

AMENDED SUBSTITUTE ORDINANCE 10-2010
(Sponsor- Councilmember Shasky)

ENACTING CHAPTER 1468 (CONTRACTOR REGISTRATION) OF TITLE SIX (MISCELLANEOUS BUILDING REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

WHEREAS, It has become necessary for the registration of contractors performing work in the City of Shelby, and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that an Ordinance be passed to register contractors, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERTO CONCURRING:

Section 1: That Chapter 1468 (Contractor Registration) be enacted as follows:

CHAPTER 1468

CONTRACTOR REGISTRATION

1468.01 DEFINITIONS.

For the purpose of this chapter, the following words and terms shall have the following meanings:

(a) "Contractor" means any person, firm or corporation which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building, or any portion thereof, as a business for profit in the City. Contractor includes, without limitation, the following crafts, trades and businesses:

General Contractor	Insulation Contractor
Roofing Contractor	Fencing Contractor
Electrical Contractor (Commercial)	Electrical Residential (Class A)
Electrical (Class B)	Electrical Journeyman
Demolition Contractor	Sewer Tapper
Sign Erector	Paving Contractor
HVAC Contractor	Concrete Contractor
Framing Carpenter	Finish Carpenter
Fire Protection Contractor	Painting Contractor
Drywall Contractor	Siding Contractor
Landscaping Including Arborist and Tree Trimmer	Flooring
Pool Installer	Refrigeration Contractor
Hydronics Contractor	Tree/Stump Removal
Excavating Contractor	Plumber
Plaster Contractor	Cabinet Contractor
Steel Erectors	Foundation Contractor
Waterproofing Contractor	Closet Shelving & Mirror &
Replacement Window Contractor	Fireplace Contractor

(b) "General Contractor" means any person, firm or corporation, fitting the definition of contractor herein, who coordinates other contractors working on the same project

(c) "Subcontractor" means any person, firm or corporation, fitting the definition of contractor herein, who performs a special skill, trade, craft or profession as a part of a construction contract on behalf of a general contractor.

(d) "Immediate family" means an owner's spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin.

1468.02 CONTRACTOR REGISTRATION AND REQUIREMENTS.

(a) Any contractor, general contractor or subcontractor engaged in contracting, construction, alteration, repair, replacement or removal or demolition of buildings or structures, as business for profit in the City shall, before performing any work within the corporation limits of Shelby, register with the Mayor as Director of Public Service as set forth herein

(b) Requirements. A contractor, general contractor, or subcontractor seeking to be registered shall submit the following to the Mayor as Director of Public Service:

(1) A certificate of liability insurance in the amount not less than one hundred thousand dollars (\$100,000) per person or three hundred thousand dollars (\$300,000) per occurrence for bodily injury, and fifty thousand dollars (\$50,000) per accident for property damage (except automobile), for any and all losses to persons by reason of any negligence on the part of himself or his agents or employees while engaged in the performance of construction work in the City. Failure on the part of the contractor to maintain this insurance coverage on a continuous basis will result in automatic cancellation of the registration/license. Provision will be made by the contractor to have his insurance company give the City at least fifteen days prior written notice in the event of cancellation or non-renewal of this insurance coverage;

(2) Proof of compliance with the State of Ohio's Workers Compensation Laws;

(3) Certificate of registration with the City of Shelby's Income Tax Division;

(4) A current copy of his /or her license issued pursuant to Ohio R.C. Chapter 4740 by the OCIEB (Ohio Construction Industry Examining Board) to the contractor or an employee of said contractor, if such a license is required for the contractor's trade or certificate issued pursuant to Ohio R.C. 3737 65 by the Ohio Fire Marshal; and

(5) A registration fee of fifty dollars (\$50.00) for the initial registration and twenty-five dollars (\$25.00) for any renewal

Upon submission of the items required above, the Mayor as Director of Public Service shall issue a registration certificate. The Mayor as Director of Public Service may deny the application if the contractor fails to submit any of the items required above.

(c) No person, firm or corporation shall allow a contractor, general contractor or subcontractor who has failed to register with the Mayor as Director of Public Service to perform any work in the City

1468.03 TERM AND RENEWAL.

A registration certificate issued pursuant to this chapter shall be valid until December 31st and shall be renewed annually thereafter. A registration certificate may be renewed within thirty days following the expiration date, however, a ten percent (10%) penalty will apply

1468.04 REVOCATION OR SUSPENSION OF REGISTRATION.

(a) Any registration or permit may be revoked by the Mayor as Director of Public Service at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for the violation of any provision of this chapter or any other law, ordinance, code or regulation within the jurisdiction of the Mayor as Director of Public Service relating to the matter for which the license or permit was issued or upon conviction of the holder of any Federal, State or City law or ordinance, involving moral turpitude. Such revocation shall become effective upon notice served upon the holder or upon notice being posted upon the premises relating to the license or permit

(b) Except as otherwise provided by law, the Mayor as Director of Public Service may issue an order suspending a registration or permit which suspension shall become effective immediately upon service of written notice thereof upon the holder. Such notice shall specify the reason for the suspension and may provide conditions under which reinstatement of the license or permit may be obtained. Upon compliance with such conditions within the time specified, the registration or permit shall be restored

1468.05 ASSIGNMENT, TRANSFER OR USE BY THIRD PERSON.

A registered contractor shall not assign, transfer or allow any other person to use his or her or its registration certificate for any purpose. Such act shall result in suspension of registration. The fee for reinstatement of such registration shall be double the initial registration fee

1468.06 EXEMPTIONS.

The following are exempt from the registration requirements of Section 1468.02

(a) Home Owners. No provision of registration shall be interpreted to require that the owner of a one-family dwelling or a member of his/her immediate family who does work on said dwelling shall be registered to perform work upon the premises occupied, or to be occupied, by the owner thereof as such owner's established residence

(b) Government Agencies, Private Industry Maintenance and Public Utilities. Provision of registration shall not apply to Federal, State, County or municipal governmental agencies, to public utilities furnishing services to the City under municipal utilities franchise agreement, or to industrial, commercial or institutional organizations or firms wherein a maintenance department, doing work within the provisions of the Building Codes, is provided, except that should work covered by the Building Code be contracted with outside contractors, then such contractors shall be registered in the City as provided herein.

(c) Owners of Rental Properties. No provision of registration shall be interpreted to require that the owner of a residential rental property be registered as a contractor in order to perform work on property owned by him or her.

1468.07 RIGHT TO APPEAL.

Except as otherwise provided by law, any applicant for a registration certificate hereunder which has had such certificate denied, or which has had such certificate suspended or revoked under the provisions of this chapter, shall have the right to appeal such denial, suspension or revocation. Such appeal shall be filed with the Mayor as Director of Public Service within three business days of such denial, suspension or revocation, or notice thereof, and shall be accompanied by a fee of ten dollars (\$10.00) for processing the appeal, which fee

shall be refunded if the Mayor as Director of Public Service's decision is wholly reversed. The Mayor as Director of Public Service shall transmit the file relating to the matter to the Board of Zoning Appeals and shall be represented at the hearing of the appeal by Mayor or his/her designee, or as may be otherwise provided by law. The Mayor as Director of Public Service shall serve written notice, by registered or certified mail, upon the appellant of the time, place and date of the hearing on the appeal, and the same shall be set for the meeting of the Board of Zoning Appeals, providing that such date permits two days' notice thereof to the appellant, and providing further that the appellant may waive written notice in order to expedite the hearing of the appeal. The appellant may appear and be heard in person, or by counsel. Failure to appear at the hearing shall be deemed to be a withdrawal of the appeal, unless prior thereto, the appellant has through the Board of Zoning Appeals, requested a continuance.

1468.08 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day's violation shall constitute a separate offense.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: June 21, 2010

Steven L. Schag
Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: Robert A. Lafferty
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Marilyn S. John
Mayor

Prepared by:

R. Lee Shepherd
R. Lee Shepherd
Director of Law