

North Canton City Council
Community and Economic Development Committee

ORDINANCE 59 - 2020

An ordinance to create Chapter 1310, Contractor Registration Requirements, of the Codified Ordinances of the City of North Canton in order to clarify the process by which Contractors are registered with the City.

WHEREAS, the City wishes to condense all provisions governing Contractor registration into a single Chapter for clarity of understanding, and

WHEREAS, the City wishes to update Contractor registration requirements to conform to current best practices of the industries affected.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. This Chapter 1310, Contractor Registration Requirements, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton and shall read as follows.

CHAPTER 1310 – CONTRACTOR REGISTRATION REQUIREMENTS

SECTION 1310.01 DEFINITIONS

As used in this Chapter;

(a) “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. “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 purposes 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) “Trade Contractor” means an individual, partnership, corporation, joint venture or other entity which is limited to a single trade, including but not limited to: plumbing, mechanical, electrical, fire alarm, fire suppression, siding, wallboard, fences, roofing, or insulation.

(d) “Engineering Contractor” means an individual, partnership, corporation, joint venture or other entity which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any publicly owned land or publicly owned building or any portion thereof and may also coordinate other Contractors working on the same project which is located in the public right-of-way or public property.

SECTION 1310.02 REGISTRATION

(a) All Contractors shall register with the Chief Building Official prior to performing any work in the City. No person shall allow a Contractor who has failed to register with the Chief Building Official to perform any work in the City.

(b) A Contractor seeking to be registered shall submit the following to the Chief Building Official:

- (1) A completed application for registration on a form prescribed by the Chief Building Official;
- (2) The Contractor's certificate of liability insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$500,000.00 for Trade Contractors or \$1,000,000.00 for all other contractors, and showing the City of North Canton as a Certificate Holder. Liability insurance coverage shall be maintained in full force and effect and a copy of any policy changes including renewal forwarded to the Chief Building Official throughout the term of the registration. The Contractor shall be liable for any damages, injuries or other liability caused by his negligent operations or in the performance of his work and/or contract. The City and its officers or agents are saved harmless from any claims arising from the negligence of the Contractor.

- (3) A copy of the current qualification certificate issued pursuant to R.C. Chapter 4740 by the Ohio Construction Industry Licensing Board to the Contractor or an employee of the Contractor, if such a certificate is required for the Contractor's trade;
- (4) A completed Regional Income Tax Agency (R.I.T.A.) registration form;
- (5) A valid Workers Compensation Certificate issued by the Ohio Bureau of Workers Compensation or a completed Sole Proprietor Waiver on a form prescribed by the Chief Building Official; and
- (6) A registration fee in the amount of one hundred fifty dollars (\$150.00).

(c) Upon submission of the items required above, the Chief Building Official shall issue a registration certificate. The Chief Building Official 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.

SECTION 1310.03 TERM AND RENEWAL

(a) A registration certificate issued pursuant to Section 1310.02 shall be effective from the date of issuance until December 31 of the same year.

(b) A registration certificate must be renewed each year pursuant to Section 1310.02.

SECTION 1310.04 1310.04 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.

SECTION 1310.05 1310.05 SUSPENSION AND REVOCATION

(a) The Chief Building Official 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 qualification certificate issued by the Ohio Construction Industry Licensing Board is suspended or revoked;
- (3) The holder of the qualification certificate issued by the Ohio Construction Industry Licensing Board becomes disassociated with the Contractor and a qualification certificate of another employee of the Contractor is not submitted to the Chief Building Official within 90 days after the disassociation;
- (4) The Contractor fails to maintain liability insurance coverage as required pursuant to Section 1310.02(b)(2); or
- (5) The Contractor violates any provision of this Chapter.

(b) An order of the Chief Building Official suspending or revoking a contractor's registration certificate shall be effective upon written notice served either personally to the contractor or through overnight delivery service to the address on file.

SECTION 1310.06 1310.06 APPEALS

If the Chief Building Official denies a Contractor's application for registration, suspends or revokes a Contractor's registration certificate, or denies renewal of a registration certificate, the Contractor shall have the right to appeal to the Zoning and Building Standards Board of Appeals. The Contractor shall submit a notice of appeal to the Zoning and Building Standards Board of Appeals within five days from the receipt of the order of the Chief Building Official. The decision of the Zoning and Building Standards Board of Appeals shall be final.

SECTION 1310.07 1310.07 EXEMPTIONS

No registration shall be required for: The occupying owner, and immediate family of the occupying owner, of a residential unit who personally performs the work at such residence, provided that the work must comply with all other requirements of the Building Code and a notarized affidavit is provided on a form prescribed by the Chief Building Official.

SECTION 1310.08 1310.07 WORK WITHOUT PERMITS/REGISTRATION

In addition to the penalties provision in Section 1309.99 any Contractor performing work without the required permit(s) as required by Chapters 1309 and 907, zoning certificate(s) as required by Chapter 1173, and/or Contractor registration(s) as required by Chapter 1310 of this Code shall be assessed an administrative fee at a rate double the established fees for the Contractor registration and required approvals.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 26th day of October 2020.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed on: October 26, 2020