

CHAPTER 1349

Registration of Contractors

1349.01 Type of work covered; license required.

1349.02 Application required.

1349.03 Application information.

1349.04 License expiration; application deposit.

1349.05 Time limit of permits.

1349.06 Bond, refund and forfeiture.

1349.07 Certificate of insurance.

1349.08 Grounds for suspension or non-renewal.

1349.09 Revocation; appeal to Council.

1349.10 Exceptions to registration.

1349.99 Penalty.

CROSS REFERENCES

Power to license - see Ohio R.C. 715.27

1349.01 TYPE OF WORK COVERED; LICENSE REQUIRED.

(a) All persons, firms, corporations and partnerships, or any combination thereof, engaged in any of the following crafts, trades and businesses shall be subject to the provisions of this chapter: plumbing, heating, electrical, carpentry, glazing, landscaping, ornamental iron work, paving, grading, roofing, sheet metal work, tile setting, plastering, dry wall application, painting, decorating, brick masonry, stone masonry, cement work, excavating and earth moving.

(b) No person, firm, partnership, corporation, association or any combination thereof shall undertake individually, or for another, to engage for hire in any of the following kinds of work: plumbing, heating, electrical, carpentry, glazing, landscaping, ornamental iron work, paving, grading, roofing, sheet metal work, tile setting, plastering, dry wall application, painting, decorating, brick masonry, stone masonry, cement work, excavating and earth moving, within the Village, until such person, firm, corporation, partnership, association or any combination thereof, or at least one natural person duly representing the firm, partnership, corporation, association or any combination thereof, has been duly registered by the Village to perform such work.

(Ord. 1992-8. Passed 4-7-92.)

1349.02 APPLICATION REQUIRED.

Applicants for registration to engage in or work at the trades, businesses, crafts or professions herein enumerated shall make application at the office of the Building Commissioner on forms prescribed by the Building Commissioner.

(Ord. 1992-8. Passed 4-7-92.)

1349.03 APPLICATION INFORMATION.

Each application for a license shall contain the name of the person applying for registration, the location of his place of business, whether such applicant is a member of a firm, partnership, corporation, association or any combination thereof, and evidence showing that such applicant is duly authorized to act for such firm, partnership, corporation, association or any combination thereof, as well as such other information as the Building Commissioner shall prescribe.

(Ord. 1992-8. Passed 4-7-92.)

1349.04 LICENSE EXPIRATION; APPLICATION DEPOSIT.

Such license to be issued to such applicant or applicants shall expire on December 31 at midnight of each year for which the same shall be issued. An eighty-five dollar (\$85.00) deposit shall be made with each application and retained by the Village regardless of whether or not such application for a license shall be granted.

(Ord. 2003-15. Passed 3-18-03.)

1349.05 TIME LIMIT OF PERMITS.

(a) After a permit has been issued it may be revoked if work for which such permit was issued is not commenced within one month from the date of issue and finished within ninety days thereafter.

(b) The administrative officer having jurisdiction shall revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based, or whenever any permit or approval has been issued in error and conditions are such that a permit or approval should not have been issued.

(Ord. 1992-8. Passed 4-7-92.)

1349.06 BOND, REFUND AND FORFEITURE.

Upon the approval of the application, the applicant shall also furnish a cash or surety bond in the amount of the greater of either (i) ten thousand dollars (\$10,000.00) or (ii) an amount equal to the product of \$10.00 multiplied by each one thousand dollars of value of the proposed construction project. The purpose of the bond is (i) to assure that the Building Contractor or Subcontractor shall perform all the work pursuant to the provisions and regulations of the Village Building Code, and the Regional and State Building Codes, and (ii) save the Village harmless from any damage, or any of its agents or officials for the use of any persons, firms or corporations with whom such contractor or subcontractor shall contract to do work. The contractor or subcontractor shall indemnify and pay any such persons, firms or corporations for damage sustained on account of the failure of such contractor or subcontractor to perform the work so contracted for or failure to perform the work so contracted for in accordance with the provisions of the Building Code of the Village of Newburgh Heights, and any and all lawful rules and regulations promulgated under the authority thereof, and from or by reason or on account of anything done under and by virtue of any permits issued under such registration for the doing of any work required to be done in the construction, alteration, repair, addition to, subtraction from, reconstructing or remodeling of any building, structure, or

appurtenance thereto or any part thereof, then this obligation shall be void; otherwise to remain in full force and effect. Upon the approval of the Building Commissioner, the refunds of the cash deposit or release of the surety bond shall be made if no damage is done as specified in this chapter. However, if after two years from the time of the issuance of such bond, the work contemplated by the permit has not been completed to the satisfaction of the Building Commissioner and so reported by the Building Commissioner to Council and/or the Village has suffered damage as the result of the actions of the Contractor or Subcontractor, then Council shall order such deposit forfeited and credit it to the General Fund. In the event a surety bond is filed, then Council shall instruct the Solicitor to secure payment of such bond from the bonding company. (Ord. 2018-57. Passed 11-6-18.)

1349.07 CERTIFICATE OF INSURANCE.

Applicant shall also furnish evidence of insurance by providing the Village with a Certificate of Insurance indicating evidence of insurance for bodily injury in the amount of three hundred thousand dollars (\$300,000), and for property damage in the amount of fifty thousand dollars (\$50,000) each occurrence, subject to an aggregate limit of fifty thousand dollars (\$50,000). (Ord. 1992-8. Passed 4-7-92.)

1349.08 GROUNDS FOR SUSPENSION OR NON-RENEWAL.

Any applicant's license may be suspended or not renewed for any one or more of the following reasons:

- (a) Faulty or defective workmanship;
- (b) Misrepresentation of a material fact by the applicant in obtaining his license;
- (c) Noncompliance with the rules and regulations of the Building Code of the Village of Newburgh Heights.

(Ord. 1992-8. Passed 4-7-92.)

1349.09 REVOCATION; APPEAL TO COUNCIL.

(a) Notice in writing by the Building Commissioner shall be given to the applicant, at the address listed in his application, five or more days before any such license may be revoked. The Building Commissioner is invested with the authority to revoke such license when it is determined that one or more of the grounds for revocation herein above listed exist.

(b) An appeal from the finding and recommendation of the Building Commissioner shall be had before Council, if such be desired by the applicant.

(c) If, in the opinion of the Building Commissioner or of Council upon an appeal, a license should not be renewed or reissued, then the Building Commissioner or Council upon appeal, may require the applicant to give a bond in an amount not to exceed fifty thousand dollars (\$50,000) in a form prescribed by and in favor of the Village of Newburgh Heights, wherein the applicant guarantees to comply with the provisions of this chapter.

(Ord. 1992-8. Passed 4-7-92.)

1349.10 EXCEPTIONS TO REGISTRATION.

(a) This chapter shall not apply to any individual person or member of his family who shall do any of the work herein upon his own premises, house or building, or the premises, house or building leased by him.

(b) This chapter shall not apply to officials or employees of the Village engaged in Village work, or to officials or employees of public utilities in such work for such public utilities as they are authorized by law to furnish or provide.

(Ord. 1992-8. Passed 4-7-92.)

1349.99 PENALTY.

Any person, firm, corporation, association or partnership who violates any provisions of this chapter shall be guilty of a misdemeanor of the fourth degree. Every day that such violation continues shall constitute a separate and distinct offense.

(Ord. 1992-8. Passed 4-7-92.)