

1st Reading, October 5, 2015
2nd Reading, October 19, 2015
3rd Reading, November 2, 2015

Introduced by: Mayor Britton

ORDINANCE NO. 36 - 2015

AN ORDINANCE AMENDING ORDINANCE NO. 22-1983, AS AMENDED, AND REENACTING, AMENDING, REARRANGING, REVISING, AND ENACTING FOR CODIFICATION PURPOSES CHAPTER 181 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, LEVYING A MUNICIPAL INCOME TAX ON ALL PERSONS RESIDING IN AND/OR EARNING AND/OR RECEIVING INCOME IN THE VILLAGE.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in [Chapter 718];" and

WHEREAS, by Ordinance No. 22-1983, as amended, the Village enacted a municipal income tax on all persons residing in and/or earning and/or receiving income in the Village; and

WHEREAS, upon a detailed review of H. B. 5 and Ordinance No. 22-1983, as amended, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [Chapter 718]" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional; and

WHEREAS, the Council further desires to establish codified ordinances related to the municipal income tax and to unify and update the prior ordinances related to same; and

WHEREAS, the Council finds that the proposed new Part One, Administrative Code, Chapter 181, Municipal Income Tax, is in furtherance of the public health, safety, convenience, comfort, prosperity, general welfare, and further the good and orderly operation of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. That Ordinance No. 22-1983, as amended, is hereby comprehensively amended as of the effective date of this Ordinance, by the following ordinances of the Village of Madison, Ohio of a general and permanent nature, as amended, revised, codified, rearranged and consolidated into component codes, titles, articles and sections and same are hereby approved, adopted and enacted as Chapter 181 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio:

181.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE.

181.011 Authority to Levy Tax.

181.012 Purposes of Tax; Imposition of Tax; Rate.

181.013 Allocation of Funds.

181.014 Statement of Procedural History; State Mandated Changes to Municipal Income Tax.

181.02 EFFECTIVE DATE.

181.03 DEFINITIONS.

181.04 INCOME SUBJECT TO TAX FOR INDIVIDUALS.

181.041 Determining Municipal Taxable Income for Individuals.

181.042 Domicile.

181.043 Exemption for Member or Employee of General Assembly and Certain Judges.

181.05 COLLECTION AT SOURCE.

181.051 Collection at Source; Withholding from Qualifying Wages.

181.052 Collection at Source; Occasional Entrant.

181.053 [Reserved].

181.06 INCOME SUBJECT TO NET PROFIT TAX.

- 181.061 Determining Municipal Taxable Income for Taxpayers Who Are Not Individuals.
- 181.062 Net Profit; Income Subject to Net Profit Tax; Alternate Apportionment.
- 181.063 Consolidated Municipal Income Tax Return.

- 181.07 DECLARATION OF ESTIMATED TAX.

- 181.08 CREDIT FOR TAX PAID.
 - 181.081 Credit for Tax Paid to Another Municipality.
 - 181.082 Refundable Credit for Qualifying Loss.
 - 181.083 [Reserved].
 - 181.084 Credit for Tax Beyond Statute for Obtaining Refund.

- 181.09 ANNUAL RETURN.
 - 181.091 Return and Payment of Tax.
 - 181.092 Return and Payment of Tax; Individuals Serving in Combat Zone.
 - 181.093 Use of Ohio Business Gateway; Types of Filings Authorized.
 - 181.094 Extension of Time to File.
 - 181.095 Amended Returns.
 - 181.096 Refunds.

- 181.10 PENALTY, INTEREST, FEES AND CHARGES.

- 181.11 AUDIT.

- 181.12 ROUNDING.

- 181.13 AUTHORITY AND POWERS OF THE TAX ADMINISTRATOR.
 - 181.131 Authority of Tax Administrator; Administrative Powers of the Tax Administrator.
 - 181.132 Authority of Tax Administrator; Compromise of Claim and Payment Over Time.
 - 181.133 Authority of Tax Administrator; Right to Examine.
 - 181.134 Authority of Tax Administrator; Requiring Identifying Information.

- 181.14 CONFIDENTIALITY.

- 181.15 FRAUD.

- 181.16 OPINION OF THE TAX ADMINISTRATOR.

- 181.17 ASSESSMENT; APPEAL BASED ON PRESUMPTION OF DELIVERY.

- 181.18 LOCAL BOARD OF TAX REVIEW; APPEAL TO LOCAL BOARD OF TAX REVIEW.

- 181.19 ACTIONS TO RECOVER; STATUTE OF LIMITATIONS.

- 181.20 ADOPTION OF RULES.

- 181.97 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

- 181.98 SAVINGS CLAUSE.

- 181.99 VIOLATIONS – PENALTY.

SECTION 2. That the full, complete and accurate text of Chapter 181 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio is attached hereto as Exhibit “1” and incorporated herein as if fully re-written.

SECTION 3. That publication of these ordinances shall occur in book form containing the certification of the President of Council and Fiscal Officer of their correctness and same shall constitute the Codified Ordinances of Madison Village, Ohio, Part One – Administrative Code, Chapter 181.

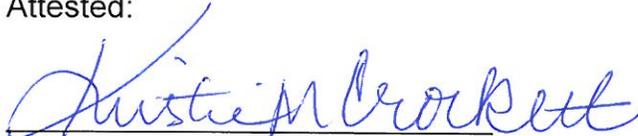
SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in force from and after January 1, 2016.

PASSED: 11-2-15


Kenneth D. Takacs
President of Council

Attested:


Kristie M. Crockett
Fiscal Officer / Clerk of Council

Approved:

Date: 11-2-2015


Sam Britton Jr.
Mayor