

TITLE NINE - Taxation

Chap. 181. Income Tax.

Chap. 183. Motor Vehicle License Tax.

**CHAPTER 181
Income Tax**

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CROSS REFERENCES

Payroll deductions - see Ohio R.C. 9.42

Municipal income taxes - see Ohio R.C. Ch. 718

State income tax - see Ohio R.C. Ch. 5747

181.01 DEFINITIONS.

(a) As used in this chapter, the following words shall have the meaning ascribed to them in this section, except as and if the context clearly indicates or requires a different meaning.

(b) Adjusted Federal Taxable Income. A “C” corporation’s federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, but including subsequent adjustments from required additions and deductions. Pass-through entities must compute “Adjusted Federal Taxable Income” as if the pass-through entity was a “C” corporation. This definition does not apply to any taxpayer required to file a return under Ohio Revised Code section 5745.03 or to the net profit from a sole proprietorship. This definition is effective for tax years beginning on or after January 1, 2004.

(c) Association. A partnership, limited partnership, or any other form of unincorporated enterprise owned by two or more persons.

(d) Board of Review. The Board created by and constituted as provided in Section 181.12.

(e) Business. An enterprise, activity, profession, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation, or any other entity, including but not limited to renting or leasing property, whether real, personal or mixed.

(f) Compensation. Any form of remuneration earned and received by an employee for personal services.

(g) Corporation. A corporation, including a corporation making an “S corporation” election under 26 U.S.C. §1361, or joint stock association organized under the laws of the United States, the State of Ohio, or any other state territory, or foreign country or dependency.

(h) Director of Taxation. (Also referred to as “Director”) The Director of Taxation of the Village of Cardington, Ohio, or the person or organization executing the duties of the Director of Taxation.

(i) Domicile. The principal residence that the taxpayer intends to use for an indefinite time and to which, whenever he is absent, he intends to return. A taxpayer has only one domicile even though he may have more than one residence.

(j) Employee. An individual whose earnings are subject to the withholding of federal income tax or social security tax.

(k) Employer.

(1) An individual, partnership, limited partnership, association, corporation, governmental body, unit or agency, or any other entity, whether or not organized for profit who or that employs one or more persons on a salary, wage, commission, or other compensation basis.

(2) A person who employs one or more persons to provide domestic help for such person’s private residence shall not be consider an employer of the persons providing such domestic help for municipal income tax withholding purposes, and shall not be required to withhold and or remit municipal income tax on behalf of the domestic help. This provision does not affect any other responsibility or obligation such a person may have as an employer of others providing domestic help.

(l) Fiscal Year. An accounting period of twelve (12) months or less ending on any day other than December 31. Only the fiscal year accepted by the Internal Revenue Service for federal income tax purposes may be used for municipal income tax purposes.

(m) Generic Form. An electronic or paper form designed for reporting estimated municipal income taxes, and/or annual municipal income tax liability, and/or requests for refunds, which contain all the information required on Village of Cardington regular tax return, estimated payment forms, and request for refund forms, and are in a similar format that will allow processing of the generic forms without altering the Village of Cardington procedures for processing forms.

(n) Gross Receipts. The revenue derived from sales, work done, or services rendered before any deductions, exceptions or credits are claimed.

(o) Income. All monies, subject to limitation imposed by Chapter 718 of the Revised Code, derived from any source whatsoever, including but not limited to

- (1) All income, salaries, qualifying wages, commissions, other compensation and other income from whatever source received by residents of the Village of Cardington,
- (2) All income, salaries, qualifying wages, commissions, other compensation, and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in the Village of Cardington, and
- (3) The portion attributable to the Village of Cardington of the net profits of all unincorporated businesses, associations, professions, corporations, or other entities, from sales made, work done, services performed or rendered, and business or other activities conducted in the Village of Cardington.

(p) Intangible Income. Income of any of the following types: income yield, interest, dividends, capital gains, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation.

(q) Net Profits.

- (1) For tax years prior to 2004, “net profits” means a net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary and necessary expenses either paid or accrued in accordance with the accounting system used by the taxpayer for Federal Income Tax purposes, without deduction of taxes imposed by this Ordinance, federal, state, and other taxes based on income; and in the case of an association, without deduction of salaries paid to partners, and other owners; and otherwise adjusted to the requirements of this Ordinance.
- (2) For tax years beginning on or after January 1, 2004, “net profits” for a taxpayer other than an individual natural person means “Adjusted Federal Taxable Income,” as defined above.

(r) Non-Resident. An individual, partnership, limited partnership, corporation, association or other entity domiciled outside the Village of Cardington.

(s) Non-Resident Unincorporated Business Entity. An unincorporated business entity not having an office or place of business within the Village of Cardington.

(t) Other Entity. Any person or unincorporated body not previously named or defined including *inter alia*, fiduciaries located within the Village of Cardington.

(u) Pass- Through Entity. A partnership, S corporation, Limited Liability Company or any other class of entity the income or profits from which are given pass-through treatment under the Internal Revenue Code. Limited Liability Company means a Limited Liability Company formed under chapter 1705 of the Ohio Revised Code or under a similar law of another state. Unless specified otherwise, any pass-through entity will be considered an “association” and shall be subject to the tax treatment accorded associations.

(v) Person. Every natural person, partnership, fiduciary, association, or corporation. Whenever used in any clause prescribing and imposing a penalty, the term Person as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

(w) Place of Business. Any bona fide office (other than a mere statutory office), factory, warehouse, or other space which is occupied and used by the taxpayer in carrying on any business activity individually or through one or more of his regular employees regularly in attendance.

(x) Qualifying wage. These are wages as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, but including subsequent adjustments from required additions and deductions. “Qualifying wage” represents employees’ income, including non-qualified deferred compensation and stock options, from which municipal tax shall be deducted by the employer, and any wages not considered a part of “qualifying” wage shall not be taxed by the Village of Cardington. This definition is effective for tax years beginning on and after January 1, 2004.

(y) Resident. An individual tenant, partnership, limited partnership, corporation, fiduciary, or association domiciled in the Village of Cardington.

(z) Resident Unincorporated Business Entity. An unincorporated business entity having an office or place of business within the Village of Cardington.

(aa) S Corporation. A corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code (26 U.S.C. §§1361 et seq.) for its taxable year.

(bb) Taxable Income. Income, as defined above, minus the deductions and credits allowed by this chapter.

(cc) Taxable Year. The calendar year, or the fiscal year upon the basis of which the net profits are to be computed under this chapter and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.

(dd) Taxpayer. A person, whether an individual, partnership, limited partnership, association, or any corporation or other entity, required hereunder to file a return or pay a tax hereunder.

(ee) Tax Year. The year in which the taxable year begins.

(ff) The singular shall include the plural, and the masculine shall include feminine and the neuter. (Ord. 2005-27. Passed 11-7-05.)

181.02 IMPOSITION OF TAX.

(a) To provide funds for the purpose of general municipal operation, maintenance of equipment, new equipment, extension, enlargement, and improvement of municipal services and facilities, and capital improvements of municipal services and facilities, and capital improvements of the Village, there is hereby levied or taxed on or after July 1, 1986, at a rate of one-percent (1%) per annum upon the following:

- (1) All salaries, qualifying wages, commissions, other compensation and other income from whatever source earned or received during the effective period of this chapter by resident individuals of the Village of Cardington;
- (2) All income, salaries, qualifying wages, commissions, and other compensation earned during the effective period of this chapter by non-resident individuals for work done or services performed or rendered in the Village of Cardington;
- (3) Resident Businesses.
 - A. The portion attributable to the Village of Cardington of the net profits earned during the effective period of this chapter of all resident unincorporated businesses, professions, or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the Village of Cardington; and
 - B. The portion of the distributive share of the net profits earned during the effective period of this chapter of a resident partner or owner of a resident unincorporated business entity not attributable to the Village of Cardington and not levied against such unincorporated business entity.
 - C. The Village of Cardington shall not tax compensation received by a non-resident individual for personal services performed within the Village of Cardington if:
 1. The services are performed on no more than twelve days in a calendar year, and
 2. The principal place of business of the non-resident individual's employer is located outside the Village of Cardington. This exemption shall not apply to professional entertainers, professional athletes, or promoters of professional entertainment or sporting events and their employees as defined by the legislative authority of the Village of Cardington.

- (4) Non-resident Businesses:
- A. There is also hereby levied or taxed during the effective period of this chapter, at a rate of one-percent (1%) per annum upon the following: The portion attributable to the Village of Cardington of the net profits earned during the effective period of this chapter of all non-residents unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the Village of Cardington whether or not such unincorporated business entity has an office or place of business in the Village of Cardington.
 - B. The portion of the distributive share of the net profits earned during the effective period of this chapter of a resident partner or owner of a non-resident unincorporated business entity not attributable to the Village of Cardington and not levied against such unincorporated business entity; and
 - C. The portion attributable to the Village of Cardington of the net profits earned during the effective period of this chapter of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the Village of Cardington, whether or not such corporations have an office or place of business in the Village of Cardington.
 - D. Pass-through entity income shall be taxed in a manner as determined by the Director of Taxation. The Director shall specify by ordinance whether the Village of Cardington shall tax the income of pass-through entities in the hands of the entity or in the hands of the individual owners. It shall not be necessary for the Director to apply the same treatment to each class of pass-through entities and the Director may specify a different ordinance or rule for each class of pass-through entities.
- (5) Non-resident Individual.
- A. A non-resident individual who works in the Village of Cardington twelve (12) or fewer days per year shall be considered an occasional entrant, and shall not be subject to the Village of Cardington municipal income tax for those twelve (12) days. For purposes of the twelve-day calculation, any portion of a day worked in the Village of Cardington shall be counted as one day worked in the Village of Cardington.
 - B. Beginning with the thirteenth day, the employer of such a non-resident individual shall begin withholding the Village of Cardington income tax from remuneration paid by the employer to the individual, and shall remit the withheld income tax to the Village of Cardington in accord with the requirements of this chapter. Since the individual can no longer be considered to have been an occasional entrant, the employer is further required to remit taxes on income earned in the Village of Cardington by the individual for the first twelve days.
 - C. If the individual is self-employed, it shall be the responsibility of the individual to remit the appropriate income tax to the Village of Cardington.

- D. The twelve-day occasional entry rule does not apply to entertainers or professional athletes, their employees or individuals who perform services on their behalf, or to promoters and booking agents of such entertainment events and sporting events.
- (6) On all income from gambling, lottery, and/or sports winnings by a resident of the Village. No regard is given to losses or to the location where the gambling, lottery, and/or sports winnings were received.
- (b) Determination of Taxable Income.
- (1) The portion of the net profits attributable to the Village of Cardington of a taxpayer conducting a business, profession or other activity both within and without the boundaries of the Village of Cardington shall be determined as provided in section 718.02 of the Revised Code and in accordance with the rules and regulations adopted by the Director pursuant to this chapter.
- (2) If the Director determines that under the particular circumstances of a specific taxpayer use of the statutory three factor formula is not the appropriate allocation method, the Director may approve the use of books and records as a substitute method under the following conditions:
- A. The net profits allocable to the Village of Cardington from business, professional, or other activities conducted in the Village by corporations or unincorporated entities (whether resident or non-resident) may be determined from the records of the taxpayer only if the taxpayer has bona fide records which disclose with reasonable accuracy what portion of his net profits is attributable to that part of his activities conducted within the Village.
- B. If the books and records of the taxpayer are used as the basis for apportioning net profits, a statement must accompany the return explaining the manner in which such apportionment is made in sufficient detail to enable the Director to determine whether the net profits attributable to the Village are apportioned with reasonable accuracy.
- C. In determining the income allocable to the Village from the books and records of a taxpayer, and adjustment may be made for the contribution made to the production of such income by headquarters activities of the taxpayer, whether such headquarters is within or without the Village.
- (c) Operating Loss Carry Forward.
- (1) The portion of a net operating loss sustained in any taxable year subsequent to the date of the enactment of this chapter, allocable to the Village of Cardington may be applied against the portion of the profit of succeeding year(s) allocable to the Village of Cardington until exhausted but in no event for more than five (5) taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year. A loss in one village or municipality may never offset the gain in another village or municipality. Failure to allocate an operating loss or failure to file a return on or before the end of the twelfth month following the tax year in which a net operating loss was sustained nullifies the loss carry-forward privilege.

- (2) The portion of a new operating loss sustained shall be allocated to the Village of Cardington in the same manner as provided herein for allocating net profits to the Village of Cardington.
 - (3) The Director shall provide by Rules and Regulations the manner in which such net operating loss carry-forward shall be determined.
- (d) Consolidated Returns.
- (1) Any affiliate group that files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code may file a consolidated return with the Village. However, once the affiliated group has elected to file a consolidated return or a separate return with the Village, the affiliated group may not change its method of filing in any subsequent tax year without written approval from the Village.
 - (2) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the Village of Cardington constituting a portion only of its total business, the Director shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the Village of Cardington. If the Director finds net profits are not properly allocated to the Village of Cardington by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, he shall make such allocation as he deems appropriate to produce a fair and proper allocation of net profits to the Village of Cardington.
 - (3) The Village of Cardington shall accept consolidated returns from affiliated groups of corporations that file consolidated returns (for the same tax reporting period) for Federal Income Tax purposes.
- (e) Exclusions. The tax imposed by this chapter shall not be levied upon any of the following:
- (1) The military pay or allowances of members of the armed forces of the United States, and of members of their respective components, including the Ohio National Guard;
 - (2) The net income of any charitable, scientific, religious, literary, fraternal, educational or other organization specified in section 718.01 of the Revised Code to the extent that such net income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;
 - (3) Intangible income;
 - (4) Compensation paid under Section 3501.28 or 3501.36 of the Ohio Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand dollars shall be subject to the tax provided for herein. The Village of Cardington shall not require the payer of such compensation to withhold any tax from that compensation;

- (5) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Ohio R.C. Chapter 306 for operating a transit bus or other motor vehicle for the authority or commission in or through the Village of Cardington, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the Village of Cardington, or the headquarters of the authority or commission is located within the Village of Cardington;
- (6) The income of a public utility when that public utility is subject to the tax levied under Sections 5727.24 or 5727.30 of the Revised Code, except starting January 1, 2002, the income of an electric company or combined company, as defined in Section 5727.01 of the Revised Code, and except starting January 1, 2004, the income of a telephone company may be taxed by the Village of Cardington. For a combined company, only the income attributed from the activity of an electric company shall be subject to taxation by the Village of Cardington. The income of an electric company or combined company subject to taxation by the Village of Cardington shall be computed by taking into the account the adjustments provided in Ohio R.C. Section 5733.04(I)(16);
- (7) On and after January 1, 2001, Compensation paid to a nonresident individual for personal services performed by the individual within the Village of Cardington, on twelve or fewer days in the calendar year except
 - A. If the individual is an employee of another person, the principal place of business of the individual's employer is located in another municipal corporation in this state that imposes a tax applying to compensation paid to the individual for services performed on those days; and the individual is not liable to that other municipal corporation for tax on the compensation paid for such services; or if
 - B. The individual is a professional entertainer, professional athlete, the promoter of a professional entertainment or sports event or the employee of such a promoter, all as may be reasonably defined by the Village.
- (8) On and after January 1, 2003, parsonage allowances excluded pursuant to section 107 of the Internal Revenue Code. For purposes of this Ordinance, "parsonage allowance" shall be defined as the extent of the rental allowance or rental value of a house provided as part of an ordained minister's compensation. and the ordained minister must be duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination, and must have authority to perform all sacraments of the church. "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.
- (9) On and after January 1, 2005, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents qualifying wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.

- (10) Employee compensation that is not “qualifying wages” as defined in section 718.03 of the Revised Code.
- (11) The following are a non-exclusive list of income sources or classification that are exempt from taxation by the Village of Cardington:
 - A. Payments from qualified pension plans;
 - B. Interest income;
 - C. Social Security income;
 - D. Dividend income;
 - E. Disability income; and
 - F. Unemployment compensation.
- (12) The tax provided for herein shall not be levied upon the income of persons who are under eighteen (18) years of age and who are full-time elementary, junior high or high school students.
(Ord. 2005-27. Passed 11-7-05.)

181.03 EFFECTIVE PERIOD.

The tax imposed by this chapter shall be levied, collected, and paid with respect to the income, salaries, qualifying wages, commissions, and other compensation and with respect to the net profits of businesses, professions, or other activities earned on July 1, 1986.
(Ord. 2005-27. Passed 11-7-05.)

181.04 RETURNS, FILING EXTENSION, AND PAYMENT OF TAX.

(a) Each taxpayer, except as herein provided, shall whether or not a tax be due thereon, make and file a return on or before April 15 of the year following the effective date of this Ordinance and on or before April 15 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, such return shall be filed on or before the fifteenth (15th) day of the fourth (4th) month from the end of such fiscal year or period.

(b) The return shall be filed with the Director on a form or forms furnished by or obtainable upon request from such Director setting forth:

- (1) The aggregate amounts of income, salaries, qualifying wages, commissions, and other compensation earned and gross income from business, profession, or other activity less allowable expenses incurred in the acquisition of such gross income earned during the preceding year and subject to said tax;
- (2) The amount of the tax imposed by this chapter on such earnings and profits, and;
- (3) Such other pertinent statements, information returns, copies of federal or state tax returns and/or schedules, or other information as the Director may require.
- (4) A taxpayer may file a generic income tax return in lieu of the form prescribed by and obtained from the Director if the returns and documents contain all of the information otherwise provided by this chapter and the filer complies with the filing requirements contained herein. For the purposes of this chapter, a “generic form” is any electronic or paper form designed for reporting estimated municipal income taxes and annual tax liability, and/or requests for refunds, which contain all the information required on Village of Cardington regular tax return, estimated payment forms, and request for refund forms, and are in a similar format that will allow processing of the generic forms without altering the Village of Cardington procedures for processing forms.

(c) Except as otherwise provided in this section, for tax years beginning on or after January 1, 2004, any taxpayer that has requested an extension for filing a federal income tax return may request an extension for the filing of a municipal income tax return.

(d) An individual taxpayer shall make the request by filing a copy of the taxpayer's request for a federal filing extension with the Director. An individual taxpayer shall file the request for a filing extension not later than the last day for filing the municipal income tax return as required in this chapter, as amended.

(e) Except as otherwise provided in this section, the Director shall grant a filing extension to taxpayers who have requested a federal filing extension and, for tax years beginning on or after January 1, 2004, the extended due date of the municipal income tax return shall be the last day of the month following the month to which the due date of the federal income tax return has been extended.

(f) On and after January 1, 2005, a taxpayer that is subject to the Village's tax on the net profit from a business or profession and has received an extension to file the federal income tax return may give notice of such filing extension by filing a copy of the taxpayer's request for a federal filing extension with the Director. However, such taxpayer shall not be required to notify the Village of the federal extension and shall not be required to file any municipal income tax return until the last day of the month to which the due date for filing the federal return has been extended, provided that, on or before the date for filing the Village's income tax return, the taxpayer notifies the Director of the federal extension through the Ohio business gateway.

- (g) Notwithstanding the foregoing, the Director may deny the request if the taxpayer: (1)
- (2) Fails to file a copy of the federal extension request or give notice through the Ohio Business Gateway, if applicable;
 - (3) Fails to file a return or other required document for a previous reporting period; or
 - (4) Is delinquent in the payment of any Village of Cardington income tax (including any penalty, interest, assessment or other charge) for the late payment or nonpayment of income tax.

(h) An extension of time to file a Village income tax return does not extend the time for paying the tax without penalty, unless Director grants an extension of the payment date. The Village shall not assess any penalty or interest when any taxpayer, who has properly obtained a filing extension, files the return and pays the final tax within the period as extended

(i) Payment of Taxes.

- (1) Each taxpayer required to pay the tax imposed by this ordinance shall pay the full amount of the tax due, subject to credits for any portion of the tax due deducted at the source pursuant to the provisions of Section 181.05, or any portion of said tax paid by the taxpayer pursuant to the provisions of Section 181.06, or an income tax paid to another municipality in accordance with Section 181.14 hereof, as follows:

- A. An Individual taxpayer shall pay the tax due on or before April 15 of the year following the taxpayer's tax year or the fifteenth (15th) day of the fourth (4th) month following the end of the prior tax year if not the tax year does not end on December 31.
 - B. Any other taxpayer shall pay the tax due on or before the fifteenth (15th) day of the fourth (4th) month following the end of the taxpayer's prior tax year.
- (2) A taxpayer who has overpaid the amount of tax owed to the Village of Cardington under the provisions of this chapter may have such overpayment applied against any subsequent liability hereunder or, at his election indicated on the return, such overpayment (or a portion thereof) shall be refunded provided that no additional taxes or refunds of less than one dollar (\$1.00) shall be collected or refunded.
- (j) Amended Returns.
- (1) Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 181.10 and 181.14. Such amended returns shall be on a form obtainable, by request, from the Director. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.
 - (2) Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's Village of Cardington tax liability, such taxpayer shall make and file an amended Village of Cardington return showing income subject to the Village of Cardington tax based upon such final determination of Federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.
(Ord. 2005-27. Passed 11-7-05.)

181.05 COLLECTION AT SOURCE.

(a) In accordance with Rules and Regulations prescribed by the Director, each employer within or doing business within the Village of Cardington shall deduct at the time of the payment of such salary, wage, commission or other compensation, the tax of one percent (1%) of the gross income, salaries, qualifying wages, commissions or other compensation due by said employer to each said employee and shall, on or before the last day of the month following the close of each calendar quarter, make a return and pay to the Director the amount of taxes so deducted unless said employer elects, in writing, to remit the tax withheld on a monthly basis in which case the returns and payment shall be due on or before the fifteenth (15th) day of the month following the month in which the tax was withheld. Said returns shall be on a form or forms prescribed by or acceptable to the Director and shall be subject to the Rules and Regulations prescribed therefore by the Director. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld. It is the duty of each employer, as hereinbefore defined, who employs one or more persons on a salary, wage, commission, or other compensation basis, to deduct from compensation paid to any employee, as hereinbefore defined, the tax of 1% of such salary, wage, bonus, incentive payment, commission, or other compensation due by the employer to the employee. This tax shall be deducted by the employer at the time of the payment of such salary, wage, bonus, incentive payment, commission or other compensation and such tax shall be deducted by the employer from:

- (1) All compensation paid to employees who are non-residents of the Village of Cardington for services rendered, work performed, or other activities engaged in to earn such compensation, within the Village of Cardington; and
- (2) From the gross amount of all income, salaries, qualifying wages, bonuses, incentive payments, commissions, or other forms of compensation paid to employees who are residents of the Village of Cardington, regardless of the place where the services are rendered.

(b) Such employer in collecting said tax shall be deemed to hold the same, until payment is made by such employer to the Village of Cardington as Trustee for the benefit of the Village of Cardington and any such tax collected by such employer from his employee shall, until the same is paid to the Village of Cardington, be deemed a trust fund in the hands of such employer.

- (c)
 - (1) Employers shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have, in fact, been withheld. The mere fact that the tax is not withheld shall not relieve the employee of the responsibility of filing a return and paying the tax on the compensation received. (Ord. 2005-27. Passed 11-7-05.)
 - (2) Every officer, responsible person and employee having control or supervision of or charged with the responsibility of filing the return, paying the taxes due as required, or otherwise complying with this chapter, shall be personally liable for failure to file a return or pay the tax due as required. Every officer, responsible person and employee having control or supervision of or charged with the responsibility of filing a return, paying the taxes due as required, or otherwise complying with this chapter, shall be personally liable to the extent of the tax, interest and penalty, jointly and severally, for failure to file the employer's return or to pay the employer's tax, interest and penalty as required under this chapter. No change in the structure, by an employer, including liquidation, dissolution, bankruptcy, and reorganization such as merger, consolidation, acquisition transfer or change in identity form or organization discharges its officers, responsible persons and employees having control or supervision of, or charged with the responsibility for filing the return, paying the taxes due as required, or otherwise complying with this chapter from liability for the employee's or employer's failure to remit funds held in trust, to file a tax return or to pay taxes. (Ord. 2006-15. Passed 11-20-06.)

(d) Each employer doing business within the Village of Cardington on a temporary basis shall on a monthly basis pay to the Village all income taxes withheld or required to be withheld regardless of the amount of taxes involved. Such payment shall be paid to the Village within fifteen (15) days of the end of each calendar month. An employer shall be deemed as doing business within the Village of Cardington on a temporary basis when the employer maintains a place of business in the Village of Cardington, or does business in the Village, for a period that the employer does not expect to exceed one year.

(e) Each employer shall make and file a return on a form furnished by the Director, showing the amounts of tax deducted by the employer from the income, salaries, qualifying wages, commissions, vacation pay, bonuses or any other compensation of any employee, payable and/or paid by the employee to the Village of Cardington. Such employer's return shall be accepted as the return required of an employee whose sole income subject to the tax under this chapter is the full compensation reported to the Village on the return of the employer.

(f) Each employer, on or before January 31, unless written request for thirty days extension is made to and granted by the Director following any calendar year in which such deductions have been made, or should have been made by any employer, shall file with the Director or his delegate an information return (Village of Cardington withholding statement of Qualifying wages Paid and Village of Cardington Income Tax Withheld), for each employee from whom income tax has been or should have been withheld showing the name and address of the employee, the total amount of income, salaries, qualifying wages, commissions and other compensation paid to the employee during the year, and the amount of Village of Cardington income tax withheld from each employee. In addition, each Form (W-2) shall show the employer's name, address, and Village of Cardington account number. An adding machine tape or list of amount of tax withheld and taxable qualifying wages as shown on the W-2's shall be attached with the number of W-2's shown. Any return not so filed shall be subject to a late filing penalty of five dollars (\$5.00) per day for each and every day they remain in violation to a maximum of three hundred dollars (\$300.00). In addition to the late filing penalty, any return with remains unfiled after its due date shall be subject to the penalties provided by this chapter.

(g) Any person paying money to an individual or independent contractor shall report such payment if the information should be reported on Federal Form 1099 and filed yearly with the Director on or before February 28th. Any return not so filed shall be subject to a late filing penalty of fifty dollars (\$50.00). In addition to the late filing penalty, any return, which remains unfiled after its due date, shall be subject to the penalties provided under this chapter. (Ord. 2005-27. Passed 11-7-05.)

181.06 DECLARATIONS.

(a) Every person who anticipates any taxable income which is not subject to Section 181.05 hereof, or who engages in any business, profession, enterprise or activity including rental property subject to the tax imposed by Section 181.02 hereof, and whose tax on such income amounts to one hundred dollars (\$100.00) or more, shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity together with the estimated tax due thereon, if any; provided, however, if a person's income is wholly from qualifying wages from which the tax will be withheld and remitted to the Village of Cardington in accordance with Section 181.05 hereof, such person need not file a declaration.

(b) Residents of the Village who are employed by an employer located in another municipality, where the tax being withheld and paid to such other municipality is based on a rate less than the tax rate of the city, must file a declaration setting forth the difference in tax due, if such tax is one hundred dollars (\$100.00) or more, and must make quarterly payments to the Village of Cardington in accordance with subsection (e) hereof.

(c) Filing of Declarations.

(1) Such declaration shall be filed on or before April 15 of each year during the life of this chapter or within one hundred five (105) days of the date the taxpayer becomes subject to tax for the first time.

- (2) Those taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth (4th) month after the beginning of each fiscal year or period accompanied by a payment equal to one-fourth of the estimated annual tax, if such tax amounts to one hundred dollars (\$100.00) or more, shown to be due thereon, and shall make quarterly payments of equal amounts according to subsection (e) hereof.
- (3) Such declaration shall be filed upon a form furnished by, or obtainable from the Director, provided, however, credit shall be taken for the Village of Cardington tax to be withheld from any portion of such income. In accordance with the provision of Section 181.14 hereof, credit may be taken for tax to be paid to or to be withheld and remitted to another taxing municipality.
- (4) The original declaration (or any subsequent amendment thereof) may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.

(d) For tax years prior to January 1, 2003, such declaration of estimated tax to be paid the Village of Cardington shall be accompanied by a payment of at least one-fourth (1/4) of the estimated annual tax and at least a similar amount shall be paid on or before the last day of the seventh, tenth, and thirteenth months after the beginning of the taxable year. Provided, however, that in case an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.

(e) Beginning January 1, 2003, the Declaration of Estimated Tax to be paid the Village by taxpayers who are individuals shall be accompanied by a payment of at least one-fourth (1/4th) of the Declaration amount and at least a similar amount shall be paid on or before July 31st and October 31st of the taxable year and January 31st of the following year.

(f) Beginning January 1, 2003, such Declaration of Estimated Tax to be paid to the Village by corporations and associations shall be accompanied by a payment of at least one-fourth (1/4th) of the Declaration amount and at least a similar amount shall be paid on or before June 15th, September 15th, and December 15th. In the case of a fiscal year taxpayer the second, third, and fourth quarterly estimated payments shall be due on the fifteenth (15th) day of the sixth (6th), ninth (9th), and twelfth (12th) months of the taxable year, respectively. Estimated payments shall be required only on a quarterly basis, and shall be required only in the following amounts no earlier than the following dates:

- (1) For individuals, not more than 22 ½ % of the estimated annual tax liability (prior to applying any credits, estimated tax payments, or withheld taxes) by April 30, 45% by July 31, 67 ½ % by October 31, and 90% by January 31;
- (2) For calendar year taxpayers that are not individuals, 22 ½ % by the taxpayer's federal return filing date, 45% by June 15, 67 ½ % by September 15, and 90% by December 15; and
- (3) For fiscal year taxpayers that are not individuals, 22 ½ % by the 15th day of the fourth month of the taxpayers' taxable year, 45% by the 15th day of the 6th month, 67 ½ % by the 15th day of the ninth month, and 90% by the 15th day of the 12th month.

(g) Any amount deducted and withheld for taxes from an individual's compensation is considered as estimated taxes paid in equal amounts on the act's prescribed payment dates.

(h) The Village of Cardington shall not penalize a taxpayer for the late payment or nonpayment of estimated taxes (by charging a penalty, interest, or similar charge) if the taxpayer pays estimated taxes equal to the taxpayer's reported tax liability for the preceding year (as long as the preceding year consisted of twelve months and the taxpayer actually filed a return for that year). Nor may a taxpayer be penalized for the late payment or nonpayment of estimated taxes if the taxpayer is a resident individual who was not domiciled in the municipal corporation on January 1 of the year in which the taxpayer first became subject to estimated payments.

(i) On or before the last day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the Village of Cardington shall be paid therewith in accordance with the provisions of Section 181.04. (Ord. 2005-27. Passed 11-7-05.)

181.07 DUTIES OF THE DIRECTOR OF TAXATION.

(a) It shall be the duty of the Director of Taxation to receive the tax imposed by this chapter in the manner prescribed herein from the taxpayers, to keep an accurate record thereof; and to report all monies so received. All cashiers handling Village monies shall be subject directly to the Director of Taxation and shall give daily accountings to the Director.

(b) It shall be the duty of the Director to enforce payment of all taxes owing the Village of Cardington, to keep accurate records for a minimum of five (5) years showing the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld, and to show the dates and amounts of payments thereof.

(c) Said Director is hereby charged with the enforcement of the provisions of this chapter, and is hereby empowered, subject to the approval of the Council of the Village of Cardington after review, recommendation, and presentation thereof to Council by the Board of Review, to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this chapter including provisions for the re-examination and correction of returns and payments. The Director is authorized to arrange for the payment of unpaid taxes, interest, and penalties on a schedule of installment payments, when the taxpayer has proved to the Director that, due to certain hardship conditions, he or she is unable to pay the full amount of the tax due. Such authorization shall not be granted until proper returns are filed by the taxpayer for all amounts owed by him or her under the chapter. Failure to make any deferred payment when due shall cause the total unpaid amount including penalty and interest, to become payable on demand and the provision of Section 181.10 and 181.11 shall apply.

(d) In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Director may determine the amount of tax appearing to be due the Village of Cardington from the taxpayer and shall send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.

(e) Subject to the consent of the Board of Review or pursuant to regulation approved by said Board, the Director shall have the power to compromise any interest or penalty, or both, imposed by Section 181.09. (Ord. 2005-27. Passed 11-7-05.)

**181.08 INVESTIGATIVE POWERS OF THE DIRECTOR OF TAXATION,
PENALTY FOR DIVULGING CONFIDENTIAL INFORMATION.**

(a) The Director, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal and State income tax returns of any employer or of any taxpayer or person subject to, or whom the Director believes is subject to the provisions of this chapter, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer, or supposed taxpayer is hereby directed and required to furnish upon written request by the Director, or his duly authorized agent or employee, the means, facilities, and opportunity for making such examinations and investigations as are hereby authorized.

(b) The Director is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal and State income tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to such inquiry.

(c) The refusal to produce books, papers, records and Federal and State income tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax or by any officer, agent or employee of a person subject to the tax or required to withhold tax for the failure of any person to comply with the provisions of this section or with an order or subpoena of the director authorized hereby shall be deemed a violation of this section, punishable as provided in Section 181.11.

(d) Any information gained as the result of any returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this chapter, shall, upon conviction hereof, be deemed guilty of a first degree misdemeanor and shall be subject to a fine of up to one thousand dollars (\$1,000) and imprisonment for not more than six (6) months. Each disclosure shall constitute a separate offense.

(e) In addition to the above penalty, any employee of the Village of Cardington who violates the provisions of this section relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

(f) Every taxpayer shall retain all records necessary to compute his tax liability for a period of five (5) years from the date his return is filed, or the withholding taxes are paid. (Ord. 2005-27. Passed 11-7-05.)

181.09 INTEREST AND PENALTIES.

(a) All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this chapter and remaining unpaid after they become due shall bear interest at the rate of one-half of one percent ($\frac{1}{2}$ %) per month or fraction thereof, compounded monthly.

(b) In addition to interest as provided in subsection (a) hereof, penalties based on the unpaid tax are hereby imposed as follows:

- (1) For failure to pay taxes due - (other than taxes withheld), one-half percent ($\frac{1}{2}$ %) per month or fraction thereof, or fifty dollars (\$50.00) whichever is greater.
- (2) For failure to remit taxes withheld from employees; three percent (3%) per month or fraction thereof, or one hundred dollars (\$100.00) whichever is greater.

(c) A penalty shall not be assessed on an additional tax assessment made by the Director when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Director. In the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit for Federal Income Tax purposes, providing an amended return is filed and the additional tax is paid within three (3) months after final determination of the Federal tax liability.

(d) Upon recommendation of the Director, the Board of Review may abate penalty, interest, or both, or upon an appeal from the refusal of the Director to recommend abatement of penalty and interest, the Board may nevertheless abate penalty, interest, or both.

(e) If penalty and interest charges have been assessed according to this section, all payments made will first be applied toward such assessment and then toward the amount of tax due.

(f) All taxpayers are required to file a return. Those individuals who are subject to the provisions of this chapter and fail to comply with the requirements contained herein may have their names published in a newspaper of local circulation, pursuant to a procedure to be determined at the discretion of the Director of Taxation and approved by Council. The Director, at his discretion and with the approval of Council, shall implement a procedure whereby those individuals who fail to comply with the requirements of this chapter shall receive written notification of their noncompliance and accordingly, shall have a reasonable opportunity to comply, before having their names and status as delinquent published in the newspaper. (Ord. 2005-27. Passed 11-7-05.)

181.10 COLLECTION OF UNPAID TAXES AND REFUNDS OF OVERPAYMENTS.

(a) All taxes imposed by this chapter shall be collectable together with any interest and penalties thereon, by civil action, as other debts of like amount are recoverable. Any such civil action shall be filed within three (3) years of the date the tax was due or the return filed. Except in the case of fraud, omission of a substantial portion of income subject to this tax, or failure to file a return, an additional assessment shall not be made after three (3) years from the time the return was due or filed whichever is later, provided, however, in those cases in which a Commissioner of Internal Revenue and the taxpayer have executed a waiver of the Federal statute of limitations, the period within which an additional assessment may be made by the Director shall be one (1) year from the time of the final determination of the Federal tax liability.

(b) Prosecutions for an offense made punishable under a municipal ordinance imposing an income tax shall be commenced within three (3) years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five per cent (25%) or more of income required to be reported, prosecutions may be commenced within six (6) years after the commission of the offense.

(c) Taxes erroneously paid shall be refunded upon detection thereof and notification to the Director of taxation unless a claim for refund is made more than three (3) years from the date which such payment was made or the return was due, or more than three (3) months after final determination of the Federal tax liability, whichever is earlier.

(d) Amounts of less than one dollar (\$1.00) shall not be collected or refunded.
(Ord. 2005-27. Passed 11-7-05.)

181.11 VIOLATIONS; PENALTIES.

(a) Any person who shall:

- (1) Fail, neglect or refuse to make any return or declaration required by this chapter; or
- (2) Make any incomplete, false or fraudulent return; or
- (3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter; or
- (4) Fail, neglect or refuse to withhold the tax from his or her employees or remit such withholding to the Director; or
- (5) Refuse to permit the Director or any duly authorized agent or employee to examine his books, records, papers or Federal and State income tax returns relating to the income or net profits of a taxpayer; or
- (6) Fail to appear before the Director and to produce his books, records, papers or Federal and State income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Director, or
- (7) Refuse to disclose to the Director any information with respect to the income or net profits of a business;
- (8) Fail to comply with the provisions of this chapter or any order or subpoena of the Director authorized hereby; or
- (9) Give to an employer false information as to his true name, correct social security number and residence address or fail to promptly notify an employer of any change in residence address and date thereof; or
- (10) Fail to use ordinary diligence in maintaining proper records of any employee's residence address, total qualifying wages paid and the Village of Cardington tax withheld, or to knowingly give the Director false information; or
- (11) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties, or interest imposed by this chapter;

shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than six (6) months for each offense.

(b) The failure of any employer or person to receive or procure a return, declaration, or other required form shall not excuse him from making any information return, annual return, or declaration from filing such form, or from paying the tax.
(Ord. 2005-27. Passed 11-7-05.)

181.12 BOARD OF REVIEW.

(a) A Board of Review, consisting of a chair and two other individuals each to be appointed by the Mayor and approved by the Council of the Village of Cardington is hereby created. Any vacancy that shall occur in a regular term shall be filled by the Mayor for the unexpired portion of such term. Members of the Board of Review shall be appointed for terms of three years, so arranged that one member's term shall expire on July 1 of each year. A majority of the members of the Board shall constitute a quorum. The Board shall formulate its own procedural rules for approval by Village Council and shall keep a record of its transactions. Any hearing by the Board shall be conducted privately unless the taxpayer requests a public hearing, and the provisions of Section VIII hereof with reference to the confidential character of information required to be disclosed by this chapter shall apply to such matters as may be heard before the Board on appeal.

(b) All rules and regulations and amendments or changes thereto, which are adopted by the Director under the authority conferred by this chapter must be approved by the Board of Review and by the Village Council before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Director and at the request of the taxpayer or Director, is empowered to substitute alternative methods of allocation.

(c) Any person dissatisfied with any ruling or decision of the Director which is made under the authority conferred by this chapter may appeal to the Board of Review within thirty (30) days from the announcement of such ruling or decision by the Director, provided the taxpayer making the appeal has filed with the Village the required return or other documents concerning the obligation at issue. The taxpayer shall file a written notice of appeal with the Director. The notice of appeal shall state why the taxpayer believes the decision is incorrect or unlawful. The Board shall, on hearing, have jurisdiction to affirm, reverse, or modify any such ruling or decision, or any part thereof. The hearing shall be scheduled within 45 days from the date of filing the notice of appeal unless the taxpayer waives the hearing in writing. If a taxpayer does not waive the hearing, the taxpayer is entitled to appear before the Board and be represented by an attorney at law, certified public accountant, or other representative. Within thirty (30) days after the closing of the record, the Board must issue a written decision and file it with the Director. The Board shall send a copy of its decision to the taxpayer making the appeal within fifteen (15) days after issuing the decision.

(d) The records kept by the Board of Review are not open to public inspection under the state's public records law, and hearings before the Board of Review are not subject to Ohio's open meetings law.

(e) When issuing decisions that are appealable to the Board of Review, the Director of taxation must inform taxpayers of their right to appeal and the manner in which the appeal must be filed with the Board of Review.

(f) For matters relating to tax years beginning on or after January 1, 2004, any ruling or decision of the Board of Review may be appealed to a court of competent jurisdiction or to the State Board of Tax Appeals. (Ord. 2005-27. Passed 11-7-05.)

181.13 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be allocated in such manner as prescribed by ordinances adopted by the Council of the Village of Cardington.
(Ord. 2005-27. Passed 11-7-05.)

181.14 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY.

(a) When a resident of the Village of Cardington is subject to a municipal income tax in another municipality, he or she shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

(b) Every individual taxpayer who resides in the Village of Cardington and who receives net profits, income, salaries, qualifying wages, commissions or other personal service compensation for work done or services performed or rendered outside the Village of Cardington, if it be made to appear that he has paid a municipal income tax on the same income taxable under this chapter to another municipality, shall be allowed a credit against the tax imposed by this chapter of the amount so paid by him or in his behalf to such other municipality. The credit shall not exceed the tax assessed by this chapter on such income earned in such other municipality or municipalities where such tax is paid.

(c) Every individual taxpayer who resides in the Village of Cardington who receives net profits, income, salaries, qualifying wages, commissions or other income from a resident or nonresident business entity, association or profession of which he is a partner, stockholder or owner for work done or services performed or rendered outside of the Village of Cardington, if it is made to appear that he or such business entity has paid a municipal income tax on or with respect to the same income taxable under this chapter to another municipality, shall be allowed a credit against the tax imposed by this chapter in the amount so paid by him, in his behalf or by such business entity to the other municipality. In no event, however, shall any municipal income tax, to the extent paid to another municipality and allowed as a credit hereunder, be deductible in computing the net profit of such business entity. In addition, the credit shall not exceed the tax assessed by this chapter on income earned in such other municipality where the tax is paid.

(d) A claim for refund or credit under this section shall be made in such manner as the Director may by regulation provide.
(Ord. 2005-27. Passed 11-7-05.)

181.15 INFORMATION BY LANDLORDS AND EMPLOYERS.

(a) Within 30 days after a new tenant occupies rental property of any kind within the Village of Cardington, all property owners of rental property who rent to tenants of apartments, rooms and other rental accommodations shall file with the Director a report showing the name, address and telephone number of such tenant who occupies an apartment, room or other rental property within the Village of Cardington.

(b) Within 30 days after a new tenant occupies property of any kind, regardless of whether that tenant is required to pay rent, the owner of such property occupied by the tenant shall file with the Director a report showing the name, address and telephone number of such tenant who occupies the property within the Village of Cardington.

(c) Within 30 days after a tenant vacates an apartment, room or other rental property located within the Village of Cardington, the property owner of such vacated rental property shall file with the Director a report showing the date of vacation from the rental property and forwarding address.

(d) Within 30 days after the hiring of an employee, each employer within, or doing business within the Village of Cardington shall file a report with the Director showing the name, address and telephone number of such employee.
(Ord. 2005-27. Passed 11-7-05.)

181.16 SAVING CLAUSE.

If any sentence, clause, section or part of this chapter or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the Council of the Village of Cardington that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein. (Ord. 2005-27. Passed 11-7-05.)

181.17 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

(a) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes, levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of said taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this chapter shall have been fully terminated, subject to the limitations contained in Sections 181.10 and 181.11 hereof.

(b) Annual returns due for all or any part of the last effective year of this chapter shall be due on the date provided in Sections 181.04 and 181.05 as though the same were continuing.
(Ord. 2005-27. Passed 11-7-05.)

181.18 CONTRACT PROVISIONS.

(a) No contract on behalf of the Village of Cardington for works or improvements of the Village shall be binding or valid unless such contract contains the following provisions:

(b) A said (contractor) hereby further agrees to withhold all Village income tax due or payable under the provisions of Ordinance No. 2005-_____ for qualifying wages, income, salaries, and commissions paid to its employees and further agrees that any of its subcontractors shall be required to agree to withhold and such Village income taxes due under said Ordinance for services performed under this contract.
(Ord. 2005-27. Passed 11-7-05.)