

CHAPTER 790: REGISTRATION OF CONTRACTORS

Section

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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:
 - (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 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