

ORDINANCE NO. 18 - ____

**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 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 construction 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 landscape materials in connection with covered work involving buildings or structures; (2) landscape work in conjunction with covered work involving any road, boulevard, street, highway, bridge project, sewer or underground project; (3) lawn and landscape restoration performed in conjunction with covered work involving trenches and manholes, pipes, cables and conduits; (4) the preparation of and landscaping of approaches associated with covered work performed in connection with shafts, tunnels, subways, and sewers; (5) the landscaping of an old or new site in conjunction with covered work involving underpinning, lagging, bracing, propping or shoring; and (6) landscaping in connection with covered work involving earthmoving and grading. 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 work of all types performed by employees of the City of Naperville is excluded from coverage under the Act.

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 of such prevailing rate of wages. A copy of this determination, or any revised determination of prevailing rate of wages then in effect as determined by the Illinois Department of Labor, 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: Pursuant to the provisions of Section 130/9 of the Act, notice of the determination set forth herein shall be satisfied either by publication in a newspaper of general circulation as provided for in that Section or by posting a notice of the determination set forth herein by posting this Ordinance on the City's official website with hyperlinks to the prevailing wage schedule applicable to this locality as published on the official website of the Illinois Department of Labor.

SECTION 7: The City Clerk is hereby authorized and directed to file a certified copy of this Ordinance with the Illinois Department of Labor on or before July 15, 2018.

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

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

By: _____
Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

STATE OF ILLINOIS)
)
COUNTIES OF DUPAGE AND WILL) ss.

PREVAILING WAGE CERTIFICATE OF THE CITY OF NAPERVILLE

I, Pam Gallahue, DO HEREBY CERTIFY THAT I am the City Clerk of the City of Naperville; that the foregoing is a true and correct copy of an Ordinance duly passed by the Naperville City Council entitled: "AN ORDINANCE ASCERTAINING PREVAILING WAGES IN THE CITY OF NAPERVILLE," which ordinance was passed at a regular city council meeting held at 7 p.m. on the 19th day of June 2018, the Ordinance being a part of the official records of said City of Naperville.

Dated this _____ day of _____ 2018.

By:

Pam Gallahue, Ph.D.
City Clerk of the City of Naperville