

ORDINANCE NO. 19-14
BY: Tres Roeder

Amending existing or enacting new Sections 547.01 through 547.08 of the Business Regulation Code, amending Sections 901.02, 901.04, 901.07 and 901.08 of the Fire Code, and amending Section 1303.01 of the Building Code, of the Shaker Heights Codified Ordinances, relative to the licensing of contractors, and the regulation of Hot Work by contractors under the Fire and Building Codes of the City.

WHEREAS, Sections 547.01, 547.05 and 547.06 of the Business Regulation Code (Part 5) were enacted in Ordinance 91-84, on August 26, 1991; and

WHEREAS, Sections 547.02 and 547.04 of the Business Regulation Code (Part 5) were most recently enacted in Ordinance 13-114, on December 16, 2013; and

WHEREAS, Section 547.03 of the Business Regulation Code (Part 5) was most recently enacted in Ordinance 16-67, on June 27, 2016; and

WHEREAS, Sections 901.02, 901.04, 901.07 and 901.08 of the Fire Code (Part 9) were most recently enacted in Ordinance 10-11, on February 22, 2010; and

WHEREAS, Section 1303.01 of the Building Code (Part 13) was most recently enacted in Ordinance 06-53, on May 22, 2006; and

WHEREAS, this Council has determined to update and strengthen the City's Contractor Registration requirements, and to amend the Fire and Building Codes to better regulate hot work performed by contractors in the City, in order to maximize the protection of people and property in the City, and to ensure the appropriate level of regulation of contractors.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Sections 547.01, 547.02, 547.03, 547.04, 547.05, and 547.06 of the Business Regulation Code, Sections 901.02, 901.04, 901.07 and 901.08 of the Fire Code, and Section 1303.01 of the Building Code, of the Codified Ordinances of the City of Shaker Heights, as heretofore in effect, are hereby repealed.

Section 2. Sections 547.01, 547.02, 547.03, 547.04, 547.05, 547.06, 547.07 and 547.08 of the Business Regulation Code of the Codified Ordinances of the City of Shaker Heights are hereby enacted as amended and/or re-numbered as follows:

CHAPTER 547. ~~REGISTRATION OF CONTRACTORS~~ LICENSE.

547.01 DEFINITIONS.

For the purpose of this chapter, words and phrases shall have the following meanings:

- (a) "Contractor" means any person or entity who contracts with a purchasing person or entity who purchases the services of the contractor to perform any work which requires a Building or Fire permit. Contractor shall include a subcontractor of a Contractor. The person or entity purchasing may be the owner, occupant or

resident agent of the premises or another contractor. The term "contractor" excludes a person who is an employee of the purchasing person or entity. The term "contractor" excludes interior painters and other persons (such as handymen) who do no work which requires a permit. The phrase "work which requires a permit" includes, but is not limited to, the following: building, plumbing, electrical, heating, ventilating, air conditioning, sheet metal, piping, sewer, signs, refrigeration, cement, asphalt, masonry, excavating, carpentry, drywall, roofing, structural steel, siding application, glazing, tree maintenance, tree removal, paint removal, window installation, ~~or~~ sprinkler installation, or Hot Work. In addition, "contractor" includes exterior painters and landscapers, regardless of whether or not their work requires a permit.

- (b) "General Contractor" means a Contractor who contracts with the owner, occupant or resident agent of the premises.
- (c) "Hot Work" shall have the definition as set forth in the City's Fire Code. operations including cutting, welding, Thermit welding, brazing, soldering, grinding, thermal spraying, thawing pipe, installation of torch-applied roof systems or any other similar activities producing a spark, flame or heat
- (d) "Subcontractor" means a Contractor who contracts with a General Contractor or other Subcontractor, but who does not contract directly with the owner, occupant or resident agent. Subcontractors are considered a "Contractor" for the purposes of this Chapter.

547.02 REGISTRATION LICENSE.

No Contractor, as defined in this Chapter, including a General Contractor and any Subcontractor, ~~shall~~ perform any work within the City without a current Certificate of Contractor Registration License from the Commissioner of Building.

547.03 REQUIREMENTS FOR LICENSE CERTIFICATION.

(a) An application for a Certificate of Contractor Registration License shall be filed each year with the Commissioner of Building. An application may be filed no sooner than November December-1 of the year preceding the period of the License time of registration.

(b) The application shall include the following:

(1) An application form requiring:

- A. The name, address, business and home telephone numbers, and social security number or federal employer identification number of the applicant;
- B. The name, address and social security number of each employee and subcontractor of the applicant who are currently working on any site in the City;
- C. The name, address and social security number of each employee and subcontractor of the applicant who worked on any site in the City during the calendar year preceding the License year of registration, provided that, in the case of an applicant which files its application prior to January 31 of the License year of registration, the Commissioner of Building may issue a Certificate of Registration Contractor License on condition that the applicant submits this information no later than January 31 and if the information is not so submitted, the Commissioner may suspend the conditional Certificate of Registration Contractor

License until such time as the information is submitted, upon giving written notice to the contractor as provided in Section 547.04(b);

- D. A list of current licenses held by the applicant from the Ohio Construction Industry Licensing Board~~governmental entities within Cuyahoga County or contiguous counties~~, with certified copies of the licenses attached ~~(for electrical, plumbing, and sewer, HVAC and refrigeration contractors, the Commissioner of Building shall require that the applicant has a license from a governmental agency in Cuyahoga County or contiguous counties which has given a competent qualifying examination);~~
- E. A list of the names, addresses and telephone numbers of municipalities within Cuyahoga County or contiguous counties where the applicant has done work;
- F. If the applicant is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant shall provide proof that it is registered with the Ohio Secretary of State, as required under Title XVII of the Ohio Revised Code.
- G. If the applicant intends to perform any Hot Work, as defined in this Chapter, the applicant shall disclose such intention in writing at the time of License application, and shall provide proof that the person or persons involved in such work have had Hot Work training, as required in the Fire Prevention Code (Part 9), Chapter 9, d by the Commissione within three (3) years of the date of the issuance of the License.

- (2) A certificate of insurance naming the City and its agents as additional insured parties on a policy of insurance in the minimum amounts of fiveone hundred thousand dollars (\$~~5~~100,000) per person and one millionthree hundred thousand dollars (\$~~1,0~~300,000) per occurrence for bodily injury, two million dollars (\$2,000,000) aggregate, and fifty thousand dollars (\$50,000) per occurrence for property and fire damage.

(cd) The Certificate of Contractor License Registration shall be issued by the Commissioner upon the Contractor complying with all requirements of this Chapter, and every Contractor License shall expire on the 31st day of December of each year, if it was issued prior to November 1 of the current year.

547.04 LICENSE FEES; TEMPORARY LICENSE, EXPIRATIONS AND REVOCATION.

(a) The Commissioner of Building or the Commissioner's designee shall issue the annual Contractor License upon submission of a complete application and the payment deposit of a fee of \$125.00.~~the following fee:~~

| | <u>Fee</u> |
|---|---------------------|
| General contractor, each subtrade in direct employment of the general contractor, subcontractor, landscaper, tree maintenance service, or tree removal service | \$125.00 |

The Commissioner of Building shall waive the fee for a contractor ~~that~~who does work only for the City.

(b) A Contractor may apply for a Temporary License in the circumstances described in this Chapter, upon submission of a complete application and the payment of a fee of \$100.00. A Temporary License shall

~~be valid only for the limited period stated in such License. Where a contractor who is required by this Chapter to be registered performs work without registering as required by this Chapter, whether the work has been completed or not, the contractor shall be required to register and pay a fee after a first offense of \$200.00, and after a second offense a fee of \$300.00. Payment of the fee set forth in this Section shall not relieve a contractor from fully complying with the requirements of this Chapter, the Building Code or any other State law or City ordinance. The City may pursue any other legal remedy against a contractor which the City is authorized to seek whether a contractor has registered and paid the penalty fee under this Section or not.~~

547.05 FAILURE TO OBTAIN LICENSE; DENIAL OR REVOCATION OF A LICENSE.

(a) The Commissioner of Building may issue a Notice of Violation if he or she finds that a Contractor, as defined in this Chapter, is performing or has performed work without a Contractor License, or the Commissioner may deny an application for or revoke a Contractor License if any false statement is made by the applicant in connection with the issuance of such License, if the Contractor has failed or fails to comply with any applicable provisions of the Housing, Fire, Health, Zoning, or Building Codes, or as part of the sentencing phase of a criminal conviction related to code enforcement.

(b) If the Commissioner issues a Notice of Violation under this Section, or denies or revokes a Contractor License, the Commissioner shall serve the Notice of Violation, or a Notice of Denial or Revocation, as applicable, which Notice shall be delivered by hand delivery, or by regular or certified mail. The Notice shall order the suspension of any work being performed by the Contractor, and state a period of time after which the Contractor may apply or reapply for a License (the "Suspension Period"), which Suspension Period shall be reasonably related to the seriousness of the violations of the City's Codes and/or whether the Contractor has had repeated violations of such Codes.

(c) The Contractor may appeal a Notice of Violation, Denial or Revocation pursuant to Section 547.07.

(d) During the pendency of an appeal before the City, a Contractor may apply for a Temporary License under Section 547.04 (b) in order to continue to operate in the City until the Contractor has been issued a written appeal decision by the City. In addition, -when a Contractor has been issued a Notice that suspends all work in the City by that Contractor and the Contractor does not appeal, the Contractor may request that it be permitted to continue working in the City to complete any pending projects for which it has a signed contract or purchase order from the customer entered into prior to the date of the issuance of the Notice containing the order of suspension. The Commissioner shall grant such a request if the customer wants the Contractor to complete the work, after having been notified of the violation, denial or revocation in writing by the Contractor, and if the Commissioner has determined, in his or her reasonable discretion, that the work can be completed safely and correctly. If the Commissioner grants such a request, the Contractor shall obtain a Temporary License, which shall be valid only until the specific work identified in the request has been completed. The Commissioner may require additional inspections to ensure that the work is performed in a safe and Code compliant manner, and may require the payment of fees for such inspections.

(e) If a Contractor has been issued a Notice of Violation, Denial or Revocation under this Section, ~~the Contractor may submit a new application and the Commissioner shall issue or reinstate the Contractor License that has been revoked,~~ when any of the following has occurred:

(1) The Contractor's appeal has been upheld by the City or any

court, or

(2) The Contractor's appeal has been denied by the City or any court, or the Contractor has not filed an appeal, and all of the following have occurred:

A. The Suspension Period stated in the Notice of Violation, Denial or Revocation has expired;

B. The Contractor has submitted a new application for a License, complied with all requirements to obtain a License, and paid an application fee as follows:

(i) \$200, if the Notice of Violation, Denial or Revocation was the first issued to the Contractor;

(ii) \$300, if the Notice of Violation, Denial or Revocation was the second such Notice issued to the Contractor.

(iii) \$500, if the Notice of Violation, Denial or Revocation was the third or more such Notice issued to the Contractor.

(3) The Contractor has corrected any violations of law that were the cause of a denial or revocation.

(4) Any criminal or civil proceedings brought by the City against the Contractor or any principal of the Contractor have been completed.

(f) Any entity that is owned by one or more of the same persons or entities that own an entity that is a Contractor as defined in this Chapter, that has been issued a Notice of Violation, Denial or Revocation, shall be subject to the same Notice, including a Suspension Order, and shall be subject to all of the provisions of this Section.

~~(e) If the Commissioner of Building or the Commissioner's designee finds that a contractor has failed to register or to submit a complete application, has submitted an application containing false information, or has been notified of a violation of a section of the Building Code, Zoning Code or Housing Code, notice in writing shall be delivered by hand, certified mail or ordinary mail to the contractor or the contractor's agent. The notice shall state the grounds upon which the findings in the previous sentence are based. The notice shall specify a reasonable period of time within which to remedy the findings. If the contractor fails to remedy the findings, the Commissioner of Building shall proceed with a stop order and take such enforcement action as the Commissioner determines is necessary, which may include revocation of the Certificate of Contractor Registration pursuant to the procedures set forth in Section 1301.08 of the Codified Ordinances and subject to the appeal procedure set forth in Chapter 1311 of the Codified Ordinances.~~

~~(d) The Certificate of Contractor Registration shall expire on the 31st day of December of each year.~~

547.065 EXCEPTIONS.

~~(a) This Chapter shall not apply to a homeowner who assumes the responsibility as his/her own general contractor, provided:~~

~~(a) (1) Each subcontractor of the homeowner shall obtain a license registered in accordance with the above sections;~~

~~(b) (2) The homeowner shall submit an affidavit to the Commissioner of Building outlining which subcontractor shall be performing each phase of the construction;~~

~~(c) (3) All work shall comply with the applicable Building, Housing and Fire Codes, ordinances, rules, and regulations, and shall be inspected prior to being concealed or completed.~~

547.07~~6~~ APPEAL.

~~The appeal provision of Building Code Chapter 1311 shall apply. A Contractor that has been issued a Notice of Violation, Denial or Revocation under this Chapter, or has had a request to continue operation in the City denied, may file an appeal with the City's Board of Building Code Appeals pursuant to Chapter 1311 of the Building Code.~~

547.08 ENFORCEMENT AND PENALTIES.—

~~(a) A Contractor that violates any provision of this Chapter shall 7 for each violation or noncompliance, be deemed strictly criminally liable and guilty of a misdemeanor of the first degree, and penalized as set forth in Section 101.99 of the Administrative Code of the Codified Ordinances. Each day of violation or failure to comply shall constitute a separate offense.~~

~~(b) In addition to or in lieu of a prosecution for a violation of this Chapter, the City may also seek an order or injunction in a court of law requiring a Contractor, and/or the owner, operator, employees, agent or subcontractor of the Contractor, to comply with the provisions of the Code, or with any Notice or Order served pursuant to this Chapter. Such action may also seek an order to prevent the operation of the Contractor in the City.~~

Section 3. Sections 901.02, 901.04, 901.07 and 901.08 of the Fire Code of the Codified Ordinances of the City of Shaker Heights are hereby enacted as amended as follows:

901.02 DEFINITIONS.

As used in the Fire Prevention Code and the regulations incorporated herein, certain terms are defined as follows:

(a) "Approved" when applied to materials, types of construction, appliances, procedures, transportation, or occupancy, means approved by the Fire Chief or the City Bureau of Fire Prevention as a result of investigations and tests conducted, or by reason of accepted principles, research reports and tests made or approved by the American Society for Testing and Materials, the National Fire Protection Association, International Code Council, and any other authoritative sources specified in Appendix O of the Ohio Building Code and in OAC Section 1301:7-5-01.

(b) "Historic building" means an individual building designated as a historic landmark or a building in a designated historic district under Federal, State or City law.

~~(c) "Hot Work" for permitting and licensing purposes only under these Codified Ordinances shall mean the same as defined by the National Fire Protection Association in rule NFPA 51B, when a person is using a welding, cutting and/or roof torch. This definition shall not limit enforcement by the Fire Department of any standards under this or the State Fire Code regarding Hot Work as defined in NFPA 51B.~~

~~(d) "Premises" means any lot, parcel, or plot of land, whether vacant or occupied by any buildings or structures, and including the exterior and interior of any buildings or structures thereon.~~

~~(e) "Property" shall include either real or personal property, and shall include any premises.~~

~~(f) "Rubbish" means any paper, boxes, bottles, cans, articles of apparel, and all other forms of discarded material.~~

901.04 BUREAU OF FIRE PREVENTION.

(a) Creation and Composition. A Bureau of Fire Prevention in the Fire Department of the City is hereby established, which shall be operated under supervision of the Chief of the Fire Department, under the direction and control of the Director of Safety. The person in charge of the Bureau of Fire

Prevention shall be referred to and known as "Chief of the Bureau of Fire Prevention" and shall be appointed on the basis of the person's qualifications by the Chief of the Fire Department with the approval of the Director of Safety. The Fire Chief shall designate such other officers and members of the Fire Department, as the Chief deems necessary, as fire inspectors for duties incident to the operation of the Bureau.

(b) Specific Powers and Duties. It shall be the duty of the Bureau of Fire Prevention to enforce all laws and ordinances covering the following:

- (1) The prevention of fires;
- (2) The storage and use of explosives and flammables;
- (3) The installation and maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The maintenance of protection and the elimination of hazards in buildings and structures, including those under construction;
- (6) The means and adequacy of exit in case of fire from all places in which persons work, live, or congregate for any purpose or length of time including but not limited to all buildings or structures regulated by the Ohio Building Code as specified in Ohio R.C. 3781.06.
- (7) The investigation of the cause, origin and circumstances of

fires.

(c) General Powers and Duties. The Fire Prevention Bureau shall perform inspections and take such enforcement actions relating to the provisions of the Fire Prevention Code as deemed necessary by the Fire Chief or the Chief's agent. The Bureau shall have such other powers and perform such other duties as are set forth in other sections of this Fire Prevention Code and other ordinances, and as may be conferred and imposed from time to time by the Mayor or City Council, or by State law or regulation.

(d) Right of Entry and Inspection. The Fire Chief, Chief of the Bureau of Fire Prevention, or any inspector or assistant inspector of the Bureau may, at any reasonable hour, enter any building, premises, or vehicle within the City to perform any duty imposed on him by this Fire Prevention Code, or by the Ohio Revised Code or Ohio Fire Code, provided permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or the owner's agent. If such permission is refused or otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an emergency in which case entry may be made at any time and no search warrant is necessary. No person shall refuse to permit such emergency entry or inspection, nor shall any person hinder, obstruct, resist, or abuse any person making or attempting to make such entry or inspection.

(e) Fire Detection and Extinguishing Devices. The Fire Chief or any member of the Bureau of Fire Prevention may make or cause to be made an inspection of the contents and the working conditions of any fire extinguisher or fire extinguishing system. The Bureau of Fire Prevention shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, apartment, and may survey multi-family dwellings and other buildings or dwellings within the City, and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens of restaurants, clubs, and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages, and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinklers, or water spray systems, standpipe and hose systems,

fixed or portable fire extinguishers of a type suitable for the probable class of fire, or approved fire blankets, manual or automatic covers, or other special fire extinguishing systems. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

(f) Investigation of Fires. Pursuant to this Code and Ohio R.C. 3737.24, the Fire Chief shall investigate the cause of all fires, bombings and explosions, examine witnesses, compel the attendance of witnesses and the production of books and papers, and perform all other acts necessary to the effective discharge of such duties. The Fire Chief or the Chief's designee may administer oaths, and enter, for the purpose of examination, any building, premises or vehicle which, in their opinion, is in danger from fire or in which a fire or explosion has occurred.

(g) Orders, Enforcement and Emergencies.

- (1) In the event of any actual or threatened violation of this Fire Code or any ordinance, statute or other regulation establishing requirements for the prevention of fires, including the maintenance of protection and the elimination of hazards in buildings and structures, or the means and adequacy of exit in case of fire from all places in which persons work, live, or congregate for any purpose or length of time, including an emergency situation, the Chief of Fire or the Chief's designee may issue an order that actions be taken or terminated in order to abate or prevent the violation. In addition to or in lieu of such an order, the Chief of Fire or designee may issue a notice of such a violation, provide a reasonable time in which the violation must be corrected, and serve said notice in the same manner as notices of abatement pursuant to Chapter 107 of the Codified Ordinances.
- (2) No person shall fail or refuse to comply with any lawful order issued by the Chief of Fire or the Chief's designee.
- (3) In the event of any actual or threatened violation of the City's Fire Code or any ordinance, statute or other regulation establishing requirements for the protection of the public or prevention of fires, including an emergency situation, the City, in addition to any other action or remedy allowed by law, may bring a criminal action, may institute proper suit in equity or law to prevent or terminate any such violation or remedy such situation, and/or may take action itself or through contractors hired for such purpose to abate the violation or situation in the same manner as the abatement of nuisances pursuant to Chapter 107 of the Codified Ordinances. If the City takes action on its own or through contractors hired for such purpose to abate the violation or situation, the City may assess its costs in the same manner as set forth in Chapter 107 of the Codified Ordinances.
- (4) In any case in which the Chief of Fire or designee determines that any actual or threatened violation of the Fire Code or any ordinance, statute or other regulation establishing requirements for the protection of the public or prevention of fires poses an immediate threat of substantial and/or irreparable danger to human life or health, or the destruction of property, the Chief or the Chief's designee may declare such condition a nuisance and order its immediate abatement, and the Chief or the Chief's designee may take action necessary to immediately abate the violation or situation constituting such threat without advance notice to

the owner. Such action may include entering a property for the purposes of conducting an inspection, to the extent and in the manner allowed by law, or ordering that the property be immediately vacated.

(h) Compliance.

(1) No person shall violate any provision of this Chapter and/or the Ohio Fire Code as adopted herein or any order issued pursuant thereto.

(2) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in this Chapter and/or the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Codes, or fail to comply with the City's application and plan submission and processing requirements including payment of the fees designated therefor.

(hi) Nuisances.

(1) Any premises within this City where a fire has occurred, and substantial interior or exterior damage to a building or structure has been suffered, is hereby declared to be a public nuisance. Such nuisance may be abated by the Fire Chief, Director of Building or Director of Housing Inspection in the manner provided in Chapter 107 of the Codified Ordinances.

(2) Any premises found by the Fire Chief or the Chief's designee to pose a threat of fire, or of injury to persons, including Fire personnel, or property due to any of the following may be declared a nuisance by the Chief or the Chief's designee:

- A. Lack of adequate fire protection, as required by law for the particular premises;
- B. Lack of adequate means of exit in case of a fire;
- C. Presence of conditions posing a serious risk of injury to persons attempting to exit the premises in case of a fire, or to Fire personnel attempting to fight a fire in the premises;
- D. Accumulation in the premises of personal property, rubbish or other waste, in such quantity as to pose a threat of substantial and unnecessary fire load, and/or of unknown hazards or other combustibles.

The Chief of Fire shall cause notice of such nuisance to be provided to the owner, lessee, occupant or person in charge or control of the premises in the manner as set forth in Chapter 107 of the Codified Ordinances. If the owner, lessee, occupant, or person in charge or control of a premises fails to abate any nuisance after notice is provided, the City may abate the nuisance and charge the cost to the property, in the manner set forth in Chapter 107 of the Codified Ordinances.

901.07 PERMITS.

A permit program shall be established by the Bureau of Fire Prevention pursuant to Sections 104.2 and 105.1-1 of the Ohio Fire Code, and the Chief of Fire shall issue permits for the activities set forth in such Sections, ~~in Appendix A of Rule 1~~ of the Ohio Fire Code, and in this Code. The owner, lessee, agent, or party in charge or control of any premises upon which any work or activity referenced in this Section is to be conducted or the person conducting or in charge or in control of the work or activity, shall obtain a permit or permits prior to the work or activity being started. A permit shall be obtained for any activity listed in the Ohio Fire Code, ~~including in Appendix A of Rule 1 of said Code,~~ and for the activities listed in this Section as requiring a permit.

(a) Permits are required for the following activities: Hot Work, fire hydrant use, open burning, firework displays, the operation of dry cleaning plants, service stations, and places of assembly, the temporary use of tents, and certain uses of welding, flammable liquids and gases, and the storage of flammables and gases, and other activities listed in this Code and the Ohio Fire Code.

(b) A permit required by this Fire Prevention Code shall be issued upon payment to the City of the fee for each requested permit as set forth herein, provided an application for such permit has first been approved by the Bureau of Fire Prevention.

(c) An application for a Hot Work permit must be accompanied by proof that the contractor, general contractor or subcontractor has completed the training required by the Chief of Fire, proof of current Contractor License under Chapter 547 of the City's ordinances, and written verification and contact information for the person or persons to be onsite at all times during hot work to provide a fire watch as required by the Chief of Fire. At least one person who has undergone the training required by the Chief of Fire shall be onsite at all times during which Hot Work is being performed. The Chief of Fire may require additional terms for any Hot Work permit, as set forth on the application form and/or the permit.

(d) Where work or activities for which a permit is required by this Fire Code are started or completed prior to obtaining the permit, the fees required for the permit shall be tripled, but the payment of such triple fee shall not relieve any person from any violation of the Fire Code or from fully complying with the requirements of the Fire Code or any other State law or City ordinance.

(~~ed~~) A permit may be suspended or revoked by the Fire Chief or the Chief's agent if the permittee fails to comply with the permit or otherwise violates the Fire Code or the provisions of Chapter 547 of the City's Ordinances.

(~~fe~~) The Chief or the Chief's agent may issue a stop order for any activity authorized by a permit if the permittee is in violation of the permit or this Code, or if the public safety is in any way endangered by the activity.

(~~gf~~) An aggrieved person may appeal the issuance, suspension or revocation of a permit, or a stop work order, to the City's Board of Appeals within thirty days of such action by the City, by submitting a written appeal, setting forth the basis of the appeal, to the Fire Chief or the City's Law Department. An appeal does not stay the action for which an appeal is filed.

901.08 PERMIT FEES.

(a) The fees for all permits issued by the Bureau of Fire Prevention shall be \$25.00 unless specifically indicated otherwise in this Fire Code.

(1) Operational permits for fire hydrants shall be \$100.00, and \$75.00 of this amount shall be considered a deposit. The deposit shall be refunded when use of the hydrant has ceased and no damage associated with the use has occurred. If any damage has occurred, the Bureau may require the permittee to make the repairs within a reasonable time, or the Bureau may cause the repairs to be made and deduct the cost from the deposit. The Permittee shall pay the City any amount needed to make the repair that exceeds the amount deposited.

(2) A permit for the installation, removal or repair of an underground storage tank containing flammable or combustible liquids shall be \$100.00.

(3) A permit for Hot Work shall be \$25.00.

(4) No fees shall be charged for construction permits.

(54) No fees shall be charged for bonfire and recreational fire permits.

(b) When multiple permits are required for a specific event or activity at one location, the permit application may be consolidated into a single permit application, and one permit shall be issued if otherwise warranted. The permittee shall pay for a consolidated permit the total amount that would have been paid if the permits were issued separately, unless the applicant requests a reduction of the fee and the Fire Chief approves such reduction to an amount that more closely corresponds to the cost of the necessary inspection activity.

Section 4. Section 1303.01 of the Building Code of the Codified Ordinances of the City of Shaker Heights is hereby enacted as amended as follows:

1303.01 WHEN PERMITS REQUIRED.

(a) A building permit shall be obtained from the Director of Building and Housing as required by the Ohio Building Code ("OBC"), as set forth in Sections 3783 and 3791 Ohio Revised Code, and the Residential Code of Ohio for One, Two and Three Family Dwellings ("RCO") as set forth in the Ohio Administrative Code at Sections 4101:8-1 to 4101:8 - 43 before proceeding with any excavation for or the construction, alteration, repair, moving or demolition of any building or appurtenant structure.

(b) A separate permit shall be obtained for signs, electrical work, plumbing work, heating appliances and any other equipment installation that is regulated by this Building Code.

(c) No building permit shall be issued for work that will include Hot Work, as defined in the Fire Code, unless and until a copy of the Hot Work Permit issued by the Fire Department has been provided to the Director of Building and Housing. Any work performed without a Hot Work permit when it is required by the Fire Code shall be considered a violation of this Chapter.

Section 5. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted February 11, 2019

Approved this _____ day of _____, 2019.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council