

Section 1. That the existing section 4101.02 of the Columbus City Codes, 1959, is hereby amended to read as follows:

4101.02 Letter B.

"Balcony, exterior" means a parapet or railing-enclosed platform projecting outward from the exterior wall of a building.

"Balcony, interior," as applied to a place of assembly, means an open seating level located above the main assembly floor level but does not include a continuation of a rise of the main floor or other integrated seating area in connection therewith.

"Bikeway" means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows:

(a) "Shared-use path" (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children's non-motorized vehicles separated from motor vehicle traffic except at bike crossings.

(b) "Bike lane" (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.

(c) "Bike route" (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

"Building" means any structure used for shelter, occupancy, enclosure, or support of persons, animals, or property or intended for supporting or sheltering any use or occupancy, having a roof supported by columns or walls and requiring a building permit. For application of this Code, each portion of a building completely separated from other portions by fire walls complying with the Ohio Building Code (OBC) shall be considered as a separate building. Whenever possible herein, the term "building" shall include the term "structure."

(a) "Building addition" or "addition" means a part added to a building, either by being built so as to form one architectural whole with it, or by being joined with it in some way, as by a passage, and so that one is a necessary adjunct or appurtenance of the other or so that both constitute the same building.

(b) "Building Code" means Titles 41 and 43 of the Columbus City Codes.

(c) "Building line" means the clearance line limiting the approach of a building, exclusive of open porches, steps, terraces or walkways, to a property line, or to other buildings on the same lot.

(d) "Existing building" means a building already erected or one for which a legal permit has been issued prior to the adoption of the Building Code.

(e) "Building official" means the officer so designated by the director of the department of development. The building official may also be referenced as the "chief building official" in this code. The building official and his regularly authorized representatives are charged with the administration and enforcement of the building code. The authorized representatives may include city employees or registered contract inspectors. The building official is also the designated authority charged with the administration and enforcement in the city of Columbus of the Ohio Building Code (OBC) approved by the Ohio Board of Building Standards (OBBS) in accordance with Chapter 1, "Administration", of the Ohio Building Code.

Section 2. That the existing section 4114.537 of the Columbus City Codes, 1959, is hereby amended to read as follows:

4114.537 Suspension and revocation of a department-issued license.

Upon receiving a complaint in writing, made by any person and subscribed to by such complainant, and sworn to affirmatively by the complainant before an officer of the department or magistrate authorized to administer oaths, stating in substance facts indicating that a home improvement general or limited contractor, a sewer contractor, or a journey person plumber license-holder shall have done any of the things herein before mentioned which constitute cause for the suspension or revocation of his or her license, the secretary of the relevant board of review shall cause a copy of such complaint to be served by certified mail on such department-issued license-holder complained of. This notice shall also identify the board of review that will adjudicate the complaint, the location, time, and date upon which such complaint will be heard by the board of review. The hearing by the board of review shall be at some time not later than 60 calendar days after the filing of such complaint with the department.

Concurrently, the complainant shall also be notified as to the time, date, and place of the hearing.

At the time, place, and date mentioned in such notices, the relevant board of review shall hear the testimony of such complainant, and of the license holder complained against, relative to the matters set forth in such written complaint, and also the testimony of any person(s) having knowledge of the facts and brought before such board as a witness(s). All such testimony shall be heard under the oath or affirmation of the person(s) testifying. The board of review shall have the power to adjourn or continue such hearings or to change the place thereof as the circumstances of the particular case may require.

The board of review shall determine the truth or falsity of the matters charged in the complaint after hearing the testimony upon such complaint. In addition, the board of review shall also determine whether any violation of the terms and conditions under which the department-issued license was issued to the license-holder complained of has occurred. If the board of review determines that such complaint is not true, or that the testimony fails to show that any violation of the terms under which such license was issued has been committed, the board of review shall forthwith dismiss such complaint.

If, however, it was ascertained that a violation has been committed, the board of review shall have the authority to suspend, for a period not to exceed six months, or to revoke the department-issued license held by the license-holder. Any license-holder whose license shall be so revoked shall not be entitled to apply for the issuance of a new department-issued license for a period of one calendar year after the date of such revocation, and not until such former license-holder has corrected the cause, for which such license was revoked or suspended, if a specific cause was stated. The penalty to be attached in each case shall be at the discretion of the board of review up to the limits prescribed herein. ~~Any license-holder that shall have twice previously been found guilty of violation of the terms and conditions of his or her department-issued license shall have such license revoked, if found guilty on a third or later complaint.~~

The secretary of the relevant board of review shall notify the department's licensing section, in writing, by no later than the close of business of the following work day after the final determination of the board of review's hearing was made concerning the complaint filed against the license-holder.

The decision of the relevant board of review concerning a revocation or suspension of a department-issued license shall be appealed to the Columbus building commission pursuant to Chapter 4107. Such an appeal shall be limited to the record created during the proceeding before the applicable board of review. An appeal before the building commission pursuant to Chapter 4107 shall not be a trial de novo. Such an appeal to the Columbus building commission shall be filed within 31 calendar days from the date the board of review made its determination.

Following revocation, or during any period of suspension, such revoked former or currently suspended license-holder ~~or license-holder~~ shall not perform any new permit work of a licensed contractor or journeyperson plumber. The department shall not issue a permit to a department-issued licensed contractor while under revocation or suspension.

Section 3. That the existing Section 4114.727 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4114.727 Suspension or revocation of an OCILB licensed specialty contractor registration.

Upon receiving a complaint in writing made by any person and subscribed to by such complainant, and sworn to affirmatively by the complainant before an officer of the department or magistrate authorized to administer oaths, stating in substance facts indicating that an OCILB licensed specialty contractor registration-holder shall have done any of the things hereinbefore mentioned which constitute cause for the suspension or revocation of their OCILB licensed specialty contractor registration, the secretary of the relevant board of review shall cause a copy of such complaint to be served by certified mail on such OCILB licensed specialty contractor registration-holder complained of. This notice shall also identify the relevant board of review that will adjudicate the complaint, the location, time, and date upon which such complaint will be heard by the board of review. The hearing by the board of review shall be at some time no later than sixty (60) calendar days after the filing of such complaint.

Concurrently, the complainant shall also be notified as to the time, date and place of hearing.

At the time, place and date mentioned in such notices, the relevant board of review shall hear the testimony of such complainant, and of the OCILB licensed contractor registration-holder complained against, relative to the matters set forth in such written complaint, and also the testimony of any person(s) having knowledge of the facts and brought before such board of review as a witness(s). All such testimony shall be heard under the oath or affirmation of the persons testifying. The board of review shall have the power to adjourn, or continue, such hearings or to change the place thereof as the circumstances of the particular case may require.

The board of review shall determine the truth or falsity of the matters charged in the complaint after hearing the testimony upon such complaint. In addition, the board of review shall also determine whether any violation of the terms and conditions under which the registration was issued to the OCILB licensed specialty contractor registration-holder complained of has occurred. If the board of review determines that such complaint is not true, or the testimony fails to show that any violation of the terms under which such registration was issued has been committed, the board of review shall forthwith dismiss such complaint.

If, however, it was ascertained that a violation has been committed, the board of review shall have the authority to suspend for a period not to exceed six (6) months, or to revoke the OCILB licensed specialty contractor registration held by the licensed specialty contractor registration-holder. Any OCILB licensed specialty contractor registration-holder whose registration shall be so revoked shall not be entitled to apply for the issuance of a new OCILB licensed specialty contractor registration for a period of one (1) year after the date of such revocation, and not until such former registrant has corrected the cause for which such registration was revoked or suspended, if a specific cause was stated. The penalty to be attached in each case shall be at the discretion of the board of review and up to the limits prescribed herein. ~~Any OCILB licensed specialty contractor registration-holder that shall have twice previously been found guilty of violation of the terms and conditions of their registration issued by the department shall have such OCILB licensed specialty contractor registration revoked, if found guilty on a third or later complaint.~~

The secretary of the relevant board of review shall notify the department's licensing section, in writing, by no later than the close of business of the following work day after the final determination of the board of review's hearing was made concerning the complaint filed against the registration-holder. In addition, the secretary of the board of review shall also notify the executive secretary of the Ohio Construction Industry Licensing Board (OCILB) in writing when the appropriate review board finds cause for action involving revocation of the contractor's registration. ~~, by certified mail, within fifteen (15) calendar days after the final determination of the board of review's hearing was made concerning the complaint filed against the OCILB licensed specialty contractor registration holder.~~

The decision of the relevant board of review concerning a revocation or suspension of an OCILB licensed specialty contractor registration shall be appealed to the Columbus building commission pursuant to Chapter 4107. Such an appeal shall be limited to the record created during the proceeding before the applicable board of review. An appeal before the building commission pursuant to Chapter 4107 shall not be a trial de novo. Such an appeal to the Columbus building commission shall be filed within thirty-one (31) calendar days from the date the board of review made its determination.

Following revocation, or during any period of suspension, such revoked former or currently suspended registration-holder ~~or registration-holder~~ shall not perform any new permit work of an OCILB licensed registered contractor, and no permit shall be issued thereto by the department.

Section 4. That the existing Section 4114.937 of the Columbus City Codes. 1959, is hereby amended to read as follows:

4114.937 - Suspension and revocation of a demolition contractor, general contractor or fire alarm and detection equipment and/or fire protection company registration.

Upon receiving a complaint in writing, made by any person and subscribed to by such complainant, and sworn to affirmatively by the complainant before an officer of the department or magistrate authorized to administer oaths, stating in substance facts indicating that a registered demolition contractor, registered general contractor, or registered fire alarm and detection equipment and/or fire protection company shall have done any of the things herein before mentioned which constitute cause for the suspension or revocation of his or her contractor or company registration, the secretary of the relevant board of review shall cause a copy of such complaint to be served by certified mail on such registration-holder complained of. This notice shall also identify the board of review that will adjudicate the complaint, the location, time, and date upon which such complaint will be heard by the board of review. The hearing by the board of review shall be at some time not later than 60 calendar days after the filing of such complaint with the department.

Concurrently, the complainant shall also be notified as to the time, date and place of the hearing.

At the time, place, and date mentioned in such notices, the relevant board of review shall hear the testimony of such complainant, and of the registration-holder complained against, relative to the matters set forth in such written complaint, and also the testimony of any person(s) having knowledge of the facts and brought before such board as a witness(s). All such testimony shall be heard under the oath or affirmation of the persons testifying. The board of review shall have the power to adjourn, or continue, such hearings or to change the place thereof as the circumstances of the particular case may require.

The board of review shall determine the truth or falsity of the matters charged in the complaint after hearing the testimony upon such complaint. In addition, the board of review shall also determine whether any violation of the terms and conditions under which the registration was issued to the registration-holder complained of has occurred. If the board of review determines that such complaint

is not true, or the testimony fails to show that any violation of the terms under which such registration was issued has been committed, the board of review shall forthwith dismiss such complaint.

If, however, it was ascertained that a violation has been committed, the board of review shall have the authority to suspend for a period not to exceed six months, or to revoke the registration held by the registration-holder. Any registration-holder whose registration shall be so revoked shall not be entitled to apply for the issuance of a new registration for a period of one calendar year after the date of such revocation, and not until such former registration-holder has corrected the cause, for which such registration was revoked or suspended, if a specific cause was stated. The penalty attached in each case shall be at the discretion of the board of review and up to the limits prescribed herein. ~~Any registration-holder that shall have twice previously been found guilty of violation of the terms and conditions of his or her registration shall have such registration revoked, if found guilty on a third or later complaint.~~

The secretary of the relevant board of review shall notify the department's licensing section, in writing, by no later than the close of business of the following work day after the final determination of the board of review's hearing was made concerning the complaint filed against the registration-holder.

The decision of the relevant board of review concerning a revocation or suspension of the registration of a demolition contractor or fire alarm and detection equipment and/or fire protection company registration-holder shall be appealed to the Columbus building commission pursuant to Chapter 4107. Such an appeal shall be limited to the record created during the proceeding before the applicable board of review or the department's licensing section as applicable. An appeal before the building commission pursuant to Chapter 4107 shall not be a trial de novo. Such an appeal to the Columbus building commission shall be filed within 31 calendar days from the date the board of review or the department's licensing section, as applicable, made its determination.

Following revocation, or during any period of suspension, such revoked former or currently suspended registration-holder ~~or registration-holder~~ shall not perform any new permit work of a registered contractor or company, and no permit shall be issued thereto by the department.

Section 5. That prior existing sections 4101.02, 4114.537, 4115.727 and 4114.937 of the Columbus City Codes, 1959, are hereby repealed.