

CHAPTER 1327
Building Contractors

1327.01 Purpose.	1327.06 Procedure and requirements for general contractor licensing.
1327.02 Definitions.	1327.07 Procedure and requirements for specialty contractor registration.
1327.03 General contractor license required.	1327.08 Prospective application.
1327.04 Specialty contractor registration required.	1327.09 Revocation of general license and specialty contractor registration.
1327.05 Exemptions.	1327.99 Penalty.

1327.01 PURPOSE.

Within its scope, the purpose of licensing of general contractors and registration of specialty contractors is to provide for the establishment of the responsibility of persons performing work by contract, whether written or oral, and whether pursuant to a permit issued to any building contractor or the person for whom he is performing the work, and to provide for standards to safeguard life, limb, health, property, and public welfare.

(Ord. 01-237. Passed 6-26-01.)

1327.02 DEFINITIONS.

Whenever used in this chapter, the following terms shall have and include the meanings respectively ascribed thereto:

- (a) "Authorized agent" means any person authorized by another to act for him.
- (b) "Building" means any structure, edifice, erection or construction built over and upon any lands, within the City by means of any art, trade or craft, whether built or intended for use for habitation, business, commercial or other purposes.
- (c) "Building contractor" means any general contractor, general subcontractor or any specialty contractor.
- (d) "City" means the City of Springfield, Ohio.
- (e) "Contract" means any legally binding agreement, written or oral, entered into between a contractor and owner, lessee, or owner and lessee.

- (f) "General contractor" means:
 - (1) Any person engaged in the business of, or who undertakes for another person, whether as a prime contractor or as a subcontractor, whether by oral or written agreement, all or a portion of any work as herein described, and who is or may be contractually obliged to supervise all or any portion of any such work for another, and shall also include every person who is engaged in the business of, or who enters into undertakings incidental to demolition, excavation, moving or construction contracting.
 - (2) Any person who performs work or obtains the performance of work, as hereinafter defined, with the intention of thereafter selling the building or structure upon which such work is performed.
 - (3) The term "general contractor" does not include a specialty contractor licensed under chapter 4740 of the Ohio Revised Code.
- (g) "Owner" means the person vested with the ownership, dominion or title of property.
- (h) "Person" means any individual, firm, corporation or any combination thereof. The masculine gender, when used herein, shall include the feminine and neuter genders, and the singular shall include the plural.
- (i) "Specialty contractor" means a person holding a valid license issued under Chapter 4740 of the Ohio Revised Code.
- (j) "Supervise" means to have control of the work performed by contract, written or oral, or by reason of a lease, to insure that all work performed is not in violation of this Code, any rules, statute or ordinance of the City.
- (k) "Work" means the erection, construction, repair, improvement, moving, removal, altering or remodeling of any building or structure or any part thereof.
(Ord. 01-237. Passed 6-26-01.)

1327.03 GENERAL CONTRACTOR LICENSE REQUIRED.

Except as is otherwise provided by this chapter, no person within the City on or after the effective date of this section shall:

- (a) Act or hold himself out to be or undertake or perform any work as a general contractor, without first having obtained an appropriate license in the manner specified in this chapter. However, in the event such person shall be a firm or corporation, it may act as or represent itself as such, if such work is under the actual and immediate supervision of a duly and appropriately licensed member, partner, officer or employee;
- (b) Permit or cause any work as hereinbefore defined to be undertaken or performed other than by a duly licensed or registered building contractor on contract from the owner, lessee or owner and lessee.
(Ord. 01-237. Passed 6-26-01.)

1327.04 SPECIALTY CONTRACTOR REGISTRATION REQUIRED.

Except as is otherwise provided by this chapter, no person within the City on or

after the effective date of this section shall act or hold himself out to be or undertake or perform any work as a specialty contractor as hereinbefore described without first registering with the Chief Building Official in the manner specified in this chapter.

(Ord. 01-237. Passed 6-26-01.)

1327.05 EXEMPTIONS.

Within the scope of this chapter, the following do not require licensing or registration:

- (a) Any person performing plumbing work or any activity connected therewith.
- (b) The owner of residential property who performs the work himself, unless such owner is acting as a general contractor within the meaning of Section 1327.02(f)(2).
- (c) The sale of any construction material, products, fixtures or articles when no work is performed by the seller on the premises where material, products or articles are to be installed.
- (d) Work done or caused to be done by the United States of America, or the State of Ohio.
- (e) An actual and regular hourly employee for a business enterprise who undertakes, performs, prosecutes or supervises any maintenance and repair work for, or on behalf of, his employer on his employer's property.
- (f) Work consisting of maintenance, repair or improvements to a one (1), two (2) or three (3) family dwelling or performed for the owner thereof, when the person performing work for the owner performs the work as an employee of the owner.
- (g) Work consisting of the painting, wallpapering or sandblasting of a building or structure or any part thereof; or the repair, replacement or installation of carpet, tile or sheet goods; or the replacement, installation and/or glazing of glass; or the inspection and treatment of a building or structure for insect or pest infestation; or the repair, replacement or installation of drain spouting; or the repair, replacement or erection of a television tower or antenna; or work required for ordinary repair and maintenance of a building or structure; or property maintenance work including but not limited to weed-cutting and debris removal.
(Ord. 09-184. Passed 7-7-09.)
- (h) Persons licensed as plumbing contractors under Chapter 4740 of the Ohio Revised Code and not licensed under Chapter 4740 of the Ohio Revised Code as a heating, ventilating and air conditioning contractor or a refrigeration contractor, or an electrical contractor or a hydronics contractor are regulated under Chapter 1367 of the Codified Ordinances as to their operations as plumbing contractors and are exempt from the registration requirements under Sections 1327.04 and 1327.07 of this Chapter only as to their operations as plumbing contractors.
- (i) The original construction of a single one-, two-, or three-family dwelling structure during a period of 12 consecutive months:
 - (1) when the one-, two-, or three-family dwelling structure being constructed and the lot upon which it is situated is owned by the

- individual or individuals claiming this exemption and
 - (2) when the person performing work for the owner performs the work as an employee of the owner or as an uncompensated volunteer.
- (j) The original construction of a single accessory building to a one-, two-, or three-family dwelling structure during a period of 12 consecutive months:
 - (1) when the one-, two-, or three-family dwelling structure is owned by the individual or individuals claiming this exemption and
 - (2) when the person performing work for the owner performs the work as an employee of the owner or as an uncompensated volunteer.
(Ord. 01-237. Passed 6-26-01.)

1327.06 PROCEDURE AND REQUIREMENTS FOR GENERAL CONTRACTOR LICENSING.

The requirements and procedures for general contractor licensing shall be as follows:

- (a) Any individual desiring a general contractor license of any type as herein defined shall be eighteen (18) years of age or older, shall make written application therefor with the Chief Building Official. Every application shall be on forms prescribed by the Chief Building Official; shall furnish all information and data required thereby. No application shall be required of any person desiring to renew a general contractor license previously issued or renewed provided that the information and data contained in such person's application therefor is correct or, if not, is corrected by or at the direction of such person and that all other provisions of this action are complied with.
- (b) No general contractor license shall be issued or continue in effect pursuant thereto unless the applicant shall give evidence that the following items are valid and remain in effect during the duration of the general contractor license.
 - (1) The payment of a three hundred dollar (\$300.00) fee upon application for a general contractor license; and the payment of a two hundred dollars (\$200.00) fee for each renewal thereof. Payment shall be made to the City Treasurer.
 - (2) Comprehensive general liability insurance, including completed operations, with a minimum limit of liability of three hundred thousand dollars (\$300,000) each occurrence combined single limit for bodily injury and property damage liability. General contractors performing demolition work shall provide collapse hazard coverage ("c" exclusion deleted) and shall also provide explosion hazard coverage ("x" exclusion deleted) if explosive materials are to be used. General contractors performing excavation work shall provide both collapse and underground hazard coverage ("c" and "u" exclusions deleted).
 - (3) Proof of Workers' Compensation coverage, if coverage is required by the State of Ohio.
 - (4) City income tax number.

- (5) The execution by such applicant for such license of a bond in the sum of ten thousand dollars (\$10,000) with sureties thereon to the approval of the City Manager. Such bond shall be conditioned to save the City and its inhabitants harmless from all loss or damage of whatsoever nature that may result from any violation by the general contractor licensee and/or his authorized agents of any law, ordinance or rule governing work contemplated by the terms of such license which are then in force or thereafter established by proper authority.
- (c) The Chief Building Official shall issue a general contractor license to any person who has complied with the provisions of this section. However, it shall not be mandatory upon the Chief Building Official to issue any such general contractor license should it be established to his satisfaction that the applicant in question has been guilty of acts, things or practices for which a general contractor license could be revoked, as hereinafter set forth. Every general contractor license issued or renewed pursuant to this section shall expire on December 31 of the year for which the same has been issued or last renewed unless otherwise renewed prior thereto in accordance with the provisions of this section. No fee required under the provisions of this section after payment thereof to the City shall be refunded for any cause whatsoever.
- (d) Every license issued pursuant to this Section shall expire on December 31 of the year in which the license was issued or renewed. General contractor licensees may apply to renew their general contractor licenses during the period November 15 through December 31 of the year in which the general contractor license was issued or previously renewed by making application for renewal and paying the renewal fee two hundred dollars (\$200.00). Holders of the general contractor license may request an extension of the general contractor license expiration date by filing with the Chief Building Official a request for an extension citing the reason an extension should be granted and by paying an extension request fee of twenty-five dollars (\$25.00). For good cause shown, the Chief Building Official may grant an extension of the general contractor license expiration date (either prospective or retroactive) of up to thirty days. General contractor licenses which are permitted to expire may not be renewed and a holder of an expired general contractor license who wishes to become licensed must apply for a new general contractor license pursuant to the provisions of this Section and pay the application fee of three hundred dollars (\$300.00).
- (e) Notwithstanding the above provisions, no general contractor license shall be issued unless the Director of Community Development is able to find that the applicant is a person of good character. Upon receipt of an application, the Chief Building Official shall request that the Police Division perform a criminal records investigation to determine whether the applicant has a record of criminal convictions and the results of the investigation shall be provided to the Director of Community Development.

The Chief Building Official may perform such other investigations as he may deem appropriate to obtain information bearing on the character of an applicant and shall provide such information obtained to the Director of Community Development. The applicant shall have the burden of proving to the Director of Community Development that the applicant is a person of good character.

(Ord. 05-262. Passed 10-18-05.)

1327.07 PROCEDURE AND REQUIREMENTS FOR SPECIALTY CONTRACTOR REGISTRATION.

The requirements and procedures for specialty contractor registration shall be as follows:

- (a) Any person desiring a specialty contractor registration shall make written application therefor with the Chief Building Official. Every application shall be on forms prescribed by the Chief Building Official; shall furnish all information and data required thereby. No application shall be required of any person desiring to renew a specialty contractor registration previously issued or renewed provided that the information and data contained in such person's application therefor is correct or, if not, is corrected by or at the direction of such person and that all other provisions of this action are complied with.
- (b) No specialty contractor registration shall be issued or continue in effect pursuant thereto unless the applicant shall give evidence that the following items are valid and remain in effect during the duration of the subcontractor registration.
 - (1) The payment of a three hundred dollar (\$300.00) fee upon application for a specialty contractor registration; and the payment of a two hundred dollar (\$200.00) fee for each renewal thereof. Payment shall be made to the City Treasurer.
 - (2) Proof that the applicant holds a valid and unexpired license issued pursuant to Chapter 4740 of the Ohio Revised Code.
 - (3) Comprehensive general liability insurance, including completed operations, with a minimum limit of liability of three hundred thousand dollars (\$300,000) each occurrence combined single limit for bodily injury and property damage liability. Subcontractors performing demolition work shall provide collapse hazard coverage ("c" exclusion deleted) and shall also provide explosion hazard coverage ("x" exclusion deleted) if explosive materials are to be used. Subcontractors performing excavation work shall provide both collapse and underground hazard coverage ("c" and "u" exclusions deleted).
 - (4) Proof of Workers' Compensation coverage, if coverage is required by the State of Ohio.
 - (5) City income tax number.
 - (6) The execution by such applicant for such license of a bond in the sum of ten thousand dollars (\$10,000) with sureties thereon to the

approval of the City Manager. Such bond shall be conditioned to save the City and its inhabitants harmless from all loss or damage of whatsoever nature that may result from any violation by the specialty contractor and/or his authorized agents of any law, ordinance or rule governing work contemplated by the terms of such specialty contractor registration which are then in force or thereafter established by proper authority.

- (c) The Chief Building Official shall issue a certificate of specialty contractor registration to any person who has complied with the provisions of this section. Every certificate of specialty contractor registration issued or renewed pursuant to this section shall expire on December 31 of the year for which the same has been issued or last renewed unless otherwise renewed prior thereto in accordance with the provisions of this section. No fee required under the provisions of this section after payment thereof to the City shall be refunded for any cause whatsoever.
- (d) Every certificate of specialty contractor registration issued pursuant to this Section shall expire on December 31 of the year in which the certificate of specialty contractor registration was issued or renewed. Holders of a certificate of specialty contractor registration may apply to renew their certificate of specialty contractor registration during the period November 15 through December 31 of the year in which the certificate of specialty contractor registration was issued or previously renewed by making application for renewal and paying the renewal fee of two hundred dollars (\$200.00). Holders of the contractor registration may request an extension of the registration expiration date by filing with the Chief Building Official a request for an extension citing the reason an extension should be granted and by paying an extension request fee of twenty-five dollars (\$25.00). For good cause shown, the Chief Building Official may grant an extension of the contractor registration expiration date (either prospective or retroactive) of up to thirty days. A certificate of specialty contractor registration which is permitted to expire may not be renewed and a holder of an expired certificate of specialty contractor registration who wishes to become registered must apply for a new certificate of specialty contractor registration pursuant to the provisions of this Section and pay the application fee of three hundred dollars (\$300.00).
(Ord. 05-262. Passed 10-18-05.)

1327.08 PROSPECTIVE APPLICATION.

Notwithstanding any provision of this Chapter to the contrary, any contractors license issued to a general contractor pursuant to this chapter on or before September 17, 2001, shall remain in full force and effect as a general contractor license during the term thereof, any subcontractors registration issued pursuant to this chapter to a general subcontractor on or before September 17, 2001 shall remain in full force and effect as a general subcontractor registration during the term thereof and any contractors license issued pursuant to this chapter or before September 17, 2001, to a specialty contractor shall remain in full force and effect as a specialty contractor

registration during the term thereof.
(Ord. 01-237. Passed 6-26-01.)

**1327.09 REVOCATION OF GENERAL LICENSE AND SPECIALTY
CONTRACTOR REGISTRATION.**

(a) The Director of Community Development is authorized and empowered to revoke, modify, or suspend a general contractor license pursuant to the provisions of this chapter for any of the following acts or omissions of the holder of any such general contractor license: fraud, deceit, or misrepresentation of any facts in obtaining a general contractor license; obtaining a contract for work authorized under any such license by fraud, deceit, or misrepresentation of facts; negligence or incompetence in the practice of contracting or the performance of any work; willful or fraudulent material departure from the plans or specifications prescribed for any work undertaken by a general contractor licensee; violation of or disregard for any provision of law or ordinance or rule or regulation; non-compliance resulting in injury or damage to any person or to the public; or giving false information on an application for a permit; or being listed as a non-compliant person ineligible to receive building permits by the Clark County Department of Building Regulations.

(Ord. 04-133. Passed 4-20-04.)

(b) The Director of Community Development is authorized and empowered to revoke a specialty contractor registration pursuant to the provisions of this chapter for any of the following reasons:

- (1) The specialty contractor no longer holds a valid and unexpired license issued pursuant to Chapter 4740 of the Ohio Revised Code, or
- (2) The specialty contractor no longer has in effect the insurance described in Subsection 1327.09(b)(3), or
- (3) The specialty contractor no longer has in effect the workers compensation coverage described in Subsection 1327.09(b)(4), or
- (4) The specialty contractor no longer has in effect the bond described in Subsection 1327.09(b)(6), or any combination of the foregoing items (1) through (4).

(c) No such general contractor license or specialty contractor registration shall be revoked without at least fifteen (15) days advance written notice by the Director of Community Development to the general contractor licensee or specialty contractor to such effect and without affording to such general contractor licensee or specialty contractor the opportunity to appeal to the Board of Building Appeals by submitting the appeal in writing and stating the reason for the appeal. Appeals must be filed with the Secretary of the Board of Building Appeals within ten (10) days after receipt of notice of revocation.

(Ord. 01-237. Passed 6-26-01.)

1327.99 PENALTY.

Any person who violates Section 1327.03 or Section 1327.04 is guilty of a misdemeanor of the first degree, and shall be fined not less than one thousand dollars (\$1,000) or imprisoned not more than six (6) months, or both.

(Ord. 01-237. Passed 6-26-01.)