

ORDINANCE RECORD**VILLAGE OF NEWBURGH HEIGHTS, OHIO****ORDINANCE NO. 2018-57****INTRODUCED BY:** Mayor Trevor Elkins

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1349.06 ENTITLED "BOND, REFUND AND FORFEITURE," FOR THE PURPOSE OF RAISING THE AMOUNT OF THE REQUIRED CONTRACTOR BOND, AND DECLARING AN EMERGENCY.

WHEREAS, the Village wishes to increase the amount of the current contractor bond to provide for greater security for the Village in the event that any given contractor fails to complete construction of any given project; and

WHEREAS, the Building Commissioner has indicated that the current bond amount is insufficient to incentivize contractors to complete construction including punch-list items, and does not adequately secure the Village's interests in providing safe conditions upon completion of construction; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, CUYAHOGA COUNTY, OHIO, at least two-thirds of all the members elected thereto concurring, that:

Section 1. The Village Council hereby amends Codified Ordinance Section 1349.06 entitled "Bond, Refund and Forfeiture" to read in its entirety as follows:

1349.06 BOND, REFUND AND FORFEITURE

Upon the approval of the application, the applicant shall also furnish a cash or surety bond in the amount of the greater of either (i) Ten Thousand Dollars (\$10,000.00) or (ii) an amount equal to the product of \$10.00 multiplied by each one thousand dollars of value of the proposed construction project five thousand dollars (\$5,000). The purpose of the bond is (i) to assure that the Building Contractor or Subcontractor shall perform all the work pursuant to the provisions and regulations of the Village Building Code, and the Regional and State Building Codes, and (ii) save the Village harmless from any damage, or any of its agents or officials for the use of any persons, firms or corporations with whom such contractor or subcontractor shall contract to do work. The contractor or subcontractor shall indemnify and pay any such persons, firms or corporations for damage sustained on account of the failure of such contractor or subcontractor to perform the work so contracted for or failure to perform the work so contracted for in accordance with the provisions of the Building Code of the Village of Newburgh Heights, and any and all lawful rules and regulations promulgated under the authority thereof, and from or by reason or on account of anything done under and

by virtue of any permits issued under such registration for the doing of any work required to be done in the construction, alteration, repair, addition to, subtraction from, reconstructing or remodeling of any building, structure, or appurtenance thereto or any part thereof, then this obligation shall be void; otherwise to remain in full force and effect. Upon the approval of the Building Commissioner, the refunds of the cash deposit or release of the surety bond shall be made if no damage is done as specified in this chapter. However, if after two years from the time of the issuance of such bond, the work contemplated by the permit has not been completed to the satisfaction of the Building Commissioner and so reported by the Building Commissioner ~~him~~ to Council and/or the Village has suffered damage as the result of the actions of the Contractor or Subcontractor, then Council shall order such deposit forfeited and credit it to the General Fund. In the event a surety bond is filed, then Council shall instruct the Solicitor to secure payment of such bond from the bonding company.

Section 2. Village Codified Ordinance Chapter 1349.06 in existence immediately prior to the passage of this ordinance is hereby amended as set forth above.

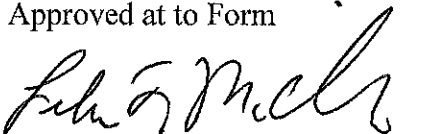
Section 2. The Building Commissioner is hereby authorized to develop any necessary applications or forms to be filled out by contractors and subcontractors for ease of administration in enforcement of this ordinance.

Section 4. That 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 that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

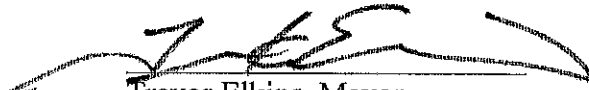
Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, so that the Village may ensure that the Village is secure in instances where contractors or subcontractors fail to complete a construction project or otherwise cause damage in the Village; wherefore, this resolution shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

PASSED: November 6, 2018

Approved at to Form



Solicitor



Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio



Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 10/2/18
2ND Reading: 10/16/18
2018 ~~3RD~~ Reading: 11/6/18