



Legislation Text

File #: 1812-2017, **Version:** 1

BACKGROUND:

Since the creation in 2001 of a statewide mandatory state-level licensing and discipline process for contractors involved in the various licensed skilled trades, the City of Columbus' locally authorized Boards of Review have seen their caseloads diminish to the point that warrants the consolidation of these four boards into a single board of review.

Staff briefed the Board of Review of Warm Air Heating and Air Conditioning (HVAC) contractors on May 9, 2017, about this proposed change and how it will affect them and the board supported the proposal.

Staff briefed the Board of Review of Electrical Contractors on May 10, 2017, about this proposed change and how it will affect them and the board supported the proposal.

Staff briefed the Board of Review of Plumbing and Sewer Contractors and of Journeyperson Plumbers on May 17, 2017, about this proposed change and how it will affect them and the board supported the proposal.

Staff briefed the Board of Review of Refrigeration Contractors on May 3, 2017, about this proposed change and how it will affect them and the board supported the proposal.

FISCAL IMPACT: No funding is required for this legislation.

To amend various sections of the Columbus Building Code in order to consolidate contractor Boards of Review into a single review board as a result of the impact of state license changes and the resultant decrease in review work load for these boards.

WHEREAS, since the creation in 2001 of a statewide mandatory state-level licensing and discipline process for contractors involved in various licensed skilled trades, the City of Columbus' locally authorized Boards of Review have seen their caseloads diminish to the point that warrants the consolidation of these four boards into a single board of review; and

WHEREAS, staff briefed the Board of Review of Warm Air Heating and Air Conditioning (HVAC) contractors on May 9, 2017, about this proposed change and how it will affect them and the board supported the proposal; and

WHEREAS, staff briefed the Board of Review of Electrical Contractors on May 10, 2017, about this proposed change and how it will affect them and the board supported the proposal; and

WHEREAS, staff briefed the Board of Review of Plumbing and Sewer Contractors and of Journeyperson Plumbers on May 7, 2017, about this proposed change and how it will affect them and the board supported the proposal; and

WHEREAS, staff briefed the Board of Review of Refrigeration Contractors on May 3, 2017, about this proposed change and how it will affect them and the board supported the proposal; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That existing section 4114.301 of the Columbus City Codes is hereby amended to read as follows:

4114.301 - Boards of review.

There is hereby created in the department the following boards of review:

- (A) A board of review of general and home improvement contractors.
- (B) A board of review of mechanical, electrical, and plumbing contractors, to be known as the Skilled Trades Review Board. A board of review of plumbing and sewer contractors and of journey person plumbers.
- ~~(C) A board of review of electrical contractors.~~
- ~~(D) A board of review of refrigeration contractors.~~
- ~~(E) A board of review of warm air heating and air conditioning (HVAC) contractors.~~

SECTION 2. That existing section 4114.303 of the Columbus City Codes is hereby amended to read as follows:

4114.303 - Composition of boards.

(A) Each board of review shall be composed of seven voting members and a secretary. Four voting members of a board in attendance at a meeting shall constitute a quorum.

~~Exception: The board of review of plumbing and sewer contractors and of journey person plumbers shall have eight voting members. The eighth voting member of this board shall be the designee of the department of public utilities.~~

(B) ~~The Chief Building Official or his or her designee~~ The building services inspection supervisor of the relevant trade and/or craft of the board of review shall be the secretary to such board. The secretary of a board of review is not a voting member of the board.

(C) The membership of the Skilled Trades Review Board shall be as follows:

(1) Two members shall be licensed or registered by the Department as one of the following:

- (a) a licensed sewer contractor,
- (b) a licensed water contractor,
- (c) a licensed combination sewer/water contractor,
- (d) a licensed journey person plumber,
- (e) a registered, OCILB licensed plumbing contractor, or
- (f) a certified individual providing scope of work validation for fire alarm and detection equipment and/or fire protection companies.

(2) Two members shall be department-registered, OCILB licensed electrical contractors.

(3) Two members shall be licensed or registered by the Department as one of the following:

- (a) a registered, OCILB licensed refrigeration contractor,
- (b) a registered, OCILB licensed warm air heating and air conditioning contractor (HVAC), or
- (c) a registered, OCILB licensed hydronics (steam and hot water) contractor.

(4) One public member who is familiar with one of the construction industries relevant the Skilled Trades Review Board.

~~All boards of review, except the board of review of general and home improvement contractors, shall have the following membership:~~

~~(1) Two OCILB licensed specialty contractors, whose trade or craft shall be relevant to the business of the board of review on which they serve. Both contractors shall be duly registered with the department. In addition, such OCILB licensed specialty contractors shall be actively engaged in the type of contracting of their OCILB specialty license. Of the two OCILB specialty contractors, one shall operate their business under a collective agreement with a recognized labor organization, and one shall not.~~

~~Exception: A department-licensed sewer, water or combined sewer/water contractor, with current, valid license and actively engaged in the business of sewer, water or combined sewer/water contracting, may occupy one of the registered contractor positions in lieu of one of the registered OCILB licensed specialty contractor position on the board of review of plumbing and sewer contractors and of journey person plumbers. The required labor organization relationship, however, shall not be compromised.~~

~~(2) Two journey persons, whose trade or craft shall be relevant to the business of the board of review on which~~

~~they serve and, in addition, shall be actively engaged in such relevant craft or trade. Of the two journey persons, one shall be employed under a collective agreement with recognized labor organization, and one shall not.~~
(3) ~~Three public members, each of who are familiar with the construction industry relevant to the board of review on which they serve.~~

(D) The membership of the board of review of general and home improvement contractors shall be as follows:

- (1) Two department-licensed home improvement general contractors with current, valid licenses ~~licensure~~ whom shall be actively engaged in home improvement general contracting.
- (2) Two department-licensed home improvement limited contractors with current, valid licenses ~~licensure~~ whom shall be actively engaged in home improvement limited contracting.
- (3) Two department-registered general contractors with current, valid registration whom shall be actively engaged in the work of a registered general contractor. ~~Of the two registered general contractors, one~~ One shall operate their business under a collective agreement with a recognized labor organization, and one shall not.
- (4) One public member, who is familiar with the construction industry relevant to the board of review of general and home improvement contractors.

(E) No member of any board of review shall be employed or affiliated with the same business entity or entities of another. No public member shall have a direct or indirect interest, as defined in C.C. 501.02, in any thing, place or business that is required to be licensed by the Columbus City Codes.

(F) Except for the secretary, all members of a board of review shall be legal residents of the city or of the counties therein situated and appointed for a term of three years by the director of the department. The term of each board member shall continue until a successor is appointed. The director may remove any member of the board, except the secretary ~~and the administrator or designee of the division of sewerage and drainage~~, for incompetence, neglect of duty, malfeasance, or misconduct in office. Each voting board member, ~~except for the administrator or designee of the division of sewerage and drainage~~, shall receive payment for each meeting attended in accordance with the administrative salary ordinance.

(G) If a board of review would be comprised of less than a majority of its voting members who are legal residents of the city by the appointment of a non-resident of the city, the director shall only appoint a legal resident of the city.

SECTION 3. That existing section 4114.305 of the Columbus City Codes is hereby amended to read as follows:

4114.305 - Duties and powers of the boards of review.

(A) General Duties and Powers. Each board of review 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 conduct of its meetings and proceedings;
- (2) To select its own officers in accordance with the by-laws adopted by the board;
- (3) To perform other related duties required either by this Building Code or as directed by the chief building official or the department;
- (4) To adjudicate a complaint filed with the appropriate board of review against a department-registered OCILB licensed specialty contractor, the holder of a department-issued license or other department contractor registration. Such a complaint, however, shall be within the limits of the authority, competence, concern, intension, or responsibility of the board of review receiving the complaint;
- (5) To suspend or revoke the relevant department-issued license or registration of a contractor who, after notification and hearing:
 - (a) Shall have been found to have violated the terms of this chapter, 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 city; or
 - (c) Shall have been shown to be persistent and habitual violators of the laws of the state, the provisions of this Building Code or other ordinances of the city relating to the construction, installation, or repair of buildings within the City of Columbus.

(B) Specific Duties and Powers. The boards of review shall have the additional specific duties and powers as hereinafter indicated in this subsection:

- (1) The board of review of general and home improvement contractors is authorized and empowered to review the qualifications as established in Section 4114.505, of all applicants who have passed the appropriate written

examination(s), if required as a prerequisite, and thereupon have filed a complete application for action and review to obtain a license to engage in the business of a general or limited home improvement contractor from the department ~~made proper application for the department's license to engage in the business of a general or limited home improvement contractor.~~ For those applicants who the board has found to meet all such qualifications, the board shall certify their names to the department for the issuance of the appropriate home improvement contractor's license.

(2) The board of review of general and home improvement contractors shall review the qualifications as established in Section 4114.903, of all applicants who have ~~made proper application~~ filed a complete application for action and review to obtain a demolition contractor registration from the department. For those applicants who the board has found to meet all such qualifications, the board shall certify their names to the department for the issuance of a demolition contractor's registration.

(3) The board of review of general and home improvement contractors shall adjudicate matters pertaining to a department-issued home improvement general or limited licensed contractor, department-registered general contractor, and/or a department-registered demolition contractor.

(4) The Skilled Trades Review Board, ~~board of review of plumbing and sewer contractors and of journey person plumbers~~, is authorized and empowered to review the qualifications as established in Section 4114.505, of all applicants who have passed the appropriate written examination(s), if required as a prerequisite, and thereupon have filed a complete application for action and review to obtain a license to engage in the business of a sewer contractor, water contractor, combined sewer/water contractor, or journey person plumber from the department ~~of all applicants who have made proper application for a department-issued license as a sewer, water or combination sewer/water contractor or a journey person plumber.~~ For those applicants who the board has found to meet all such qualifications, the board shall certify their names to the department for the issuance of the appropriate license for which the application was made.

(5) The Skilled Trades Review Board, ~~board of review of plumbing and sewer contractors and of journey person plumbers~~ shall adjudicate matters pertaining to a department-issued licensed sewer contractor, a department-licensed water contractor, department-licensed combination sewer/water contractor, department-licensed journey person plumber, a department-registered OCILB licensed plumbing contractor, a department-registered backflow technician, and a department-registered fire protection/suppression company ~~a department-registered OCILB licensed electrical contractor, a department-registered OCILB licensed refrigeration contractor, a department-registered OCILB licensed warm air heating and air conditioning contractor (HVAC), a department-registered OCILB licensed hydronics (steam and hot water) contractor, a department-registered fire alarm and detection equipment and/or fire protection company, and a department-registered certified individual providing scope of work validation for fire alarm and detection equipment and/or fire protection companies.~~

~~Exception: The board of review of warm air heating and air conditioning (HVAC) contractors shall adjudicate matters pertaining to a department-registered fire alarm and detection equipment and/or fire protection/suppression company pertaining to kitchen exhaust systems.~~

~~(6) The board of review of electrical contractors shall adjudicate matters pertaining to a department-registered OCILB licensed electrical contractor, and/or a registered fire alarm and detection equipment company.~~

~~(7) The board of review of refrigeration contractors shall adjudicate matters pertaining to a department-registered OCILB licensed refrigeration contractor.~~

~~(8) The board of review of warm air heating and air conditioning (HVAC) contractors shall adjudicate matters pertaining to a department-registered OCILB licensed warm air heating and air conditioning contractor (HVAC), a department-registered OCILB licensed hydronics (steam and hot water) contractor, and a fuel gas piping contractor.~~

~~(9) The appropriate board of review of general and home improvement contractors and board of review of plumbing and sewer contractors and of journey person plumbers, are empowered to review the qualifications, as established in Section 4114.505, of all applicants who have filed a completed action and, if required as a prerequisite, have passed the relevant written examination(s) for a department issued license.~~

(C) In the event there ceases to be an approved testing agency to provide the examination(s) required by C.C. 4114, the director shall immediately notify, in writing, the board of review of general and home improvement contractors of this fact. The director shall also issue a statement, in writing, of policy and procedure to be used until such time an approved testing agency has been identified by the director.

SECTION 4. That existing section 4114.505 of the Columbus City Codes is hereby amended to read as follows:

4114.505 Minimum experience qualifications for a department-issued license.

(A) Home Improvement General Contractor License. The applicant for a home improvement general contractor license shall have a minimum of three full years of "hands-on" installation experience in the one-, two-, and three-family home improvement field.

(B) Home Improvement Limited Contractor License. The applicant for a home improvement limited contractor license in the following fields of specialization shall have a minimum of one full year of "hands-on" installation experience in that field for which a license is applied for:

- (1) Residential roofing;
- (2) Residential siding, windows, and doors;
- (3) Residential wood deck installation;
- (4) Residential basement waterproofing;
- (5) Residential prefabricated fireplaces and wood or coal stoves;
- (6) Residential masonry fireplaces;
- (7) Residential fencing;
- (8) Residential sidewalks and driveway approaches;
- (9) Residential exterior lathing and stucco;
- (10) Residential swimming pool and spas;
- (11) Residential asphalt paving;
- (12) Residential irrigation sprinkler; and/or
- (13) Residential gypsum board installer.

(C) "Hands-on" experience shall be characterized by the active personal involvement of the applicant in the activity directly related to the type of license for which an application was made. Such active personal involvement shall have provided for the acquisition of practical experience, knowledge, and mechanical aptitude in the physical installation, operation, control, adjustment, repair, and maintenance of the specific trade or craft. (D) Sewer, Water, or Combined Sewer/Water Contractor License. All applicants for either a sewer contractor license or a water contractor license shall demonstrate prior approval from the department of public utilities in a manner as prescribed by such department.

(E) Journeyperson Plumbers License. The minimum experience required for an applicant for a journeyperson plumber license shall be as follows:

(1) Have a minimum of five full years of experience in the plumbing trade installing building services plumbing systems and apparatus including potable water systems; or, completed a United States Department of Labor, Bureau of Apprenticeship Training (USDOL, BAT) certified plumbing apprenticeship program.

(2) Satisfactorily complete and pass, with a grade of at least 70 percent, the written examination(s) as prescribed herein. The required examinations shall be administered by an approved testing agency as identified by the chief building official and approved by the appropriate board of review. ~~In the event there ceases to be an approved testing agency to provide the examination(s) required by C.C. 4114, the director shall immediately notify, in writing, the board of review of plumbing and sewer contractors and of journeyperson plumbers of this fact. The director shall also issue a statement, in writing, of policy and procedure to be used until such time an approved testing agency has been identified by the director.~~ After one year from the date that a passing score was achieved on any required examination for a department-issued license, the passing score for that examination or examinations shall become invalid unless an application for licensure has been made.

(3) An applicant's failure to pass the required examination shall not operate to deny the applicant the right to take such examination at a future scheduled date, provided the applicant makes proper application for such later examination with the approved testing agency.

(F) In the event there ceases to be an approved testing agency to provide the examination(s) required by C.C. 4114, the director shall immediately notify, in writing, the Skilled Trades Review Board and the journeyperson plumbers of this fact. The director shall also issue a statement, in writing, of policy and procedure to be used until such time an approved testing agency has been identified by the director.

(G) (F) Alternatively, in lieu of the above requirements of Section (A), (B), (C), or (E) above, an applicant for any license may be:

- (1) An engineer, registered in Ohio, in the specific field of work for the type of license for which application is made; or
- (2) A graduate engineer, with at least one full year's experience as a designer or installer in the specific field of work for the type of license for which application is made.

(H) ~~(G)~~ Determination of a Full Year. A "full year" of experience, where required in sections (A) through (F) above, shall be based on 12 consecutive calendar months during which the applicant shall have been gainfully and verifiably employed for not less than 1,600 working hours at the specific craft, trade, or profession for which an application for a department-issued license has been made.

SECTION 5. That existing section 4114.537 of the Columbus City Codes 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, water contractor, combination sewer/water contractor, or a journeyman 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.

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 shall not perform any new permit work of a ~~licensed contractor or journeyman plumber~~. The department shall not issue a new permit to a department-issued licensed contractor while under ~~revocation or~~ suspension.

SECTION 6. That existing section 4114.937 of the Columbus City Codes 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, or a certified individual providing scope of work validation for fire alarm and detection equipment and/or fire protection companies, 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. 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 shall not perform any new permit work of a registered contractor or company, and no permit shall be issued thereto by the department.

SECTION 7. That existing section 4114.911 of the Columbus City Codes is hereby amended to read as follows:

4114.911 Appeals.

The decision of the board of review of general and home improvement contractors concerning a demolition contractor registration application, or of the Department's license section concerning an application for a fire alarm and detection equipment and/or fire protection company registration application, or a general contractor registration application, 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 of the Department's license section. 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 of the board of review or the license section made its determination.

SECTION 8. That prior existing sections 4114.301, 4114.303, 4114.305, 4114.505, 4114.537, 4114.937, and 4114.911 of the Columbus City Codes are hereby repealed.

SECTION 9. That this ordinance shall take effect and be in force from and after the earliest period provided by law.