

ORDINANCE 5120

AN ORDINANCE AMENDING ORDINANCE NUMBER 3757, AS AMENDED BY ORDINANCE NUMBER 4702, TO ALLOW FLEXIBILITY IN LICENSING AND REGISTERING OF ELECTRICAL AND MECHANICAL CONTRACTORS

WHEREAS, the work of electrical and mechanical contractors is a matter affecting the life, health and public welfare of the citizens of Goshen, therefore any individual engaging in such work is 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;

WHEREAS, to ensure that City of Goshen Building Department officials have the records necessary to inspect the work of electrical and mechanical contractors, such individuals, must register with the City of Goshen and renew the registration once every three (3) years; and

WHEREAS, it is desirable to make the issuance of electrical and mechanical contractor licenses flexible to allow the Board of Public Works and Safety to designate the City of Goshen Building Commissioner, or other qualified individual, to review and issue such licenses.

NOW, THEREFORE, be it ordained by the Common Council of the City of Goshen, Indiana that Ordinance Number 3757, as amended by Ordinance Number 4702, shall be amended to read as follows:

SECTION 1. Title -

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

SECTION 2. Definitions -

- (A) "Board of Works" shall refer to the City of Goshen Board of Public Works and Safety.
- (B) "Building Commissioner" shall refer to the City of Goshen Building Commissioner.
- (C) "Class A Mechanical Contractor" shall refer to any individual who, for hire, does himself or herself or by employing others 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 Class 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.

- (D) "Class B Mechanical Contractor" shall refer to any individual who, for hire, does himself or herself or by employing others 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 Class B 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.
- (E) "Electrical Contractor" shall refer to any individual who, for hire, does himself or herself or by employing others on his or her behalf, installs, alters, repairs, replaces, designs or performs any work to an electrical system.
- (F) "Licensee" shall refer to 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 3. Licensing and Registering Required; Display -

- (A) 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 with the City of Goshen Building Department.
- (B) Any license granted under this ordinance shall be prominently displayed at the licensee's principal place of business.

SECTION 4. Application for License and Licensing Requirements

An individual at least eighteen (18) years of age desiring to be licensed as an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor in the City of Goshen must meet the following qualifications:

- (1) File with the City of Goshen Building Department a written application on a form provided by the Building Department that contains information considered necessary to determine the qualifications of the applicant;
- (2) Provide to the City of Goshen Building Department evidence of the applicant's training, experience, and past work record;
- (3) Successfully complete an examination approved by the City of Goshen Building Department, unless the applicant holds a license from another locality, in which case 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 5. Examinations -

- (A) Applicants for a license as an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor must pass an examination approved by the 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.
- (B) A passing score on the examination approved by the Building Commissioner shall be considered a score of seventy percent (70%) or better.
- (C) A non-refundable administrative fee in the amount required by the current City of Goshen Building Department Fee Ordinance shall accompany an application to take an examination for each licensing category.

SECTION 6. Licensing Approval -

- (A) The Board of Works, or the designee of the Board, shall issue a license to an Electrical Contractor, a Class A Mechanical Contractor or to a Class B Mechanical Contractor who is found to be responsibly qualified based on the information submitted to the Building Commissioner.
- (B) New applicants scoring seventy percent (70%) or better on the licensing examination approved by the Building Commissioner shall be approved for a license, provided that the applicant provides to the Building Commissioner all requested information regarding the applicant's training, experience, and past work record.
- (C) New applications who hold an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor license in another locality shall be approved for a license, provided that each applicant provides to the Building Commissioner all requested information regarding the applicant's training, experience, past work record, and written verification from the other locality where the applicant has met the requirements for the licensing of an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor, and that those requirements are equal to or greater than the requirements in force in the City of Goshen.
- (D) The Board of Works, or the designee of the Board, shall authorize the Building Commissioner to issue an initial license, as appropriate, and register the applicant. Each new license will be issued for the remaining portion of the then current calendar year and two additional calendar years.
- (E) All new applicants seeking licensing under this ordinance are required to pay the three (3) year licensing fee in the current amount indicated in the City of Goshen Building Department Fee Ordinance.
- (F) If a designee of the Board of Works refuses to grant or issue a license and register the applicant under this ordinance, the individual whose application was denied may

appeal to the Board of Works, and a hearing will be held before the Board within fifteen (15) days.

SECTION 7. License Renewal and Registration Requirements -

- (A) Every license and registration issued under this ordinance shall expire December 31 of the last year for which the license is valid.
- (B) Any licensee in good standing shall have the right, without further examination or approval, to renew their license and registration by filing an application with the City of Goshen Building Department. Upon receipt of the application for renewal and payment of the required renewal fee in the amount indicated in the applicable City of Goshen Building Department Fee Ordinance, the Building Commissioner shall issue to the applicant a renewal license and registration.
- (C) Each renewed license shall be issued for the remaining portion of the then current calendar year and two (2) additional calendar years and will be charged three (3) times the annual fee.
- (D) In the event any licensee fails to renew their license within thirty (30) days of receiving a written notice to renew the license, the licensee shall pay a late fee equal to the late fee for registration of units established by the Goshen Building Department Fee Ordinance for the Neighborhood Preservation Ordinance for registration of units. However, no late fee will be imposed as long as the renewal fee is paid by February 28 of the year in which the renewal is due.

SECTION 8. Expiration, Suspension, Revocation, or Restriction of License

Any license issued pursuant to this ordinance may be expired, suspended, revoked or otherwise restricted by the Board of Works if:

- (1) A licensee has employed or knowingly cooperated in fraud or deceit in order to obtain a license to practice as an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor.
- (2) A licensee has engaged in fraud, deceit or other misconduct in the course of providing services to clients in the City of Goshen.
- (3) 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.
- (4) A licensee ceases to be an Electrical Contractor, Class A Mechanical Contractor, or Class B Mechanical Contractor, as appropriate.

SECTION 9. Violations -

- (A) 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.
- (B) It shall be a violation of this ordinance for any individual who 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.
- (C) 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 -

- (A) 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 Works take action by issuing an order to:
 - (1) Suspend the licensee's license;
 - (2) Revoke the licensee's license; or
 - (3) Restrict the licensee's license as deemed appropriate by the Board of Works.
- (B) The Board of Works 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.
 - (1) Notice to the individual shall be deemed sufficient if given by:
 - (a) 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;
 - (b) Delivering a copy of the order personally to the individual to be notified; or
 - (c) Leaving a copy of the order at the residence or usual place of abode of the individual to be notified.
 - (2) At the hearing, the individual to whom an order has been issued shall be given the opportunity to appear with or without legal counsel, present evidence, cross-examine witnesses, and present arguments.

- (C) Any individual aggrieved by a decision of the Building Commissioner or any action of the Board of Works, or the Board's designee, in refusing to issue, suspending, revoking, or otherwise restricting 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.
- (D) 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.
- (E) 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 -

This ordinance repeals Ordinance Number 3757 and Ordinance Number 4702.

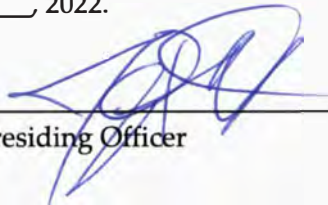
SECTION 12. Severability Clause -

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 -

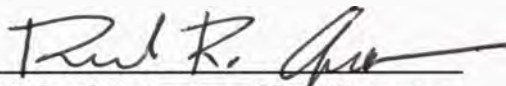
This ordinance shall become and remain in full force and effect upon its passage and adoption.

PASSED by the Goshen Common Council on May ____, 2022.



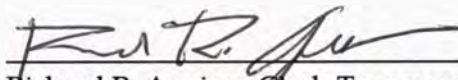
 Presiding Officer

ATTEST:



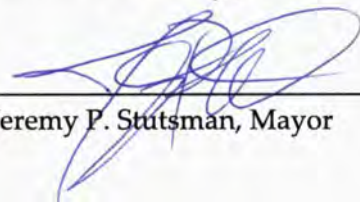
 Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on May 16, 2022, at the hour of 6:49 p..m.



 Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on May 16, 2022.



 Jeremy P. Stutsman, Mayor