

ORDINANCE NO. 28- 2016

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MADISON OHIO, PART ONE - ADMINISTRATIVE CODE, SECTIONS 181.051(B) AND 181.091(I), REVISING WHEN EMPLOYER INCOME TAX WITHHOLDINGS ARE DUE TO BE PAID TO THE TAX ADMINISTRATOR, AND DECLARING AN EMERGENCY.

WHEREAS, 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, the General Assembly enacted S.B. 172, effective on September 12, 2016, amending sections of Ohio Revised Code §§ 718.03(B) and 718.05(I), each revising when employer withheld tax payments are due to be paid to the Tax Administrator, which amendments affect current analogous Village Codified Ordinances §§ 181.051(B) and 181.091(I); and

WHEREAS, upon a detailed review of S.B. 172, this Ordinance is found and determined by this Council to enact the amendments required by S.B. 172 so that Village Codified Ordinances are in accord with the provisions and limitations specified in Chapter 718 of the Revised Code and that same are 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 § 181.051(B) of the Codified Ordinances of Madison Village, Ohio, Part One - Administrative Code, is hereby amended as shown herein below with the current deadlines for receipt of employer withholdings to the Tax Administrator stricken (to wit: ~~xxxx~~) to be amended and replaced with the new deadlines as shown in bold text (to wit: **xxxx**):

- (B) (1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the Tax Administrator to accompany such payment, according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the Village in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Village in any month of the preceding calendar quarter exceeded two hundred dollars.

~~Payment~~ **Payments** under division (B)(1)(a) of this section shall be made ~~so that the payment is received by~~ to the Tax Administrator not later than fifteen days after the last day of each month.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the ~~fifteenth~~ **last** day of the month following the ~~end~~ **last day** of each calendar quarter.

(2) Notwithstanding division (B)(1) of this section, an employer, agent of an employer, or other payer, shall comply with the following provisions when applicable:

(a) Remit taxes deducted and withheld semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld on behalf of the Village in the preceding calendar year exceeded eleven thousand nine hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Village in any month of the preceding calendar year exceeded one thousand dollars. The payment under division (B)(2)(a) of this section shall be made ~~so that the payment is received by~~ to the Tax Administrator not later than one of the following:

(i) If the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen days of a month, the third banking day after the fifteenth day of that month;

(ii) If the taxes were deducted and withheld or required to be deducted and withheld after the fifteenth day of a month and before the first day of the immediately following month, the third banking day after the last day of that month.

(b) Make payment by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the Village if the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under § 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

SECTION 2. That § 181.091(I) of the Codified Ordinances of Madison Village, Ohio, Part One - Administrative Code, is hereby amended as shown herein below with the current deadlines for receipt of employer withholdings to the Tax Administrator stricken (to wit: ~~xxx~~) to be amended and replaced with the new deadlines as shown in bold text (to wit: **xxxx**):

(I) ~~This division shall not apply to payments required to be made under division (B)(1)(b) or (c) of § 181.051 of this Chapter.~~

(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date

under this Chapter is delivered after that period or that date by United States mail to the Tax Administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment **under this chapter** is required to be made by electronic funds transfer, the payment is **shall be** considered to be made ~~when the payment is credited to an account designated by the Tax Administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment on the date of the timestamp assigned by the first electronic system receiving that payment.~~

SECTION 3. The replacement Code pages to be published in accordance with law are attached hereto as Exhibit 1.

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. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the Village of Madison because the Village is required by State law to harmonize its municipal income tax code with the provisions of the Ohio Revised Code and their respective effective dates; wherefore, this Ordinance shall take effect and be in force from September 12, 2016.

PASSED:

8-15-16



Kenneth D. Takacs
President of Council

Attested:



Kristie M. Crockett
Fiscal Officer / Clerk of Council

Approved:

Date: 8/15/16



Sam Britton, Jr.
Mayor