

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

AN ORDINANCE REQUIRING THE REGISTRATION OF CONSTRUCTION CONTRACTORS WITH THE CITY OF MARION

WHEREAS: the Mayor and City Council of Marion believe it necessary to create minimum professional standards for construction contractors.

WHEREAS: the city of Marion wish to improve trust between consumers and construction contractors by creating a registry of contractors that meet the qualifications outlined herein.

WHEREAS: the city of Marion understands this resolution to be an effective balance between the costs of a complete building department and the protection of our community.

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

CHAPTER XXXX

Registration of Contractors

- XXXX.01 Registration required; contractor and subcontractor defined.
- XXXX.02 License required; exceptions; application.
- XXXX.03 Utility employees exempted.
- XXXX.04 Homeowners exempted; homeowner defined.
- XXXX.05 Limitation on issuance of building permits.
- XXXX.06 Suspension, disapproval, or revocation of certificates.
- XXXX.07 Issuance of license and registration; fees; terms.
- XXXX.08 Prerequisites to issuance of license, indemnification bond & liability insurance
- XXXX.09 Appeals.
- XXXX.99 Penalty.

XXXX.01 REGISTRATION REQUIRED; CONTRACTOR AND SUBCONTRACTOR DEFINED.

- (a) Registration shall be required of all contractors or subcontractors performing work or providing services covered by the Building Code.
- (b) No person shall undertake, individually or for another, to engage for hire in any of the crafts, trades and businesses within the City, until such person, or at least one natural person duly representing such person, has been duly registered by the City to perform such work.
- (c) Applicants for registration to engage in work at the crafts, trades and businesses shall make application at the office of the Zoning Inspection on forms prescribed by the Zoning Inspector.
- (d) As used in this chapter, "contractor" or "subcontractor" means any individual, association, corporation or other entity engaged in the business of construction work, or performing construction work in the City.

XXXX.02 LICENSE REQUIRED; EXCEPTIONS; APPLICATION.

- (a) No person shall engage in the business or act in the capacity of a contractor or general contractor, except pursuant to a license issued in conformity with this chapter by the Zoning Inspector.
- (b) An application for a certificate of registration required by Section XXXX.01 shall be upon a form issued by the Chief Building Official that contains the following information:
 - (1) A list of all subcontractors to be utilized, including address and contact information, which list must remain current and updated in writing with the City as necessary;
 - (2) Evidence from a proper licensing authority, if applicable, that the applicant has received all necessary licenses;

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

(3) Certification that the applicant has not had a license revoked in any state or municipality;

(4) Certification that the applicant has not been penalized or debarred from any public contract in the previous five years for providing falsified certified payroll records or other violation of the Fair Labor Standards Act;

(6) Certification that the applicant has a Bureau of Workers' Compensation policy;

(7) Certification that the applicant has not had any "serious", "intentional" or

"willful" violations of any Occupational Safety and Health Administration regulations in the previous two years;

(8) Certification that the applicant has not had any convictions for violations

of the Building or Zoning Codes within the previous five years;

(10) Certification that all subcontractors utilized will obtain a certificate of

registration from the City prior to being utilized in any project in the City;

(11) Certification that all individuals being issued an IRS Form 1099 will be

considered independent contractors and will obtain a certificate of registration from the City prior to being utilized in any project in the City; and

(12) Such additional information as the Zoning Inspector may deem advisable. A certificate of registration shall be granted if the application fully conforms with the requirements of this section and the Zoning Inspector finds that the applicant is qualified to perform the work for which the application is sought.

(c) Evidence of repeated violations of this Building and Housing Code or other City ordinances shall be sufficient evidence to disqualify the applicant from receiving a certificate of registration.

XXXX.03 UTILITY EMPLOYEES EXEMPTED.

This chapter shall not be interpreted so as to require a registration certificate for any City employee performing work on a City owned property or for any public utility organizations that engage in the installation, alteration, repair, maintenance or utilization of any device, appliance, installation or appurtenance forming part of the equipment for generation, transmission or distribution of any commodity or service which such public utility organization is authorized by law to furnish or provide.

XXXX.04 BUILDING OWNERS EXEMPTED

This chapter shall in no way be interpreted so as to require the owner of a one, two or three-family dwelling to be registered hereunder if such homeowner is to personally perform work upon the premises. The exempted homeowner shall assume full responsibility for compliance with ICE residential building code, including workmanship, and with the Planning and Zoning Code of the City, as well as all other codes, laws and regulations which cover the construction and use of the referenced job location.

(a) Definition of a Homeowner: A person who owns or leases a single condominium unit or parcel of land on which he or she intends to reside, on which there is, or is intended to be, a dwelling of three units or less and/or attached or detached structures accessory to such residential use.

XXXX.05 LIMITATION ON ISSUANCE OF BUILDING PERMITS.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

(a) Issuance to Contractors. No permit required by Chapter 1442 shall be issued for work to be undertaken by contract, except to a licensed contractor or general contractor or a registered subcontractor.

(b) Additional Limitations.

(1) Subcontractor registration list. No permit shall be issued prior to submitting the completed City subcontractor registration list, as applied to related construction.

(3) Unregistered contractors. Job-site activities of an unregistered contractor shall constitute a violation of Section XXXX.02. The permit applicant shall be notified in writing.

(4) Work started prior to contractor registration. Where work for which contractor registration is required is started prior to registration, the fees required for such registration shall be doubled, but the payment of such double fees does not relieve any person from fully complying with the requirements of Section XXXX.09.

XXXX.06 SUSPENSION, DISAPPROVAL OR REVOCATION OF CERTIFICATES.

(a) The Zoning Inspector may suspend, disapprove or revoke any license or renewal thereof issued under this chapter for any of the following reasons:

(1) Misrepresentation of a material fact by the applicant in obtaining the license or renewal thereof;

(2) Use of a certificate in obtaining permits for another;

(3) Faulty or defective workmanship;

(4) Departure from or disregard of plans and specifications filed with the application for a permit; or

(5) Noncompliance with or a violation of any provision of any applicable code or ordinance of the City in the performance of any work done pursuant to a license issued hereunder.

XXXX.07 ISSUANCE OF LICENSE AND REGISTRATION; FEES; TERMS.

Upon receipt of a completed application, the required license bond and the payment of the initial license fee of fifty dollars (\$50.00), the Building Inspector shall issue a license to the applicant. The initial license shall expire on December 31 of the year of issuance and may be renewed annually thereafter upon the payment of an annual renewal fee of fifty dollars (\$50.00).

XXXX.08 PREREQUISITES TO ISSUANCE OF LICENSE; INDEMNIFICATION BOND & LIABILITY INSURANCE

(c) Liability Insurance.

(1) Each applicant for a license under this chapter shall furnish evidence of insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damage in the amount of at least fifty thousand dollars (\$50,000).

(2) If, in the opinion of the Building Commissioner, the work to be performed under this chapter amounts to one thousand dollars (\$1,000) or less for labor and materials, per permit, he or she may waive all compliance with the insurance requirements of this chapter.

XXXX.09 APPEALS.

A licensee whose license or registration has been suspended or revoked may appeal the order of suspension or revocation to the Board of Zoning and Building Appeals. The appellant may be represented by counsel at his or her own expense. The Board shall permit the appellant and the Building Inspector to call witnesses and introduce competent testimony pertinent to a

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

hearing of appeal. The appeal shall be made in writing and filed with the Clerk of the Board within thirty days after the receipt of the notice or order. The Board may affirm, reverse or modify any action taken by the Building Inspector pursuant to the dictates of these Codified Ordinances.

XXXX.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree for a 1st offense, first degree thereafter, and shall be subject to the penalty provided in Chapter XXX of these Codified ordinances.

(b) The application of the penalty provided for in subsection (a) hereof shall not prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including the enforced removal of prohibited conditions.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Clerk of Council