



Legislation Text

File #: 3264-2019, **Version:** 1

BACKGROUND:

Current code requires a 90-day waiting period for locally licensed trade professionals to change the assignment of their license from one company to another except in a few specified limited circumstances. This restriction offers no additional consumer protection and has been found to be overly burdensome for licensed individuals that change employers or company name. This code change will modify this requirement to allow for the transfer of license assignment once every 90 days, thereby striking a balance between allowing for the reassignment of licenses without undue time restrictions while also providing a reasonable period for administrative processing.

A public hearing was held before the Columbus Building Commission on October 15, 2019, whereupon they voted to recommend this proposed code change be forwarded to Columbus City Council for adoption.

A public hearing was held before the Board of Review of General and Limited Sign Erectors on November 5, 2019, whereupon they voted to recommend this proposed code change be forwarded to Columbus City Council for adoption.

A public hearing was held before the Columbus Development Commission on November 14, 2019, whereupon they voted to recommend this proposed code change be forwarded to Columbus City Council for adoption.

FISCAL IMPACT: No funding is required for this legislation.

To amend sections 4114.531 and 4114.933 of City Code Chapter 4114, "License and Registrations - General Provisions," of the Columbus Building Code and section 3381.20 of Chapter 3381, "Implementation" of the Columbus Zoning Code, to allow for more expedient transfer of professional trade license assignments.

WHEREAS, current code requires a 90-day waiting period for locally licensed trade professionals to change the assignment of their license from one company to another except in a few specified limited circumstances; and

WHEREAS, this restriction offers no additional consumer protection and has been found to be overly burdensome for licensed individuals that change employers; and

WHEREAS, this code change will modify this requirement to allow for the transfer of license assignment once every 90 days, thereby striking a balance between allowing for the reassignment of licenses without undue time restrictions while also providing a reasonable period for administrative processing; and

WHEREAS, a public hearing was held before the Columbus Building Commission on October 15, 2019, whereupon they voted to recommend this proposed code change be forwarded to Columbus City Council for adoption; and

WHEREAS, a public hearing was held before the Board of Review of General and Limited Sign Erectors on November 5, 2019, whereupon they voted to recommend this proposed code change be forwarded to Columbus City Council for adoption.; and

WHEREAS, a public hearing was held before the Columbus Development Commission on November 14, 2019, whereupon they voted to recommend this proposed code change be forwarded to Columbus City Council for adoption; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

SECTION 1. That the existing Section 4114.531 of the Columbus City Codes is hereby amended to read as follows:

4114.531 - Assignment and issuance of a department-issued license to a business concern.

(A) A license shall be issued in the name of the individual who successfully met the qualifications as required by this chapter. However, said individual, at the time of applying for said department-issued license, or at any time thereafter, may assign, his or her rights to a license to a business concern with whom he or she is associated as a legal, full-time officer, proprietor, partner, or employee, and may designate that his or her license shall be issued in the name of said concern. In such event, such license shall be issued in the name of said business concern and said concern shall be known as the licensed-business. The individual applicant shall not be issued a license in his or her own name during the period he or she is associated with said business concern. In such event, the license shall state on its face the name and position in the business concern of the individual who has qualified for the license under the terms of this Chapter. No individual may be named on more than one license within a trade at the same time.

(B) The license-holder is responsible to immediately notify the licensing section of the department of any change of status of their department-issued license.

(C) In the event the individual named on the department-issued license becomes disassociated from the licensed-business, the license shall become null and void 90 calendar days after such disassociation, except where another license-holder becomes associated with the business concern and the business concern so notifies the department in writing. During this 90-day period, the work on existing permits may be followed through to completion, but no new work shall be commenced.

(D) In such event, a new department-issued license, setting forth the name of the new licensed individual, shall be issued to the licensed-business. A nonrefundable fee, as prescribed by the fee schedule, shall be required for the issuance of this new license within the same license year.

(E) A license-holder may transfer the assignment of a license from one company to another, including to change the name of the company, once per 90 calendar days, unless the license has been assigned to an entity also held by the license holder (self-assigned license). If this time frame is exceeded, the license-holder shall submit a name change exception request and board application fee to the appropriate review board. There shall be a 90-calendar day waiting period on the transfer of assignment of a license from one company to another, unless it had been in the department-issued license of the licensee him or herself.

Exception: Upon presentation of satisfactory evidence of whichever of the following conditions having occurred that caused the termination of the currently licensed-business, the 90-day period may be waived by the chief building official:

(1) Closure of the licensed-business because of Chapter 7 bankruptcy;

(2) Dissolution of the licensed-business that is a corporation, limited liability partnership (LLP), or a limited liability corporation (LLC) that was filed and recorded and in good standing with the Secretary of State of Ohio; or

(3) Merger or consolidation of the licensed-business with a corporation, limited liability partnerships (LLP), or a limited liability corporations (LLC) that are filed and recorded and in good standing with the Secretary of State of Ohio.

~~The provisions of this exception may be implemented only once in any 24 consecutive month period.~~

(F) When a department-issued license is assigned to a business concern, all work carried on by the licensed-business shall be deemed to be carried on under the personal supervision of the person named in the department-issued license.

Therefore, any violations of the terms of the department-issued license, or of this Building Code, shall be imputed to the department-issued license-holder named therein. The department-issued license-holder shall be actively engaged in the business and shall be readily available for consultation with the department within two business days after notification.

(G) No license-holder shall permit his or her department-issued license to be used in more than one business at any time. It shall be cause for revocation by the department of the license issued to a business concern if it shall be shown that the license-holder is not, or is no longer, a legal officer, proprietor, partner, or employee of said business concern. No department-issued license-holder shall be entitled to be named in any department-issued license who shall have outstanding against them, as an individual, or as an officer, proprietor, partner, or employee of a business concern, any

suspension or revocation of another department-issued license or department registration. However, another qualified department-issued license-holder who is a proprietor, partner, or employee may be substituted upon proper application therefore.

Exception: The license of a journeyman plumber shall not be assigned.

SECTION 2. That the existing Section 4114.933 of the Columbus City Codes is hereby amended to read as follows:

4114.933 - Assignment and issuance of a demolition contractor, general contractor or fire alarm and detection equipment and/or fire protection company and of a certified individual registration to business concern.

(A) Demolition Contractor and General Contractor Registration. A demolition contractor's registration, and/or general contractor's registration, shall be issued in the name of the registrant who successfully met the qualifications as required by this chapter. However, said registrant, at the time of applying for such contractor registration, or at any time thereafter, may assign, his or her rights of a contractor registration to a business concern with whom he or she is associated as a legal, full-time officer, proprietor, partner, or employee. The registrant may designate that his or her contractor registration shall be issued in the name of said concern. In such event, such contractor registration shall be issued in the name of said business concern, and said concern shall be known as the registered business. The registrant shall not be issued a contractor registration in his or her own name during the period he or she is associated with said business concern. In such event, the contractor registration shall state on its face the name and position in the business concern of the registrant who has qualified for the contractor registration under the terms of this chapter. No registrant may be named on more than one contractor registration at the same time.

The demolition contractor and/or general contractor registration-holder is required to notify the department immediately of any change of status of his or her contractor registration.

In the event the demolition contractor and/or general contractor registrant named on the contractor registration disassociates him or herself from the registered-business, the contractor registration shall become null and void 90 calendar days after such disassociation, unless another demolition contractor or general contractor registration-holder becomes associated with the business concern. This new registration-holder shall immediately notify the department in writing of his or her association with the business concern and shall immediately assign his or her registration to the business concern. During this 90 calendar day period, the work on existing permits may be followed through to completion, but no new work shall be commenced.

In such event, a new contractor registration, setting forth the name of the new registrant, shall be issued to the registered-business. A nonrefundable fee, as prescribed by the fee schedule, shall be required for the issuance of this new registration within the same registration year.

A license-holder may transfer the assignment of a license from one company to another, including to change the name of the company, once per 90 calendar days, unless the license has been assigned to an entity also held by the license-holder (self-assigned license). If this time frame is exceeded, the license holder shall submit a name change exception request and board application fee to the appropriate review board.

~~There shall be a 90-calendar day waiting period on the transfer of assignment of a license from one company to another, unless it had been in the demolition contractor registration or general contractor registration of the registrant him or herself.~~

Exception: Upon presentation of satisfactory evidence of whichever of the following conditions having occurred that caused the termination of the currently registered business, the 90-day period may be waived by the chief building official because of:

- ~~(1) Closure of the registered business because of Chapter 7 bankruptcy;~~
 - ~~(2) Dissolution of the registered business that is a corporation, limited liability partnership (LLP), or a limited liability corporation (LLC) that was filed and properly recorded with the Secretary of State of Ohio; or~~
 - ~~(3) Merger or consolidation of the registered business with a corporation, limited liability partnerships (LLP), or a limited liability corporations (LLC) that are filed and properly recorded with the Secretary of State of Ohio.~~
- ~~The provisions of this exception may be implemented only once in any 36 consecutive month period.~~

When a demolition contractor registration and/or a general contractor registration is assigned to a business concern, all work carried on by the registered-business shall be deemed to be carried on under the personal supervision of the registrant named in the demolition contractor registration or general contractor registration. Therefore, any violations of the terms of the contractor registration or of this Building Code shall be imputed to the registrant named therein. The

demolition contractor registration-holder and/or the general contractor registration-holder shall be actively engaged in the business and shall be readily available for consultation with the department within two business days after notification. No demolition contractor and/or general contractor registration-holder shall permit his or her contractor registration to be used in more than one business at any time. It shall be cause for revocation by the department of the contractor registration issued to a business concern if it shall be shown that the registrant is not, or is no longer, a legal, full-time officer, proprietor, partner or employee of said registered business concern. No demolition contractor registrant and/or general contractor registrant shall be entitled to be named in any contractor registration who shall have outstanding against them, as an individual, or as a full-time officer, proprietor, partner, or employee of a business concern, any suspension or revocation of another contractor registration or department license. However, another qualified demolition contractor and/or general contractor registration-holder who is a full-time, proprietor, partner or employee may be substituted upon proper application after payment of a non-refundable fee as prescribed in the fee schedule.

(B) Fire Alarm and Detection Equipment and/or Fire Protection Company. The registration of a fire alarm and detection equipment and/or fire protection company may not be assigned with the department. A fire alarm and detection equipment and/or fire protection company registration shall only be issued in conformity to the Ohio Division of State Fire Marshal, Bureau of Licensing and Certification issued company certification submitted with the application. If any change or modifications to the fire alarm and detection equipment and/or fire protection company certification are needed, they shall be made with the state of Ohio Division of State Fire Marshal, Bureau of Licensing and Certification prior to making an application for a fire alarm and detection equipment and/or fire protection company registration with the department. The fire alarm and detection equipment and/or fire protection company registration-holder is required to notify the department immediately of any change of status of his or her Ohio Division of State Fire Marshal fire issued company certification.

When a change is made to the Ohio Division of State Fire Marshal issued company certification with the issuing agency subsequent to obtaining a fire alarm and detection equipment and/or fire protection company registration with the department, such change shall immediately invalidate the fire alarm and detection equipment and/or fire protection company registration issued by the department to the Ohio Division of State Fire Marshal company certification-holder. In addition, if continued registration with the department is needed, it will require that an application be made and payment of a non-refundable fee as prescribed in the fee schedule for a new fire alarm and detection equipment and/or fire protection company registration that will conform to the changes made in the Ohio Division of State Fire Marshall issued company certification so as to re-establish the Ohio Division of State Fire Marshal fire alarm and detection equipment and/or fire protection company registration with the department.

All work carried on by a registered fire alarm and detection equipment and/or fire protection company shall be deemed to be carried on under the personal supervision of the person named on the Ohio Division of State Fire Marshal issued company certification and the applicable registered certified individual(s) providing the validation of the category of work in Section 4114.909(B). Therefore, any violations of the terms of a department-issued fire alarm and detection equipment and/or fire protection company registration, or of this Building Code, shall be imputed to the person(s) named on the Division of State Fire Marshal, Bureau of Licensing and Certification company certification and the applicable registered certified individual(s) providing the validation of the category of work in Section 4114.909(B). The person(s) named on the Ohio Division of State Fire Marshal company certification and certified individuals shall be readily available for consultation with the department within two business days after notification.

(C) Fire Alarm and Detection Equipment and/or Fire Protection Certified Individual Assignment. Upon notification of the department's license section, the registration of a certified individual that provides a category of validation of C.C. 4114.909(B) for a department-registered fire alarm and detection equipment and/or fire protection company may be transferred to another such company duly registered with the department. However, such reassignment shall only occur after a completed application on a form prescribed by the department and the payment of a nonrefundable fee as prescribed by the fee schedule has been received and processed by the department license section.

SECTION 3. That the existing Section 3381.20 of the Columbus City Codes is hereby amended to read as follows:

3381.20 Assignment and issuance to business concern.

A. A sign erector's license shall be issued in the name of the individual who successfully meets the qualifications and passes the examination required by this chapter. However, said individual, at the time of application, or at any time thereafter, may assign his or her license rights to one business concern with whom he or she is associated with as a legal,

full-time officer, proprietor, partner, or employee, and may designate that his or her license shall be issued in the name of said concern. In such event, said license shall be issued in the name of said business concern, which shall be known as the licensed-business, and no license shall be issued to the individual applicant in his own name during the period he or she is associated with said business concern. In such event, the license shall state on its face the name and position in the business concern of the individual who qualified for the license under the terms of this chapter. No individual may be named on more than one license within a trade at the same time.

B. In the event the individual named on the license becomes disassociated from the licensed-business, the license shall become null and void at 90 calendar days after such disassociation, except where another license-holder becomes associated with the business concern and the business concern so notifies the department in writing. During this 90-day period, the work on existing permits may be followed through to completion, but no new work shall be commenced. The license-holder shall notify the department of any change of status. In such event, a new license, setting forth the name of the new individual, shall be issued to the licensed-business. A non-refundable fee, as prescribed in the fee schedule, shall be required for the issuance of this new license.

C. A license-holder may transfer the assignment of a license from one company to another, including to change the name of the company, once per 90 calendar days, unless the license has been assigned to an entity also held by the license-holder (self-assigned license). If this time frame is exceeded, the license-holder shall submit a name change exception request and board application fee to this review board.

~~There shall be a 90-calendar day waiting period on the transfer of assignment of a license from one company to another, unless it had been in the department-issued license of the licensee him or herself.~~

~~Exception: Upon presentation of satisfactory evidence of whichever of the following conditions having occurred that caused the termination of the currently licensed business, the 90-day period may be waived by the chief building official:~~

- ~~(1) Closure of the licensed business because of Chapter 7 bankruptcy;~~
- ~~(2) Dissolution of the licensed business that is a corporation, limited liability partnership (LLP), or a limited liability corporation (LLC) that was filed and recorded and in good standing with the Secretary of State of Ohio;~~
- ~~or~~
- ~~(3) Merger or consolidation of the licensed business with a corporation, limited liability partnerships (LLP), or a limited liability corporations (LLC) that are filed and recorded and in good standing with the Secretary of State of Ohio.~~

~~The provisions of this exception may be implemented only once in any 36-consecutive month period.~~

D. When a license is assigned to a business concern, all work carried on by the licensed-business shall be deemed to be carried on under the personal supervision of the individual named in the license, and any violation of the license terms shall be imputed to the individual named therein.

E. The license-holder shall be actively engaged in the business and shall be readily available for consultation with the department within two business days after notification. No license-holder shall permit his or her license to be used in more than one business at any time. It shall be cause for the revocation of the license issued to a business concern if it shall be shown that the license-holder is not, or is no longer, a legal, full-time officer, proprietor, partner or employee of said business concern.

No individual shall be entitled to be named in any license who has outstanding against him or her, as an individual or as a full-time officer, proprietor, partner, or employee of a business concern, any suspension or revocation of another license as a contractor; however, another qualified full-time officer, proprietor, partner, or employee may be substituted upon proper application therefor.

SECTION 4. That the prior existing sections 4114.531, 4114.933, and 3381.20 of the Columbus City Codes are hereby repealed.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period provided by law.