

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-02

Passed _____, _____

AN ORDINANCE REQUIRING THE REGISTRATION OF CONSTRUCTION CONTRACTORS WITH THE CITY OF MARION, AS AMENDED

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

WHEREAS: the city of Marion wishes 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 790 Registration of Contractors

790.01 Registration required; contractor and subcontractor defined.

790.02 License required; exceptions; application.

790.03 Utility employees exempted.

790.04 Homeowners exempted; homeowner defined.

790.05 Limitation on issuance of building permits.

790.06 Suspension, disapproval, or revocation of certificates.

790.07 Issuance of license and registration; fees; terms.

790.08 Prerequisites to issuance of license, indemnification bond & liability insurance

790.09 Appeals.

790.99 Penalty.

790.01 REGISTRATION REQUIRED; CONTRACTOR DEFINED.

(a) Registration shall be required of all contractors performing CONSTRUCTION work or services covered by applicable state and local the Building or Housing Codes.

(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" means any individual, association, corporation or other entity engaged in the business of construction work or performing construction work in the City.

(e) As used in this chapter, "construction" shall be defined as work that requires a zoning permit, work requiring state permits, work requiring Local Health Department permits pertaining to building plumbing systems, work addressed in the residential code of Ohio, or work performed on a building structure exceeding \$2,000.

790.02 LICENSE REQUIRED; EXCEPTIONS; APPLICATION.

(a) No person shall engage in the business or act in the capacity of a contractor or general contractor performing construction work or services, except pursuant to a license / registration issued in conformity with this chapter by the Zoning Inspector.

(b) An application for a certificate of registration required by Section 790.01 shall be upon a form issued by the Zoning Inspector that contains the following information:

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- (1) Certification that the applicant has not had a contractor or construction license, or registration revoked in any state or municipality;
- (2) 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;
- (3) Certification that the applicant has a Bureau of Workers' Compensation policy;
- (4) Certification that the applicant has not had any "serious", "intentional" AND "willful" violations of any Occupational Safety and Health Administration regulations in the previous two years; (reporting of prior violations of this Building and Housing Codes.
- (5) 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 has met the minimum qualifications.

790.03 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.

790.04 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 owner is to personally perform work upon the premises. The exempted owner shall assume full responsibility for compliance with all applicable state and local residential building codes, 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.

- (3) Unregistered contractors. Job-site activities of an unregistered contractor shall constitute a violation of Section 790.02. 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 790.

790.06 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) Criminal convictions concerning fraud, intention and willful disregard in workmanship, or theft
 - (6) A contractor that involves themselves in collusive activities designed to conceal or disguise material defects in a building's construction that result in civil or criminal prosecution of said contractor or owner.

790.07 ISSUANCE OF LICENSE AND REGISTRATION; FEES; TERMS.

Upon receipt of a completed application and the payment of the initial license fee of fifty dollars (\$50.00), the Zoning Inspector shall issue a license to the

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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).

790.08 PREREQUISITES TO ISSUANCE OF LICENSE/REGISTRATION

(1) Liability Insurance.

(A) 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).

790.09 APPEALS.

A licensee whose license or registration has been suspended or revoked may appeal the order of suspension or revocation to the Board of Building Appeals. The appellant may be represented by counsel at his or her own expense. The Board shall permit the appellant and the Zoning Inspector to call witnesses and introduce competent testimony pertinent to a 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 Zoning Inspector pursuant to the dictates of these Codified Ordinances. Said appellant is granted the right of last appeals to the full body of Marion City Council and Marion Municipal Court.

790.99 PENALTY.

(a) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree (M - 4) on a first offense which is punishable by a fine of not more than \$ 250.00 fine and/or a jail sentence of up to thirty (30) days. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the second degree (M - 2) which is punishable by not more than 90 days in jail and/or \$ 750.00 fine. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the first degree (M - 1) which is punishable by not more than 180 days in jail and/or a fine of \$ 1,000.00.

(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

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Ordinance No. _____

Passed _____, _____

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-06

Passed _____, 20____

RESOLUTION TO APPROVE THE DELAWARE-KNOX-MARION-MORROW JOINT SOLID WASTE MANAGEMENT DISTRICT’S AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN, AND DECLARING AN EMERGENCY

Summary/Background: The Plan is prepared in accordance with Ohio Revised Code ("ORC") Section 3734, the State of Ohio's Solid Waste Management Plan and the Ohio Environmental Protection Agency's guidelines. The Plan also describes strategies and programs that will be implemented to meet or exceed the minimum state waste reduction goals and objectives. The Delaware-Knox-Marion-Morrow Joint Solid Waste Management District ("District") completed the draft amended Solid Waste Management Plan ("Plan") and submitted it to the Ohio Environmental Protection Agency for review and comment on February 12, 2018 and the Ohio Environmental Protection Agency provided comments in a non-binding advisory opinion on March 29, 2018. The District's Policy Committee has reviewed the non-binding advisory opinion received from the Ohio Environmental Protection Agency and taken these comments into consideration and incorporated changes into the amended Plan as appropriate. The District has conducted a 30-day comment period from August 22, 2018 to September 20, 2018 and two public hearings were held on September 26, 2018 to provide the public an opportunity to comment on the Plan.

Budget Impact: The Plan provides for a fee schedule that generates the required revenue to cover the costs of implementing the strategies and programs designed to meet or exceed the minimum state waste reduction goals and objectives.

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED that the City of Marion, located within the jurisdiction of the Delaware-Knox-Marion-Morrow Joint Solid Waste Management District, that:

Section 1. These Members hereby acknowledge receipt of the amended draft plan.

Section 2. The City of Marion approves the District Solid Waste Management Plan.

Section 3. The Clerk is hereby directed to send the District a copy of this resolution to the attention of Ms. Jenna Hicks, District Director, Delaware-Knox-Marion-Morrow Joint Solid Waste Management District, 117 E. High Street, Suite 257, Mount Vernon, Ohio 43050.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

Section 4. That it is found and determined that all formal actions of this council concerning and relating to the passage of this resolution/ordinance were adopted in an open meeting of this council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

Section 5. That this resolution shall be in full force and effect immediately upon its adoption.

Todd Schneider
President of Council

Approved:

Mayor Scott Schertzer

Attest;

Clerk of Council

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Ordinance No. 2019-15

Passed _____, _____

ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO CONTRACT WITH RUDD EQUIPMENT FOR THE PURCHASE OF VOLVO L60H WHEEL LOADER FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, Council has the understanding that the Streets Department is in dire need of a new Volvo L60H Wheel loader replacing a 29 year old Case wheel loader; and

WHEREAS, under ORC 9.48 (Joint purchasing programs), a political subdivision can participate in a joint purchasing program operated by or through a national or state association of political subdivision in which the purchasing political subdivision is eligible for membership; and it will be purchased through the STS515 state purchasing contract; and

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

Section 1. That the Public Works Director is hereby authorized and is hereby directed to enter into contract with Rudd Equipment for the purchase of a new Volvo L60H Wheel Loader for use in the Streets Department. The total cost of \$133,206.43 and are funded from the SCMR Fund 202.2006.5304.

Section 2. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and since the price under this State Contract will expire at the end of 2019; and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided that it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

President of Council

Approved:

Mayor Scott Schertzer

Attest:

Clerk of Council

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Form 6220S

Ordinance No. 2019-16

Passed _____, _____

ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO CONTRACT WITH HENDERSON PRODUCTS, INC. AND INTERNATIONAL TRUCK FOR THE PURCHASE OF A DUMP BODY WITH PLOW FOR THE STREETS DEPARTMENT AND WITH INTERNATIONAL FOR THE CHASSIS AND DECLARING AN EMERGENCY

WHEREAS, Council has the understanding that the Streets Department is in dire need of a new Dump Truck with plow; and

WHEREAS, under ORC 9.48 (Joint purchasing programs), a political subdivision can participate in a joint purchasing program operated by or through a national or state association of political subdivision in which the purchasing political subdivision is eligible for membership; and

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

Section 1. That the Public Works Director is hereby authorized and is hereby directed to enter into contract with Henderson Products (Sourcewell contract) for the purchase of a new Dump Truck body with plow for use in the Streets Department. The cost is \$66,812. The cost for the Chassis from International (ODOT contract) is \$76,436.60. Both items are at a total cost of \$143,248.60 and are funded from the SCMR Fund 202.2006.5304 and are being purchased off the state pricing list.

Section 2. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and since the price under this State Contract will expire at the end of 2019; and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided that it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

President of Council

Approved:

Mayor Scott Schertzer

Attest:

Clerk of Council

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Ordinance No. 2019-17

Passed _____, _____

ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO CONTRACT WITH BEST EQUIPMENT TO PURCHASE ONE SINGLE AXLE SANITATION PACKER TO BE USED IN THE SANITATION DEPARTMENT. THROUGH THE NATIONAL GOVERNMENT PRICING (SOURCEWELL) TO BE USED IN THE SANITATION DEPARTMENT, AND DECLARING AN EMERGENCY

WHEREAS, The Sanitation Department is in dire need a new single axle Sanitation Packer 'replacing a 16 year single axle sanitation packer, and

WHEREAS, under ORC 9.48 (Joint purchasing programs), a political subdivision can participate in a joint purchasing program operated by or through a national or state association of political subdivision in which the purchasing political subdivision is eligible for membership; and

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

Section 1. That the Public works Director is hereby authorized to purchase the new single axle Sanitation Packer through national Government pricing (Sourcewell) Purchasing Program for a total amount of \$149,463.30 payable from the Sanitation Capital Equipment Fund (503.5005.5304).

Section 2. That this ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, given the immediate need of the single axle packer, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

President of Council

Approved:

Mayor Scott Schertzer

Attest:

Clerk of Council

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