

ORDINANCE NO. 47-2017

INTRODUCED BY: Mayor Ann Marie Donegan and Council as a Whole

AN ORDINANCE UPDATING, RATIFYING, CONFIRMING, RECONSTITUTING, AND RELOCATING THE REQUIREMENTS, PROCESSES, AND CONTENT FORMERLY CONTAINED IN SECTION 1424.07 FOR REGISTRATION OF CONTRACTORS PERFORMING WORK IN THE CITY BY UPDATING AND ADOPTING THE SAME AS NEW SECTION 1448.10, "REGISTRATION OF CONTRACTORS," IN CHAPTER 1448, PERMITS AND FEES, OF THE CODIFIED ORDINANCES OF THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, the Regional Dwelling House Code formerly part of the Codified Ordinances of the City has been superseded by the State and Chapter 1424 has therefore been repealed; and

WHEREAS, former Section 1424.07, Registration of Contractors, was originally added to an included under the Regional Dwelling House Code in Chapter 1424; and

WHEREAS, for the protection, security and safety of the businesses and residents of the City, the Registration of Contractors continues to be required and the City has continued to obtain registration application by contractors and has followed the procedures provided in former Section 1424.07; and

WHEREAS, in order to recodify the requirements for the Registration of Contractors and for ease of administrative use, it is wholly appropriate to update and recodify the Registration of Contractors into existing Chapter 1448 of the Codified Ordinances covering "Permits and Fees." Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1. That new Section 1448.10, Registration of Contractors, is hereby adopted as part of Chapter 1448, Permits and Fees, the contents of Section 1448.10 being attached hereto as Exhibit "A" and incorporated herein by reference as if fully rewritten.

SECTION 2. That the administrative actions requiring the registration of contractors, including the submission of applications and fees for the same, are hereby ratified and affirmed.

SECTION 3. The Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that all deliberations of this Council and any of its committees that resulted in such formal action, took place in meetings open to the public,

in full compliance with all legal requirements, including without limitation, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the further reason that it is immediately necessary to formally codify the registration of contractor's provisions for ease of administration for contractor's and the City. Therefore, this Ordinance shall take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Linda Garrity, President of Council

PASSED: _____

APPROVED: _____
Ann Marie Donegan, Mayor *Date*

APPROVED AS TO FORM: _____
Gregory M. Sponseller, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Garrity	_____	_____
Haviland	_____	_____
Sculac	_____	_____
Gorski	_____	_____
Stibich	_____	_____
Duncan	_____	_____
Miller	_____	_____

1448.10 REGISTRATION OF CONTRACTORS

(a) Registration Required. No person, firm, corporation, general contractor or subcontractor involved in any trade and/or engaged in performing work of any type shall perform any work within the City without first obtaining a certificate of registration from the Building, Housing and Zoning Administrator. Such work shall include, but not be limited to, drywall/plastering/painting/wallpapering; plumbing/sewer and water installation and repair; electrical; gas lines; masonry/paving/concrete and asphalt placement and repair; carpentry/building/remodeling; roofing/siding/gutters/window and door installation or repair; heating/cooling; fire protection equipment/security equipment; installation of cable TV/antennae/telephone lines and outlets; landscaping/grading/excavation; fences/swimming pools/decks or other structures; signage; steel erection; excavation; demolition and moving of building/structures/other equipment; and installation/encapsulation and/or removal of hazardous materials.

Utility subcontractors shall be included in the above.

(b) Application. An application form shall be obtained from the Building, Housing and Zoning Administrator during normal office hours. The completed application shall be submitted to the Building, Housing and Zoning Administrator, together with the bond and proof of insurance required under this chapter and any other documents requested by the Building, Housing and Zoning Administrator. Such application shall be granted if the Building, Housing and Zoning Administrator finds that the applicant is qualified to perform the work for which the application is sought.

Evidence that the applicant is currently licensed by a qualified testing agency of the City, County or State of Ohio, and has successfully passed an examination of proficiency in the respective trade, shall be sufficient evidence of qualification so as to authorize the issuance of a registration certificate, provided that no grounds for disqualification exist. Evidence of repeated violations of the Building Code of the State or any political subdivision, or of any ordinance of the City, or of shoddy workmanship or failure to successfully complete a project, shall be sufficient to disqualify the applicant from receiving the certificate of registration.

No person, firm, corporation or other entity shall secure or attempt to secure a registration for any contractor, other than himself or herself.

The Building, Housing and Zoning Administrator reserves the right to withhold decision on any application pending review.

(c) Time and Fee. The certificate of registration shall be valid for the calendar year in which it is issued and shall be renewed annually thereafter. The calendar year shall be that which ends December 31. A nonrefundable fee of one hundred dollars (\$100.00) shall be paid for registration annually at the time of original issuance.

(d) Insurance Required. Each applicant shall furnish proof of a valid and current liability insurance policy. The minimum coverage of said insurance policy shall be five hundred thousand dollars (\$500,000) for property damage and bodily injury, and such policy shall name the City of Olmsted Falls as the Additional Insured. Any insurance policy that is revoked or that expires without renewal shall suspend the certificate of registration until the policy is reinstated. The City shall receive at least ten days' written notice prior

to the expiration or cancellation of any insurance policy issued pursuant to this section, and the terms of the policy shall specify such required written notice prior to expiration or cancellation.

(e) Suspension; Revocation. A certificate of registration may be suspended or revoked by the Building, Housing and Zoning Administrator for cause, which shall include but not be limited to, repeated violations of the City's Building and/or Zoning Code violations of State and/or Federal laws, environmental considerations, shoddy workmanship, failure to successfully complete a project, and/or conditions considered to be a hazard to the health, safety and welfare of the general community.

The suspension and/or revocation of a certificate of registration under any provisions of this chapter shall simultaneously suspend the authority of any holder thereof to perform any work on any project within the City.

(f) Stop Order. Whenever there is a determination made by the Building, Housing and Zoning Administrator pursuant to subsection (e) hereof, the Building, Housing and Zoning Administrator shall issue a stop order and all work shall cease and desist until all violations are resolved to the satisfaction of the Building, Housing and Zoning Administrator.

(g) Appeal. Any applicant to whom a certificate of registration has been denied, suspended or revoked by the Building, Housing and Zoning Administrator may appeal such decision within thirty (30) days thereof to the City of Olmsted Falls Planning and Zoning Commission.

Local Zoning Code violations may be timely appealed to the City. Building Code violations (applies only to residential dwellings under three-family) may only be appealed to a certified board of appeals in the jurisdiction authorized by the City of Olmsted Falls to hear Building Code violations.

Building and Fire Code violations for residential dwellings over three-family and commercial or other buildings and/or structures under the jurisdiction of the State of Ohio may only be appealed to the State of Ohio Department of Industrial Relations and/or the State Fire Marshal.

(h) Additional Insurance or Bonding. The Building, Housing and Zoning Administrator reserves the right to require additional insurance and/or bonding if, in his or her opinion, the additional insurance and/or bonding is necessary. The Building, Housing and Zoning Administrator may refuse any applicant if, in his or her opinion, said applicant is not qualified to do the work required. Upon refusal of the Building, Housing and Zoning Administrator to issue a certificate of registration, the applicant may appeal the denial in accordance with subsection (g) hereof.

(i) Homeowner's Exception. The homeowner's exception shall only apply to individual owners of single-family detached residential premises. The homeowner shall submit an affidavit to the Building, Housing and Zoning Administrator stating exactly the nature and extent of the work to be performed by the homeowner himself or herself and that which shall be done by other licensed and registered contractors. The homeowner

shall also submit all necessary drawings and the names of all contractors involved. No homeowner shall register or attempt to register for any contractor. The Building, Housing and Zoning Administrator shall not grant a registration to any homeowner for electrical, heating and cooling or plumbing work, unless said homeowner can provide and document proficiency and knowledge of the codes and acceptable installation methods of such work.

(j) Access to Payroll Records. The Building, Housing and Zoning Administrator shall have authority to access payroll records to ascertain that all applicable tax obligations are current.

(k) Penalty. Whoever violates any of the provisions of this section shall be fined not more than two hundred and fifty dollars (\$250.00) for each offense per day until the violation or violations are corrected to the satisfaction of the Building, Housing and Zoning Administrator.