

ORDINANCE NO. 2012-3612

**AN ORDINANCE ENACTING CHAPTER 1158 OF THE CODIFIED ORDINANCES OF THE CITY OF FREMONT REQUIRING REGISTRATION OF ALL CONTRACTORS WITH THE CITY TAX DEPARTMENT AND DECLARING AN EMERGENCY.**

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

**SECTION 1.** Enacting Chapter 1158 of the Codified Ordinances of the City of Fremont, which shall read as follows:

**CHAPTER 1158**

**REQUIRING REGISTRATION OF ALL CONTRACTORS WITH THE CITY TAX DEPARTMENT**

**1158.01 DEFINITIONS** As used in this Chapter, "contractor" is defined as any individual, firm, partnership, corporation, association or other organization, or any combination of any thereof, who or which by him, or her, or itself, or by or through others, constructs, alters, repairs, adds to, subtracts from, reconstructs or remodels any building or structure or any appurtenance thereto, or who or which undertakes or offers to undertake, or purports to have the capacity to undertake, or submits a bid.

The term "contractor" includes a subcontractor and also a specialty contractor whose operations as such are the performance of construction work requiring special skill and whose principle contracting business involves the use of specialized building trades or crafts.

The term "individual" shall also include homeowners, landlords, and/or lessees.

**1158.02 PURPOSE AND OBJECTIVES**

(a) No person, firm or corporation shall engage in the business or act in the capacity of a contractor as herein defined except pursuant to a Certificate of Registration issued in conformity with the provisions of this Chapter by the City Tax Department, unless such person, firm or corporation is particularly exempted by the provisions of this Chapter. Notwithstanding Section 1158.99, if construction is commenced without the person, firm or corporation acting in the capacity of a contractor having first obtained the necessary Certificate or Certificates of Registration, a penalty equal to, and in addition to the original

registration fee or fees, if applicable, shall be paid and all work shall be stopped until such time as such fee or fees, if applicable, have been paid and the Certificate of Registration issued.

A registration fee, if applicable, shall be charged in an amount set by the City Tax Department, subject to the approval of the Board of Review, and shall bear a reasonable relation to the expense incurred to prepare and issue a Certificate of Registration.

- 1) Persons conducting transient and/or temporary work within the City may be charged a reasonable blanket amount to cover the registration fee and any estimated tax related to the net profit of the work to be performed in the City.

(b) In order to obtain any permits from the Zoning and/or Engineering Department the contractor must present a document from the City Tax Department stating "there are no tax arrearages currently on record with the City Tax Department. There may be tax delinquencies, but at this point in time, none are documented or if delinquencies exist a payment plan has been arranged with the City Tax Department." The Tax Department shall not issue this document to the contractor until all documented delinquencies are paid in full or arranged by payment plan. The City Tax Department shall only issue this document to the contractor and/or the contractor's designee. The City Tax Department will not issue this document directly to the Zoning and/or Engineering Department.

(c) The Zoning and/or Engineering Department shall not be required to issue any permits on any projects until the contractor completes a form which requests the names of all subcontractors involved in the project and all amounts paid to the subcontractors. This form shall be provided to the contractor at the time he or she registers with the City Tax Department.

#### **1158.03 SUSPENSION OR REVOCATION OF REGISTRATION.**

The City Tax Department may suspend or revoke any Certificate of Registration or renewal thereof issued under Section 1158.02 or any other provision of this Chapter for any of the following reasons:

- (a) Misrepresentation of a material fact by the applicant in obtaining the Certificate of Registration or the renewal thereof;
- (b) Use of the Certificate of Registration in obtaining permits for another.

#### **1158.99 PENALTY.**

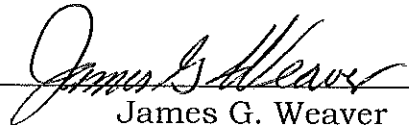
(a) Whoever violates any of the provisions of this Chapter is guilty of a misdemeanor of the fourth degree and is subject to a maximum of 30 days in jail and a maximum fine of \$250.00. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) In addition to the penalty provided in subsection (a) hereof, any contractor who violates or fails to comply with any of the provisions of this Chapter may have his, her, or its' Certificate of Registration revoked until the Certificate of Registration is reissued.

**SECTION 2.** 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 3.** The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to obtain additional revenue for the City of Fremont.

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.



James G. Weaver  
President of Council


PASSED: 12-6-12

Effective date: 12-6-12

YEAS: 7 NAYS: 0



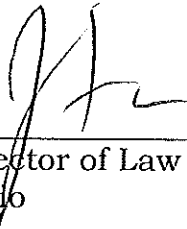
Elaine J. Huntley, City Council Clerk



James H. Ellis III, Mayor

ORD1760

Approved as to form:

A handwritten signature in black ink, appearing to be 'JFM', written over a horizontal line.

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