

AVON CODE

CHAPTER 1444  
Registration of Contractors

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**1444.01 REGISTRATION REQUIRED; CONTRACTOR AND SUBCONTRACTOR DEFINED.**

(a) **Registration shall be required of all contractors or subcontractors performing work or providing services covered by the Building Code.** ~~Any person engaged in any of the following crafts, trades and businesses shall be subject to the provisions of this chapter: Cement or asphalt; dry wall; electrical; excavating or earth moving; general or carpentry; heating or air conditioning; lathing or plastering; masonry; painting or decorating; plumbing or sewer; sign builders or erectors; glazing; landscaping; ornamental iron work; paving; grading; roofing; sheet metal work; and tile setting.~~

(b) No person shall undertake, individually or for another, to engage for hire in any of the crafts, trades and businesses ~~set forth in subsection (a) hereof~~, within the City, until such person, or at least one natural person duly representing such person, has been duly registered by the City to perform such work.

(c) Applicants for registration to engage in work at the crafts, trades and businesses ~~set forth in subsection (a) hereof~~ shall make application at the office of the Division of Building Inspection on forms prescribed by the Building Inspector.

(d) **As used in this chapter, "contractor" or "subcontractor" means any individual, association, corporation or other entity engaged in the business of construction work, or performing construction work in the City of Brunswick.**

(Ord. 149-96. Passed 10-15-96.)

**1444.02 LICENSE REQUIRED; EXCEPTIONS; APPLICATION.**

(a) No person shall engage in the business or act in the capacity of a contractor or general contractor, except pursuant to a license issued in conformity with this chapter by the Building Inspector.

~~(b) No provision of this chapter shall be interpreted to require that a person who is an owner or lessee of premises be licensed to perform work upon such premises owned or leased by such person. (Ord. 89-88. Passed 11-14-88.)~~

~~(c) An application for such license shall be made on forms provided by the Building Inspector and shall set forth the name of the applicant, his or her age, place of business and~~

~~experience in the work force where the license is applied, and such other information as the Building Inspector may require, including, but not limited to, all applicable State requirements for all electrical, plumbing, HVAC and hydronic contractors.~~

(b) An application for a certificate of registration required by Section 1444.01 shall be upon a form issued by the Chief Building Official ~~and Income Tax Division~~ that contains the following information:

~~(1) Information as required by Section 880.045 of the Business Regulation and Taxation Code of the City;~~

(1) A list of all subcontractors to be utilized, including address and contact information, which list must remain current and updated in writing with the City as necessary;

(2) Evidence from a proper licensing authority, if applicable, that the applicant has received all necessary licenses;

(3) Certification that the applicant has not had a license revoked in any state or municipality;

(4) Certification that the applicant has not been penalized or debarred from any public contract in the previous five years for providing falsified certified payroll records or other violation of the Fair Labor Standards Act;

(5) Certification that the applicant maintains a substance abuse policy for its personnel per Ohio Governor's Executive Order No. 2002-13T;

(6) Certification that the applicant does not have a Bureau of Workers' Compensation Experience Modification Rating greater than 2.0;

(7) Certification that the applicant has not had any "serious", "intentional" or "willful" violations of any Occupational Safety and Health Administration regulations in the previous two years;

(8) Certification that the applicant has not had any convictions for violations of the ~~Brunswick~~ Avon Building or Zoning Codes within the previous five years;

(9) Certification that the applicant has not had any performance or indemnification bonds exercised on any projects within the previous ten years;

(10) Certification that all subcontractors utilized will obtain a certificate of registration from the City prior to being utilized in any project in the City;

(11) Certification that all individuals being issued an IRS Form 1099 will be considered independent contractors and will obtain a certificate of registration from the City prior to being utilized in any project in the City; and

(12) Such additional information as the Chief Building Official may deem advisable. A certificate of registration shall be granted if the application fully conforms with the requirements of this section and the Chief Building Official finds that the applicant is qualified to perform the work for which the application is sought.

(c) Evidence of repeated violations of this Building and Housing Code or other City ordinances shall be sufficient evidence to disqualify the applicant from receiving a certificate of registration.

#### 1444.03 UTILITY EMPLOYEES EXEMPTED.

This chapter shall not be interpreted so as to require a registration certificate for any City employee performing work on a City owned property or for any public utility organizations that engage in the installation, alteration, repair, maintenance or utilization of any device, appliance, installation or appurtenance forming part of the equipment for generation, transmission or

distribution of any commodity or service which such public utility organization is authorized by law to furnish or provide.

~~No provision of this chapter shall be interpreted to require registration or a certificate of registration for officials or employees of public or Municipal utility organizations to engage in the installation, alteration, repair, maintenance or utilization of any device, appliance, installation or appurtenance forming part of equipment for the generation, transmission or distribution of any commodity or service which such public utility organization is authorized by law to furnish or provide.~~

(Ord. 89-88. Passed 11-14-88.)

#### 1444.04 ~~HOMEOWNERS EXEMPTED.~~ HOMEOWNER DEFINED.

This chapter shall in no way be interpreted so as to require the owner of a one, two or three-family dwelling to be registered hereunder if such homeowner is to personally perform work upon the premises occupied or to be occupied by such owner as the owner's established residence. The exempted homeowner shall assume full responsibility for compliance with this Building and Housing Code, including workmanship, and with the Planning and Zoning Code of the City of Brunswick, as well as all other codes, laws and regulations which cover the construction and use of the referenced job location, and shall further agree to be present on the site at some point to inspect and approve work that the homeowner receives a permit for, if any person, other than the homeowner or his or her immediate family, is to participate in said construction, he or she is required to obtain building tradesman license and any required permits. The homeowner shall also abide by the City's minimum inspection procedures and requirements.

(a) Definition of a Homeowner: A person who owns or leases a single condominium unit or parcel of land on which he or she intends to reside, on which there is, or is intended to be, a dwelling of three units or less and/or attached or detached structures accessory to such residential use. A person who constructs more than one home in a two-year period in the State of Ohio shall not be considered a homeowner.

~~No provision of this chapter or regulation adopted by authority of this chapter shall be interpreted to require that the owner of a one or two family dwelling be registered or hold a certificate of registration to personally perform work upon the premises. However, this exception shall not apply to any person holding himself or herself out to the public as a building contractor, builder or one engaged in any of the building trades for profit. All such work shall be performed by such owner with the assistance only of nonpaid gratuitous help. Such work shall be done in conformity with this chapter and the rules and regulations promulgated hereunder. No work shall be done unless all permits, inspections and approvals required by this chapter and other applicable City ordinances are secured.~~

(Ord. 89-88. Passed 11-14-88.)

#### 1444.05 LIMITATION ON ISSUANCE OF BUILDING PERMITS.

(a) Issuance to Contractors. No permit required by [Chapter 1442](#) shall be issued for work to be undertaken by contract, except to a licensed contractor or general contractor or a registered subcontractor.

(Ord. 89-88. Passed 11-14-88.)

(b) Additional Limitations.

(1) Subcontractor registration list. No permit shall be issued prior to submitting the completed City subcontractor registration list, as applied to related construction.

(2) Cash bond. For each and every category not having a registered contractor assigned thereto, the permit applicant shall post a fifty dollar (\$50.00) cash bond. Such bond shall in no manner be construed as a substitute for the contractor registration fee as stipulated in section [1444.07](#).

(3) Unregistered contractors. Job-site activities of an unregistered contractor shall constitute a violation of Section [1444.02](#) and shall cause forfeiture of the cash bond related to appropriate activities. The permit applicant shall be notified in writing.

(4) Work started prior to contractor registration. Where work for which contractor registration is required is started prior to registration, the fees required for such registration shall be doubled, but the payment of such double fees does not relieve any person from fully complying with the requirements of Section [1442.09](#).

(Ord. 121-87. Passed 12-28-87.)

#### 1444.06 SUSPENSION, DISAPPROVAL OR REVOCATION OF CERTIFICATES.

(a) The Building Inspector may suspend, **disapprove** or revoke any **license or renewal thereof** ~~certificate of registration~~ issued under this chapter for any of the following reasons:

(1) Misrepresentation of a material fact by the applicant in obtaining **the license or renewal thereof; or a certificate;**

(2) Use of a certificate in obtaining permits for another;

(3) Faulty or defective workmanship;

(4) Departure from or disregard of plans and specifications filed with the application for a permit; or

(5) Noncompliance with or a violation of any provision **of any applicable code or ordinance of the City in the performance of any work done pursuant to a license issued hereunder**

~~or regulation of this Building and Housing Code or the Zoning Code.~~

(6) Any person whose license or registration is suspended or revoked shall not be issued another license or be registered before the expiration of the term of suspension or within two years from the date of revocation.

(Ord. 89-88. Passed 11-14-88.)

#### 1444.07 ISSUANCE OF LICENSE AND REGISTRATION; FEES; TERMS.

Upon receipt of a completed application, the required license bond and the payment of the initial license fee of seventy-five dollars (\$75.00), the Building Inspector shall issue a license to the applicant. The initial license shall expire on December 31 of the year of issuance and may be renewed annually thereafter upon the payment of an annual renewal fee of seventy-five dollars (\$75.00). (Ord. 148-96. Passed 10-15-96.)

#### 1444.08 PREREQUISITES TO ISSUANCE OF LICENSE; **INDEMNIFICATION BOND & LIABILITY INSURANCE**

(a) Prior to the issuance of a license, the Building Inspector shall require an applicant to furnish the following:

(1) A license bond in the sum of ten thousand dollars (\$10,000) from an acceptable insurance carrier;

(2) A certificate of liability insurance in a minimum amount of one hundred thousand dollars (\$100,000);

(3) A copy of a workers' compensation certificate; and

(4) A complete Regional Income Tax Agency (R.I.T.A.) Municipal Income Tax Registration form. (Ord. 24-91. Passed 6-24-91; Ord. 137-12. Passed 12-10-12.)

(b) Indemnification Bond

(1) Before approval of any application for a Certificate of Registration by the ~~Development Director/~~Chief Building Official and Income Tax Division, every applicant shall furnish and file with the ~~Development Director/~~Chief Building Official a bond in the amount of (\$10,000) Ten Thousand Dollars, which bond shall be furnished by a reputable bonding company, acceptable to the City, and approved as to form by the Director of Law. Such bond shall guarantee full and faithful compliance by the applicant with all provisions of this Building and Housing Code, ordinances of the City and/or rules and regulations, and shall bind the surety thereon to correct or abate any violation of this Building Code, ordinances of the City or such rules and regulations, whenever the applicant for a Certificate of Registration named as the principal on such bond refuses, neglects or fails to correct or abate such violation within a reasonable time limit set by the ~~Development Director/~~Chief Building Official. Such bond shall provide, and it shall be so stated therein, that it shall inure to the benefit of any person making a complaint of such violation, as well as to the City of Brunswick Avon.

(2) Further, by accepting a license from the City, any approved applicant for the license shall be deemed to have consented to indemnify and save harmless the property owner and the lessee, tenant or other person contracting for work and materials, guaranteeing that all workmanship and materials are in conformity with this Building and Housing Code, ordinances of the City or such rules and regulations, to protect the City and the said property owner, lessee, tenant or other person contracting for the aforesaid services, from all loss and damage that may be occasioned in any way by accident, negligence or want of care, skill or attention by the principal or the agents of the principal in performing such work.

(3) This change in the amount of the bond shall become effective for all licenses after this change is adopted by Council and becomes law. Bonds in effect at the time of adoption of this change shall not be required to be increased for the calendar year in which they were issued.

(4) If, in the opinion of the Building Commissioner, the work to be performed under this chapter amounts to one thousand dollars (\$1,000) or less for labor and materials, per permit, he or she may waive all compliance with the bond requirements of this chapter.

(c) Liability Insurance.

(1) Each applicant for a license under this chapter shall furnish evidence of insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/\$300,000), and for property damage in the amount of at least fifty thousand dollars (\$50,000).

(2) If, in the opinion of the Building Commissioner, the work to be performed under this chapter amounts to one thousand dollars (\$1,000) or less for labor and materials, per permit, he or she may waive all compliance with the insurance requirements of this chapter.

#### 1444.09 APPEALS.

A licensee whose license or registration has been suspended or revoked may appeal the order of suspension or revocation to the Board of Zoning and Building Appeals. The appellant may be represented by counsel at his or her own expense. The Board shall permit the appellant and the Building Inspector to call witnesses and introduce competent testimony pertinent to a hearing of appeal. The appeal shall be made in writing and filed with the Clerk of the Board within thirty days after the receipt of the notice or order. The Board may affirm, reverse or

modify any action taken by the Building Inspector pursuant to the dictates of these Codified Ordinances. (Ord. 24-91. Passed 6-24-91.)

1444.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Chapter 698 of of these Codified ordinances.

(b) The application of the penalty provided for in subsection (a) hereof shall not prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including the enforced removal of prohibited conditions.

(EDITOR'S NOTE: See Section [1440.99](#) for general Building and Housing Code penalty if no specific penalty is provided.)