordinance, any business entity which conducts business in unincorporated Lake County, Indiana as a Contractor or Specialty Contractor is required to be licensed by the Board. Any business entity which satisfies all the requirements of this Ordinance shall be issued a License by the Board.

b. A business entity attempting to obtain a License as a Contractor or Specialty Contractor shall file a written application on forms supplied by the Board and shall include exhibits, material and information required and specified on said forms. All forms are approved at the discretion of the Board and may be updated from time-to-time with the approval of the Board.

c. The application shall be filed on behalf of the business entity and shall also contain the name of, and be signed by, the individual who manages said business. Where a License is issued, authority to transact business there as a Contractor or Specialty Contractor shall be limited to one (1) individual named in the application and the License as the License Holder. In the event the License Holder leaves the business entity, the License becomes null and void.

d. All applications shall also be signed by the individual designated as the License Holder and shall be accompanied by a recommendation as to the character and honesty of the applicant from two (2) residents of this county who are not related to the applicant, or in the case of a corporation, to its officers.

e. Every application shall be accompanied by two (2) recent passport type photographs of the License Holder (size 2 inch x 2 inches).

f. Upon the filing of an application, the Board shall investigate the information contained therein and, if any such information is found to be untrue, may refuse to examine or license the applicant.

g. Except as hereinafter provided, all applicants for a License shall submit to and pass an oral interview and written examination. The contents of the examination herein required shall be developed and adopted by the Board or other independent testing agency and shall test the level of skill of the potential License Holder in the field in which the License is sought. Plumbers who possess a valid Indiana Plumbing Contractor's License are not required to take a written test, but must be licensed by the Board to perform work in the unincorporated areas of Lake County, Indiana. In addition to Plumbing Contractor's, this also applies to other professions that are required to pass examinations and be licensed by the Indiana Professional Licensing Agency.

h. Upon receipt of application and proof of fee payment as prescribed in this Ordinance, it shall be the duty of the Board to set a date for examination and to notify the applicant(s) in writing at least five (5) days before such examination.

i. Any applicant who fails to qualify for a License as a Contractor or Specialty Contractor may be re-examined at the next succeeding date for examinations. But, in any event, any applicant who fails to pass the written examination on two (2) successive attempts shall be ineligible for re-examination for one (1) year subsequent to the date of the last examination he failed to pass.

j. Before a License is issued by the Board to any applicant, I.C. 22-11-3.1 et. seq. requires the applicant to file a Unified License Bond with the Lake County Recorder's Office in the amount of Five Thousand Dollars ($5,000.00). The Bond shall be issued by a surety authorized to do business in Indiana and be conditional upon the observance of the Ordinances, Regulations and Laws of the County of Lake and the State of Indiana relative to Contracting, Building, Zoning, and Construction.

k. All applicants and Licensees shall provide to the Board proof of liability insurance for Property Damage and Personal Injury in the amount of not less than Five Hundred Thousand Dollars ($500,000.00) for each occurrence, or an annual Umbrella Policy of One Million Dollars ($1,000,000.00) before a License can be issued or renewed.

Such a Certificate of Insurance or insurance policy shall be filed with the Lake County Plan Commission after said Certificate of Insurance or insurance policy is filed with the Lake County Recorder in the same manner as the County Unified Bond.

If, during the term of a License, such insurance certificate or policy expires, is revoked, rescinded, canceled or coverage is otherwise terminated or if the insurance company ceases doing business, goes bankrupt, is placed in receivership or there is other reason to believe it will not be able to meet its obligations the License for which it has been obtained shall be deemed immediately suspended until such time as a new certificate or policy is recorded and filed with the Plan Commission. Any applicant, Licensee or License Holder who fails to notify the Board of any such problems with his insurance policy, certificate or company of which he is aware shall be subject to punishment by the Board including, but not limited to, suspension, revocation of the License, fine, permanent ineligibility for obtaining any License from the Board.

l. If an applicant fails to appear for their oral interview (after proper notification) at two successive regularly scheduled Board meetings, his application will become void. If his license becomes void, in order to receive a license the applicant must apply as if he were making an initial application. Under this provision, voiding an applicant's license forfeits the original application and testing fees and any passing grade received on an examination.

m. 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. If a contractor allows his license to expire, he shall be required to apply for a new license (as if he were making an initial application). Prior to the five year period (after which a license expires), a contractor may validate his license by paying all required periodic renewal fees to bring his license up to date. For example, a contractor receives a license for the 1990 calendar year and does not renew his license after 1990. In July of 1995 the same contractor is awarded a bid for a job under the jurisdiction of this Ordinance. He may then renew his license by paying required license fees for 1991, 1992, 1993, 1994 and 1995, in addition to other provisions and requirements of this Ordinance (e.g. current liability insurance).

n. If a Contractor who is issued a License by the Board allows his License to expire, he is required to apply for a new License.

o. Upon receipt of an application for a License from an applicant, the Board shall make such investigation as it deems necessary to determine the fitness of the applicant for his License. In the event the Board determines after said investigation that a question exists as to whether the application for a License 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 his License should be approved. The Board shall issue a written decision after reviewing the evidence submitted by the applicant and, if the decision is to deny the renewal, the Board shall state in the written decision the reason(s) for denial.

p. **The fee for Licenses shall be as follows:**

1. **An application and processing fee of Fifty Dollars ($50.00) and initial examination fee of Two-Hundred Fifty Dollars ($250.00) shall accompany an application for any contractor or specialty contractor license;**

2. **If a subsequent (or second) exam is necessary because of failure of the initial exam, an examination fee of Fifty Dollars ($50.00) shall be required prior to scheduling of a second examination;**

3. **An additional fee of One Hundred Dollars ($100.00) shall be required for the initial issuance of a License.**

q. All fees assessed and collected pursuant to this Ordinance shall be paid into the Lake County Plan Commission, and shall be credited to the County General Fund.

r. All construction work in progress on the effective date of the original passage of this Ordinance shall be allowed to be completed without the issuance of a License.

s. In the event a Licensee or License Holder shall have been convicted of a felony for extortion, forgery, embezzlement, or criminal conspiracy to defraud, or other like offense indicative of dishonesty, and a duly certified or exemplified copy of the record in the proceeding is filed with the Board, the Board shall revoke the License.

**SEC. 3-1-1 ANNUAL LICENSE RENEWAL**

a. All Licenses expire at midnight, December 31st of each year unless the Licensee or License Holder renews the License prior to expiration and pursuant to the terms of this Ordinance.

b. Upon receipt of an Application for Renewal of a License from an applicant and upon satisfactory evidence of compliance with Paragraphs d. and e. of this Section, the Director or his designated agent shall make such investigation as deemed necessary to determine the fitness of the applicant for renewal of his License. In the event the Director or his designated agent determines, after said investigation, that the application under consideration should be approved, the Director or his designated agent shall issue a License Renewal and so inform the Board. However, in the event the Director or his designated agent determines, after said investigation, that a question exists as to whether the Application for Renewal should be approved, he shall so advise the applicant and Board. The applicant shall, within thirty (30) days show cause to the Board the reason(s) his License should be renewed. The Board shall issue a written decision after reviewing the evidence submitted by the applicant and Director or his designated agent 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 licensed period, has been found by the Board to have violated any of the provisions of this Ordinance or 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 License. In the event the Board determines after said investigation that a question exists as to 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 his License should be renewed. The Board shall issue a written decision after reviewing the evidence submitted by 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 shall be filed with the Lake County Plan Commission after said insurance is filed with the Lake County Recorder. Said Continuation Certificates or other documents shall be filed with the Lake County Plan Commission in such timely manner to provide evidence necessary for License renewals under this Section of the Ordinance.

e. There shall be a License Renewal fee of Fifty Dollars ($50.00) and a processing fee of Twenty-Five Dollars ($25.00) accompanying every annual License Renewal Application.

f. No License shall be renewed during any period a Licensee or License 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 License for a period, or periods of time, not to exceed thirty (30) days, or until the violation is heard by the Board.

**SEC. 3-2** **VIOLATIONS AND ENFORCEMENT PROCEDURES**

All Licensees and Holders shall abide by all applicable Codes, Ordinances and Laws of Lake County and the State of Indiana, or any rules or regulations promulgated pursuant thereto. The Board may, upon its own motion, and shall, upon the verified written complaint setting forth specifically the wrongful action or acts complained of, investigate any action, acts or business transaction of a License Holder or Licensee and shall have the power to suspend a Licensee, or revoke a License, if after due proceedings as herein provided, it shall find the License Holder or Licensee to be guilty of any of the following prohibited acts or conduct:

a. Willful and deliberate disregard of the applicable Building and Zoning Construction Codes, Ordinances and Laws of Lake County and the State of Indiana, or any regulations promulgated pursuant thereto.

b. Knowingly aiding or abetting any person or entity to evade the provisions of this Ordinance or regulations promulgated pursuant thereto.

c. Knowingly combining or conspiring with a person or entity with the intent to evade the provisions of this Ordinance or rules and regulations thereto.

d. Acting in the capacity of a Licensed Contractor or Specialty Contractor by falsely using a License issued in the name of another Licensee or License Holder.

e. Diversion of funds or property received for 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 obligation or contract.

f. Conviction of a felony for obtaining money under false pretenses, extortion, forgery, embezzlement, criminal conspiracy to defraud or other like offense, and if a duly certified or exemplified copy of the record of conviction in the proceeding is filed with the Board, the Board shall revoke the License.

g. Paying compensation in money or other valuable consideration to any person or entity other than a Licensed Contractor for rendering services or doing any act required by this Ordinance to be performed by a Licensed Contractor.

h. A violation of any provision of this Ordinance by an agent or employee of any Licensed Contractor approved by the Contractor. For the purpose of the preceding sentence, a course of conduct shown to have been consistently followed by an agent or employee shall constitute prima facie evidence of approval by the Contractor.

i. Any business entity or its designated agent or representative aggrieved by any action by the Board in suspending, revoking, or failing to issue or renew a License may seek judicial review by the Circuit Court of Lake County.

j. Where the issues involved in judicial proceedings are pertinent to an inquiry before the Board, the verdict or judgment of the court in such proceeding shall be prima facie evidence of the existence of all facts at issue in the proceedings and necessarily adjudicated therein.

k. The verdict, in any criminal prosecution in any court of record of which the Applicant, Licensee, or License Holder was the defendant, shall be conclusive as to the facts charged and at issue in such prosecution.

l. After the revocation of any License, no new License shall be issued to the same Licensee or License Holder within a period of at least one (1) year subsequent to the date of revocation.

m. Whenever any Contractor's License issued under the provisions of this Ordinance is revoked by the Board, the Board shall deliver the Bond of the offending Licensee to the County Attorney who shall institute proceedings to forfeit the Bond.

n. Whenever someone who's License has been revoked applies for a License, it shall be treated and handled as an initial application except as to the requirement of Subsection l. above.

o. When any business entity, or a duly authorized agent or representative of such, acts as a Contractor without first obtaining a License, or any individual or entity continues to act as a Contractor after his License has been suspended or revoked, such entity shall be guilty of violating this Ordinance and be subject to an immediate fine or penalty in the amount of Five Hundred Dollars ($500.00). This fine or penalty is in addition to any fine or penalty imposed as a judgment from any litigation initiated to bring the violator into compliance. Also, the business entity, or a duly authorized agent or representative of such shall immediately initiate an application to become a Contractor or Subcontractor under the provisions of this Ordinance and cease all work until such time as their License is issued.

If such business entity, or a duly authorized agent or representative of such refuses to comply with the procedure stated above or allows more than thirty (30) days to pass without paying the immediate fine of Five Hundred Dollars ($500.00) and making application to become a duly licensed contractor under these provisions, the Director or his duly appointed representative shall, in the name of the Lake County Plan Commission, bring an action 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 issued by the Board, Director, or a duly appointed representative of the Director, and any such action may be joined with an action to recover the penalties provided for in this Ordinance.

p. Any person or entity violating any provision of this Ordinance or refusing a lawful order issued by the Board or Director, or a duly appointed representative of the Director, shall be fined an additional penalty (over and above the Five Hundred Dollars ($500.00) identified as the immediate fine or penalty provided in Section o.

above) in any sum not less than One Hundred Dollars ($100.00) nor more than Three Thousand Dollars ($3,000.00) in addition to any court costs or other fees incurred. Each day of such unlawful activity shall constitute a separate offense.

**SEC. 4-1** **EXCEPTIONS-EXCLUSIONS**

This Ordinance does not apply to the following:

a. An authorized employee of the United States, the State of Indiana, County of Lake, 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 employees and incidental to their business.

c. The owner and occupant (in the case of a new single-family dwelling unit) when said owner/occupant is himself/herself alone constructing, installing, altering, remodeling, repairing or building the residential unit he/she occupies or will occupy. The term owner and occupant is intended to mean that the individual or individuals who enter into this endeavor will reside in the single-family dwelling unit they construct, install, alter, remodel, repair or build. This exclusion shall only be available after the owner and occupant files and application under Section 3-1, items a. through s., the same as any business entity, except that the required written examination under this exclusion is not required. This exclusion shall not be available more than one time every seven (7) years when applied to construction of a new residence. No license may be issued to an owner/occupant under this exclusion, but all other requirements under Section 3-1, including a Unified License Bond, proper insurance, and oral interview are required. If any owner/occupant determines they cannot alone, themselves, complete their construction, installation, alteration, remodel or repair, any additional business entity hired to complete any portion of the construction, installation, alteration, remodel or repair must hold a valid Contractors License as described under this Ordinance.

d. Any construction, alteration, improvement or repair of improvements located on any site and project where state and federal law supersedes this Ordinance.

e. Any individual who is employed or acts as a maintenance person as

that term is defined in this Ordinance at his place of employment.

**SEC. 5-1** **ENFORCEMENT**

Nothing in this Ordinance shall limit the power of a political subdivision to regulate the quality and the character of work performed by Contractors through the enforcement of building codes and inspections within its boundaries.

State Licensed Plumbers and Well Diggers shall pay a fee as prescribed by this Ordinance for a License authorizing them to perform work in the unincorporated areas of Lake County, Indiana.

**SEC. 6-1** **IDENTIFICATION**

Every original License shall be openly displayed at the Licensee's principal business office and a copy of every Contractor's or Specialty Contractor's License(s) shall be visibly posted and easily accessible for inspection on each and every job site where they work.

**SEC. 7-1** **COMPLIANCE**
**With Requests and Directives/Punishment**

If an Applicant, Licensee, or License Holder willfully and voluntarily fails to comply with any reasonable request or directive of the Board, Director, or his appointed representative, such failure may, at the reasonable discretion of the Board, be sufficient ground for denial, suspension, or revocation of a License.

**SEC. 8-1** **AUTHORIZATION TO ENACT RULES AND REGULATIONS**

The Contractors Board of Licensing in 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.

**SEC. 9-1** **SEVERABILITY**

If any of the provisions of this Ordinance, or the application thereof to any individual, business entity and/or institution or circumstance are invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Hereby Approved by the County Council of Lake County, Indiana this 13th day of June, 1995.**

**LAKE COUNTY COUNCIL**

s/s:

**Robert Crossk, President**

**John Aguilera**
**Morris Carter**
**Troy Montgomery**
**Larry Blanchard**
**Frances DuPey**
**Lance Ryskamp**

**Approved by Lake County Contractors Licensing Board June 6, 1995.**

**CONTRACTORS LICENSING BOARD**

s/s

**Commissioner Ernest Niemeyer**

**Paul Hernandez**
**David Soderquist**
**Alan Vandermeer**
**Robert Targett**

**Councilman Larry Blanchard**

Amendment #2155, Section 4-1 c. approved September 12, 2006.

Amendment #2312, Section 3-1 p., Section 3-1-1 e., Section 3-2 o., and 3-2 p. approved August 10, 2020

BUILDING DEPT.
FORMS

REPLACE
CONTRACTORS LICENSING
ORD.