

ORDINANCE NO. 0069

[AN ORDINANCE REQUIRING THE REGISTRATION OF BUSINESSES LOCATED WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF HORIZON CITY, TEXAS.]

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 0069, WHICH REQUIRES REGISTRATION OF BUSINESSES, GENERAL CONTRACTORS, MINOR CONTRACTORS, SERVICE CONTRACTORS, AND SUBCONTRACTORS LOCATED WITHIN OR DOING BUSINESS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF HORIZON CITY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF HORIZON CITY, TEXAS, THAT:

[I.]

[All owners and/or proprietors of businesses situated within the municipal limits of the Town of Horizon City, Texas, shall annually register that business at the office of the Horizon City Town Clerk.]

- A. Businesses: All owners and/or proprietors of businesses situated within the Municipal limits of the Town of Horizon City, Texas shall annually register that business with the city.**
- B. General Contractors/Minor Contractors: A general contractor or minor contractor that does business within the municipal limits of the Town of Horizon City, Texas shall annually register that business with the City.**
- C. Sub-Contractor: A sub-contractor that works only under a general contractor registered to do business within the Town of Horizon City, Texas shall annually register with the City.**
- D. Service Contractor: Those contractors that do not require State Licensing but may or many not require trade certification, that contract for a service directly with the public shall annually register with the City.**

[II.]

[A business is defined for purposes of the Ordinance as a commercial venture established and operating for profit which products or services to other businesses, entities, or to the general public. A business situated beyond the Horizon City municipal limits with its sole function being to deliver a product or service to a location within the Horizon City municipal limits is exempt from the requirements of this Ordinance.]

E. Definitions

Business: A commercial or industrial venture established and operating for profit or non-profit, which provides services or products to other businesses, entities, or the general public.

Employee: Is one who works as a full or part-time employee, or works as a contracted employee being paid by retail or industrial business.

Food Service Preparers/Handlers: Is one who handles or prepares unpackaged food for cooking and/or eating, that is either cooked or un-cooked.

General Contractors: Is one who agrees to perform services for a specified price in residential, commercial, industrial, or civic construction: on providing a service that includes, but is not limited to electrical, plumbing, mechanical, and general construction.

Hazardous Materials: Is a substance, waste, or elevated temperature material, determined by Department of Transportation (DOT) to be an unreasonable risk to health, safety, and property when transported in commerce. Designated by Occupational Safety and Health Administration (OSHA) to be a hazardous chemical for which a Material Safety Data Sheet (MSDA) is required to be prepared and maintained, or determined to be hazardous in compliance with Environmental Protection Agency (EPA) regulations, or classified by National Fire Prevention Act (NFPA) as a flammable liquid or a Class III-A combustible liquid. It does not apply to consumer products, commercial products used solely for janitorial or minor maintenance, animal feed, or those with a license filed with the City that already is covered under their specific license.

Minor Contractor: Is one who does remodeling, additions, and renovations, indoor or outdoor, directly to the public, providing a service but not a product, and may or may not sub-contract for any of the following but not limited to: plumbing, mechanical and electrical.

Service Contractor: Those contractors that do not require State licensing, and may or may not require trade certification, that provide a service directly to the public. This includes but is not limited to: masonry, siding, roofing, landscaping/nursery services, and painting.

Sub-Contractor: Is one who agrees to perform building service for a specified price under a general or minor contractor registered to do business within the Town of Horizon City that already has a prior contract to another party for services. This includes, but is not limited to: plumbing, mechanical, electrical, framing, masonry, etc.

F. Businesses

- 1. The following documents and/or information shall be provided to the Town of Horizon City for proper registration of businesses. No registration will be issued unless all information required has been provided on a completed application form provided by the City, with no exceptions.**

[III.]

[The following documents and/or information shall be provided to Horizon City Town Clerk for proper registration:]

- [1. El Paso County Assumed Name Certificate.]
- [2. Full address of business located in Horizon City and Address of the business headquarters if different.]
- [3. Designation as to type of business, e.g. sole proprietorship, partnership, corporation, etc.]
- [4. Names of all owners, persons holding interest and registered agents, together with current addresses and telephone numbers.]
- [5. Date business began and intended duration.]
- [6. Description of business.]
7. State Sales Tax Identification Number [or Exemption Certificate.]
 - a. El Paso County assumed Name Certificate.**
 - b. State Sales Tax Identification number.**
 - c. Full address of business located in Horizon City and address of the business headquarters, if different.**
 - d. Designation as to type of business, e.g. sole proprietorship, partnership, corporation, etc.**
 - e. Names of all owners, person holding interest and registered agents, together with current addresses and telephone numbers.**
 - f. Description of business.**
 - g. If your business requires inspection by city, state or county, or requires additional licensing, copies of required documents must be provided with the application.**

[IV.]

[The annual registration anniversary date shall be January 1 of each year with an annual registration fee of \$24.00. All new businesses registered for the first time shall pay a fee of \$24.00 if the registration occurs between July 1 to December 3.]

[The Town Clerk shall mail notices for permit renewals to all registered businesses on December 1 of each year.]

[Failure to register the business by January 1 will result in a late fee of \$5.00 per month.]

2. Fees and Registration

a. Fees are based on the number of employees plus applicable category or specific types of business as listed below:

(1) General Retail and Industrial.

10 – or less employees	\$30.00
11 – 20 employees	\$50.00
20 – 50 employees	\$100.00
over 50 employees	\$175.00

ADDITIONAL FEES

(2) Businesses that are licensed to serve or sell Alcohol:	\$50.00
(3) Food service businesses that employs food preparers or handlers:	\$25.00
(4) Businesses that handle Hazardous Materials:	\$40.00

- a. The registration for businesses is for one year, which begins January 1st and ends December 31st, and must be renewed annually as long as the business is active.**
- b. Registration will not be pro-rated.**
- c. Penalty for late submittal of business renewal fee becomes effective January 15th and is 20 percent of the overall fee(s) compounding each month until renewed.**
- d. Renewal of registration before January 1st will receive a 20 percent overall discount of registration fee(s).**
- e. Registration fee(s) are non-refundable.**
- f. Non-profit businesses will be exempt from fees.**

[V.]

[All affected persons shall register their businesses within 90 days from the date of final enactment of this Ordinance.]

G. General Contractors

- 1. The following documents and/or information shall be provided to the Town of Horizon City for proper registration of general contractors. No registration shall be considered complete until all required information has been provided on a form provided by the Town of Horizon City, with no exceptions.**

- a. El Paso County Assumed Name Certificate.
- b. State Sales Tax Identification number.
- c. Full address of business and address of the business headquarters, if different.
- d. Designation as to type of business, e.g. sole proprietorship, partnership, corporation, etc.
- e. Names of all owners, person holding interest and registered agents, together with current addresses and telephone numbers.
- f. Description of business.
- g. Certificate of Insurance with combined total liability coverage of \$1,000,000. The coverage will be with a duly licensed Insurance Company within the State of Texas. The insurance coverage shall include a provision that, if such coverage is canceled or reduced, the carrier shall notify the City at least ten days prior to such cancellation or reduction in coverage. A license holder's license shall be suspended during any period in which the license holder fails to maintain in effect the required insurance coverage.
- h. A \$10,000 Surety Bond with the Town of Horizon City named as certificate holder. An Insurance company licensed within the State of Texas shall write the Bond. The Bond Insurer shall notify the City at least ten days prior to cancellation.
- i. A copy of Contractors License.

2. Fees

- a. Annual Contractors fees are due on the 1st day of April.
- b. Registration is \$50.00.
- c. Registration fees will not be pro-rated.
- d. Penalty for late submittal of renewal fee(s) becomes effective the 15th day of April and is 20 percent of the fee(s) compounding each month until renewed.
- e. Renewal of registration before April 1st will receive a 20 percent overall discount of registration fee(s).
- f. Registration fee is non-refundable.
- g. Registration will not be approved without proper documentation and fee, with no exceptions.

H. Sub Contractors.

1. Sub-Contractors who work only under a Contractor, licensed by the Town of Horizon City must register with the City. The following documents and/or information shall be provided to the Town of Horizon City for proper registration of sub-contractors. No registration shall be considered complete until all required information has been provided on a form provided by the Town of Horizon City, with no exceptions.
 - a. Name and address of applicant.
 - b. Driver's License.
 - c. Copy of State License or Certification in field you will be sub-contracting in.
 - d. Name and address of Contractor whose license you will be working under.
 - e. Contractors will also be required to name you as being contracted under them.

1. Fees

- a. Annual Sub-Contractor fees are due on the 1st day of April.**
- b. Registration is \$25.00.**
- c. Registration fees will not be pro-rated.**
- d. Penalty for late submittal of renewal fee(s) becomes effective the 15th day of April and is 20 percent of the fee(s) compounding each month until renewed.**
- e. Renewal of registration before April 1st will receive a 20 percent overall discount of registration fee(s).**
- f. Registration fees are non-refundable.**
- g. Registration will not be approved without proper documentation and fees(s), with no exceptions.**

I. Minor Contractor

- 1. Contractor unless you are registered with your own name as a Contractor. The following information and documents shall be provided to the Town of Horizon City for proper registration of all Minor Contractors.**
 - a. El Paso County Assumed Name Certificate.**
 - b. State Sales Tax Identification number.**
 - c. Full address of business and address of the business headquarters, if different.**
 - d. Designation as to type of business, e.g., roofing, plumbing, etc.**
 - e. Names of all owners, person(s) holding interest and registered agents, together with current addresses and telephone numbers.**
 - f. Description of business.**
 - g. Certificate of Insurance with combined total liability coverage of \$1,000,000. The coverage will be with a duly licensed Insurance company with the State of Texas. The insurance coverage shall include a provision that, if such coverage is canceled or reduced, the insurance carrier shall notify the City at least ten days prior to such cancellation or reduction in coverage. A license holder's license shall be suspended during any period in which the license holder fails to maintain in effect the required insurance coverage.**
 - h. A \$10,000 Surety Bond with the Town of Horizon City named as certificate holder. An Insurance company licensed within the State of Texas shall write the Bond. The Bond Insurer shall notify the City at least ten days prior to cancellation. A copy of State License, Contractor License or Trade Certification will be required, whichever, is greater for the type of minor contracting your business is engaged in.**

2. Fees

- a. Annual Minor Contractor registration fees are due on the 1st day of April.**
- b. Registration is \$50.00.**
- c. Registration fees will not be pro-rated.**
- d. Penalty for late submittal of renewal fee(s) becomes effective the 15th day of April and is 20 percent of the fee(s) compounding each month until renewed.**

- e. **Renewal of registration before April 1st will receive a 20 percent overall discount of registration fee(s).**
- f. **Registration fees are non-refundable.**
- g. **Registration will not be approved without proper documentation and fee(s), with no exceptions.**

J. Service Contractors

- 1. **The following documents and/or information shall be provided to the Town of Horizon City for proper registration of service contractors. No registration will be issued unless all information required has been provided on a completed application form provided by the City, with no exceptions.**
 - a. **El Paso County assumed Name Certificate.**
 - b. **State Sales Tax Identification number.**
 - c. **Full address of business.**
 - d. **Designation as to type of business, e.g., Roofing, Siding, Masonry, etc.**
 - e. **Names of all owners, person holding interest and registered agents, together with current addresses and telephone numbers.**
 - f. **Description of business.**
 - g. **Certificate of Insurance with combined total liability coverage of \$50,000. The coverage will be with a duly licensed Insurance company within the State of Texas. The insurance coverage shall include a provision that, if such coverage is canceled or reduced, the insurance carrier is canceled or reduced, the insurance carrier shall notify the City at least ten days prior to such cancellation or reduction in coverage. A license holder's license shall be suspended during any period in which the license holder fails to maintain in effect the required insurance coverage.**
 - h. **A \$10,000 Surety Bond with the Town of Horizon City named as certificate holder. An Insurance company licensed within the State of Texas shall write the Bond. The Bond Insurer shall notify the City at least ten days prior to cancellation.**
- 2. **Fees.**
 - a. **Annual Service Contractor fees are due on the 1st of April.**
 - b. **Registration is \$25.00.**
 - c. **Registration fees will not be pro-rated.**
 - d. **Penalty for late submittal of renewal fee(s) becomes effective the 15th day of April and is 20 percent of the fee(s) compounding each month until renewed.**
 - e. **Renewal of registration before April 1st will receive a 20 percent overall discount of registration fee(s).**
 - f. **Registration fees are non-refundable.**
 - g. **Registration will not be approved without proper documentation and fee(s), with no exceptions.**

K. Registration Compliance.

- a. **Businesses may be inspected to check compliance with all City ordinances.**
- b. **City issued registrations may be revoked or suspended if holder of registration is found not to be in compliance with all City Ordinances, and will have 15 days to remedy deficiencies.**
- c. **If a business is terminated, the City must be notified in writing of the termination and date on which business was dissolved.**

[VI.]

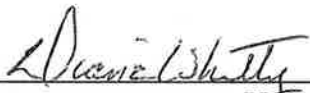
[Failure to register a business pursuant to the terms of this Ordinance within 30 days after receipt of a formal notice from the Town of Horizon City Police Department and/or Code Enforcement Officer, shall constitute a misdemeanor violation with a fine of not less than \$55.00 nor more than \$500.00.]

L. Penalties

- 1. **Failure to register a business, contractor, minor building contractor, sub-contractor or service contractor pursuant to the terms of this Ordinance within 30 days after receipt of a formal notice from the Town of Horizon City, shall constitute a misdemeanor violation with a fine of not less than \$55.00 nor more than \$500.00. Each day after a notice of violation, that a business, contractor, minor contractor or sub-contractor remains unregistered constitutes a separate offense.**

That this Ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinances, and such is evidenced by the below signatures. (Repeals and replaces Ordinance No. 0069 approved on 11/12/96.)

SIGNED and EXECUTED on this 13th day of April, 2004.




 DIANE WHITTY, MAYOR

ATTEST:



 Sandra Sierra, City Clerk

APPROVED:



 Robert A. Duran, City Attorney

First Reading: 03/09/04

Second Reading: 04/13/04

Approved: 04/13/04