

ORDINANCE #72

**AN ORDINANCE REQUIRING THE REGISTRATION, BONDING  
AND INSURING OF CONTRACTORS PERFORMING WORK WITHIN  
THE VILLAGE OF COCHRANE, WISCONSIN.**

**SECTION I. SHORT TITLE:** This Ordinance shall be known as the Contractor’s Registration, Bonding and Insurance Ordinance.

**SECTION II. DEFINITIONS:** As used in this Ordinance, unless the context otherwise requires:

A. “Contractor” means any person, partnership, corporation or other business entity engaged in the business of constructing, altering, or repairing buildings or other structures or lots and all trades and crafts associated with such work, including, but not restricted to, general building contractors, excavating contractors, carpentry contractors, heating, air conditioning, ventilating, mechanical, electrical and plumbing contractors and subcontractors.

(1) Any person who’s construction, repair or alteration of any building or structure within the Village of Cochrane, for which a building permit is required, is presumed to be a contractor and must be registered hereunder unless such presumption is rebutted.

(2) Any person, partnership, corporation or other business entity who engages in any of the work described in Paragraph A shall not be considered a contractor for purposes of this Ordinance in any instance where such work is performed for no compensation.

(3) Any homeowner doing their own construction and/or repairs shall have deemed submitted a rebuttal to contractor status as required in SECTION II, paragraph A, subsection (1) and shall be exempt from this ordinance.

B. “General Contractor with Trades” shall mean a contractor who uses one or more tradesmen or sub-contractors to perform the required construction to complete any project for which a building permit is required. When a general contractor employs a full-time tradesman or tradesmen who perform a variety of miscellaneous tasks, i.e., carpentry, siding, excavating or concrete. A list of tasks and tradesmen performing them will be required from the General Contractor at the time of registration.

A General Contractor/Construction Manager shall mean not employing full-time tradesmen and using sub-contractors to complete construction, and all sub-contractors working on that project shall be required to register.

C. “Sub-contractors” means a contractor who performs only that type of work that is classified as a trade including, but not limited to:

Carpentry Cell Tower Erector  
Demolition Electric (including low voltage)  
Fire Alarm Fire Sprinkler  
Insulation Irrigation (Sprinkler System)  
Paving and/or Blacktopping  
Siding/Exterior Wall Finish Sign Erector

Concrete Damp Proofing  
Elevator/Lift Installers Excavating  
Fireplaces HVAC  
Masonry Mechanical Piping  
Plumbing Roofing  
Steel Erector Swimming Pools

**SECTION III. REGISTRATION REQUIRED:** No person shall act or perform any services as a contractor or sub-contractor within the Village of Cochrane without first registering with the Village of Cochrane, as herein provided.

**SECTION IV. REGISTRATION APPLICATION:**

A. All applications for Contractor's Registration required in Section III shall be made in writing to the Village of Cochrane Clerk upon forms furnished by the Village.

B. Each application shall state:

(1) The name and business address of the applicant.

(2) Whether it is a general contractor or sub-contractor's registration application. If it is a general contractor with tradesmen, a list of trades and tradesmen performing each trade will be required at the time of registration. A sub-contractor will be required to list the trade or trades involved.

(3) A statement that the applicant is familiar with all pertinent Village of Cochrane Ordinances, Codes and Regulations and agrees to fully comply with the same.

(4) Proof of WI Contractor's Registration to be provided to the Village Clerk.

**SECTION VI. LIABILITY INSURANCE REQUIRED:**

A. No person shall act as a general contractor or sub-contractor within the Village of Cochrane, unless said general contractor or sub-contractor deposits with the Village of Cochrane Clerk, a certificate of liability insurance issued to said general contractor or sub-contractor by a company approved and authorized to issue such insurance by the State of Wisconsin and said general contractor or subcontractor shall continuously remain insured for the full period of construction, listing Village of Cochrane as the certificate holder, and written in the following amounts:

(1) General Contractor:

a) General Liability \$1,000,000

b) Workers' Compensation Board form coverage in and Employers Liability amounts required by law

(2) Sub-contractor:

a) General Liability (No set amount. Certificate must show amount of insurance coverage)

b) Workers' Compensation Board form coverage in amounts and Employers Liability required by law.

B. A contractor with no employees must submit an affidavit (sworn and notarized statement) to that fact at the time of registration. If said insurance should at any time expire, be canceled or otherwise lapse, the Construction permit of the general contractor or sub-contractor shall immediately be revoked and the general contractor or sub-contractor shall immediately cease all work within the Village of Cochrane.

C. The Certificate of Insurance shall provide that the insurance is not cancelable during the policy period without ten (10) days prior written notice to the Village of Cochrane Clerk.

D. If the insurance is canceled during the period of registration, the registration is revoked as of the date the insurance is canceled.

E. The general contractor or sub-contractor must immediately notify the Village of Cochrane Clerk if his/her insurance is canceled. The Village Clerk must receive the notice of cancellation within seven (7) days of the insurance being canceled.

#### **SECTION VII. REGISTRATION ISSUANCE:**

A. The Village of Cochrane Clerk shall register contractors to work in The Village of Cochrane.

B. All registrations shall be valid for one calendar year from January 1 to December 31 unless otherwise revoked as prescribed in this Ordinance.

C. All general contractors and sub-contractors must register prior to being issued any building permits by the Village of Cochrane Clerk.

D. Any and all insurance companies used by general contractors or sub-contractors to comply with the provision of this Ordinance must maintain a minimum A rating.

#### **SECTION VIII. SCOPE OF GENERAL CONTRACTOR'S REGISTRATION:**

A. All contractors registered under Section III shall comply with the provisions of all applicable Village of Cochrane Codes, Resolutions and Ordinances during the performance of construction activities within the Village of Cochrane.

B. All general and sub-contractors registered under this Ordinance shall be responsible for any and all employees working for him/her or under his/her registration license.

C. All general contractors shall hire only sub-contractors who are registered under this Ordinance.

#### **SECTION IX. REGISTRATION REVOCATION AND REINSTATEMENT:**

A. Any registration issued under the provisions of this Ordinance may be revoked by the Village of Cochrane Clerk for any violation of any of the provisions of this Ordinance. Such revocation shall be in addition to any fine or penalty imposed.

B. No person whose registration has been revoked as herein provided shall be eligible for a reinstated/new registration for a period to be determined by the Village Clerk based upon the severity of the violation. A fifty dollar (\$50.00) administrative fee to be paid to the Village shall be required prior to any approved Contractor Registration reinstatement.

C. All appeals from the action of the Village Clerk to revoke a contractor's or subcontractor's registration shall be filed within ten (10) days of such action with the Village of Cochrane Board who shall conduct a hearing on such revocation.

D. The Village of Cochrane Clerk may refuse to issue or reinstate a registration in the event that any of the provisions of this Ordinance, which are conditions precedent to the issuance of the registration, have not been met. The Village of Cochrane Board shall serve as the Building Board of Appeals, and application for appeal shall be made to the Chairman of the Ordinance Committee within ten (10) days of the Village Clerks decision. Both the aggrieved party and the Village Clerk shall be permitted to give testimony, call witnesses and present evidence to the Village Board. The Chairman shall administer all oaths and may, at his/her discretion, place a time limit on all testimony.

**SECTION X. SEVERABILITY:** In the event that any court of competent jurisdiction may declare that any provision or part of a provision of this Ordinance is void or unconstitutional, the remaining provisions and parts of provisions not ruled void or unconstitutional shall continue in full force and effect.

**SECTION XI. ENFORCEMENT:** The provisions of this ordinance shall at all times be the duty of the Village of Cochrane Official to regularly inspect the site of contractors' activities to see that the same are being conducted and operated in accordance with the requirements of all laws and ordinances applicable thereto.

**SECTION XII. PENALTY:** Any person who violates any provision of this Ordinance or fails to comply with any of the requirements thereof shall be guilty of an offense punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

This ordinance shall take effect and be in force upon its passage and publication as provided by law.  
Dated this 14th day of December 2010.

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/s/ Dallas Dworschack, Village President

ATTEST:

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/s/ Sherry Lorenz, Village Clerk

This ordinance was unanimously passed and adopted at a regular board of the Village board on December 14, 2010.

Published January 12, 2011.