

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 14-126

INTRODUCED BY: Nickell, Kasaris, Antoskiewicz
Langshaw, Marnecheck, Petrusky

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART FOURTEEN BUILDING AND HOUSING CODE, CHAPTER 1444 LICENSING OF TRADESMEN AND CONTRACTORS, SECTION 1444.09 PERFORMANCE BOND; ATTACHMENT OF BOND, BY AMENDING PARAGRAPH (a) AND CREATING NEW PARAGRAPHS (f) AND (g), AND DECLARING AN EMERGENCY

WHEREAS: It has been determined to be necessary to allow the Building Commissioner to relinquish the city's rights under a performance bond and to assign those rights to any person, firm or corporation with whom the contractor has contracted, provided it has been determined that no municipal action or expenditure is required to correct a violation; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part Fourteen Building and Housing Code, Chapter 1444 Licensing of Tradesmen and Contractors, Section 1444.09 Performance Bond; Attachment of Bond by amending Paragraph (a) and creating new Paragraphs (f) and (g); and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part Fourteen Building and Housing Code, Chapter 1444 Licensing of Tradesmen and Contractors, Section 1444.09 Performance Bond; Attachment of Bond of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1444.09 PERFORMANCE BOND; ATTACHMENT OF BOND.

(a) Every registered contractor shall, as a condition of his or her registration, file with the Building Commissioner a surety bond in the amount as set forth in the fee structure in Chapter 214 of the Administrative Code using the form designated as *Appendix I to Chapter 1444 "Exhibit A," attached to Ordinance No. 05-26, passed March 15, 2005* as follows: the surety bond shall guarantee full and faithful compliance by the registered contractor with all pertinent laws and regulations of the State of Ohio and the City, and shall bind the surety thereon to correct or abate any violation of said laws or regulations whenever the registered contractor named as the principal on such bond refuses, neglects, or fails to correct or abate such violation within a reasonable time limit set by the Building Commissioner. The bond shall be required for all work to be performed by the registered contractor involving residential or non-residential structures.

(f) The Building Commissioner may, relinquish the City's rights under the performance bond and assign those rights to any person, firm or corporations with whom the contractor has contracted, provided that the Building Commissioner determines that no municipal action or expenditure is required to correct the violation.

(g) Any property owner holding an open permit with the contractor shall be notified of the City's relinquishment of its right to claim under the bond. Any such person, firm or corporation may proceed to seek their proportional damages under the performance bond.

Section 2. Section 1444.09 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 1444 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to allow the Building Commissioner to relinquish the city's rights under a performance bond and to assign those rights to any person, firm or corporation with whom the contractor has contracted, provided it has been determined that no municipal action or expenditure is required to correct a violation.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert Stefanik
MAYOR

DATE PASSED: November 5, 2014

DATE APPROVED: November 5, 2014

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading November 5, 2014

YEAS: Antoskiewicz, Nickell, Petrusky, Langshaw,
Marnecheck, Muller, Kasaris

NAYS: none