

ORDINANCE NO. 17 - ____

**AN ORDINANCE ASCERTAINING
PREVAILING WAGES IN THE CITY OF NAPERVILLE**

WHEREAS, the State of Illinois has enacted the Prevailing Wage Act, 820 ILCS 130/0.01 *et seq.*

NOW, THEREFORE, BE IT ORDAINED THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: To the extent required by the Prevailing Wage Act (“Act”), and subject to the provisions contained herein, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of Naperville is hereby ascertained to be the same as the prevailing rate of wages for construction work in the DuPage and Will County area as determined by the Department of Labor of the State of Illinois as of June of the current year, a copy of that determination being attached hereto as **Exhibit A** and **Exhibit B**. As required by the Act, any and all revisions of the prevailing rate of wages by the Illinois Department of Labor shall supersede the Department’s June determination and apply to any and all public works construction undertaken by the City of Naperville. The definition of any terms appearing in this Ordinance which are also used in the Act shall be the same as in the Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works of the City of Naperville to the extent required by the Act.

SECTION 3: Landscape construction work is covered by the prevailing wage schedule promulgated by the Illinois Department of Labor, attached as **Exhibit A** and **Exhibit B**. As provided on the Illinois Department of Labor website, landscape construction work covered under the Act is work performed in connection with contracts for: (1) the original installation of any landscaping materials on any new construction projects; (2) landscaping done in connection with any road, boulevard, street, highway, bridge, park, sewer or underground utility construction project; (3) lawn and landscape restoration where there has been construction involving trenches and manholes, pipes, cables and conduits; (4) the preparation and landscaping of approaches associated with construction involving shafts, tunnels, subways and sewers; (5) the landscaping of the old and new site where underpinning, lagging, bracing, propping and shoring has occurred; and (6) landscaping associated with construction involving general excavation and grading and the general landscaping of sites of wrecked structures. Landscape work not considered to be landscape construction work so long as it is not performed in conjunction with work covered by the Act includes but is not limited to: lawn mowing or grass cutting; line trimming; edging; weeding; cultivating beds; mulch application; bed preparation using soil amendments; core aeration; sweeping and blowing of landscape materials; pruning, planting, removal or replacement of shrubs, plants, and flowers; pruning of trees and replacement of trees that are planted as a replacement due to the removal of diseased or irreparably damaged trees, or trees that constitute a hazard; replacement of sod, the removal of diseased or irreparably damaged trees or trees that are a hazard; seeding, including the preparation and application of erosion control blanket, application of fertilizer, herbicide, pesticide, fungicide; aquatic applications, raking, watering of trees, shrubs, plants, flowers, bulbs, seeds and sod; grooming; dividing plants; dead-leafing;

sweeping; trash pick-up and removal of landscape litter; snow removal; holiday light and seasonal decoration installation. Landscaping of all types performed by City of Naperville employees is excluded from coverage.

SECTION 4: The City Clerk is hereby authorized and directed to publicly post or keep available for inspection by any interested party in the main office of the City of Naperville this determination or any revisions of such prevailing rate of wages. A copy of this determination or the current revised determination of prevailing rate of wages then in effect shall be attached to contract specifications as required by the Act, or, if permitted by the Act, shall be referenced in the contract specifications.

SECTION 5: The City Clerk is hereby authorized and directed to mail a copy of this determination to any employer and to any association of employers and to any person or association of employees who have filed their names and addresses requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 6: The City Clerk is hereby authorized and directed to file a certified copy of this Ordinance with both the Index Division of the Secretary of State and the Department of Labor of the State of Illinois on or before July 15, 2017.

SECTION 7: The City Clerk is hereby authorized and directed to cause to be published in a newspaper of general circulation within the area notification of passage of this Ordinance and that this Ordinance shall be available for viewing in the Office of the City Clerk. The publication shall constitute notice that the determination is effective and that this is the determination of this public body.

SECTION 8: This Ordinance shall be effective upon its passage and approval according to law.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

By: _____

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk