



Legislation Text

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Council President Cherry

Amending the Toledo Municipal Code by enacting a new Chapter 1312, Registration 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 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 the Toledo Municipal Code is amended by enacting a new Chapter 1312, Registration of Persons, Firms or Corporations in the General Contracting and Interiors Industry, which reads as follows:

CHAPTER 1312

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

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1312.01 Purpose.

It is the purpose of Council by enacting this section to ensure that contractors who are engaged in construction for the general contracting and interiors industry hire only trained and qualified employees. The structure of a building and its systems and failure to install correctly can lead to collapse of the structure.

1312.02 Definitions.

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

- A. "Framing" Company, entity, or individual who is engaged in construction of metal or wood stud.
- B. "Drywall" Company, entity, or individual who is engaged in installation of drywall onto any substrate, including, but not limited to, wood, metal, composite, masonry, or concrete.
- C. "Persons" means any individual, firm, company, partnership, association, corporation or any other organization, or any combination thereof.
- D. "Licensee" means a person permitted to engage in framing or drywall business under the provisions of this chapter.

1312.03 General.

- A. No persons shall engage in framing or drywall work, with the exception of work covered under 1313 of this code, without first having submitted for a license to the Board of Controls defined in this section and been granted a license to do such work. Nor shall they employ any persons to engage in framing or drywall work who does not possess a valid license.
- B. No persons holding a 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 licensee to be suspended or revoked as hereinafter provided.
- C. Persons required to obtain a license, when found to be in non-compliance with the provisions set forth herein, shall constitute a separate offense than that of the person, firm, or corporation employing that person. Said offender shall be liable to the penalties and fines shown in Chapter 1319 of this Part Thirteen - Building Code.

1312.04 Revocation of licenses.

No license issued in accordance with the provisions of this chapter shall be assignable or transferable. Any such license may, after a hearing, be suspended or revoked by the board of control, if the persons holding such license willfully, or by reason of incompetence, violates any statutes of the State or any ordinance, rule or regulation of the City relating to work performed under requirements or license.

1312.05 License defined.

- A. "License" means a license which authorizes a person, by reason of qualification through an examination, to install and/or supervise work in accordance with the provisions of this chapter.
- B. "Traveler journeyman license" means a license which authorizes a person who is properly qualified in areas outside the City who submits documentation proving his trade qualifications which satisfies the board of control, and does not possess a City of Toledo Division of Building Inspection license as a journeyman to install and/or supervise work in accordance with the provisions of this chapter.

1312.06 Display of license.

Every holder of a license shall keep their certificate displayed in a conspicuous place in their principal place of business.

1312.07 Classes of license and qualification.

It is the intent that this section of this code is meant solely to regulate the qualifications of persons involved in the building construction industry and all experience, training and testing required in this and other related sections must be related directly to building construction.

1. Contractor. There shall be created a classification known as contractor. A contractor is one who employs any of the following three classifications below to preform covered work in the City of Toledo. Contractors must not misclassify their employees and be registered with the state of Ohio to work in Ohio, hold valid workers compensation and unemployment certificates and present the same to the building department when applying for a permit. It also means one who has the ability to design, lay out, and supervise the installation of a complete building structure, and interior systems for all occupancies governed by the Ohio Building Code, the Residential Code of Ohio, and the Toledo Municipal Code. If a Contractor intends to preform work as the principle, they shall also need to hold a valid Carpenter Journeyman license.
2. "Carpenter Journeyman" means one who:
 - a. Has learned the trade of general and interior construction and must have completed an accredited Carpenter apprenticeship program approved by the U.S. Department of Labor Bureau of Apprenticeship and Training and approved by the Carpenter Board of Control or must submit documentation to the Commissioner of Building Inspection that the applicant successfully completed a training program equivalent to the approved 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 the approved apprenticeship program as set forth in subsection (b)(3) hereof or:
 - c. Shall have graduated from a college approved by the Board of Control with a Bachelor

of Science in Construction Management program or had school training approved by the Board of Control equivalent to such experience.

- d. To insure journeymen stay abreast of the code changes all 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.
3. “Carpenter Apprentice” means one who is enrolled in an accredited Carpenter apprenticeship program approved by the U.S. Department of Labor Bureau of Apprenticeship and Training and by the Board of Control or is enrolled in a recognized apprenticeship program approved by the Board of Control.
4. Traveler journeyman. There shall be created a classification known as traveler journeyman and shall possess the qualifications as provided in Section 1313.05(b).

1312.08 Application for licenses.

- A. Every person desiring to be certified 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 registration under the provisions of this chapter.
- B. The fee for examination shall be as provided in Chapter 1307 and shall accompany the application thereof. In consideration of the examination fee the applicant, upon successfully passing the examination, shall receive an initial license.
- C. The traveler journeyman license shall be issued to those trade journeymen so qualified for a six-month period from the date of issuance. This license is renewable for one additional period only, provided the holder of the traveler 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 full six-month traveler journeyman license 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 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 is engaged in a recognized program approved by the Board of Control under the direct control of a contractor in that trade. The apprentice license shall be renewable annually for no more than five consecutive years, with additional years requiring approval from the Board of Control.

1312.09 Examination.

- A. Scope. Applicants shall be examined by the Board of Control, the Division of Building Inspection and the Civil Service Commission staff 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.

- B. The examination shall be held in the presence of the Commissioner of Building Inspection or his delegated alternate, a member of the Board of Control of the respective trade and a member of the Civil Service Commission staff. The Commissioner of Building Inspection or his delegated alternate shall receive from the applicant his 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 his delegated alternate, the chairman of the Board of Control of the respective trade or his delegated alternate and a member of the Civil Service Commission staff.
- C. 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.
- D. 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.
- E. Failure to Pass. The score for the examination shall be rated on a scale from one hundred to seventy with seventy the required minimum rating to pass.
- F. Examinations shall be required for Carpenter Journeyman as outlined in Section 1312.05.

1312.10 Renewal of licenses.

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

1312.11 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.

BOARDS OF CONTROL

1312.90 General.

The Mayor shall appoint members to serve on the Boards of Control as described in Section 1312.91 in the manner provided in the Charter.

1312.91 Boards of Control.

- A. There is hereby created a Board of Control for general certified trades as provided in Chapter 1312.01 *et seq.*
- B. The Board of Control hereby created shall consist of the following members: the chief inspector of the certified trade, a registered professional engineer, a journey person of the trade in question, two citizens at large, a representative of the Northwest Ohio Building and Construction Trades Council, and a representative from the Civil Service Commission staff. 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. The representative from the Civil Service Commission staff shall be a non-voting member of the Board of Control.
- C. The Boards 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 a board to revoke a certificate of registration. It shall require unanimous consent of all board members to change the scope of the board of controls.
- D. Term. For a newly appointed board, in addition to the inspector in charge, the Mayor shall 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 term of a member of the Board of Control, he or his successor shall be appointed for the term of three years.
- E. Boards of Control shall meet quarterly and any member who misses two consecutive meetings without reason shall be dismissed from such Board and the Mayor shall name a replacement for the unexpired term.

1312.92 Power to investigate.

Should the Board of Control upon reasonable cause believe that any 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, it shall have the power to make such investigation, with the

cooperation of the Division of Building Inspection and its City-employed staff, which it deems necessary, and to the extent necessary for this purpose, it may examine such licensee or any other persons.

1312.93 Power to levy fines, suspend or revoke a 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 Section 1312.15 below, or to suspend or revoke any licenses or registrations issued under the provisions of this chapter at any time where the licensee or registrant 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 or registrant;
- 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 his 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 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.

1312.94 Hearing; notice.

A Board of Control shall, before suspending or revoking any license and at least ten days prior to the date set for the hearing, notify in writing the holder of such license of any charge or charges made against him, and shall furnish such licensee with a copy setting forth the charge or charges and afford such 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 licensee or by mailing same by registered mail to the last known business address of such licensee. The hearing on such charges shall be at the time and place as the Board of Control shall prescribe. If the Board of Control determines that any licensee is guilty of any violation of any of the provisions of this chapter, such license shall be suspended or revoked for such period of time as shall be determined by the Board of Control.

1312.95 Appeals.

Decisions of the Boards 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 1312.15, the Board of Control shall have the power to levy fines against contractors found to have been in violation of the provisions of Section 1312.14 of this Building Code. The levying of fines shall not preclude any other legal recourse which the Board of Control may have, including suspension and revocation of the license holder's license. Fines shall be

levied in accordance to 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 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