

SPONSOR Spangler

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF WELLSTON, OHIO ADOPTING CHAPTER 116: REGISTRATION OF CONTRACTORS OF THE CODIFIED ORDINANCES OF THE CITY OF WELLSTON, JACKSON COUNTY, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Council for the City of Wellston has determined the need to establish rules and regulations to regulate the registration of contractors; and

WHEREAS, recommended regulations for consideration and passage as Chapter 116: Registration of Contractors have been established and submitted to this council (attached hereto as Exhibit A); and

WHEREAS, it has been determined that this Ordinance is necessary for the preservation of the health and welfare of the City of Wellston and this matter constitutes an emergency.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF WELLSTON, JACKSON COUNTY, OHIO:

Section One. That Chapter 116: Registration of Contractors, as written in attached Exhibit A, shall be adopted, established and incorporated in the Wellston Codified Ordinances.

Section Two. This Ordinance is hereby declared an emergency measure pursuant to Ohio Revised Code Section 731.30 and its immediate passage is necessary in order to preserve, protect and maintain the health, safety and welfare of the citizens of the City of Wellston, Ohio and as such shall take effect and be in full force immediately upon its passage and approval.

Section Three: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations 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 Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the legislative authority of the City of Wellston this 17th day of March, 2022.

David McWilliams
Council President

ATTEST:

McEnaughy
Clerk of Council

Approved this 17th day of March, 2022.



Mayor

Published in accordance with the law on _____ and _____ and posted 3/21/22
through 4/21/22 at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the
Wellston Public Library and the Wellston Post Office.



Clerk of Council

EXHIBIT A

CHAPTER 116

Registration of Contractors

- 116.01** Registration required.
- 116.02** Application for certificate of registration.
- 116.03** Issuance of registration certificate.
- 116.04** Fees.
- 116.05** Revocation of registration.
- 116.06** Appeals.
- 116.07** Property owner's exemption.
- 116.99** Violation and penalties.

CROSS REFERENCES

Registration of specialty contractors - see Ohio R.C. 715.27

116.01 REGISTRATION REQUIRED.

No contractor shall perform any work in the City without first obtaining a certificate of registration from the Zoning Inspector. Any contractor who contracts with the general public to perform work regulated by this chapter must be registered with the City to do such work. "Contractor," as used within this chapter, means any individual, firm, partnership, corporation, association or other organization, or any combination thereof, who or which by himself, or itself, or by or through others, constructs, alters, repairs, adds to, subtracts from, reconstructs or remodels any building, structure or appurtenance thereto, or who or which undertakes or offers to undertake, or purports to have to capacity to undertake, or submits a bid to do such work. The term "contractor" includes a subcontractor and all specialty contractors whose operations as such are the performance of construction work requiring special skills, including, but not limited to, plumbing, electrical, air conditioning and heating, and whose principal business involves the use of specialized building trades and crafts. Any subcontractor who performs work which requires a special or trade permit under the provisions of this chapter must be registered with the City to do such work. (Ord.)

116.02 APPLICATION FOR CERTIFICATE OF REGISTRATION.

Application for a certificate of registration shall be upon forms provided by the Zoning Inspector. The application shall include the name, current address and telephone number of the contractor applying, and designate the form of business organization, whether corporation, partnership, individual or other organization. When the applicant is other than the individual, he shall state the name, address and telephone number of an individual charged with the management of the work of the business organization to be performed within the City. The application shall contain such other information as the Zoning Inspector deems pertinent. Applicants shall meet the following criteria:

- (a) No applicant shall be eligible for registration under the provisions of this chapter unless such applicant is:

- At least eighteen (18) years of age.

- Able to interpret construction drawings and specifications.

Able to comply with the requirements of this chapter.

(b) When an applicant for registration is a firm or corporation, each responsible member of such firm or corporation, listed as such in the application for registration, shall individually be qualified for registration under the provisions of this section.

It shall be the responsibility of each registered contractor to immediately notify the Zoning Inspector of any changes in the registration provided on his application form and of any change in status regarding the required bond or liability insurance coverage.

(Ord.)

116.03 ISSUANCE OF REGISTRATION CERTIFICATE.

The Chief Building official shall issue a certificate of registration to each contractor applying when each of the following conditions have been met:

(a) A completed application form has been filed.

(b) The applicant has furnished and filed with the Zoning Inspector a bond in the sum of Ten Thousand Dollars (\$10,000) to be approved by the Law Director, guaranteeing full and faithful compliance with all provisions of the Wellston Building and Zoning Codes.

(c) The applicant has tendered the certificate of registration fee as specified in Section 116.04.

(d) The applicant has furnished evidence of liability insurance for bodily injury in the minimum amount of One Million Dollars (\$250,000) and for property damage in the minimum amount of One Million Dollars (\$250,000).

(e) The applicant has furnished evidence of having duly registered with the Tax Division of the City of Wellston Finance Department, forms provided by the Finance Department.

The certificate of registration authorized to be issued hereunder shall be valid for the calendar year in which it is issued and shall be renewed on an annual basis thereafter.

(Ord.)

116.04 FEES.

A fee of ONE HUNDRED Dollars (\$100.00) is hereby established for the application for a certificate of registration. Registration Fee is due on or before January 31st of each year.

(Ord.)

116.05 REVOCATION OF REGISTRATION.

The Zoning Inspector may refuse to issue or revoke a certificate of registration when in his opinion the certificate holder has performed work in a careless or irregular manner resulting in repeated or continuing violations of the Building and Zoning Codes of the City or when the Zoning Inspector has evidence that the bond required is no longer in effect. In instances where the contractor's bond has been attached and the contractor subsequently obtains a new bond for registration, the contractor shall provide evidence from the bonding company that the original attached bond has been reinstated for the time required in said bond.

The Zoning Inspector shall give notice of such revocation to the contractor by certified mail directed to the contractor at the address appearing on the current application, stating in detail the facts and conclusions upon which the revocation is based. The notice shall also

contain a copy of Section 116.06 setting forth appellate procedures from the order of revocation.

(Ord.)

116.06 APPEALS.

Any contractor whose application for registration or annual renewal of his registration has been refused or whose registration has been revoked may appeal the refusal or revocation to the Board of Zoning Appeals. Such appeal shall be filed with the Board of Zoning Appeals on forms provided for such purpose within ten days of the refusal of registration or receipt of the nature of revocation.

Upon receipt of the appeal a hearing shall be scheduled at the next regular meeting of the Board. Notice of the time and place of the hearing shall be given to the contractor by first class mail to the address appearing on the appeal form. At the hearing the contractor shall have the opportunity to present evidence and witnesses in support of his appeal. Within a reasonable time after the hearing, the Board shall either affirm, modify, or reverse the decision of the Zoning Inspector by a majority vote of the members present. Notice of said decision shall be sent to the contractor and a copy filed with the contractor's registration file.

(Ord.)

116.07 PROPERTY OWNER'S EXEMPTION.

The provisions contained in Sections 116.01 through 116.06 shall not apply to a homeowner desiring to perform work on his premises so long as such work is actually performed by the homeowner or the work is performed by others without compensation. Any work performed by the homeowner shall be subject to all of the provisions of the Building and Zoning Codes of the City, and to all inspections required under the Code.

(Ord.)

116.99 VIOLATIONS AND PENALTIES.

Any person or contractor who performs or authorizes the performance of work in the City without first obtaining a certificate of registration shall be guilty of a fourth degree misdemeanor and shall be subject to the penalties as set forth in Section 10.99 of the General offenses Code for fourth degree misdemeanors.

Any person or contractor who performs or authorizes the performance of work in the City after having his application for registration refused or after having his certificate of registration revoked shall be guilty of a third degree misdemeanor and shall be subject to the penalty as set forth in Section 10.99 of the General Offenses Code for a third degree misdemeanor.

(Ord.)