

# RECORD OF ORDINANCES

Ordinance No. 2009-56

Passed October 6 2009

## AN ORDINANCE TO AMEND THE PICKERINGTON CODIFIED ORDINANCES CHAPTER 1444 ENTITLED "REGISTRATION OF CONTRACTORS

**WHEREAS**, the City of Pickerington, Ohio (the "City") has reviewed its contractors registration requirements; and

**WHEREAS**, due to various considerations, the City desires amend and update Chapter 1444 as outlined below.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Pickerington, Fairfield-Franklin Counties, State of Ohio, a majority of the elected members concurring that:

**Section 1.** Chapter 1444 of the Pickerington Codified Ordinances is hereby amended and replaced in its entirety with the following:

### **1444.01 PURPOSE; INTENT.**

The purpose of this chapter is to provide minimum standards for the registration of contractors to protect the health, safety, property and welfare of ~~the consumer~~, the general public and the owners and occupants of buildings. The ~~paramount~~ intent of this contractor registration chapter is to install a system for the registration for contractors. There is no intent to require a property owner to use a registered contractor for doing anything on existing structures, ~~unless it is equivalent to or more than a room addition.~~ However, a secondary intent is to provide the property owners of existing structures the protection and peace of mind that can be attained through the use of this contractor registration system.

### **1444.02 REGISTRATION REQUIRED.**

The City of Pickerington, consistent with the limitations noted in Section 1444.01, hereby requires registration, ~~bonding~~ and insurance for all electrical, mechanical, plumbing/**hydronics**, **fire protection** and general contractors and water and sewer line installers performing services in the City.

### **1444.03 STANDARDS.**

(a) In General. The specific requirements imposed upon contractors shall be established by the Pickerington City Manager and reviewed by the Service Committee of Council. The initial standards promulgated by the City's staff and reviewed by the Service Committee of Council are as set forth in this section.

(b) Definitions. As used in this chapter the following terms shall have the meanings respectively ascribed to them:

(1) Electrical contractor: Any person who is engaged in the business, or who, pursuant to written or oral agreement with another person, undertakes any electrical work or portion thereof involving that particular trade, art or craft.

(2) Mechanical/**Refrigeration** contractor: Any person who is engaged in the business, or who, pursuant to written or oral agreement with another

# RECORD OF ORDINANCES

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*October 6* 20*09*

person, undertakes any heating, **ventilating**, and air conditioning, or **refrigeration** work or portion thereof involving that particular trade, art or craft.

(3) **Plumbing/Hydronics contractor:** Any person who is engaged in the business, or who, pursuant to written or oral agreement with another person, undertakes any plumbing work or portion thereof involving that particular trade, art or craft.

(4) **Fire protection contractor:** Any person, who is engaged in the business, or who, pursuant to written or oral agreement with another person, undertakes the fire protection work or portion thereof involving that particular trade, art or craft.

(5) **General contractor:** Any person who is engaged in the business, or who, pursuant to written or oral agreement with another person, **undertakes any general construction work, on a project requiring a permit issued by the Building Department** ~~acts as a general contractor on a project or portion thereof.~~

(c) Registration Required. Except as otherwise provided by this chapter, no person within the jurisdiction of this chapter shall:

(1) Act as or hold himself or herself to be a contractor, or undertake to perform any such work as a contractor, without first having obtained a registration certificate in the manner specified in this chapter, provided, however, that in the event such person shall be a firm or corporation, it may act as or represent itself to be a contractor if any work is under the actual and immediate supervision of a duly and appropriately registered member, partner, officer or employee of such firm or corporation.

(2) Permit or cause any work as hereinafter defined to be undertaken or performed other than by a duly registered contractor on a contract with an owner or lessee or an owner and a lessee.

(d) Exemptions. Within the scope of this chapter, the following are not required to be registered:

(1) The property owner who performs the work himself or herself.

(2) Work done or caused to be done by the United States of America, the State of Ohio, or any agency or subdivision thereof.

(e) Registration Procedures.

(1) Upon receipt of any such foregoing certificates and recommendations, the Building Department may issue registration certificates in accordance therewith, provided, however that it shall not be mandatory upon the Building Department to issue any such registration certificate should it be established to its satisfaction that the applicant in question has been guilty of any of the acts, things or practices for which a registration certificate could be revoked as hereinafter set forth.

(2) Every registration certificate issued pursuant to this chapter shall expire on December 31 of the year for which the same shall be issued. No registration fee required under the provisions of this chapter shall, after payment thereof to the City, be refunded for any cause whatsoever.

# RECORD OF ORDINANCES

Ordinance No. 2009-56

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(3) No registration certificate shall be issued or continue in effect pursuant thereto unless the applicant has prepaid to the City a registration fee or a renewal fee as set forth in the General Fee Schedule (see Chapter 208 of the Administration Code). If the renewal fee is not received by January 31, new registration will be required at the fee for new registration. In addition, the applicant shall give evidence that the following items are valid and remain in effect for the duration of the registration certificate:

A. ~~Public~~ **General** liability insurance with the minimum coverage of ~~one hundred thousand dollars~~ five hundred thousand dollars (\$500,000).

B. ~~A surety bond payable to the City of Pickerington in the amount of ten thousand dollars (\$10,000).~~ A Certificate of Worker's Compensation when the applicant employs one or more people.

C. **Those contractors performing radon mitigation must be licensed by the Ohio Department of Health pursuant to Section 3723.02 of the Revised Code and shall furnish a copy of their license at the time of application.**

D. **Contractors performing electrical, mechanical or refrigeration, plumbing, or hydronics, must be licensed by the Ohio Construction Industry Licensing Board pursuant to 4740.07 of the Revised Code and shall furnish a copy of their license at the time of application.**

E. **Fire protection shall be certified or fire protection installers shall be licensed by the Ohio Fire Marshall pursuant to 2909.32 of the Revised Code and shall furnish a copy of their certification or license at the time of application.**

(4) Any individual desiring a certificate of registration shall be eighteen years of age or older and shall make a written application and file the same with the Building Department. Every application shall be on forms prescribed and shall furnish all information and data required thereby.

(f) **Revocation of Registration Certificate.** Upon written complaint of any person, and after investigation of the complaint, the ~~Inspector~~ **Building Department** may recommend to the ~~Building Department~~ **Chief Building Official (CBO)** that the contractor's registration certificate be revoked. The ~~Building Department~~ **CBO** may, upon recommendation of the ~~Inspector~~ **Building Department**, authorize and empower the ~~Inspector~~ **Building Department** to revoke, modify or suspend any registration certificate issued pursuant to the provisions of this chapter for any of the following acts or omissions of the holder of any such certificate: conversion of property or funds belonging to another; failure to complete any contract or work undertaken under the authority of such registration certificate; unreasonable delay in the prosecution or completion of any work to which such a registration certificate may be a party; use of unapproved or fraudulent material; departure from the plans or specifications prescribed by any provision of law or ordinance; involuntary petition in bankruptcy by such registration certificate holder or an assessment by him or her for the benefit of his or her creditors or the appointment of a receiver or trustee to take charge of the property, assets and affairs of such registration certificate holder.

However, no registration certificate shall be revoked without at least fifteen days advance written notice by the ~~Inspector~~ **Building**

# RECORD OF ORDINANCES

Ordinance No. 2009-56

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**Department** to the registration certificate holder to such effect and without affording to such registration certificate holder the opportunity to appeal by submitting the request in writing and stating the reason for the appeal to be filed with the Inspector **CBO** of the City of Pickerington within ten days after receipt of notice of revocation.

**1444.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety days or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 2.** This ordinance shall become effective at the earliest period authorized by law.

APPROVED BY: MWO  
Mitch O'Brien, Mayor

DATE OF APPROVAL: October 6, 2009

EFFECTIVE DATE: November 5, 2009

ATTEST: Lynda D. Yartin  
Lynda D. Yartin, Municipal Clerk

SPONSOR: **SAFETY COMMITTEE**

APPROVED AS TO FORM  
AND LEGALITY OF PURPOSE:

Philip K. Hartmann  
Philip K. Hartmann, Law Director