

ORDINANCE #009-2011

AN ORDINANCE TO ESTABLISH A REGISTRATION REQUIREMENT AND ANNUAL FEE FOR CONTRACTORS TO WORK WITHIN THE VILLAGE OF TILTONSVILLE

WHEREAS, it has been determined by the Council of the Village of Tiltonsville, that it is necessary and in the best interests of the Village to establish registration requirements and an annual fee for contractors to work within the Village of Tiltonsville:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TILTONSVILLE, COUNTY OF JEFFERSON, AND STATE OF OHIO:

**Section 1:** Pursuant to Village Ordinance #004-2011, the following chapter is added to Title XI: Business Regulations, Ohio Basic Code

Chapter 115: Contractor Registration

115.01 Definitions

115.02 Registration Requirement

115.03 Application Procedure

115.04 Standards for Issuance

115.05 Revocation Procedure

115.06 Standards of Revocation

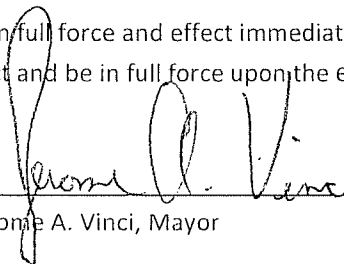
115.07 Appeal Procedure

115.08 Possession of Registration

115.09 Exemptions

**Section 2:** The provisions of this chapter shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the Village, but shall be deemed as supplemental to any authority existing by virtue of the statutes of the State, or any ordinance heretofore enacted by Village Council.

**Section 3:** That this Resolution shall take effect and be in full force and effect immediately upon passage and approval by the Mayor; otherwise, it shall take effect and be in full force upon the earliest period allowed by law.

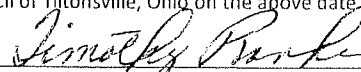
  
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Jerome A. Vinci, Mayor

ATTEST:   
\_\_\_\_\_  
Timothy Rankin, Clerk/Treasurer

APPROVED: March 15, 2011

Clerk's Certification

I, Timothy Rankin, Clerk/Treasurer of the Village of Tiltonsville, hereby certify that the above Ordinance #010-2011 is a true copy of said Ordinance passed by the Council of Tiltonsville, Ohio on the above date

  
\_\_\_\_\_  
Timothy Rankin, Clerk/Treasurer

**PRUSUANT TO VILLAGE ORDINANCE 008-2011, THE FOLLOWING CHAPTER IS ADDED TO  
TITLE XI: BUSINESS REGULATIONS, OHIO BACIC CODE**

**CHAPTER 115: CONTRACTOR REGISTRATION**

Section

- 115.01 Definitions
- 115.02 Registration requirement
- 115.03 Application procedure
- 115.04 Standards for issuance
- 115.05 Revocation procedure
- 115.06 Standards for revocation
- 115.07 Appeal procedure
- 115.08 Possession of registration
- 115.09 Exemptions

***Statutory reference:***

*Municipal power to regulate, see R.C. §§ 715.27, , and Local Regulation 4740.12.  
Revocation for conviction of certain fraud and theft offenses, see R.C. § 2961.03*

**§ 115.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONTRACTOR.** Any person or business who engages for hire in construction or improvements within the village limits in one or more trade categories. Subcontractors are included in this definition.

**TRADE.** Any field of work requiring special skill or building crafts, including but not limited to;

1. Masonry
2. Carpentry
3. Heating and cooling
4. Wall covering
5. Excavation
6. Structural iron work
7. Sign erection
8. Swimming pool installation.

**§ 115.02 REGISTRATION REQUIREMENT.**

(A) Any Contractor shall register before engaging in such activity within the Village as required by Chapter 110.

(B) Upon approval of the application for registration, the contactor shall pay the following fee:

- (1) Initial fee                   \$25.00
- (2) Annual renewal fee   \$25.00

(C) No registration issued under this chapter shall be transferable.

(D) All registrations issued under this chapter shall expire on the next December 31 after the date of issuance. Renewal registration may commence 30 days prior to the expiration date for the following year.

**§ 115.03 APPLICATION PROCEDURE.**

(A) All contractors required by this chapter shall register with the Code Administrator or other authorized official. This registration shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The contractor may be requested to provide information concerning the following items on forms the Code Administrator will provide:

- (1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the Village;

- (b) The local address of such individual;
- (c) The permanent address of such individual;
- (d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

- (4) The time period or periods during which it is proposed to carry on applicant's business;
- (5) The nature of the work to be performed;

(6) Satisfactory written evidence of current Ohio Workers' Compensation Insurance coverage;

(7) Satisfactory written evidence of \$300,000 liability insurance coverage

(8) All references as may be requested by the Code Administrator

#### **§ 115.04 STANDARDS FOR ISSUANCE.**

(A) Upon receipt of an application, an investigation of the applicant's business reputation and character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, or general welfare. In particular, the following tangible evidence will constitute valid reasons for disapproval of an application:

(1) The applicant has been conviction within the last three years of any felony, or conviction within the last three year of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property;

(2) The applicant has made willful misrepresentations in the application; or

(3) The applicant has failed previously to secure permits, inspections, or approvals required by the Building Code or as failed or refused to correct violations of the Building Code as ordered by the Code Administrator.

#### **§ 115.05 REVOCATION PROCEDURE.**

Any registration granted under this chapter may be revoked by the Clerk or other designated official after notice and hearing, pursuant to the standards in § 115.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the Registrant at his or her last known address, at least ten days prior to the date set for the hearing.

#### **§ 115.06 STANDARDS FOR REVOCATION.**

A registration granted under this chapter may be revoked for any of the following reasons:

(A) Fraud or misrepresentation contained in the application;

(B) Fraud, misrepresentation, or false statement made in connection with the business being conducted under the registration;

(C) Violation of this chapter;

(D) Conviction of the Registrant of any felony, or conviction of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property; or

(E) Conducting the business registered in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public.

**§ 115.07 APPEAL PROCEDURE.**

- (A) Any person aggrieved by a decision under § 115.04 or 115.06 shall have the right to appeal to the Village Council. The appeal shall be taken by filing with the Village Council, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Village Council shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 115.05.
- (B) The order of the Village Council after the hearing shall be final.

**§ 115.08 POSSESSION OF REGISTRATION.**

The Code Administrator or other authorized official shall register each contractor under this chapter. The registration shall contain the words "Registered Contractor and the expiration date of the registration. The registration shall be kept with the contractor during such time as he or she is engaged in the business. Penalty, see § 110.99

**§ 115.09 EXEMPTIONS.**

- (A) Home owners who will personally work upon their premises are not required to register. Home owners are required to obtain all necessary building permits.
- (B) Government Agencies and Public Utilities. These provisions do not apply to Federal, State, County, or Village agencies, Public Utilities furnishing services to the Village under franchise agreements, or to industrial, commercial, or institutional organizations furnishing services to the Village.