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Legislation Details (With Text)

File #: O2018-6172
Type: Ordinance **Status:** Passed
File created: 7/25/2018 **In control:** City Council
Final action: 9/20/2018
Title: Amendment of Municipal Code Titles 4 and 13 regarding electrical contractor registration and related trade licensing
Sponsors: Emanuel, Rahm, Curtis, Derrick G.
Indexes: Ch. 8 Administration of Zoning, Building & Housing Provisions, Ch. 290 Electrical Contractors, Ch. 298 Elevator Mechanic Contractors
Attachments: 1. O2018-6172.pdf, 2. O2018-6172 (V1).pdf

Date	Ver.	Action By	Action	Result
9/24/2018	1	Office of the Mayor	Signed by Mayor	
9/20/2018	1	City Council	Passed	Pass
9/12/2018	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
9/4/2018	1	Committee on Zoning, Landmarks and Building Standards	Add Co-Sponsor(s)	
7/25/2018	1	City Council	Referred	

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

This ordinance is organized into four Articles, as follows:

Electrical Contractors
Supervising Elevator Mechanics
Disciplinary Action
Effective Dates

ARTICLE I: ELECTRICAL CONTRACTORS

SECTION 1. Section 4-290-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-290-010 Registration required.

(a) It shall be unlawful for any person to engage in the business of electrical contractor, as defined in

Section 4-290-020, without holding a valid certificate of registration as an electrical contractor obtained in accordance with this chapter install, alter or maintain equipment for the utilization of electricity for light, heat, power, signaling or communication, or any other equipment or apparatus regulated under Title 14E of this Code, unless such person either: (1) holds a valid electrical contractor certificate of registration under Section 4-290-030 authorizing the scope of work to be performed: or (2) is employed by a person holding a valid electrical contractor certificate of registration under Section 4-290-030 authorizing the scope of work to be performed. Provided, however, that:

i) An electrical contractor certificate of registration under Section 4-290-030 shall not be required to install, alter, or maintain any such equipment or apparatus for or by a public utility under the jurisdiction of the Illinois Commerce Commission for use in its operation as a public utility: and

ii) A private alarm contractor shall not be required to obtain a certificate of registration under Section 4-290-030 to install, alter or maintain an alarm system, if such private alarm contractor is properly licensed by the State of Illinois under the Private Detective, Private

Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, and is acting within the scope of such license.

(b) It shall be unlawful for any general contractor, subcontractor or other person to: (1) employ, permit, direct or cause any person who requires, but has failed to obtain, a valid certificate of registration under Section 4-290-030 to work as an electrical contractor on any project: or (2) allow any person who holds a valid certificate of registration under Section 4-290-030 to perform or cause to be performed electrical contractor work on any project that exceeds the scope of work authorized under such certificate.

~~The commissioner may, by rule, create classes of electrical contractors consistent with the different types of supervising electrician examinations prepared pursuant to Section 4-292-020(b), and it shall be unlawful for any electrical contractor to perform work beyond the scope of the class stated on the contractor's certificate of registration.~~

SECTION 2. Section 4-290-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows: '

4-290-020 Definitions.

As used in this chapter:

"Alarm system" has the meaning ascribed to that term in Section 5-10 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

"Commissioner" means the Commissioner of Buildings.

"Electrical contractor" means any person engaged in the business of installing, altering or maintaining by contract electrical equipment for the utilization of electricity for light, heat, power, signaling, or communication; provided, however, "electrical contractor" shall not include any person solely engaged in the business of installing, altering or maintaining: (1) radio apparatus or equipment for wireless reception of sounds and signals, or (2) apparatus, conductors, or other equipment installed for or by public utilities, including common carriers, which are under the jurisdiction of the Illinois Commerce Commission, for use in their operation

as public utilities; nor shall "electrical contractor" include persons employed by a licensed electrical contractor to do or supervise such work who installs, alters or maintains any equipment or apparatus within the meaning of Section 4-290-010 requiring a valid electrical contractor certificate of registration.

"Commissioner" means the commissioner of buildings.

"Electrical contractor work" means the installation, alteration or maintenance of any equipment or apparatus within the meaning of Section 4-290-010 requiring a valid electrical contractor certificate of registration.

"Electrician" means an individual who has successfully completed an electrician apprenticeship program recognized by the United States Department of Labor and requiring at least 8,000 hours of relevant on-the-job training and classroom instruction, as evidenced by a written certificate of completion.

"Electrician's apprentice" means an individual who is currently enrolled in an electrician apprenticeship program recognized by the United States Department of Labor and requiring at least 8,000 hours of relevant on-the-job training and classroom instruction.

"Private alarm contractor" means a person currently licensed by the State of Illinois as a private alarm contractor or private alarm contractor agency in accordance with the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

"Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004,

as amended, codified at 225 ILCS 447/Art.5, et. seq.

"Supervising electrician" means any person holding a valid certificate of registration as a supervising electrician under Chapter 4-292 of this Code.

SECTION 3. Section 4-290-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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4-290-030 Application and issuance of registration certificate.

Any person seeking to engage in the business of electrical contractor shall apply to the ~~commissioner~~ Commissioner for a certificate of registration authorizing such person to engage in the business of electrical contractor to the extent authorized under Section 4-290-035(b). The applicant for such certificate shall: (1) indicate on the application form whether a Class 1 or Class 2 electrical contractor registration is being sought, and if applicable, whether any subclassification of registration is being sought: (2) state the name of the supervising electrician appointed or employed by the applicant: and (3) provide any other information that the Commissioner may reasonably require in connection with the application for such registration.

Upon receipt of a completed application in proper form_A and payment of the registration fee ~~provided~~ set forth in Section 4-290-050, the ~~commissioner~~ Commissioner shall register the applicant as an electrical contractor with the appropriate classification of registration if the ~~commissioner~~ Commissioner determines that the applicant is in compliance with all applicable requirements of this Code. Upon registration, the ~~commissioner~~ Commissioner shall issue to the applicant a certificate of registration, which shall: (i) indicate on its face the appropriate classification of registration that the Commissioner has approved: and (2) ~~authorizing~~ authorize the applicant, during the period for which the registration is valid, to: (A) engage in the business of electrical contractor to the extent authorized under Section 4-290-035(b); and (B) secure permits under the electrical regulations of this Code. Provided, however, that no certificate of registration shall be issued to any applicant unless such applicant is in compliance with Chapter 4-292 of this Code, and ~~the~~ The certificate of registration shall state the name of the supervising electrician appointed or employed by the applicant. Such certificate shall not be transferable.

Eligibility for issuance of any registration under this chapter shall be a continuing requirement for maintaining such registration.

SECTION 4. Chapter 4-290 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-290-035, as follows:

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4-290-035 Classification.

- a) Classification of registration. All electrical contractor registrations shall be classified as either a Class 1 or Class 2 registration. The Commissioner may establish sub-classifications within Class 2 by rule.
- b) *Scope of work authorized.*
 - 1) Class 1 registration. An electrical contractor holding a Class 1 registration is authorized to perform any work for which a registration is required under this Chapter 4-290.
 - 2) Class 2 registration. An electrical contractor holding a Class 2 registration may perform any work for which a registration is required under this Chapter 4-290, except:
 - i) An electrical contractor holding a Class 2 registration shall not perform work for which a registration is required under this Chapter 4-290 in any building that exceeds 55 feet in height prior to initial legal occupancy of the portion of such building where work is performed; and
 - ii) An electrical contractor holding a Class 2 registration shall not perform work for which a registration is required under this Chapter 4-290 in a building or portion of a building classified in Section 13-56-080 as a Class C-1, large assembly unit, prior to initial legal occupancy of such building or portion of such building where work is performed.

SECTION 5. Chapter 4-290 of the Municipal Code of Chicago is hereby amended by creating a new Section 4-290-036, as follows:

4-290-036 Work requiring a Class 1 registration - Additional requirements.

- (a) When performing work that requires a Class 1 registration within the meaning of Section 4-290-

035, the electrical contractor holding such registration shall:

(1) ensure that each person performing work for or at the direction of the electrical contractor at the work site is either: (i) a supervising electrician; (ii) an electrician; or (iii) an electrician's apprentice employed by the electrical contractor; and

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(2) maintain records to establish compliance with the requirements set forth in subsection (a)(1) of this section for at least two years following completion of such work.

(b) Nothing in this section shall require an electrical contractor holding a Class 1 registration to comply with the requirements set forth in subsection (a) of this section when such contractor is performing work which may be performed by an electrical contractor holding a Class 2 registration.

SECTION 6. Section 4-290-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-290-050 Registration fee.

The fee to register as an electrical contractor shall be \$150.00. Such registration fee shall be paid by the applicant to the ~~department of finance~~ Department of Finance upon filing the application. A registration may be renewed upon payment of the required registration fee prior to or within three months of expiration of a valid registration.

It is a condition of the registration that the electrical contractor shall notify the ~~commissioner~~ Commissioner of any change in company name, company address, or company ownership within 30 days, or change in supervising electrician within 5 days, by filing an amended registration application with the ~~commissioner~~ Commissioner. A fee, as set forth in rules duly promulgated by the ~~commissioner~~ Commissioner, shall be assessed in connection with the submission of any amended registration application. Provided, however, that any change of supervising electrician shall comply with Section 4-292-040 and shall be accompanied by a fee of \$100.00.

ARTICLE II. SUPERVISING ELEVATOR MECHANICS

SECTION 1. Section 4-298-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

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4-298-010 Elevator mechanic contractor defined.

"Elevator mechanic contractor" means any person, firm or corporation engaged in the business of constructing, installing, altering or maintaining the mechanical components of any elevator, escalator, moving walk, dumbwaiter, platform lift, manlift, ~~inclined lift in private residences~~, mechanical equipment used for the raising or lowering of any curtain, stage or orchestra floor, or any other conveyance device specifically covered and described within Title 44E-14C other than a mechanical amusement riding device or conveyance device within or exclusively serving no more than three levels of a single, privately-owned dwelling unit.

SECTION 2. Section 4-298-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-298-050 Registration fee.

The fee for registration as an elevator mechanic contractor shall be ~~\$35.00~~ \$150.00 for each year the registration is valid, which sum shall be paid by the applicant to the ~~department of finance~~ Department of Finance in advance upon filing the application. The renewal fee for such registration shall be ~~\$35.00~~ \$150.00. Any change in the information, including company name, ownership information, and/or change of supervising elevator mechanic, shall require an amended registration. The fee for such amended registration shall be \$35.00.

SECTION 3. Section 4-298-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-298-070 Duties.

The supervising elevator mechanic shall perform the work or supervise and direct the mechanical construction, installation, alteration or maintenance of elevators and related devices listed in Section 4-298-010 authorized by permits issued under the authority of this chapter. All applications for permits shall be countersigned by said supervising elevator mechanic ~~or by a~~

State of Illinois-licensed elevator contractor. Applications for permits[^] which may also include the installation, alteration or maintenance of related electrical wiring and equipment for power, control or communication, shall also be countersigned by a supervising electrician.

SECTION 4. Section 4-298-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows;

4-298-080 Application - Qualifications.

An applicant for a license as a supervising elevator mechanic shall file an application with the building commissioner, in writing, on a form furnished by the building department. ~~Each applicant shall be required to pass a written examination that will allow the full assessment of the competency and fitness of the applicant.~~

To ~~qualify to take the register as a supervising elevator mechanic's license examination~~ mechanic, the applicant must provide evidence in a form acceptable to the building commissioner that:

- A. the applicant is at least 21 years old;
- B. the applicant has worked as an elevator mechanic for at least two four years ~~during the preceding 48-month period~~ or that the applicant has completed an elevator constructor mechanic apprenticeship program that is recognized by the ~~building commissioner~~ United States Department of Labor;
- C. that the applicant has not had a supervising elevator mechanic's or comparable license suspended or revoked by the City of Chicago or any other jurisdiction; provided, however, that upon good cause shown and after a full investigation, the building commissioner may waive this prohibition; and
- D. the applicant has no history of substance abuse during the preceding three years or that the applicant has successfully completed a certified substance abuse rehabilitation program the applicant is certified as an elevator inspector in accordance with the American

Society of Mechanical Engineers' ASME QEI-1 - 2013 (or subsequent edition recognized by the building commissioner);

Et ~~the applicant has the present physical ability to safely function as a supervising elevator mechani~~

e; and

F-t the applicant has the ability to read, write and communicate at a level that allows the effective performance of his or her duties on the job site-All applicants meeting these qualifications shall be allowed to take the supervising elevator mechanic's license examination upon payment of the required fee.

SECTION 5. Section 4-298-010 of the Municipal Code of Chicago is hereby deleted in its entirety.

SECTION 6. Section 4-298-100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-298-100 License - Issuance.

An applicant who successfully passes the supervising elevator mechanic's examination and satisfies all other of the requirements imposed herein under this chapter shall be issued a license by the building commissioner upon payment of the required fees. The licensee's name shall be placed both on the license certificate and on the identification card issued to the registered elevator mechanic contractor. No supervising elevator mechanic shall be certified with more than one registered elevator mechanic contractor or listed on more than one registration certificate.

SECTION 7. Section 4-298-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

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4-298-110 Notice of discharge or resignation.

Whenever a supervising elevator mechanic shall leave or be discharged from the employ of any elevator mechanic contractor, who is required by this chapter to appoint or employ a supervising elevator mechanic, a written statement giving notice thereof shall be provided within five days by both the employer

and the supervising elevator mechanic to the department of buildings, and the permit privileges of such elevator mechanic contractor shall, without further order or action by the department of buildings, stand suspended until the employment or appointment by such elevator mechanic contractor of a supervising elevator mechanic as provided for in Section 4-298-060. A supervising elevator mechanic may transfer a valid certification to another elevator mechanic contractor with the permission of the building commissioner, which permission shall not be unreasonably withheld. ~~The fee for such a transfer shall be \$35.00.~~

SECTION 8. Section 4-298-140 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-298-140 Examination and license License fees.

A- ~~The fee for the supervising elevator mechanic's examination shall be \$150.00 and paid to the department of finance prior to the day the examination is taken. \ Reserved.]~~

B. The fee for an original supervising elevator mechanic's license shall be ~~\$150.00~~ \$300.00. The fee for renewal shall be ~~\$400.00~~ \$150.00 for each year the license is in effect. The license may be renewed upon payment of the required fee prior to or within thirty days after the expiration of a valid license.

(Omitted text is unaffected by this ordinance)

E. The fee to transfer a supervising elevator mechanic's license from one elevator mechanic contractor to another elevator mechanic contractor is \$100.00.

ARTICLE III. DISCIPLINARY ACTION

SECTION 1. Section 13-8-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-8-130 Permit privileges - Suspension.

a) The Commissioner of Buildings may suspend the ability of any person to submit new applications or complete pending applications for a building permit, sign permit, electrical permit or other

permit issued by the Department of Buildings when the Commissioner determines that the person:

(Omitted text is unaffected by this ordinance)

13) performed or directed work that poses an immediate or imminent threat to the health and safety of workers or the public[^] or

14) has been indicted or charged under an State or federal law with the offense of bribery of a public official or fraud upon a public body or similar offense: or

15) has unpaid fines and fees due and owing to the United States Department of Labor Occupational Safety and Health Administration for violations relating to workplace safety or unsafe work practices.

(Omitted text is unaffected by this ordinance)

b) If the Commissioner suspends the ability of any person to submit new applications or complete pending applications for a building permit or other permit issued by the Department of Buildings pursuant to this section the Commissioner shall:

1) notify the person in writing by first class mail at the address of record on the person's license, registration or certificate attesting to the basis for the suspension and a statement that no new permit applications or pending permit applications for any work at any location other than to correct the basis for the suspension will be accepted or processed until the basis for the suspension is corrected and verified by the department;

2) include a statement that the person may file a written request with the Commissioner to contest the basis for the suspension;

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(3) include a statement that in addition to any other fees and fines, a fee of \$150.00 shall be paid to the City for each inspection or review conducted by the City to verify compliance; and

(4) include a statement that if the person contests the basis for the suspension and does not agree with the final decision of the Commissioner, the person may appeal the final decision to a court of competent jurisdiction.

(c) (1) If the Commissioner suspends the permit privileges of a person under this section, the person may file a written petition with the Commissioner for reinstatement of the permit privileges. The petition

shall include proof that the noncompliance has been abated or corrected and that all related fines and fees have been paid. In addition to any other fees and fines, a fee of \$150.00 shall be paid to the City for each inspection or review conducted by the City to verify compliance. If the Commissioner suspends any person's permit privileges under this section, the Commissioner may process an application for or revision to a permit if the permit is for work that would correct the basis for the suspension of permit privileges.

(2) If the commissioner reinstates a person's permit privileges in accordance with subsection (c)(1) of this section, such person shall not be listed on more than ten active permit applications at any one time for a period of one year from the date of such reinstatement.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 13-8-140 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

13-8-140 License, registration or certification - Suspension or revocation.

(a) In addition to or concurrent with Section 4-4-280 of this Code, the Commissioner of Buildings may suspend or revoke the license, registration or certification issued to any person licensed or registered, or required to be licensed or registered under this Code, where the Commissioner has determined that the person:

(Omitted text is unaffected by this ordinance)

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13) performed or directed work that poses an immediate or imminent threat to the health and safety of workers or the public or

14) has been indicted or charged under any State or federal law with the offense of bribery of a public official or fraud upon a public body or similar offense; or

15) has unpaid fines and fees due and owing to the United States Department of Labor Occupational Safety and Health Administration for violations relating to workplace safety or unsafe work practices.

(Omitted text is unaffected by this ordinance)

ARTICLE IV: EFFECTIVE DATES

SECTION 1. Following its passage and publication, Article I of this Ordinance shall take full force and effect on July 1, 2019. The remaining Articles of this Ordinance shall take full force and effect upon passage and publication of this Ordinance.

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OFFICE OF THE MAYOR

CITY OF CHICAGO

RAHM EMANUEL MAYOR

July 25, 2018

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF
CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Buildings, I transmit herewith an ordinance amending Chapter 4-290 of the Municipal Code regarding electrical contractor registration related trade licensing.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

Approved Approved