

RESOLUTION NO. 26-15

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF NORTH STATE STREET, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the City Manger be and he is hereby authorized and directed to advertise for bids and enter into a contract, including any and all ensuing change orders, with the lowest and best bidder for the Resurfacing of North State Street, in accordance with specifications on file in the office of the City Manager, for the Engineering Department.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to repave various streets within the City in order to improve safety and decrease the costs of maintenance and repair along with associated labor costs and, therefore, this Resolution shall become effective immediately upon its passage.

PASSED: September 8, 2015

Paul W. Hach II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

RESOLUTION NO. 27-15

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF
LEXINGTON VILLAGE RESIDENTIAL
SUBDIVISION NO. 2 and DECLARING
AN EMERGENCY.**

BE IT RESOLVED by the Council of the City of Painesville, Lake County, Ohio:

SECTION I. The preliminary plat of Lexington Village Residential Subdivision No. 2 being submitted to the Painesville City Planning Commission and approved with stipulations by that body on July 9, 2015 and therefore forwarded to this Council pursuant to Section 1109.11 of the Painesville Code of 1998, is hereby approved.

SECTION II. This resolution is adopted as an emergency measure necessary for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of at the City of Painesville, the emergency being that unnecessary delay will adversely affect the proper and effective development of the area of the City of Painesville, and therefore, this resolution shall become effective immediately upon its passage.

PASSED: September 8, 2015

Paul W. Hach, II
President of Council

Attest: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

NOTES:

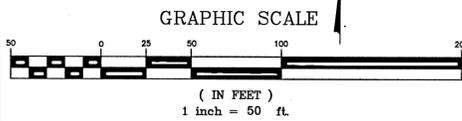
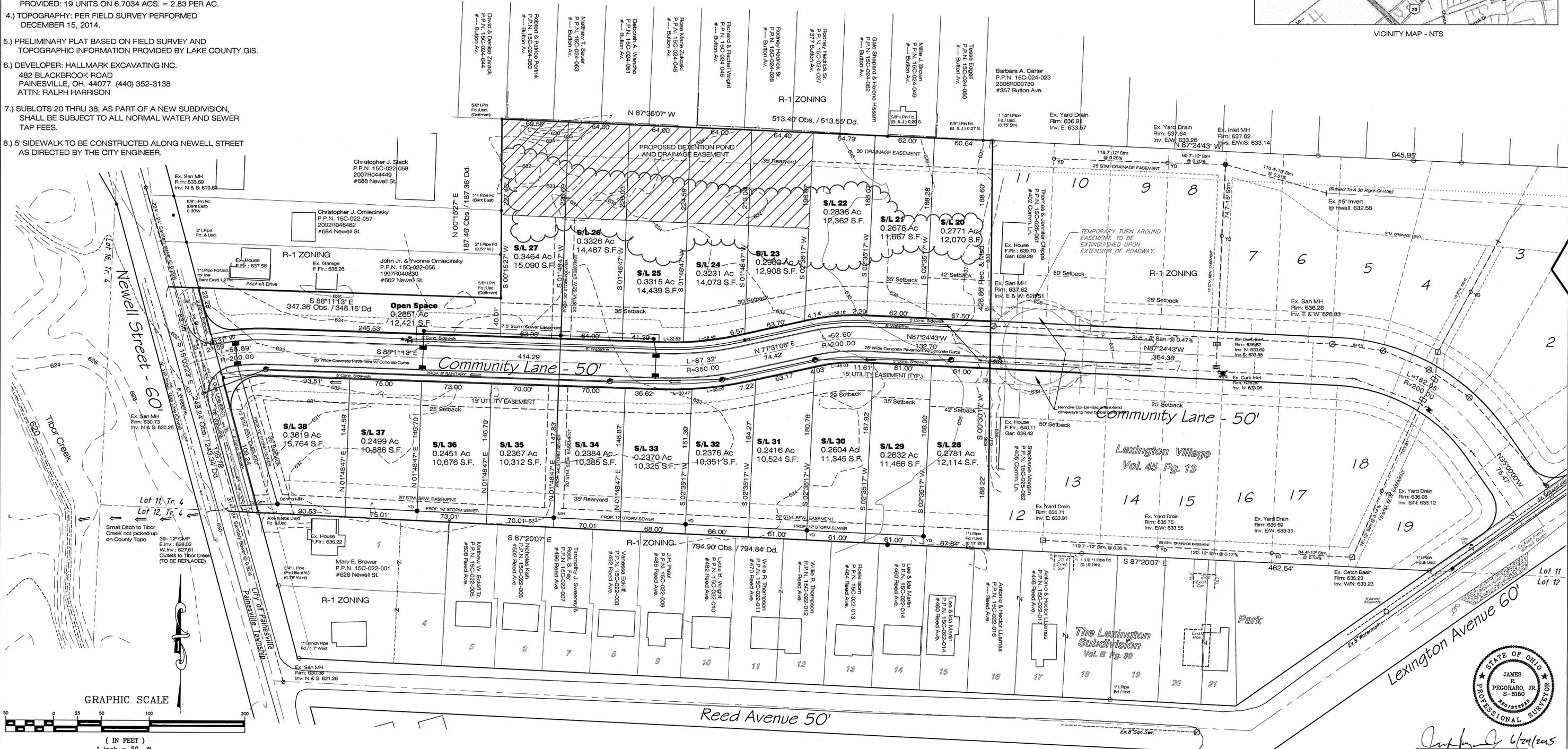
- ZONING: R-1 RESIDENTIAL
 MIN. LOT AREA: 10,000 S.F.
 MIN. LOT WIDTH: 75' (60' VARIANCE GRANTED ON COMMUNITY LANE PH. 1)
 SETBACK: PER S.B. MAP OR AS INDICATED BY CITY (25' AS ESTABLISHED IN PH. 1)
 SIDE YARD: 10' E.A.
 REAR YARD: 35'
- STREETS SHALL CONFORM TO SPECIFICATIONS AS SET FORTH IN THE CITY OF PAINESVILLE SUBDIVISION REGULATIONS.
- PROPERTY OWNER INFORMATION
 Hallmark Excavating Inc.
 Doc. #2013R020175
 P.P.N. 15C-024-054
- SITE DATA: SURVEYED ACRES
 GROSS AREA: 6.7034 AC.
 RIGHT OF WAY (INCL. NEWELL): 1.1097 AC.
 NET BALANCE (S/L'S 20 THRU 38): 5.5937 AC.
- DENSITY: INCLUDES S/L'S 20 THRU 38
 PROVIDED: 19 UNITS ON 6.7034 ACS. = 2.83 PER AC.
- TOPOGRAPHY: PER FIELD SURVEY PERFORMED DECEMBER 15, 2014.
- PRELIMINARY PLAT BASED ON FIELD SURVEY AND TOPOGRAPHIC INFORMATION PROVIDED BY LAKE COUNTY GIS.
- DEVELOPER: HALLMARK EXCAVATING INC.
 482 BLACKBROOK ROAD
 PAINESVILLE, OH. 44077 (440) 352-3138
 ATTN: RALPH HARRISON
- SUBLOTS 20 THRU 38, AS PART OF A NEW SUBDIVISION, SHALL BE SUBJECT TO ALL NORMAL WATER AND SEWER TAP FEES.
- 5' SIDEWALK TO BE CONSTRUCTED ALONG NEWELL STREET AS DIRECTED BY THE CITY ENGINEER.

Lexington Village No. 2

Being Part of Original Painesville Township Lot No. 11, Tract 4,
 Situated in the City of Painesville, County of Lake and State of Ohio
 June 2015



VICINITY MAP - NTS



James R. Pegoraro, Jr.
 P.S. 8150

REV. No.	DATE	BY	CHKD

LAND DESIGN consultants
 www.LDCinc.net
 ENGINEERS PLANNERS SURVEYORS
 9025 Caborn Drive Mentor, Ohio 44060
 TEL: (440) 255-6483 (440) 951-LAND
 (440) 354-6938 FAX: (440) 255-9575

Lexington Village No.2
 City of Painesville - Lake County - Ohio

DATE: 6/24/2015
 SCALE: HOR. 1"=50'
 VERT. NA
 FILENAME: PRELIM
 COMPUTER S:
 TAB NAME: Prelim

Preliminary Plan	
SHEET 1	OF 1
CONTRACT No. HALLE1-1401	

RESOLUTION NO. 28-15

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR FUNDING FOR INFRASTRUCTURE IMPROVEMENTS OF RICHMOND ROAD IN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, the STATE has identified the need to resurface Richmond Road (SR-283) from the west corporation line to SR-535 in the City of Painesville and Painesville Township, and

WHEREAS, this work is part of a larger project to resurface SR-283 in Painesville Township, the Village of Grand River and the City of Painesville, and

WHEREAS, the City of Painesville shall act as the Local Public Agency (LPA) for the above described project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the City Manager be, and is hereby authorized and directed to enter into an agreement with ODOT for funding for infrastructure improvements of Richmond Road in the City of Painesville.

SECTION II. The City of Painesville as LPA shall cooperate with the Director of Transportation in the above described project as follows:

The entire cost and expense of this improvement will be provided by the Department and no financial participation will be required by the LPA.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION III. The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION IV Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way-inviolable for public highway purposes.

SECTION V. That this Resolution is hereby declared to be an emergency measure necessary for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being to expedite the highway project and to promote highway safety immediate passage is necessary so as to meet filing deadlines, and therefore, this Resolution shall be effective immediately upon its passage.

PASSED: September 8, 2015

Paul W. Hach II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

RESOLUTION NO. 29-15

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR,
AND DECLARING AN EMERGENCY**

WHEREAS, this Council in accordance with the provisions of law had previously adopted a Tax Budget for the fiscal year commencing January 1, 2016; and

WHEREAS, the Budget Commission of Lake County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part thereof is within the ten mill tax limitation;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION II. That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation, as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED
BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

<u>FUND</u>	<u>AMOUNT</u> <u>APPROVED BY</u> <u>THE BUDGET</u> <u>COMMISSION</u> <u>INSIDE THE</u> <u>10 MILL</u> <u>LIMITATION</u>	<u>AMOUNT</u> <u>APPROVED BY</u> <u>THE BUDGET</u> <u>COMMISSION</u> <u>OUTSIDE THE</u> <u>10 MILL</u> <u>LIMITATION</u>	<u>COUNTY AUDITOR'S</u> <u>ESTIMATE OF TAX</u> <u>RATE TO BE LEVIED</u>	
			<u>INSIDE</u> <u>10 MILL</u> <u>LIMIT</u>	<u>OUTSIDE</u> <u>10 MILL</u> <u>LIMIT</u>
GENERAL	\$450,084.00		2.16	
BOND RETIREMENT	50,454.00		.24	
FIRE LEVY -OLD		\$97,829.00		.70
FIRE LEVY – NEW		\$309,028.00		1.47
ROAD & BRIDGE – NEW		\$630,671.00		3.00
POLICE PENSION	63,068.00		.30	
FIRE PENSION	<u>63,068.00</u>	<u> </u>	<u>.30</u>	<u> </u>
	\$626,674.00	\$1,037,528.00	3.00	5.17
 GRAND TOTAL	 \$1,664,202.00		 8.17	

SECTION III. That the Clerk of this Council be and she is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

SECTION IV. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to adopt tax rates for the year 2016, and therefore, this Resolution shall become effective immediately upon its passage.

PASSED: September 8, 2015

Paul W.Hach II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

ORDINANCE NO. 19-15

**AN ORDINANCE AMENDING SECTION 1303.03 AND 1303.04
OF THE PAINESVILLE CODE OF 1998, RELATING TO
PERMITS AND FEES, AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY,
OHIO:

SECTION I. That Sections 1303.03 and 1303.04 of the Painesville Code of 1998 are hereby amended to read as follows:

1303.03 EXPIRATION OF PERMITS.

Any permit issued shall become invalid unless the work authorized by it shall have been commenced within 12 months after its issuance or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced; provided that for cause, one extension shall be granted for an additional 12-month period if requested by the owner in writing at least ten days in advance of the expiration of the approval and upon payment of a fee ~~of not to exceed~~ one hundred dollars (\$100.00). If, in the course of construction, work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if requested by the owner in writing at least ten days in advance of the expiration of the approval and upon payment of a fee for each extension of ~~no more than~~ one hundred dollars (\$100.00).

1303.04 WORK STARTED WITHOUT A PERMIT.

Where work, for which a permit is required by the City Building Code, is started prior to obtaining such permit, in addition to a one hundred dollar (\$100.00) penalty, the fees required by the permit shall be doubled on the first offense; tripled on the second offense; quadrupled on the third offense. The payment of such penalty and doubled; tripled; quadruple fee shall not relieve any person from fully complying with the requirements of the law of the State or ordinances of this Municipality.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the building code as it relates to permits and fees; and therefore, this Ordinance shall become effective immediately.

PASSED: September 8, 2015

Paul W. Hach, II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

ORDINANCE NO. 20-15

AN ORDINANCE AMENDING SECTION 1305.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO ELECTRICAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1305.03 of the Painesville Code of 1998 is hereby amended to read as follows:

1305.01 DEFINITION OF ELECTRICAL CONTRACTOR.

"Electrical contractor" means a person who contracts with another person, firm or corporation for the performance of electrical work, but does not include:

- (a) Those persons who perform maintenance or repair work upon electrical appliances;
- (b) Maintenance electricians regularly in the employ of a person, firm or corporation and doing work for and on the premises of the employer in the regular course of employment; or
- (c) Heating contractors registered by the City while connecting heating equipment to the main service box.

1305.02 CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in, or work at the business of an electrical contractor in the City, without having first procured from the Building Official a Certificate of Registration permitting such person to perform electrical work as an electrical contractor, except that in no case shall this provision apply to employees of the City in the performance of their regular duties.

Each applicant for an Electrical Certificate of Registration shall provide a copy, and maintain a current Electrical Contractors License issued by the State of Ohio Construction Industry Examining Board.

1305.03 REGISTRATION FEES.

Each electrical contractor shall pay a fee of one hundred dollars (\$100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: \$150.00 from February 1 to August 31, or \$75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1305.04 REVOCATION OF REGISTRATION.

Any Certificate of Registration provided for herein may be revoked at any time for the incompetency, the fraudulent use thereof or a violation of the laws of the State, or the Electrical Code of the City, or any other electrical code incorporated therein by reference, or any Building Code of the City, or any other rule or regulation provided for by the City pertaining to the work of an electrical contractor after full hearing by the Board of Review.

- (a) After revocation for any of the causes above, no Certificate of Registration shall be issued to the party for at least three months after the revocation.
- (b) In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original registration.

1305.05 BOARD OF REVIEW.

The Board of Review shall be the same Board of Review and the same procedure shall apply as is set forth in Section 1307.04.

1305.06 BOND AND INSURANCE REQUIRED.

(a) An electrical contractor, before the issuance of a Certificate of Registration, shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty-five thousand dollars (\$25,000), stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the electrical contractor will conform to and abide by the Electrical Code of the City and any and all other electrical codes which may be incorporated into the Codified Ordinances by reference, and any and all City Building Codes and such other requirements as the City may make in relation to electrical work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars (\$100,000/\$300,000) and for property damage in the amount of fifty thousand dollars (\$50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered electrical contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars (\$50,000) for injury to one person, and one hundred thousand dollars (\$100,000) for injury to more than one person, and fifty thousand dollars (\$50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1305.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED: September 8, 2015

Paul W. Hach, II
President of Council

Attest: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

ORDINANCE NO. 21-15

AN ORDINANCE AMENDING SECTION 1306.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO GENERAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1306.03 of the Painesville Code of 1998 is hereby amended to read as follows:

1306.01 DEFINITION.

"General contractor" means any person or entity doing construction work in the City that requires a building permit by the Building or Zoning Code. A general contractor shall not include HVAC, sewer, electrical, fire suppression, and plumbing contractors, which are otherwise regulated by City ordinances. The term "general contractor" excludes a resident or owner of a one, two or three family home that performs their own work. However, if an owner of a one, two or three family home performs their own work, they shall obtain a building permit if required but shall not be required to comply with this chapter. The term shall not include interior and exterior painters and landscapers, unless their work requires a building permit through the City.

The term "subcontractor" means a person or other legal entity that contracts with a general contractor or subcontractor to perform work in the City that requires a permit by the Building or Zoning Code, but does not contract directly with the purchasing person or entity that purchases the services of the general contractor. A subcontractor must register with the City unless otherwise exempted by this chapter. A subcontractor is exempted from registration with the City if they are working directly for a general contractor or subcontractor who is already registered with the City. If a subcontractor contracts directly with a purchasing person, or entity that is not registered with the City, then the subcontractor must register with the City.

1306.02 LICENSE CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in, or work at the business of a general contractor in the City, without having first procured from the Building Official or their authorized representative a Certificate of Registration permitting such person to perform general contracting work, except in no case shall this provision apply to employees of the City in the performance of their regular duties on City property.

1306.03 CERTIFICATE OF REGISTRATION FEE.

Each general contractor shall pay a fee of one hundred dollars (\$100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: \$150.00 from February 1 to August 31 or \$75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1306.04 REVOCATION OF REGISTRATION.

Certificate of Registration provided for herein may be revoked at any time for incompetence, the fraudulent use thereof or a violation of the laws of the State, the International Residential Code, or any Building Code of the City, or any other rule or regulation provided for by the City pertaining to the work of a general contractor after full hearing by the Board of Review.

(a) After revocation for any of the causes above, no Certificate of Registration shall be issued to the party for at least three months after the revocation.

(b) In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original registration.

1306.05 BOARD OF REVIEW.

The Board of Review shall be the same Board of Review and the same procedure shall apply as is set forth in Section 1307.04.

1306.06 BOND AND INSURANCE REQUIRED.

(a) A general contractor, before the issuance of a Certificate of Registration shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty-five thousand dollars (\$25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the general contractor will conform to and abide by the Building Code of the City, and any and other codes which may be incorporated into the Codified Ordinances by reference, and such other requirements as the City may make in relation to general contracting work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars (\$100,000/\$300,000) and for property damage in the amount of fifty thousand dollars (\$50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered general contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars (\$50,000) for injury to one person, and one hundred thousand dollars (\$100,000) for injury to more than one person, and fifty thousand dollars (\$50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1306.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED: September 8, 2015

Paul W. Hach, II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

ORDINANCE NO. 22-15

AN ORDINANCE AMENDING SECTION 1307.02 OF THE PAINESVILLE CODE OF 1998, RELATING TO PLUMBING CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1307.02 of the Painesville Code of 1998 is hereby amended to read as follows:

1307.01 CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in, or work at, the business of plumbing in the City, without having first procured from the Building Official, a Certificate of Registration permitting the person to perform such work, except that in no case shall this provision apply to employees of the City in the performance of their regular duties or to contractors performing work on regularly awarded City contracts.

(a) Each applicant for a Plumbing Contractors Certificate of Registration shall provide a copy and maintain a current Plumbing Contractors License issued by the State of Ohio Construction Industry Examining Board.

1307.02 CERTIFICATE OF REGISTRATION FEE.

Plumbing contractors shall pay a fee of one hundred dollars (\$100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: \$150.00 from February 1 to August 31 or \$75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1307.03 REVOCATION OF REGISTRATION.

Any Certificate of Registration provided for in this chapter may, at any time, be revoked for the incompetence, the fraudulent use thereof, or a violation of the laws of the State pertaining to the Health Code; or the Plumbing Code of the City or the rules and regulations of the Board of Health after a full hearing by the Board of Review.

(a) After revocation for any of the causes above, no Certificate of Registration shall be issued to the party for at least three months after the revocation.

(b) In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original Certificate of Registration.

1307.04 BOARD OF REVIEW.

There is hereby operated a Board of Review consisting of the City Engineer, the Superintendent of Electric Power, the Superintendent of Water, the Chief of the Fire Division, and the Superintendent of Water Pollution Control. The City Manager shall serve, ex-officio, as a member of the Board, but shall not be entitled to a vote for decision unless his vote is necessary to break a tie vote. If more than one of the positions is held by the same person, the Board shall not be enlarged to compensate for the same. The Board shall elect a chairman of the Board. A majority of the members shall constitute a quorum for the transaction of business, and it shall require a majority vote of the members to grant, refuse, revoke, or reject any license, application, appeal or request previously granted by or existing or coming before the Board.

1307.05 DUTIES OF THE SECRETARY.

The Board of Examiners shall appoint a secretary and it shall be the duty of the secretary to preserve and keep all records, books, and papers which are required by the Board to be kept by or filed with the Board, and to perform such other duties as may be required by the Board.

1307.06 BOND AND INSURANCE REQUIRED.

(a) A plumbing contractor, before the issuance of a Certificate of Registration, shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty- five thousand dollars (\$25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the master plumber will conform to and abide by the Plumbing Code of the City and any and all other codes which may be incorporated into the Codified Ordinances by reference, and such other requirements as the City may make in relation to plumbing and drainage work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars (\$100,000/\$300,000) and for property damage in the amount of fifty thousand dollars (\$50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered plumbing contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars (\$50,000) for injury to one person, and one hundred thousand dollars (\$100,000) for injury to more than one person, and fifty thousand dollars (\$50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1307.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED: September 8, 2015

Paul W. Hach, II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

ORDINANCE NO. 23-15

AN ORDINANCE AMENDING SECTION 1308 OF THE PAINESVILLE CODE OF 1998, RELATING TO SEWER BUILDER CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1308 of the Painesville Code of 1998 is hereby amended to read as follows:

1308.01 LICENSE REQUIRED.

(a) No person shall engage in, or work at, the business of sewer building in the City, without having first procured from the Building Official, a license permitting the person to perform such work, except that in no case shall this provision apply to employees of the City in the performance of their regular duties or to contractors performing work on regularly awarded City contracts.

(b) Each applicant for a Sewer Builders License shall provide a copy of a current Sewer Builders License issued by Lake, Geauga, or Cuyahoga County Sanitary Engineers Office or hold a valid Sewer Builders License issued by the City of Painesville prior to the adoption of this section, or successfully complete a written sewer builders exam administered by the City of Painesville.

1308.02 CERTIFICATE OF REGISTRATION FEE.

Sewer builders shall pay a fee of one hundred dollars (\$100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: \$150.00 from February 1 to August 31 or \$75.00 on or after September 1 to December 31. Said fee shall be paid for a full year or any part thereof. All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1308.03 REVOCATION OF LICENSE.

Any license provided for in this chapter may, at any time, be revoked for the incompetence, the fraudulent use thereof, or a violation of the laws of the State pertaining to the Health Code; or the Plumbing Code of the City or the rules and regulations of the Board of Health after a full hearing by the Board of Review.

(a) After revocation for any of the causes above, no license shall be issued to the party for at least three months after the revocation.

(b) In all cases of revocation, no new license shall be issued until the applicant has paid the same fee as for the original Certificate of Registration.

1308.04 BOARD OF REVIEW.

There is hereby operated a Board of Review, consisting of the City Engineer, the Superintendent of Electric Power, the Superintendent of Water, the Chief of the Fire Division, and the Superintendent of Water Pollution Control. The City Manager shall serve, ex-officio, as a member of the Board, but shall not be entitled to a vote for decision unless his vote is necessary to break a tie vote. If more than one of the positions is held by the same person, the Board shall not be enlarged to compensate for the same. The Board shall elect a chairman of the Board. A majority of the members shall constitute a quorum for the transaction of business, and it shall require a majority vote of the members to grant, refuse, revoke, or reject any license, application, appeal or request previously granted by or existing or coming before the Board.

1308.05 DUTIES OF THE SECRETARY.

The Board of Review shall appoint a secretary and it shall be the duty of the secretary to preserve and keep all records, books, and papers which are required by the Board to be

kept by or filed with the Board, and to perform such other duties as may be required by the Board.

1308.06 BOND AND INSURANCE REQUIRED.

(a) A sewer builder, before the issuance of a Certificate of Registration, shall furnish a surety bond on a form to be approved by the City Manager, in the penal sum of twenty-five thousand dollars (\$25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the sewer builder will conform to and abide by the Plumbing Code of the City and any and all other codes which may be incorporated into the Codified Ordinances by reference, and such other requirements as the City may make in relation to drainage work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the Certificate of Registration by the Building Official to the end of the year covered by the Certificate of Registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in the amount of one hundred thousand/three hundred thousand dollars (\$100,000/\$300,000) and for property damage in the amount of fifty thousand dollars (\$50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used on any job, then the registered sewer builder shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars (\$50,000) for injury to one person, and one hundred thousand dollars (\$100,000) for injury to more than one person, and fifty thousand dollars (\$50,000) for property damage in any one accident by reason of acts of negligence by the registered contractor or his employees in performing the work, as herein above described, which cause personal injury or damage resulting from the use of explosive. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1308.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and; therefore, this Ordinance shall become effective immediately.

PASSED: September 8, 2015

Paul W. Hach, II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council

ORDINANCE NO 24-15

AN ORDINANCE AMENDING SECTION 1309 OF THE PAINESVILLE CODE OF 1998, RELATING TO HEATING, VENTILATING AND AIR CONDITIONING CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 1309 of the Painesville Code of 1998 is hereby amended to read as follows:

1309.01 DEFINITION.

"Heating, ventilating and air conditioning contractor" means a person who contracts with another person, firm or corporation for the installation of space heating, refrigeration or boiler work, but does not include:

- (a) Those persons who perform maintenance or repair work upon heating appliances; or
- (b) Maintenance men engaged in heating work regularly in the employ of a person, firm or corporation and while doing such work for and on the premises of the employer in the regular course of employment.

1309.02 CERTIFICATE OF REGISTRATION REQUIRED.

No person shall engage in or work at the business of a heating, ventilating and air conditioning contractor in the City without having first procured from the Building Official, a Certificate of Registration permitting such person to perform such work as a heating, ventilating and air conditioning contractor, except that in no case shall this provision apply to employees of the City in the performance of their regular duties.

Each applicant for a Heating, Ventilation and Air Conditioning Contractors (HVAC) Certificate of Registration shall provide a copy, and maintain a current HVAC Contractors License issued by the State of Ohio Construction Industry Examining Board.

1309.03 CERTIFICATE OF REGISTRATION FEE.

Each heating, ventilating and air conditioning contractor shall pay a fee of one hundred dollars (\$100.00) if registered or renewed by January 31 of each year. If registered or renewed after January 31 of each year, the fee will be one of the following: \$150.00 from February 1 to August 31 or \$75.00 on or after September 1 to December 31. ~~Said fee shall be paid for a full year or any part thereof.~~ All registrations shall expire on December 31 of each year.

If work is started before the contractor is registered, the registration fee shall be doubled.

1309.04 REVOCATION OF CERTIFICATE OF REGISTRATION.

(a) Any Certificate of Registration provided for herein may be revoked at any time for the incompetency, the fraudulent use thereof or a violation of the laws of the State or any building code of the City or any other rule or regulation provided for by the City pertaining to the work of a heating, ventilating and air conditioning contractor, after full hearing by the Board of Review.

(b) After revocation for any of the causes above, no Certificate of Registration shall be issued to such party for at least three months after the revocation. In all cases of revocation, no new Certificate of Registration shall be issued until the applicant has paid the same fee as for the original Certificate of Registration.

1309.05 BOARD OF REVIEW.

The Board of Review, shall be the same Board of Review and the same procedure shall apply as is set forth in Section 1307.04.

1309.06 BOND AND INSURANCE REQUIRED.

(a) A heating, ventilating and air conditioning contractor, before the issuance of a Certificate of Registration, shall furnish a surety bond, on a form to be approved by the City Manager, or other person designated by him, in the penal sum of twenty-five thousand dollars (\$25,000) stating that the applicant will save the City harmless from all damages that may arise from negligence of the applicant, or anyone in his employ, and as a guarantee that the heating, ventilating and air conditioning contractor will conform to and abide by any and all code requirements of the City, including any and all City building codes and such other requirements as the City may make in relation to space heating work or installations, and to the directions of the Building Official or the authorized representative of the City. Such bond is to be in force from the date of its acceptance and the issuance of the registration by the Building Official, to the end of the year covered by the registration and must be renewed annually on the reissuance of the registration.

(b) Every applicant for a Certificate of Registration, upon submitting a completed application and furnishing the required bond, shall provide evidence of liability insurance for bodily injury in amount of one hundred thousand/three hundred thousand dollars (\$100,000/\$300,000), and for property damage in the amount of fifty thousand dollars (\$50,000) annually and upon renewal of all Certificates of Registration.

(c) In the event explosives of any kind, nature or quantity are to be used, on any job, then the registered heating, ventilating and air conditioning contractor shall first secure a rider, to be annexed to the original insurance policy so filed, or an additional insurance policy indemnifying the applicant and/or the City in the sum of fifty thousand dollars (\$50,000) for injury to one person, and one hundred thousand dollars (\$100,000) for injury to more than one person, and fifty thousand dollars (\$50,000) for property damage in any one accident by reason of acts of negligence by the licensee or his employees in performing the work, as hereinabove described, which cause personal injury or damage resulting from the use of explosives. Such additional coverage required for the use of explosives may be a continuous coverage, or may be secured as a separate coverage for each job done in which explosives are to be used.

1309.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each offense.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and therefore, this Ordinance shall become effective immediately.

PASSED: September 8, 2015

Paul W. Hach, II
President of Council

ATTEST: September 8, 2015

Tina B. Pomfrey
Acting Clerk of Council