

Sponsor: R. Peters/J. Peters

ORDINANCE 21-21

AN ORDINANCE ADDING CHAPTER 1316 TO THE CODIFIED ORDINANCES OF THE CITY OF JACKSON REQUIRING AND GOVERNING THE REGISTRATION OF CONTRACTORS SEEKING TO WORK WITHIN THE CITY LIMITS OF JACKSON, OHIO.

WHEREAS, the legislative authority of the City of Jackson hereby determines it necessary to register and regulate Contractors working within the City of Jackson; and

WHEREAS, the legislative authority of the City of Jackson hereby establishes the rules and regulations requiring the registration of contractors within the City and directs that the following be added as Chapter 1316 of the Codified Ordinances of the City of Jackson as attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, OHIO THAT CHAPTER 1316, AS ATTACHED HERETO AS EXHIBIT "A", BE ADDED AND MADE PART OF THE CODIFIED ORDINANCES OF THE CITY OF JACKSON AND THAT IT BE PLACED WITHIN THE JACKSON CITY CODE AT ITS NEXT PUBLICATION.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 12 day of April, 2021.

dan jullo
President of Council

ATTEST:

Cindy Kuhn
Clerk of the Legislative Authority
Approved this 12 day of April 2021.

RANDY WOOD
Mayor

EXHIBIT "A"

1316.01 REGISTRATION OF CONTRACTORS REQUIRED.

No person, firm, corporation, co-partnership, partnership or any combination thereof, engaged as a contractor, subcontractor, or general contractor as herein defined shall perform any residential and/or commercial construction or work within the City without first obtaining a certificate of registration from the City Building Official.

1316.02 DEFINITIONS.

(a) For purposes of this chapter, any reference to or definition of "contractor" shall also include "subcontractor" and/or "general contractor".

(b) "Contractor" means any person(s) or entity(s) who constructs, alters, repairs, adds to, subtracts from, reconstructs or remodels any building, structure or appurtenance thereto, including but not limited to plumbing, sewer, heating, electrical, siding, air-conditioning, roof work, insulation work, carpentry, tree work, swimming pool installation, masonry, sign erection or any work relating to real estate.

(c) "Residential/commercial construction or work" means any construction, reconstruction and/or improvement to any residential or commercial building or property.

1316.03 EXCEPTIONS.

Exceptions from registration shall be as follows:

(a) Home Owners. No provision of this chapter shall be construed to require that a fee simple owner of a parcel(s) of real estate be registered, who personally will perform work or assist in the performance of work upon the real estate. Real estate owners shall be required to obtain all necessary permits. Such work shall be performed in accordance with the Building Code and according to plans and specifications filed with the application for a permit.

(b) Government Agencies, Public Utilities, Private Organizations. Provisions of registration shall not apply to Federal, State, County or Municipal governmental agencies, public utilities furnishing services to the City under Municipal-utility franchise agreements or to industrial, commercial or institutional organizations. A maintenance department, doing work within the provisions of the Building Code, is provided for except that should work covered by the Building Code be contracted to outside concerns, then such contractors shall be registered with the City as provided herein.

(c) Minors. No provision of this chapter shall be construed to require a minor to be registered.

(d) Handyman type sole proprietor, having zero employees

1316.04 REGISTRATION PERIOD.

(a) Term. All registration certificates shall expire one year from the date on which the certificate was issued.

(b) Initial Application. Initial application for registration may be made at any time during regular business hours by applying with the City Building Official and providing such information as required by Section 1316.05.

1316.05 REGISTRATION REQUIREMENTS.

All requirements for registration listed herein shall be met upon initial application and upon each renewal thereafter.

(a) Application for Registration. Application for registration to engage in residential/commercial construction shall be made with the Building Official. The applicant shall furnish the Building Official all information as that department may deem necessary for the proper enforcement and purpose of this chapter.

(b) Fees for Registration. An annual registration fee of one hundred dollars (\$100.00) shall be paid in full at the time application is made and upon all subsequent renewals to the City Building Official.

(c) Worker's Compensation. All applicants employing any other person shall submit a current State of Ohio Worker's Compensation Certificate.

(d) Liability Insurance. Current proof of liability insurance in the minimum amount of three hundred thousand dollars (\$300,000) shall be provided.

1316.06 SUSPENSION OF REVOCATION OF REGISTRATION.

(a) Registration may be suspended by the City Building Official or his designee(s) for any of the following reasons:

- (1) Violation of any provision of this chapter or any part of the Building Code;
- (2) Misrepresentation of material fact in order to become registered, or in the removal of registration;
- (3) Failure to secure permits, inspections and approvals required by the Building Code;
- (4) Use of registration to obtain a permit for another;
- (5) Failure or refusal to correct a violation of the Building Code within a prescribed period of time or to correct incompetent work as ordered by the City Building Official or their designee(s);
- (6) For any other reason that is determined to be adverse to the health, safety and welfare of the residents of the City;
- (7) Repeated and continued violations of the Building Code; or
- (8) Failure to maintain coverage under the Ohio Worker's Compensation Laws. Failure to comply with the City of Jackson Income Tax Laws. Failure to maintain the Liability Insurance as herein required.

(b) Notice of suspension shall be by written notice to the contractor and shall state the grounds upon which the findings are based. The notice shall specify a reasonable period of time within which to remedy the findings. If the contractor fails to remedy the findings, the City Building Official or their designee(s) shall proceed with a stop work order and revocation of the Registration subject to the appeal procedure set forth by the Board of Zoning Appeals in Chapter VII, Section B of the City of Jackson, Ohio Zoning Regulations, as upon an Administrative Appeal.

1316.07 CONDITIONS FOR REGISTRATION RENEWAL.

The City Building Official shall issue a renewal certificate of registration to any contractor who meets the requirements stated herein.

- (1) The contractor has been issued an original certificate of registration.
- (2) The contractor has updated his original application by making any changes that have occurred in the information contained on his original application.

(3) Evidence of continuing liability insurance coverage, and Worker's Compensation in the amounts and forms as is required for issuance of an original certificate of registration is provided.

(4) Payment of the renewal certificate of registration fee in the amount set forth in this chapter has been tendered.

(5) The contractor's record of work in the City does not show repeated violations of the Building Code of the City as determined by the City Building Official or their designee(s).

1316.08 ACKNOWLEDGMENT OF REGISTRATION.

It shall be the duty of any person or entity subject to the registration requirement set forth in this chapter to present a Certificate of Registration as provided by the City Building Official to any enforcement officer or customer who requests verification thereof.

1316.09 APPEALS.

Any contractor whose application for annual renewal of his certificate of registration has been refused by the City Building Official or whose certificate of registration or annual renewal thereof has been revoked by the City Building Official, or their designee(s) may appeal the refusal or revocation to the Board of Zoning Appeals in accordance with Chapter VII, Section B of the City of Jackson, Ohio Zoning Regulations as upon an Administrative Appeal.

1316.10 PUBLIC RECORDS.

(a) The City Building Official is authorized and directed to maintain an accurate record and accounting of all registrants pertaining to this chapter.

(b) All persons residing in the City shall have access to information concerning current registrants under this chapter during regular business hours by contacting the City Building Official in person or by telephone and providing the appropriate information.

1316.99 PENALTY.

(a) Failure to Register. Failure to register with the City Building Official as set forth in this chapter shall result in termination of all work on the project or projects under violation and/or an assessment amounting to double the cost of the registration fee for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues until such registration is completed.

(b) Failure to Maintain Minimum Requirements. Failure to maintain the minimum registration requirements of this chapter shall result in termination of all work on the project or projects under violation and/or a fine of fifty dollars (\$50.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues until proof of such requirements are presented.