

ORD. 002-20

Amending the Toledo Municipal Code by enacting a new Chapter 1312, Registration or Licensing of Persons, Firms or Corporations in the General Contracting and Interiors Industry.

SUMMARY & BACKGROUND:

Toledo City Council desires to ensure that contractors who are engaged in construction for the general contracting and interiors industry hire only trained and qualified employees. This ordinance will amend the Toledo Municipal Code by enacting a new Ch. 1312, Registration or Licensing of Persons, Firms or Corporations in the General Contracting and Interiors Industry. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Chapter 1312 “Registration or Licensing of Persons, Firms or Corporations in the General Contracting and Interiors Industry” is enacted to read as follows:

**CHAPTER 1312
Registration of Licensing of Persons, Firms or Corporations
in the General Contracting and Interiors Industry**

1312.01	Definitions.
1312.02	General.
1312.03	Classes of registration and licenses and qualifications.
1312.04	Application for registration or license.
1312.05	Examination.
1312.06	Renewal of registration or license.
1312.07	Exemptions.
1312.08	Registration/license non-assignable, revocation
1312.90	Board of Control.
1312.91	Power to investigate.
1312.92	Power to levy fines, suspend or revoke a license.
1312.93	Hearing; notice.
1312.94	Appeals.
1312.99	Fines.

1312.01 Definitions.

Certain words and trade terms are used in this section and are defined as follows:

- A. "Framing" means construction of metal or wood stud.
- B. "Board of Control" as used in this Chapter means the Board of Control for the General Contractors and Interiors Industry established under section 1312.90.
- C. "Drywall Work" means the installation of drywall onto any substrate, including, but not limited to, wood, metal, composite, masonry, or concrete.
- D. "General Contracting and Interiors Industry" means Persons engaged in or Framing or Drywall Work as defined herein.
- E. "Person" means any individual, firm, company, partnership, association, corporation or any other organization, or any combination thereof.
- F. "Licensee" means a Person permitted to engage in Framing and Drywall Work under the provisions of this chapter.

1312.02 General.

- A. No Person shall engage in Framing or Drywall Work, with the exception of work covered under Chapter 1313 of this code, without first having submitted for a registration or license to the Board of Control and been granted a registration or license to do such work. Nor shall they employ any person to engage in Framing or Drywall Work who does not possess a valid license.
- B. No Person holding a registration or license as provided herein shall loan or extend the right to privileges given thereunder for work contracted for or done by any Person other than the Licensee, and any violation thereof shall cause such license to be suspended or revoked as hereinafter provided.
- C. Persons required to obtain a registration or license, when found to be in non-compliance with the provisions set forth herein, shall constitute a separate offense from that of the employer of that Person. Said offender shall be liable for the penalties and fines shown in Chapter 1319 of this Part Thirteen – Building Code.

1312.03 Classes of registration and licenses and qualifications.

General. It is the intent that this section of this code is meant solely to regulate the qualifications of Persons involved in the General Contracting and Interiors Industry and the experience, training and testing required in this and other related sections shall be

related directly to General Contracting and Interiors work. The following classifications of licenses shall be available:

- A. "Contractor." There shall be created a classification known as Contractor. A Contractor is one who employs any of the following three classifications specified in paragraphs B, C or D of this section to perform covered work in the City of Toledo. Contractors shall not misclassify their employees and shall be registered with the state of Ohio to do business in Ohio, hold valid workers compensation and unemployment certificates and present the same to the Building Inspection Division when applying for a registration. If a Contractor intends to perform work as the principal, they shall also need to hold a valid Carpenter Journeyman License.
- B. "Carpenter Journeyman." There shall be a classification known as Carpenter Journeyman.
 - 1. A Carpenter Journeyman shall meet one of the following requirements:
 - a. Has learned the trade of general and interior construction and must have completed an accredited or recognized Carpenter apprenticeship program approved by the U.S. Department of Labor Bureau of Apprenticeship and Training and approved by the Board of Control or must submit documentation to the Commissioner of Building Inspection that the applicant successfully completed a training program equivalent to an approved or accredited apprenticeship program; or
 - b. Presents documentation to the Commissioner of Building Inspection that the applicant was employed as a general and interior construction journeyman carpenter for a period of time equivalent to that required for an approved apprenticeship program as set forth in subsection (B)(1)(a) above; or
 - c. Shall have graduated from an accredited college approved by the Board of Control with a degree in Construction Management or had school training approved by the Board of Control equivalent to such experience.
 - 2. Additionally, an applicant for a Carpenter Journeyman License shall successfully complete the examination provided for in Section 1312.05 herein.
 - 3. To ensure Carpenter Journeymen stay abreast of the code changes, all Carpenter Journeymen shall be required to show successful completion of ten hours of Board approved continuing education programs within twelve

(12) months after the City of Toledo adopts or makes changes to the Toledo Building code. If the applicant fails to submit the required continuing education during the renewal period, he or she must reapply for the initial exam.

- C. “Carpenter Apprentice” means one who is enrolled in an accredited or recognized Carpenter apprenticeship program approved by the U.S. Department of Labor Bureau of Apprenticeship and Training and the Board of Control or is enrolled in a recognized apprenticeship program approved by the Board of Control.
- D. “Traveler/Temporary Journeyman.” There shall be created a classification known as Traveler/Temporary Journeyman for a Person who is properly qualified to perform Framing and Drywall Work and who submits documentation proving their trade qualifications which satisfies the Board of Control, and does not possess a City of Toledo Division of Building inspection license as a Carpenter Journeyman to install and/or supervise work in accordance with the provisions of this chapter. A "Traveler/Temporary Journeyman License" for a qualified Traveler/Temporary Journeyman shall be issued in accord with section 1312.04(C).

1312.04 Application for registration or license.

Every Person desiring to be registered or licensed as provided for in this chapter shall file with the Commissioner of Building Inspection upon a form furnished by such Commissioner, a sworn statement setting forth facts and qualifications which entitle the applicant to licensure under the provisions of this chapter. The application shall also be accompanied by the applicable fee as provided in paragraph E below..

- A. A Contractor shall receive a certificate or registration upon meeting the qualifications provided in section 1312.03(A) and submitting an application accompanied by the fee as provided in paragraph E below.
- B. A Carpenter Journeyman License shall receive an initial license upon meeting the qualifications provided in section 1312.03(A)(2), submitting an application accompanied by the fee as provided in paragraph E below, and successfully passing the examination.
- C. The Traveler/Temporary Journeyman License shall be issued to those trade journeymen qualified in accord with section 1312.03(D) for a six-month period from the date of issuance. The application shall be accompanied by the applicable fee as provided in paragraph E below. This license may be renewed for an additional six month period, provided the holder of the Traveler/Temporary Journeyman License makes application to be examined at the next regularly scheduled examination for that particular trade. It shall be necessary that the applicant pay the appropriate examination fee, as provided herein, prior to the issuance of the second license. A Traveler Journeyman License and renewal shall be issued to any applicant only once

in any four calendar year period. The second Traveler Journeyman License shall become void when the applicant is notified of the results of the examination.

- D. The Carpenter Apprentice License shall be issued to those Persons who, as a principal occupation, are enrolled in a recognized apprenticeship course approved by the Board of Control or are engaged in a recognized program approved by the Board of Control under the direct control of a contractor in that trade. The Carpenter Apprentice license shall be renewable annually for no more than five consecutive years, with additional years requiring approval from the Board of Control.
- E. Registration/License and annual renewal fees. An application for a license under this chapter shall be accompanied by the applicable fee as provided below.
 - a. Initial Registration/license fees.

Contractor	\$200.00
Carpenter Journeyman	\$100.00
Traveler/Temporary Journeyman	\$100.00
Carpenter Apprentice	\$ 25.00
 - b. Annual renewal fees.

Contractor	\$140.00
Carpenter Journeyman	\$ 50.00
Carpenter Apprentice	\$ 25.00
 - c. Traveler/Temporary Journeyman renewal fee shall be \$100.00 as permitted under section 1312.04(C).

1312.05 Examination for Carpenter Journeyman License.

- A. Examinations shall be required for Carpenter Journeyman as outlined in Section 1312.03.
- B. Scope. Applicants for a Carpenter Journeyman License shall be examined by the Board of Control and the Division of Building Inspection to determine their knowledge, ability and qualifications to engage in or work at the trade. The Board of Control shall formulate the questions to be used by the Division of Building Inspection in preparing the examinations.
- C. The examination shall be held in the presence of the Commissioner of Building Inspection or delegated alternate and a member of the Board of Control of the respective trade. The Commissioner of Building Inspection or delegated alternate shall receive from the applicant the completed examination papers and these examination papers shall remain in the control of the Commissioner of Building

Inspection until the examination paper is graded in the presence of the Commissioner of Building Inspection or delegated alternate and the chairman of the Board of Control of the respective trade or delegated alternate.

- D. Records. Examinations shall be in writing and the examination results shall be kept in the office of the Commissioner of Building Inspection. Records shall include dates, names, grades received and type of examination taken.
- E. Time and Date of Examination. The Commissioner of Building Inspection shall be responsible for determining the times and places of the examination and shall be responsible for all applicants for certification whose applications have been received by the Commissioner of Building Inspection as herein provided.
- F. Failure to Pass. The score for the examination shall be rated on a scale from zero to one hundred with seventy the required minimum rating to pass.

1312.06 Renewal of registration or license

- A. Expiration. Registrations or licenses issued in accordance with this chapter shall expire at midnight on December 31st. Registrations or licenses may be renewed with no penalty up until January 31st of the succeeding year. After January 31st up until December 31st, registrations or licenses may be renewed with an added penalty of \$50.00. Registrations or licenses shall not be renewed after 12 months from the original expiration. No work shall be performed with an expired registration or license.
- B. Expiration over 12 months. Any person who fails to renew their registration or license as provided in subsection (A) hereof, shall be considered a new applicant and must pay the original registration/license fee and successfully complete the examination as specified in 1312.05 .
- C. Application for Renewal. Application for registration or license renewal shall be made on a form furnished by the Division of Building Inspection for this purpose.

1312.07 Exemptions

- A. The provisions of this chapter shall not apply to municipalities, or public institutions which maintain a department for maintenance of facilities owned by the exempted organization.
- B. The provisions of this chapter shall not apply to work performed at residential properties consisting of four residential units or less.

- C. Provided, however, all work shall be done in conformity with the provisions of this Building Code and no work shall be done unless all permits, inspections and approvals required by this chapter are secured.

1312.08 License non-assignable; Revocation of license.

No registration or license issued in accordance with the provisions of this chapter shall be assignable or transferable. A registration or license may, after a hearing, be suspended or revoked by the Board of Control, if the Person holding the registration or license willfully, or by reason of incompetence, violates any statute of the State or any ordinance, rule or regulation of the City relating to work performed under the registration or license.

1312.09 Proof of License.

Every holder of a registration or license issued under this chapter while working in Toledo shall be required to carry a copy of such registration or license on their person or be capable of producing a copy of the same upon request of the Division of Building Inspection.

1312.90 Board of Control.

- A. There is hereby created a Board of Control for the General Contracting and Interiors Industry.

The Board of Control shall consist of the following members appointed by the Mayor and confirmed by City Council: the chief inspector of the certified trade, a registered professional engineer, a journey person of the trade in question, two citizens at large and a representative of the Northwest Ohio Building and Construction Trades Council. The registered professional engineer and the journey person of the trade must be residents of the City or principals in firms having their primary office inside the corporate limits of the City. One of the citizens at large shall be residents of the City and one may be a non-resident.

- B. The Board of Control shall formulate rules and regulations governing the practice and business of general contracting and interiors industry as may be necessary to carry out the provisions of this chapter. These rules and regulations shall be filed with the Clerk of Council and published in the Toledo City Journal. It shall require a concurrence of a majority of the voting members of the board to revoke a certificate license. It shall require unanimous consent of all board members to adopt or change the rules and regulations of the Board of Control.

- C. Term. Except for the chief inspector of the certified trade, the Mayor shall initially appoint two board members for a term of one year, two members for a term of two years and two members for a term of three years. Upon the expiration of the initial term of a member of the Board of Control, the member or the member's successor shall be appointed for a term of three years.
- D. The Board of Control shall meet quarterly and any member who misses two consecutive meetings without reason shall be dismissed from the Board and the Mayor shall name a replacement for the unexpired term.

1312.91 Power to investigate

Should the Board of Control upon reasonable cause believe that any Registrant or Licensee or any other Person has violated any of the provisions of this chapter or any other law relating to the general and interior systems construction discipline it regulates, the Board of Control shall have the power to make such investigation as it deems necessary, with the cooperation of the Division of Building Inspection, and to the extent necessary for this purpose, it may examine such Registrant or Licensee or any other persons.

1312.92 Power to levy fines, suspend or revoke a registration or license

No Person shall do or attempt to do any of the following acts, and the Board of Control shall have the power to levy fines against said person in accordance with Chapter 1319 et seq, and section 1312.99 below, or to suspend or revoke any registration or license issued under the provisions of this chapter at any time where the Registrant or Licensee is performing or attempting to perform any of the acts mentioned herein:

- A. Abandonment without legal excuse of any work engaged in or undertaken by the Licensee;
- B. Diversion of funds or property received for prosecution or completion of a specific project or operation, or for a specified purpose in the prosecution or completion of any project or operation, and their application or use for any other project or operation, obligation or purpose;
- C. Failure to account for or to remit any moneys coming into their possession which belong to others;
- D. Willful departure from or disregard of plans or specifications in any material respect and prejudicial to another, without consent of the owner or his duly authorized representative;
- E. Willful or deliberate disregard and violation of the building laws of the City;
- F. Misrepresentation of a material fact by an applicant in obtaining a registration or license;

- G. Making any substantial misrepresentation, or making any false promise of a character likely to influence, persuade or induce;
- H. Changing business location or control of the ownership, management or business name without notification to the Commissioner of Building Inspection.

1312.93 Hearing; notice

The Board of Control shall, before suspending or revoking any registration or license of any Registrant or Licensee under the chapter or levying a fine under section 1312.99 against any Registrant or Licensee, hold a hearing related to an alleged violation under section 1312.92. The Board of Control shall, at least ten days prior to the date set for the hearing, notify in writing the holder of such registration or license of any charge or charges made against the holder, and shall furnish the holder with a copy setting forth the charge or charges and afford the Registrant or Licensee an opportunity to be heard in person or by counsel in reference thereto. Such written notice shall be served by delivery of the same personally to the Registrant or Licensee or by mailing same by registered mail to their last known business address or the last address on file with the Division of Building Inspection. The hearing on such charge(s) shall be at the time and place as the Board of Control shall prescribe. If the Board of Control determines that a Registrant or Licensee is guilty of a violation(s) of any provision(s) of this chapter, such registration or license may be suspended or revoked for such period of time as shall be determined by the Board of Control, and or fines imposed in accordance with section 1312.99.

1312.94 Appeals

Decisions of the Board of Control may be appealed to the Lucas County Court of Common Pleas, per Ohio Revised Code Chapter 2506.

1312.99 Fines

In accordance with the provisions of Section 1312.93, the Board of Control shall have the power to levy fines against Persons found to have been in violation of the provisions of this chapter. The levying of fines shall not preclude any other legal recourse which the Board of Control may have, including suspension and revocation of the holder’s registration or license. Fines shall be levied in accordance with the schedule shown below. If three (3) years occurs between offenses, the violation shall be reduced to the previous fine but shall never be less than a first offense.

- A. \$500 for each first offense;
- B. \$1000 for each second offense;
- C. \$2000 for each third offense; and
- D. \$3000 for every offense thereafter.

SECTION 2. That the requirements to hold a registration or license under this Ordinance shall not be enforceable until _____ in order to provide necessary

organization time for the Board of Control, the development of appropriate examinations as required herein and to provide sufficient notice for contractors and workers related to the registration and licensing requirements.

SECTION 3. That work being performed under any building permits issued by the city prior to the effective date of this Ordinance shall be grandfathered and shall not be subject to the requirements of this Ordinance.

SECTION 4. That the Board of Control may conduct a review of the implementation and effectiveness of this Ordinance beginning on the first anniversary of its effective date, and report its findings to Council.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council _____.

Attest: _____
Clerk of Council