

Contractor Registration Regulations



Prairie Township Commercial Building and Zoning Department

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PRAIRIE TOWNSHIP
COMMERCIAL BUILDING AND ZONING DEPARTMENT
CONTRACTOR REGISTRATION REQUIREMENTS

I. LICENSE AND REGISTRATION – GENERAL PROVISIONS

Section 1. Purpose and Scope.

Prairie Township Commercial Building and Zoning Department (“Department”) shall be responsible for administering and enforcing these regulations. The purpose of these regulations is to provide minimum qualification standards for specific areas of construction related contracting within the unincorporated areas of Prairie Township, Franklin County, Ohio (the “Township”) by requiring that such specific areas of contracting herein regulated will be performed under the supervision, direction and control of purposely department- registered contractors for the protection of life, limb, health, property and for the safety and welfare of the general public and the owners and occupants of all building and structures.

The provisions of these regulations for department-issued registration apply to the following:

- (A) Construction of all new commercial and multi-family structures or buildings (excluding 1, 2 and 3 family dwellings).
- (B) Structural additions, alterations or repairs to existing commercial or multi-family dwellings and accessory structures or buildings.

All as governed by the Ohio Building Code.

Section 2. Work of professional service provider's exemption.

For the purpose of these regulations, an architect, professional engineer, or any other such person who is required by Chapter 4703 or Chapter 4733 of the Ohio Revised Code (ORC) to attain standards of competency or experience as a prerequisite to engaging in such profession is considered a professional service provider. When such an individual is acting exclusively within the scope of the profession for which they are either licensed or registered pursuant to such law, they are exempted from registration with the Department.

An individual licensed or registered under Chapter 4703 or Chapter 4733 of the ORC is not exempted from the requirements of these regulations as required for Department registration to obtain required permits from the Department.

Section 3. Work of department-registered contractor.

- (A) It shall be unlawful to undertake or perform work of any department-registered contractor, or trade, as defined in the Ohio Building Code within the unincorporated area of the Township without first obtaining a department-issued registration. A contractor shall be required to provide a current and valid license issued by either (1) the City of Columbus or (2) the State of Ohio.

In addition, it shall be unlawful for any person other than an owner, officer, partner, or employee of a department-issued registered contractor, to represent or advertise him or herself, for or without compensation, either publicly or privately, as being ready, willing or able to contract to undertake or offer to undertake, to plan for, lay out, supervise, install and/or make additions, alterations or repairs for any work within the scope of any Department registration required to perform such work, unless such work will be performed under the auspices of a department-issued registration as required by these regulations.

(B) The requirements of subsection (A) above shall apply to any of the following workers within the scope of a department-issued registration:

- (1) Construction of all new commercial and multi-family structures or buildings (excluding 1, 2 and 3 family dwellings).
- (2) Structural additions, alterations or repairs to existing commercial or multi-family dwellings and accessory structures or buildings.

All as governed by Ohio Building Code.

(C) The Department also requires and issues registrations for the following types of contracting:

- (1) General contractor.
- (2) Sewer contractor.
- (3) Water contractor.
- (4) Other contractors as specified in these regulations.

(D) No home improvement general contractor registration shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this subsection as follows:

- (1) A tradesperson who performs labor or services for a department-registered contractor for wages, salary, or compensation of any type, manner, or form provided such person is a direct employee or a legally leased tradesperson under the direct supervision of the department-registered contractor.
- (2) Any retail clerk, clerical, administrative, or other employee of a department-registered contractor.

Section 4. Work of a registered OCILB licensed specialty contractor.

(A) It shall be unlawful to undertake or perform work of any Ohio Construction Industry Licensing Board (OCILB) licensed specialty contractor, within the Township without first obtaining an OCILB licensed specialty contractor registration from the Department.

In addition, it shall be unlawful for any person other than an owner, officer, partner, or employee of an OCILB licensed specialty contractor, to represent or advertise him or herself, for or without compensation, either publicly or privately, as being ready, willing or able to contract to undertake or offer to undertake, to plan for, lay out, supervise, install and/or make additions, alterations, or repairs in or for the building service equipment installation of any electrical, heating, ventilating, and air conditioning (HVAC), refrigeration or hydronics system in any building or structure governed by this Building Code, unless such work will be performed under the auspices of a duly registered OCILB licensed specialty contractor as required by this section.

(B) The Department requires and issues registration for the following OCILB licensed specialty contractors:

- (1) Electrical contractor;
- (2) Heating, ventilating and air-conditioning (HVAC) contractor;
- (3) Hydronics (steam and hot water) contractor;
- (4) Refrigeration contractor.

(C) No OCILB specialty contractor license, or registration, shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this subsection as follows:

- (1) A tradesperson who performs labor or services for a department-registered OCILB specialty contractor for wages, salary, or compensation of any type, manner or form provided such person is a direct employee or a legally leased tradesperson under the direct supervision of the registered OCILB licensed specialty contractor;
- (2) Any retail clerk, clerical, administrative, or other employee of a department-registered OCILB specialty contractor.

Section 5. Work of a registered general contractor.

The Department requires and issues registrations for general contractor.

Registration Required. It shall be unlawful to undertake or perform work of any department-registered general or demolition contractor as defined in the Ohio Building Code or these regulations without first obtaining a department-issued registration to perform such work as set forth in these regulations.

It shall be unlawful for any person other than an owner, officer, partner, or employee of a registered general to represent or advertise him or herself, for or without compensation, either publicly or privately, as being ready, willing, or able to contract to undertake or offer to undertake any demolition, or to plan for, lay out, supervise, install, and/or make additions, alterations, or repairs for any work within the scope of any department-issued registration required to perform such work, unless such work will be performed under the auspices of a department-issued registration as required by these regulations.

No general contractor registration shall be required for:

- (A) A person who performs labor or services for a department-registered general contractor for wages, salary, or compensation of any type, manner or form provided such person is a direct employee or a legally leased tradesperson under the direct supervision of the department-registered contractor.
- (B) Any retail clerk, clerical, administrative, or other employee of a department-registered general contractor.
 - (1) General Contractor. These requirements shall apply whenever any work involving the structural addition, alteration, repair, and/or new construction of any building, structure, or site as stipulated therein and regulated by the Ohio Building Code. Such work shall be

only transacted by a general contractor duly registered with the Department or as otherwise specifically permitted by these regulations.

(a) As used in these regulations, a registered general contractor is:

(i) Any person that functions either on the behalf of, or as an agent for, an owner of a building, structure, or site for the purpose of obtaining building permits for the following: constructions of all new commercial or multi-family structures or buildings (excluding 1, 2 and 3 family dwellings); structural additions, alterations or repairs to existing commercial or multi-family dwellings and accessory structures or buildings; all as governed by the Ohio Building Code.

(ii) Any person that offers to provide and/or provides the means, processes, and procedures for the structural addition, alteration, repair, and/or new construction of any appurtenance, building, structure or site, or a portion thereof, as governed by the Ohio Building Code.

Section 6. Work as a sub-contractor.

(A) A department-registered contractor, with proper and current license or registration, may perform work as a sub-contractor of a primary contractor or registrant who has proper and current license or registration and who has a permit to perform the work. The sub-contractor shall not be required to obtain a second permit and pay fees based on the number of devices, etc., already paid by the primary contractor or registrant. The sub-contractor shall obtain a permit to perform that part of the work being sub-contracted and shall pay the relevant minimum fee indicated in the fee schedule.

(B) The registration and certification requirements of the subcontracting company shall coincide with that of the primary contracting company as required to cover that work being sub-contracted.

(C) The sub-contractor's permit application shall be made in the name of the sub-contractor and shall indicate all of the following information:

- (1) The work to be sub-contracted;
- (2) Shall identify the primary contractor or registrant;
- (3) The permit number issued to primary contractor or registrant; and
- (4) Under the miscellaneous space, state "sub-contractor."

(D) Both the primary contractor and the sub-contractor, or the primary registrant and the sub-registrant, shall be responsible for the work as regulated by the Ohio Building Code.

Section 7. Appeals.

Any decision of the Department concerning an application for a department-issued registration or a revocation thereof may be appealed as set forth below.

To implement the purposes and requirements of these regulations, there is hereby created the Contractor Licensing Appeals Board, hereinafter referred to as the Appeals Board. For the purposes of these regulations, the Prairie Township Board of Zoning Appeals shall function as the Contractor Licensing Appeals Board. Said Appeals Board may adopt rules of procedure not inconsistent with these regulations. No member of the Appeals Board shall take part in any hearing or determination in which he or she has a personal or financial interest. A majority of the Appeals Board in attendance at any meeting shall constitute a quorum. The Appeals Board shall hear all appeals relative to the enforcement of these regulations. Each member shall be entitled to one vote in person. Votes shall be made orally unless a majority of the members present decide otherwise. The concurring vote of three (3) members of the Appeals Board shall be necessary to reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Department. Any person who has been denied a license or had a license revoked under these regulations; been issued a stop work order or affected by any notice of violation which has been issued in connection with the enforcement of any provision of these regulations, may request and shall be granted a public hearing on the matter before the Appeals Board provided that such person shall file with the Department an appeal on forms provided by the Township. The appeal shall be filed within ten (10) days after the date of the notice of violation, stop work order or revocation or denial of a permit. Upon receipt of such a petition, the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the petitioner written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date the petition was filed. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why any item appearing on such notice of violation, stop work order or revocation or denial of a permit should be modified, or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall have the same effect as if no petition were filed. Before holding the public hearing, written notice of such hearing shall be mailed by the Department, by first class mail, at least ten (10) days before the hearing to all owners of property adjacent to and immediately across the street from the property in question. In addition, the Appeals Board may provide notice to other property owners or residents who they determine would have a substantial interest in the appeal. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal. Within thirty (30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.

Section 8. Duties and powers of the Department.

(A) General Duties and Powers. Department Officials shall have the following general duties and powers:

- (1) To make, adopt, and from time to time, alter its own rules or procedures for the enforcement of these regulations;
- (2) To perform other related duties required either by these regulations, the Ohio Building Code or as directed by the chief building official or the Board of Trustees;
- (3) To suspend, revoke the relevant department-issued license or registration of a contractor who, after notification:
 - (a) Shall have been found to have violated the terms of these regulations, or

(b) Shall have failed to obtain proper permits or failed to obtain a registration certificate or failed to obtain inspection as provided by law as required by the applicable building code relating to the inspection and approval of such work, within the Township;

(c) Shall have been shown to be persistent and habitual violators of the laws of the state, the provisions of the Ohio Building Code regulations relating to the construction, installation, or repair of buildings within the Township; or

(4) Issue a stop work order.

(5) Take all other remedies available by applicable laws to the Department.

II. DEPARTMENT-ISSUED REGISTRATION – GENERAL PROVISIONS AND REQUIREMENTS

Section 1. Application for department-issued license.

(A) A person desiring to be a department-licensed contractor or perform any work as set forth in these regulations shall apply to the Department on an application form prescribed therefor for such license, together with the nonrefundable fee prescribed by the fee schedule.

(B) The application for a department-issued license shall be signed by the applicant. The application for a license shall contain the following information:

(1) Name of the applicant;

(2) A current valid State of Ohio and/or City of Columbus License;

(3) Current residence and business address(es) of the applicant;

(4) Current residence and business telephone number(s) of the applicant;

(5) Dates of previous registrations with the Department, if any; and

(6) Other information deemed necessary by the Department.

Section 2. Bond requirement for a department-issued contractor license.

(A) Before the Department issues a registration under the provisions of these regulations, and prior to each renewal thereof, each holder of such a department-issued registration shall, in a manner prescribed by the Department, give a bond, which shall be maintained at all times thereafter, to the Department. A department-issued registration shall not be issued or renewed without meeting this bond requirement.

(B) The bond required for the holder of a department-issued registration shall be of not less than \$15,000.00. The bond shall have good and sufficient surety approved by the Department.

(C) The bond shall be conditioned to save the Township harmless from all loss and damage to persons or property which may be occasioned in any way, by accident or the want of care of or skill on applicant's part, in the prosecution of the work.

(D) Such bond shall provide for payment to the Township for damages to the Township or Township property in the course of performance of work.

(E) Failure to maintain such bond in good standing shall be cause for immediate suspension by the Department of the department-issued registration.

(F) The individual named on the department-issued registration, shall sign the bond submitted for a department-issued registration or the renewal thereof, regardless of any assignment to a business concern.

Section 3. Insurance coverage requirement for a department-issued contractor registration.

(A) Before the Department issues a registration under the provisions of these regulations, and prior to each renewal thereof, each holder of a Department registration shall, in a manner prescribed by the Department, provide proof of liability insurance, which shall be maintained at all times thereafter, to the Department. A department-issued registration shall not be issued or renewed without meeting this insurance coverage requirement.

(B) The liability insurance required for the holder of a contractor's registration issued by the Department shall be written with an acceptable insurance company licensed to do business in the State of Ohio. The liability insurance shall afford limits of liability no less than \$300,000.00 for damages to a single person, and \$500,000.00 for one occurrence.

(C) Failure to maintain such liability insurance coverage in good standing shall be cause for immediate suspension by the Department of the department-issued contractor's registration.

Section 4. Workers compensation coverage.

No proof of workers compensation coverage shall be required of the holder of a license.

Section 5. Fees for department-issued licenses.

(A) A fee, as established by the fee schedule, shall be charged for the registration application. All such fees for a department-issued registration are nonrefundable.

(B) In addition to the fees described above, there may be other fees stipulated by this code included in the fee schedule that pertain to a department-issued registration. All such fees are nonrefundable.

Section 6. Expiration and renewal of a department-issued registration.

(A) The provisions of this section concerning renewal only apply to registration issued by the Department.

(B) A registration issued by the Department shall expire at the end of the calendar year of the date of issuance.

(C) A registration may be renewed at any time during the 90 calendar days prior to its expiration date; however, such early renewal shall comply with the requirements for such renewal.

(D) A bond submitted for department-issued registration renewal shall be signed by the individual who has qualified for the registration, regardless of any assignment to a business concern.

(E) A person whose department-issued registration has expired shall not perform any work governed by this code until a renewal of the registration is issued by the Department. No permits shall be issued to a registration-holder with an expired department-issued registration.

(F) A department-issued registration holder, or his or her registered business, which fails to correct work that does not comply with the Ohio Building Code, shall be denied the renewal of his or her registration until compliance with the Ohio Building Code shall have been secured.