

ORDINANCE NO. 2024-13

Introduced by Mark Claus

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 1323 (CONTRACTORS) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 1323 (Contractors) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 1323 (Contractors) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

ATTEST:


Clerk of Council


Monty Tapp, Mayor

ADOPTED:

23 APR 2024

CHAPTER 1323

Contractors

- 1323.01 **Definitions.**
- 1323.02 **Specialty contractors.**
- 1323.03 **Registration of all contractors.**
- 1323.04 **Term, renewal and fees.**
- 1323.05 **Assignment, transfer, use by third persons.**
- 1323.06 **Suspension and revocation.**
- 1323.07 **Bond.**
- 1323.08 **Appeals.**
- 1323.09 **Building movers.**
- 1323.99 **Penalty.**

1323.01 DEFINITIONS.

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

- (a) "Contractor" means an individual corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. Contractor includes, without limitation, entities considered to be general contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a contractor for the purposes of this chapter. No provision of this chapter shall be interpreted to require that a person, firm or corporation who is an owner or lessee of premises shall be registered to perform work upon such premises owned by such person, firm or corporation. Persons employed by the owner of the property in the capacity of a Building Custodian shall not be required to register or be otherwise subject to any provision of this chapter.
- (b) "General contractor" means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other contractors working on the same project.
- (c) "Specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those terms are defined as a licensed trade in Ohio R.C. 4740.01.
- (d) "Residential work" means any work performed on one, two and three-family dwellings.
- (e) "Commercial work" means all work governed by the Ohio Building Code.

(Ord. 2016-12. Passed 7-26-16.)

1323.02 SPECIALTY CONTRACTORS.

Specialty contractors who perform any commercial or residential work within the City must have a valid and unexpired license issued by the Ohio Construction Industry Examining Board pursuant to Ohio R.C. Chapter 4740. (Ord. 2016-12. Passed 7-26-16.)

1323.03 REGISTRATION OF ALL CONTRACTORS.

- (a) All contractors shall register with the City of Huron Zoning Department prior to performing any work in the City. No person shall allow a contractor who has failed to register with the City of Huron Zoning Department to perform any work in the City.
- (b) A contractor seeking to be registered shall submit the following to the Zoning Department of the City:
 - (1) An application for registration on a form prescribed by the Building Official or his designee;
 - (2) The contractor's certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$300,000. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Zoning Department throughout the term of the registration;
 - (3) Proof of compliance with the State of Ohio's Workers' Compensation Laws;
 - (4) Certificate of registration with Regional Income Tax Agency (R.I.T.A.).
 - (5) A copy of the current license issued pursuant to Ohio R.C. Chapter 4740 by the Ohio Construction Industry Examining Board to the contractor or an employee of a contractor, if such a license is required for the contractor's trade; and
 - (6) A registration fee in an amount established by Section 1323.04.
- (c) Upon submission of the items required above, the Building Official or his designee, shall issue a registration certificate. The Building Official or his designee may deny an application for registration if the contractor fails to submit any of the items required above, the contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications; or the contractor has at any time violated any provision of this chapter.

(Ord. 2016-12. Passed 7-26-16.)

1323.04 TERM, RENEWAL AND FEES.

(a) A registration certificate issued pursuant to Section 1323.03 shall be valid for the calendar year in which it is issued and shall be renewed annually thereafter.

(b) A registration certificate issued pursuant to Section 1323.03 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Section 1323.04(c) and proof of continued liability insurance coverage as required by Section 1323.03(b)(2), and a copy of the current license as required by Section 1323.02.

(c) Notwithstanding any other fees as set forth in this Chapter, the annual fee for Contractor registration shall be as follows:

- (1) General Contractor \$100.00
- (2) Specialty Contractor \$100.00

(Ord. 2016-12. Passed 7-26-16.)

1323.05 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS.

A registered contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.

(a) The Building Official or his designee may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

- (1) The contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the State.
- (2) The contractor's license issued by the Ohio Construction Industry Examining Board is suspended or revoked.
- (3) The holder of the license issued by the Ohio Construction Industry Examining Board becomes disassociated with the contractor and a license of another employee of the contractor is not submitted to the Zoning Official within 90 days after the disassociation.
- (4) The contractor fails to maintain liability insurance coverage as required pursuant to Section 1323.03(b)(2).
- (5) The contractor violates any provision of this chapter.

(b) An order of the Building Official or his designee suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor. (Ord. 2016-12. Passed 7-26-16.)

1323.07 BOND.

When evidence discloses that the registrant has refused, failed or neglected to correct or abate violations of any applicable standards or ordinance in performance of work done pursuant to a Certificate of Registration within a reasonable time after having been notified by the Building Official, the Building Official or his designee may require the registrant to furnish a performance bond in the amount of ten thousand dollars (\$10,000) guaranteeing full and faithful compliance by the applicant with all provisions of any applicable standards or ordinance of the City whenever the applicant for registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time set by the Building Official or his designee.

(Ord. 2016-12. Passed 7-26-16.)

1323.08 APPEALS.

In the event the application for a certificate is not approved, or in the event any certificate issued under this chapter is revoked, the applicant shall be notified of the refusal or revocation in writing and such notice shall be sent by certified mail to the applicant at the address of the applicant as set forth in the application for a certificate. The applicant shall have thirty days after receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a written notice of the appeal with the Huron City Council. Thereupon, the applicant shall have not less than ten days' notice of the date and place of the hearing. The appeal shall be heard by the Huron City Council, who shall have the power after such hearing to either affirm or overrule the decision of the Building Official. The Huron City Council shall cause notice of his/her decision to be sent by certified mail to the applicant at the address of the applicant as set forth in the application within thirty days of the date of the hearing.

(Ord. 2016-12. Passed 7-26-16.)

1323.09 BUILDING MOVERS.

(a) No person shall move any building within the limits of the City without paying an annual registration fee of twenty-five dollars (\$25.00) and posting a bond with good and sufficient sureties to be approved by the City Manager. The bond shall provide that the party will pay any and all damages which may happen to any tree, pavement, street, or sidewalk or any public building or structure, and all damages resulting to any person whomsoever which may be caused by the carelessness or negligence of the person so licensed, or by his agent, employees, or workmen while engaged in the removing of any building in the streets, alleys or public ways of the City. The bond shall provide also that the mover will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of the permit and will in all things strictly comply with the conditions of the permit.

(b) Permit for Each Job. Upon payment of the registration fee and the execution of the bond to the acceptance of the City Manager, the mover shall in each and every instance, before removing any building, obtain a permit from the City Manager or his authorized agent, stating specifically all the conditions, prescribing the route to be taken, the building proposed to be removed, and the site to which the building is to be removed, and limiting the time for the removal of any such building.

(c) Signals and Lights. Any person having such permit shall, while engaged in the removal of any buildings in the public streets, alleys and public ways of the City and while occupying or using the streets, alleys and public ways for that purpose, cause a red light to be placed in a conspicuous place in the front and rear of the building and obstruction, and the capstan used in moving the same, from dark until sunrise on each night during the time the building and obstruction remains in the streets, alleys and highways of the City.

(d) Delay in Moving; Penalty. The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets, alleys, highways or upon any of the public grounds of the City for any time longer than may be specified in the permit, unavoidable delays excepted, shall be fined, in accordance with Section 1323.99, and shall forfeit his permit, and there shall be a like penalty for each 24 hours that the same shall be continued, and such buildings shall be deemed a nuisance.

(Ord. 2016-12. Passed 7-26-16.)

1323.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.

(Ord. 2016-12. Passed 7-26-16.)

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CROSS REFERENCES

Permit Fee; Deposit Required – See Section 901.03

1323.01 DEFINITIONS.

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

(a) "Contractor" means an individual corporation, joint venture, or other entity which builds, constructs, repairs, replaces, remodels, alters, or otherwise improves any land or building or any portion thereof. Contractor includes, without limitation, entities considered to be general contractors and actors. Each entity of a joint venture or any other form of cooperative effort is a contractor for the purposes of this chapter. No provision of this chapter shall be interpreted to require that a person, firm or corporation who is an owner or lessee of premises shall be registered to perform work upon such premises owned by such person, firm or corporation. Persons employed by the owner of the property in the capacity of a Building Custodian shall not be required to register or be otherwise subject to any provision of this chapter.

(b) "General contractor" means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building or any portion thereof and coordinates other contractors working on the same project.

(c) "Specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those terms are defined as a licensed trade in Ohio R.C. 4740.01.

(d) "Residential work" means any work performed on one, two and three-family dwellings.

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Specialty contractors who perform any commercial or residential work within the City must have a valid and unexpired license issued by the Ohio Construction Industry Examining Board pursuant to Ohio R.C. Chapter 4740. (Ord. 2016-12. Passed 7-26-16.)

1323.03 REGISTRATION OF ALL CONTRACTORS.

(a) All contractors shall register with the City of Huron Zoning Department prior to performing any work in the City which requires a permit. No person shall allow a contractor who has failed to register with the City of Huron Zoning Department to perform any work for which a permit is required in the City.

(b) A contractor seeking to be registered shall submit the following to the Zoning Department of the City:

(1) An application for registration on a form prescribed by the City.

(2) Contractors shall provide a certificate of liability insurance demonstrating minimum combined bodily and property damage coverage in the amount of One Million Dollars (\$1,000,000.00) and name the City as an additional insured.

(3) Excavating, Utility, Sewer Builders, Sidewalk/Concrete, Tree Service and House Moving Contractors shall provide a surety bond of a minimum \$10,000 or any other amount deemed appropriate by the Service Director, or his or her designee. Such surety bond shall be issued by a surety company authorized to do business in this State conditioned that the person, firm or corporation shall guarantee proper execution and completion in accordance with the applicable City specifications and/or regulations of the work authorized by any permit issued under the license or licenses and shall completely restore to its designee, any street, alley, public grounds, pavement, sidewalk, sewer or any other structure or service which may have been opened or disturbed by the person, firm or corporations and shall in all things strictly comply with the conditions and provisions of the City of Huron Ordinances and with the provisions of any permit issued pursuant thereto. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes, including renewal, shall be forwarded to the Zoning Department throughout the term of the registration.

(4) Proof of compliance with the State of Ohio's Workers' Compensation Laws.

(5) Certificate of registration with Regional Income Tax Agency (R.I.T.A.).

(6) A copy of the current license issued pursuant to Ohio R.C. Chapter 4740 by the Ohio Construction Industry Examining Board to the contractor or an employee of a contractor, if such a license is required for the contractor's trade.

(7) A registration fee in an amount established by Section 1323.04.

(c) Upon submission of the items required above, the City shall issue a registration certificate. The City may deny an application for registration if the contractor fails to submit any of the items required above, the contractor has previously failed to comply with the applicable requirements of all building codes as adopted by City ordinances or as regulated by the state building code or the City's construction specifications; or the contractor has at any time violated any provision of this chapter.

(Ord. 2024-13. Passed 4-23-24.)

1323.04 TERM, RENEWAL AND FEES.

(a) A registration certificate issued pursuant to Section 1323.03 shall be valid for the calendar year in which it is issued and shall be renewed annually thereafter.

(b) A registration certificate issued pursuant to Section 1323.03 may be renewed within 30 days following expiration of the registration certificate upon payment of the fee established by Section 1323.04(c) and proof of continued liability insurance coverage as required by Section 1323.03(b)(2), and a copy of the current license as required by Section 1323.02.

(c) Notwithstanding any other fees as set forth in this Chapter, the annual fee for Contractor registration shall be \$100.00 per trade, but no more than \$200 for each registration.

(Ord. 2024-13. Passed 4-23-24.)

1323.05 ASSIGNMENT, TRANSFER, USE BY THIRD PERSONS.

A registered contractor shall not assign, transfer or allow any other person to use its registration certificate for any purpose.

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1323.06 SUSPENSION AND REVOCATION.

(a) The Building Official or his designee may immediately suspend or revoke a registration certificate or deny renewal of a registration certificate if:

(1) The contractor fails to comply with the applicable requirements of all building codes as adopted by City ordinance or as regulated by the State.

(2) The contractor's license issued by the Ohio Construction Industry Examining Board is suspended or revoked.

(3) The holder of the license issued by the Ohio Construction Industry Examining Board becomes disassociated with the contractor and a license of another employee of the contractor is not submitted to the Zoning Official within 90 days after the disassociation.

(4) The contractor fails to maintain liability insurance coverage as required pursuant to Section 1323.03(b)(2).

(5) The contractor violates any provision of this chapter.

(b) An order of the Building Official or his designee suspending or revoking a contractor's registration certificate shall be effective upon written notice served upon the contractor. (Ord. 2016-12. Passed 7-26-16.)

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street, or sidewalk or any public building or structure, and all damages resulting to any person whomsoever which may be caused by the carelessness or negligence of the person so licensed, or by his agent, employees, or workmen while engaged in the removing of any building in the streets, alleys or public ways of the City. The bond shall provide also that the mover will save and indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of the permit and will in all things strictly comply with the conditions of the permit.

(b) Permit for Each Job. Upon being issued a Contractor Registration Certificate and the execution of the bond to the acceptance of the City, the mover shall in each and every instance, before removing any building, obtain a permit from the City stating specifically all the conditions, prescribing the route to be taken, the building proposed to be removed, and the site to which the building is to be removed, and limiting the time for the removal of any such building.

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