

ORDINANCE NO. O-2009- 13

AN ORDINANCE CREATING AND ADOPTING ADDITIONS TO SECTION 181.07 WITH THE VILLAGE OF WINDHAM INCOME TAX CODE TO REQUIRE THE REGISTRATION OF CONTRACTORS AND SUBCONTRACTORS WITH THE INCOME TAX OFFICE

WHEREAS, the Village of Windham has identified the need for and proposes the registration of contractors; and

WHEREAS, the registration of contractors in the Village of Windham will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the citizens of the Village of Windham; and

WHEREAS, the Council of the Village of Windham has determined that any person engaged in written or oral contract or agreement to provide goods, services, and/or labor within the corporate limits of the Village of Windham shall be registered with the income tax office.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Windham, State of Ohio, the majority of the members thereto concurring that:

SECTION 1. Section 181.07(e) and (f) of the Village of Windham Income Tax Code as set forth on the attached Exhibit "A" is hereby enacted.

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 accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL this 27th day of May, 2009.
Takes effect June 26, 2009.

Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher Nays: None.

ATTEST:

APPROVED:

Lloyd Billman, Fiscal Officer

Robert Donham, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz, Solicitor

Exhibit A. Ordinance No. O-2009- 13

Section 181.07

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(e) All employers, businesses, contractors or subcontractors who do work in the Village of Windham shall register with the Income Tax Department of the Village of Windham and shall present thereto a list of all employees, subcontractors, contractors or others who may do work for them whose profits, wages or earnings are not presently subject to withholding of the Village of Windham Income Tax. Further, all employers, businesses, contractors or subcontractors have a continuing duty to notify the Village of Windham Income Tax Department of any additional employees, subcontractors, contractors or others when such new employee, subcontractor, contractor or other are hired or contracted with or by such employer, business, contractor or subcontractors thereof.

(f) Tax Registration Requirements for Construction Permits.

(1) All contractors involved in any project within the incorporated Village limits, whether general contractor, subcontractor or other, must be identified and registered with the Village of Windham Income Tax Department before any permit from the Housing, Planning and Zoning Office will be issued for the project. The general contractor, or owner if self-contracted, is responsible for notifying any additional contractors brought into the project after the start of the project that income tax registration is required.

(2) In the event that an unregistered contractor is discovered performing work within the Village of Windham's limits, the Village of Windham Income Tax Department shall have the authority to stop work on the project until such time as contractor or contractors are in registration compliance. The Village of Windham Income Tax Department shall also have the authority to stop any project where the contractor or contractors are registered but one or more is delinquent in filing Village Income Tax or paying Village Income Tax to the Village of Windham.

(3) All contractors, including the owner if the project was self-contracted, shall provide a listing of any and all contractors or subcontractors who worked with or for them, classified by tax year, within the Village of Windham's limits. Such list shall be included with the annual income tax return of the contractor or owner.