

ORDINANCE NO. 2017- 3853

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND CHAPTER 1157, ZONING CERTIFICATES AND PERMITS; SECTION 1157.03, AGREEMENT ENSURING PAYMENT OF CITY INCOME TAX AND CHAPTER 1163, VIOLATIONS, NOTICES, NUISANCE ABATEMENT AND PENALTY; SECTION 1163.99(a)(2), PENALTY OF THE CODIFIED ORDINANCES.

WHEREAS, the Fremont Planning Commission, having met in regular session on March 7, 2017, recommended an amendment to the Codified Ordinances relative to the Zoning Code, and

WHEREAS, the amendment proposed by the Fremont Planning Commission is described herein:

Section 1157.03 which currently reads as follows:

1157.03 AGREEMENT ENSURING PAYMENT OF CITY INCOME TAX

On all projects involving the construction or replacement of any building and remodeling that changes the outside appearance of a building, where the total estimated cost of such project, exclusive of the costs of real estate, is one hundred and fifty thousand dollars (\$150,000) or more, the permit applicant shall sign an agreement ensuring the payment of all City income tax that may become due and owing to the City as a result of such project.

Section 1163.99(a)(2) currently reads as follows:

1163.99 PENALTY

(a) Specific Violations

(2) With respect to Section 1163.04(a) and (d), a person is guilty of a separate offense for each violation of this Zoning Ordinance, or a rule promulgated under this Zoning Ordinance, and for each false or misleading written statement or omission of required information or a statement made in an application, petition, request for approval or appeal to the Zoning Inspector or the Board of Zoning Appeals.

Section 1157.03 shall hereby be amended to read as follows:

1157.03 AGREEMENT ENSURING PAYMENT OF CITY INCOME TAX

All zoning permit holders shall comply with the request of the Tax Administrator, as authorized by Section 172.19 of the Income Tax Ordinance, to provide, within ninety (90) days of completion of the project, the names, federal identification numbers, addresses, phone numbers, contact names, and dollar amounts paid or due to be paid to all persons/contractors/subcontractors performing work on all projects involving construction, improvement, remodeling or replacement of any real property.

Section 1163.99(a)(2) shall hereby be amended to read as follows:

1163.99 PENALTY

(a) Specific Violations.

(2) With respect to Section 1163.04(a) and (d), a person is guilty of separate offense for:

(i) Each violation of this Zoning Ordinance or a rule promulgated under this Zoning Ordinance,

(ii) Each false or misleading written statement or omission of required information or a statement made in an application, petition, request for approval or appeal to the Zoning Inspector or the Board of Zoning Appeals,

(iii) Each day after the required number of days set forth in this Zoning Ordinance where a person fails to provide the required information to the Tax Administrator.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:

SECTION 1. The City desires to adopt the recommendations of the Fremont Planning Commission to amend Chapter 1157 Zoning Certificates and Permits; Section 1157.03 Agreement Ensuring Payment of City Income Tax and Chapter 1163 Violations, Notices, Nuisance Abatement, and Penalty; Section 1163.99 Penalty.

SECTION 2. The City Engineer is hereby authorized and directed to make the above referred to changes on said Codified Ordinances presently on file in the Office of the City Engineer.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication after the earliest date according to law.

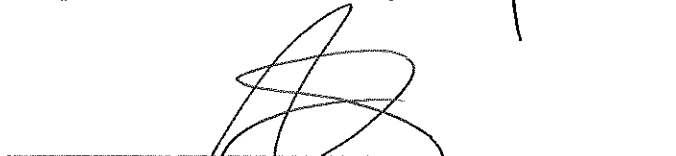

Jamie Hafford
President of Council

PASSED: 5-18-17

Effective date: 5-18-17

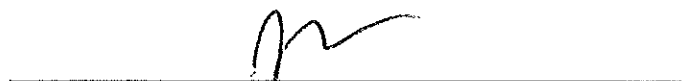
YEAS: 7 NAYS: 0


Stephanie D. Martin, City Council Clerk


Daniel R. Sanchez, Mayor

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Approved as to form:


James F. Melle, Director of Law
City of Fremont, Ohio