

# ORDINANCE NO. 343 -97

AN ORDINANCE PROVIDING FOR THE BONDING OF CONTRACTORS PERFORMING CERTAIN TRADES IN BATTLE GROUND, INDIANA

WHEREAS, the performance of certain trades within Battle Ground are regulated for the protection of the health and safety of the Town's residents through the issuance of permits; and

WHEREAS, agreement to meet certain obligations, duties and responsibilities during the performance of such trades, including compliance with the Tippecanoe County Building Code, are made conditions precedent for the issuance of such permits; and

WHEREAS, the provisions by such Contractors of a Bond in an amount sufficient to guarantee compliance with such obligations, duties and responsibilities would protect Battle Ground and its residents from the costs of enforcement of, or non-compliance with permit requirements.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED, by the Council of Battle Ground, Indiana as follows;

A. BOND REQUIRED. No person, sole proprietor, partnership, corporation or limited liability company not already under bond to the Town of Battle Ground, State of Indiana, shall contract to perform any of the trades listed in Subsection B of this Section in or upon any building in Battle Ground unless they shall first give bond to the Council of the Town of Battle Ground, with one or more sureties, in the penal sum of Ten Thousand (10,000) Dollars (each trade), conditioned that they will in good faith perform all things required of them under the provisions of the various ordinances and building codes then in effect, and conditioned further that they will pay all damages and save the Town of Battle Ground harmless on account of negligence, want of skill, or failure to comply with the various building codes and town ordinances in effect in said town. Such bond must be submitted to and approved by the Battle Ground Council.

No person, sole proprietor, partnership, corporation or limited liability company not already under bond to the Town of Battle Ground, State of Indiana, shall do business as a general contractor in Battle Ground, unless they shall first give sureties, in the penal sum of Fifteen Thousand (15,000) Dollars, conditioned that they will in good faith perform all things required of them under the provisions of the various ordinances and building codes then in effect, and conditioned further that they will pay all damages and save the Town of Battle Ground harmless on account of negligence, want of skill or failure to comply with the various building codes and town ordinances then in effect in said town. Such bond must be submitted to and approved by the Battle Ground Council.

B. TRADES REQUIRING BONDING OF CONTRACTORS AND SUBCONTRACTORS. The following trades shall supply a Compliance Bond as described in Subsection A above:

1. Brick and Block Mason
2. Building Demolition
3. Building Movers
4. Carpentry
5. Concrete

6. Drywall, Lathing, Plastering
7. Electrical
8. Fire Protection Equipment Installation
9. Glazing
10. Heating & Air Conditioning
11. Insulation
12. Plumbing
13. Painting
14. Roofing
15. Siding
16. Sign Installation
17. Structural Iron
18. Swimming Pool Installation
19. Any other Construction trade

C. PERMITS. No permit to perform the trades listed in Subsection B of this Section shall be issued unless a Compliance Bond is on file with the Battle Ground Council.

#### D. USE OF BOND.

1. Should Battle Ground be required to expend its funds in enforcing its ordinances pertaining to a permit against any contractor or sub-contractor whose Compliance Bond it holds, the Town may seek reimbursement against that bond for its cost of enforcement.
2. Should Battle Ground be required to expend its funds to repair damages caused by non-compliance with its ordinances pertaining to a permit against any Contractor or Sub-Contractor whose Compliance Bond it holds, the Town may seek reimbursement against the bond.

#### E. REINSTATEMENT AND TERMINATION

1. Compliance Bonds shall be maintained in the full amount required by this ordinance. If the bond, or a portion of it is used to reimburse the Town for costs of enforcement or compliance, the Contractor or Sub-Contractor must replenish the Bond in the full amount and maintain it on an annual basis.
2. No bond shall be terminated without written notice to the Town thirty (30) days before the termination date.

#### SECTION 2.

Any ordinance in conflict herewith is hereby repealed to the extent of such conflict.

Passed this 4th day of August, 1997, on Second and final reading.

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Stan Cunningham

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Marie McCoy

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Linda Miller

ATTEST:

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Geraldine Berghoff