

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.

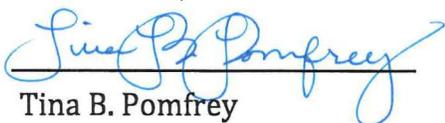
SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to modify and enforce the Contractor Registration Code, and;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