

1<sup>ST</sup> Reading: 5-19-2008  
2<sup>nd</sup> Reading: 6-2-2008  
3<sup>rd</sup> Reading: 6-16-2008

ORDINANCE: 015-2008

**An ordinance rescinding Ordinance No. 144-93 dated December 27, 1993, and all subsequent amendments to the aforesaid ordinances of the code of ordinances of The Village of Salineville, Ohio.**

**WHEREAS**, The Council of the Village of Salineville deems it necessary to rescind Ordinance #144-93 to provide additional revenue for the Village.

**Now, therefore, be it ordained by the Council of the Village of Salineville, Ohio, that:**

**Section 1:**

That Ordinance #144-93 currently provides a reciprocity provision of one-half percent (1/2%) credit to individuals who pay taxes to another municipality under the current village ordinance No. 144-93. That Village Council deems it necessary to rescind Ordinance No. 144-93 and all of its provisions and amendments to provide additional revenue to the Village of Salineville.

**Section 2:**

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 that resulted in such formal actions occurred in meetings open to the public, in compliance with all legal requirements, including sections 121.22 of the Ohio Revised Code.

**Section 3:**

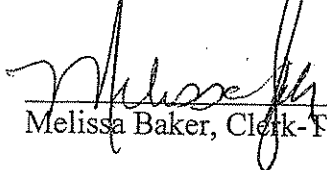
If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentence, clauses, sections or other parts of this Ordinance.

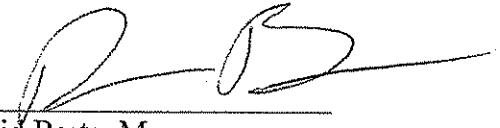
**Section 4:**

This Ordinance shall revoke and rescind any Ordinances, part of Ordinances, Resolutions, parts of Resolutions that are in conflict herewith and shall be in

force and effect on 6-16-08. That this ordinance was adopted in accordance with Ohio Revised Code section 731.17 and shall be in effect at the earliest time allowed by law.

Passed 6-16, 2008

  
Melissa Baker, Clerk-Treasurer

  
David Berta, Mayor

## **INCOME TAX ORDINANCE**

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### **ORDINANCE NUMBER: 003-2002**

**AN ORDINANCE REVISING ORDINANCE 92-90 PROVIDING  
FOR THE VILLAGE OF SALINEVILLE INCOME TAX TO  
PROVIDE NECESSARY FUNDS FOR THE COST OF OPERATING  
THE VILLAGE SERVICES AND DECLARING AN EMERGENCY.**

*Whereas*, the Council passed Ordinance Number 92-90, which established a Municipal Income Tax levy of one percent (1%) on all salaries, wages, commissions and other compensation to provide funds for the purpose of general municipal operations, maintenance of equipment, new services and facilities and capital improvements;

*Whereas*, subsequent to the passage of this legislature, the Council desires to revise the Ordinance establishing the Municipal Income Levy of one percent (1%);

*Whereas*, an emergency exists for the immediate preservation of the public peace, property, health, safety and welfare in that the financial condition of the Village is bad and retrogressing due to the necessarily increasing costs of operating the Village services; and

Whereas, the Municipal Income Tax is deemed the fairest means to rectify this situation and to provide the necessary additional revenue for the functions of Village government;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SALINEVILLE, COLUMBIANA, OHIO:**

Section 1. PURPOSE.

To provide funds for the purpose of general municipal operations of the VILLAGE OF SALINEVILLE, there shall be and is levied a tax all ages, salaries, commissions, and other compensations and on net profits as herein provided.

Section 2. DEFINITIONS

As used in this Ordinance, 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. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

- A. "TAX ADMINISTRATOR"- means the Village Auditor charged with direct responsibility for administration of the tax levied the VILLAGE OF SALINEVILLE on income.
- B. "TAXPAYER" – A person, whether an individual, partnership, limited partnership, corporation, association or other entity, required hereunder to file a return or to pay a tax hereunder.
- C. "ASSOCIATION" – A partnership, limited partnership, or any other form of unincorporated enterprise, owned by two (2) or more persons.
- D. "BUSINESS" – An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, limited partnership, corporation, association or any other entity.
- E. "CORPORATION" – A corporation or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory, foreign country or dependency.
- F. "BOARD OF REVIEW"- means the Board created by and constituted as provided in this Ordinance.
- G. "EMPLOYEE" – An individual whose earnings are subject to the withholding of Federal Income Tax or Social Security Tax.

H. “EMPLOYER” – 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 (1) or more persons on a salary, wage, commission or other compensation basis.

I. “NET PROFITS” – The net gain from the operation of a business, profession or enterprise after provision for all cost and expense incurred in the conduct thereof, including reasonable allowance incurred in the conduct thereof, including reasonable allowance for depreciation, depletion, amortization and reasonable additions to reserve for bad debts. Either paid or accrued in accordance with recognized principles of accounting applicable to the method of accounting regularly employed and without deduction of federal taxes based on income, and without deducting taxes imposed by this ordinance.

J. “NON-RESIDENT” – An individual, partnership, limited partnership, corporation, Association or other entity domiciled outside the VILLAGE OF SALINEVILLE.

K. “PERSON” – Every natural person, partnership limited partnership, corporation, fiduciary or association. Whenever used in any clause prescribing and imposing a penalty, the term “person” as applied to any association, shall mean the partners or members thereof, and as applied to corporation the officers thereof.

L. “RESIDENT” – An individual, partnership, limited partnership, corporation, association or other entity domiciled in the VILLAGE OF SALINEVILLE.

M. “OTHER ENTITY” – The term “other entity” means any person or unincorporated body not previously named or defined and includes inter alia, fiduciaries located within the VILLAGE OF SALINEVILLE. The singular shall include the plural and the masculine shall include the feminine and the neuter.

N. “FISCAL YEAR”- means an account period of twelve (12) months or less ending on any day other than December 31st.

O. “ESTIMATED TAXABLE INCOME”- means the amount that a taxpayer estimates to be the taxpayer’s liability for a municipal corporation’s income tax for a year prior to applying an credits, estimated tax payments, or withheld taxes for the year.

P “TAXABLE YEAR”- means the calendar year, or the fiscal year upon the basis of which the net profits are to be computed under this Ordinance 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.

Q “PLACE OF BUSINESS”- means any bonafide office (other than a mere statutory agent), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity or through one or more of his regular employees regularly in attendance.

### Section 3. IMPOSITION OF TAX

An annual tax for the purpose of general municipal operations, maintenance of equipment, purchase of new equipment, extension, enlargement and improvement of municipal services and facilities and capital improvements of the VILLAGE OF SALINEVILLE, shall be imposed upon the earnings at the rate of one per-cent (1%) upon the following:

- A. On all salaries, wages, commissions, and other compensation earned on and after July 1, 1980, by resident individuals of the VILLAGE OF SALINEVILLE.
- B. On all salaries, wages, commissions and other compensation earned on and after July 1, 1980, by non-resident individuals of the VILLAGE OF SALINEVILLE, for work done or services performed or rendered in the VILLAGE OF SALINEVILLE.
- C. On the net profits attributable to the VILLAGE OF SALINEVILLE, earned on and after July 1, 1980, of all resident unincorporated businesses, professions and other activities derived from work done or services rendered or performed and business or other activities conducted in the VILLAGE OF SALINEVILLE.
- D. On the portion of the distributive share of the net profits earned on and after July 1, 1980, of a resident individual, partner or owner of a resident unincorporated business entity attributable to the VILLAGE OF SALINEVILLE and not levied against such unincorporated business entity.
- E. On the net profits attributable to the VILLAGE OF SALINEVILLE earned on and after July 1, 1980, of all non-resident unincorporated professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the VILLAGE OF SALINEVILLE.
- F. On the portion of the distributive share of the net profits earned on and after July 1, 1980, of a resident individual, partner or owner of a non-resident unincorporated business entity not attributable to the VILLAGE OF SALINEVILLE and not levied against such unincorporated business entity.
- G. On the net profits earned on and after July 1, 1980, of all corporations derived from work done or services performed or rendered and business or other activities conducted in the VILLAGE OF SALINEVILLE.

H. The portion of the net profits attributable to the VILLAGE OF SALINEVILLE, of a taxpayer conducting business, profession or other activity both within and without the boundaries of the VILLAGE OF SALINEVILLE shall be determined as provided in Section 718.02 of the Revised Code of Ohio and in accordance with the Rules and Regulations adopted by the Council of the VILLAGE OF SALINEVILLE pursuant to this Ordinance.

Section 4. DETERMINATION OF INCOME SUBJECT TO TAX

(A) In the taxation of income which is subject to taxation by the provisions of this Ordinance, if the books and records of a taxpayer conducting a business or profession both within and without the boundaries of the VILLAGE OF SALINEVILLE shall disclose with reasonable accuracy what portion of its net profit is attributable to that part of the business or profession conducted within the boundaries of the VILLAGE OF SALINEVILLE, then only such portion shall be considered as having a taxable situs in the VILLAGE OF SALINEVILLE for purposes of income taxation. In the absence of such records, net profit from a business or profession conducted both within and without the boundaries of the VILLAGE OF SALINEVILLE shall be considered as having a taxable situs in the VILLAGE OF SALINEVILLE for purpose of income taxation in the same proportion as the average ratio of:

1. The average net book value of the real and tangible personal property owned or used by the taxpayer in the business or profession in the VILLAGE OF SALINEVILLE during the taxable period to the average net book value of all of the real and tangible or profession during the same period, whether situated.

As used in the preceding paragraph, “real property” shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight.

2. Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the VILLAGE OF SALINEVILLE to wages, salaries and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed.

3. Gross receipts of the business or profession from sales made and services performed during the taxable period in the VILLAGE OF SALINEVILLE to gross receipts of the business or profession during the same period from sales or services, wherever made or performed.

In the event the foregoing allocation formula does not produce an equitable result, another basis may be substituted, under uniform regulations, so as to produce an equitable result.

(B) As used in division (A) of this section, “sales made in the municipality” means:

1. All sales of tangible personal property delivered within the VILLAGE OF SALINEVILLE regardless of where title passes if shipped or delivered from a stock of goods within the VILLAGE OF SALINEVILLE.
2. All sales of tangible personal property delivered within the VILLAGE OF SALINEVILLE regardless of where title passes even though transported from a point outside the VILLAGE OF SALINEVILLE if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the VILLAGE OF SALINEVILLE and the sales result from such solicitation or promotion.
3. All sales of tangible personal property shipped from a place within the VILLAGE OF SALINEVILLE to purchasers outside the VILLAGE OF SALINEVILLE regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(C) Rental income received by a taxpayer shall be included in the computation of net profits from business activities under subparagraphs C, D, E, F, G and H of the Section 3, only if and to the extent that the rental, ownership, management or operation of the real estate from which such rentals are derived (whether so rented, managed, or operated by a taxpayer individually or through agents or other representatives) constitutes a business activity of the taxpayer in whole or in part.

Where the gross monthly rental of any and all real properties, regardless of number and value aggregate in excess of Two hundred dollars (\$200.00) per month, it shall be prima facie evidence that the rental, ownership, management or operation of such rental property shall be subject to tax; provided in the case of commercial property, the owner shall be considered engaged in a business activity when the rental is based on a fixed or fluctuating percentage of gross net sales, receipts or profits of the lessee, whether or not such rental exceeds Two hundred dollars (\$200.00), per month; provided further that in the case of farm property, the owner shall be considered engaged in a business activity when he shares in crops or when the rental is based on a percentage of the gross or net receipts derived from the farm, whether or not the gross income exceed said Two hundred dollars (\$200.00) per month; and provided further that the person who operates a licensed rooming house shall be considered in business whether or not the gross income exceeds Two hundred dollars (\$200.00), per month.

#### Section 5. EFFECTIVE DATE

Said amended tax shall be levied, collected and paid with respect to salaries, wages, commissions and other compensation earned on and after July 1, 1980, and with respect to the net profit of businesses, professions and other activities earned on and after July 1, 1980. Provided, however, that where the fiscal year of the business, profession or other activity differs



from the calendar year, the tax shall be applied to that part of the net profit for the fiscal year as shall be earned on and after July 1, 1980, to the close of the taxpayer's fiscal year; thereafter the taxpayer shall report on its fiscal year basis.

## Section 6. EXEMPTIONS

The provisions of this Ordinance shall not be construed as levying a tax upon the following:

1. The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio National Guard.
2. Poor relief, pensions, social security, unemployment compensation, and disability benefits received from private industry or local, state or Federal governments, or from charitable, religious or educational organizations.
3. Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
4. Receipts from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide charitable, religious and educational organizations and associations.
5. Any association, organization, corporation, club or trust which is exempt from Federal taxes on income by reason of its charitable, religious, educational, literary, scientific, etc., purposes.
6. Gains from involuntary conversions, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State of Ohio, and income of a decedent's estate during the period of administration (except such income from the operation of a business).
7. Earning and income of all persons under eighteen (18) years of age, whether residents or non-residents.
8. Salaries, wages, commission and other compensation and net profits, the taxation of which is prohibited by the united States Constitution or any act of Congress limiting the power of states and their political subdivisions to impose net income taxes on income derived from interstate commerce.
9. Salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State of Ohio or any act of the Ohio General Assembly limiting the power of the municipality to impose net income taxes.

## Section 7. RETURNS

A. RETURN REQUIRED BY- Each taxpayer shall, whether or not a tax be due thereon, make and file a return on or before April 30th of the year following the effective date of this Ordinance and on or before April 30th of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four (4) months from the end of such fiscal year or period.

B. FORM AND CONTENT- The return shall be filed with the Tax Administrator on a form or forms furnished by or obtainable upon request from the Administrator, setting forth:

(a) The aggregated amounts of salaries, wages commissions and other activity, less allowable expenses incurred in the acquisition of such gross Income earned during the preceding year

subject to such tax;

(b) The amount of tax imposed by this Ordinance on such earning and profits; and

(c) Such other pertinent statements, information returns, or other information as the Administrator may require.

C. GENERIC FORMS-

1. Definitions

“GENERIC FORM”-means an electronic or paper form designed for reporting estimated municipal income taxes and annual municipal income tax liability that is not prescribed by the VILLAGE OF SALINEVILLE for the reporting of the VILLAGE OF SALINEVILLE tax income.

“RETURN PREPARER”-means any person other than the taxpayer that is authorized by a taxpayer to complete or file an income tax return, report, or other document for or on behalf of the taxpayer.

2. The VILLAGE OF SALINEVILLE shall accept for filing a generic form of such return, report or document if the generic form, once completed and filed, contains all of the information required to be submitted with the VILLAGE OF SALINEVILLE’S prescribed return, report or documents, and if, the taxpayer or return preparer, filing the generic form otherwise complies with rules or ordinances of the VILLAGE OF SALINEVILLE governing the filing of returns, reports, or documents.

D. EXTENSION OF TIME- a taxpayer that has requested an extension of time for filing a federal income tax return may request an extension for the filing of a VILLAGE OF

SALINEVILLE income tax return. The taxpayer shall make the request by filing a copy of the taxpayer's request for federal filing extension with the individual or office charged with the administration of the VILLAGE OF SALINEVILLE income tax. The request for extension shall be filed not later than the last day for the filing of the VILLAGE OF SALINEVILLE income tax return as prescribed by this Ordinance or rule of the VILLAGE OF SALINEVILLE. The VILLAGE OF SALINEVILLE shall grant such a request for the extension for a period not less than the period of the federal extension request. The VILLAGE OF SALINEVILLE may deny the taxpayer's request extension only if the taxpayer fails to timely file the request, fails to file a copy of the request for the federal extension, owes the VILLAGE OF SALINEVILLE any delinquent income tax or any penalty, interest or assessment, or other charge for the late payment or nonpayment of income tax, or has failed to file any income tax return, report, or other related document for a prior tax period. The granting of an extension for the filing of VILLAGE OF SALINEVILLE income tax return does not extend the last date for paying the tax without penalty unless the VILLAGE OF SALINEVILLE grants an extension of that date.

E. CONSOLIDATED RETURNS-Filing of consolidated returns is permitted from any affiliated group of a corporation subject to the VILLAGE OF SALINEVILLE tax if that affiliated group filed from the same tax reporting report a consolidated return for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code.

F. 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, limitations or both contained in appropriate sections of this Ordinance. Such amended return shall be on a form obtainable on requests for the Tax Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for the filing of the original return.

2. Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's municipal tax liability, such taxpayer shall make and file an amended municipal return showing income subject to the VILLAGE OF SALINEVILLE 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.

Section 8. PAYMENT OF TAX

(A) The taxpayer making a return shall, at the time of filing thereof, pay the Tax Administrator the amount of taxes shown as due thereon, provided, however, that:

1. Where any portion of the tax so due have been deducted at the source pursuant to

provisions of this Ordinance; or

2. Where any portion of said tax shall have been paid by the taxpayer pursuant to the provisions of this Ordinance; or

3. A taxpayer has overpaid the amount of the tax the VILLAGE OF SALINEVILLE is entitled under the provision of this Ordinance may have such overpayment applied against any subsequent liability hereunder, or at his election, indicated on the return, such overpayment (or any part thereof) shall be refunded, provided that no additional taxes or refunds of less than One dollar (\$1.00) shall be collected or refunded.

#### (B) COLLECTION

1. In accordance with the rules and regulations prescribed by the Tax Administrator, each employer within or doing business within the VILLAGE OF SALINEVILLE shall deduct, at the time of the payment of such salaries, wages, commissions or other compensation, the tax of one percent (1%) per annum, of the gross salaries, wags, commissions or other compensation due by the said employer to the said employee and shall, on or before the last day of each month, make a return and pay the Tax Administrator the amount of the tax so deducted during the previous month; provided, however, that if the amount of the tax so deducted by any employer in any one month is less than One hundred dollars (\$100.00), the employer may defer the filing of a return and payment of the amount deducted until the last day of the month following the end of the calendar quarter in which such month occurred.

2. Said returns shall be in the form or forms prescribed on acceptable to the Tax Administrator and shall be subject to the rules and regulations prescribed therefore by the Administrator. 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.

3. Such employer in collecting said tax shall be deemed to hold the same until payment is made by such employer to the VILLAGE OF SALINEVILLE as a trustee for the benefit of the VILLAGE OF SALINEVILLE, and any such tax collected by such employer for his employees shall, until same is paid to the VILLAGE OF SALINEVILLE, be deemed a trust fund in the hands of such employer.

4. No person shall be required to withhold the tax on wages or other compensation paid to domestic servants employed by him exclusively in or about such person's residence, even though such residence is within the VILLAGE OF SALINEVILLE, but such employee shall be subject to all requirements of this Ordinance.

(C) ESTIMATED TAXES

Any person whose income tax is not fully withheld in the VILLAGE OF SALINEVILLE or any other municipality shall file an estimated taxable income return in which taxes are withheld at a rate the same as or higher than the rate

A Taxpayer who is an individual shall remit estimated tax payments as follows:

1. Not more than twenty-two and one-half percent (22.5%) of the taxpayers estimated liability for the current year shall be required to be remitted on or before the thirtieth (30) day of April or the day on which the annual tax return for the prior year is required to be filed, disregarding any extension, as prescribed by this Ordinance or rule of the VILLAGE OF SALINEVILLE;

2. Not more than forty-five percent (45%) of the taxpayer's estimated tax liability for the current year shall be required to be remitted on or before the thirty-first (31) day of July;

3. Not more than sixty-seven and one-half percent (67.5%) of the taxpayers' estimated tax liability for the current year shall be required to be remitted on or before the thirty-first (31) day of October;

4. Not more than ninety percent (90%) of the taxpayer's estimated tax liability for the previous year shall be required to be remitted on or before the thirty-first (31) day of January.

Section 9. VIOLATIONS

A. The following shall be considered violations of this Ordinance:

1. Failing, neglecting or refusing to make any return or declaration required by this Ordinance;  
or
2. Making any incomplete, false or fraudulent return; or
3. Failing, neglecting or refusing to pay the tax, penalties or interest imposed by this Ordinance;  
or
4. Failing, neglecting, or refusing to withhold the tax from employees or to remit such withholdings to the Village Auditor; or
5. Refusing to permit the Tax Administrator or any duly authorized agent or employee to examine books, records and papers and Federal Income Tax returns relating to the income or

net profits of a taxpayer; or

6. Failing to appear before the Tax Administrator and to produce books, records, Federal Income Tax returns and papers relating to the income or net profits of a taxpayer under order or subpoena of the Tax Administrator; or

7. Refusing to disclose to the Tax Administrator any information with respect to the income or net profits of a taxpayer; or

8. Failing to comply with the provision of this Ordinance or any order or subpoena of the Tax Administrator authorized hereby; or

9. Attempting to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this Ordinance.

B. Any person who violates any of the provisions of Section 8 A above shall be guilty of a misdemeanor and shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than six (6) months or both, for each offense.

C. All prosecution under this section must be commenced within three (3) years from the time of the offense complained of, except in the case of failure to file a return or in the case of filing a false or fraudulent return, in which event the limitation of time within which to prosecute must be commenced shall be six (6) years from the date the return was due or the date the false or fraudulent return was filed.

D. The failure of any employer or taxpayer or person to receive or procure a return, declaration or other required form shall not excuse him from making any information return or declaration, from filing such form, or from paying the tax.

#### Section 10. INTEREST AND PENALTIES

All taxes imposed by this Ordinance, including taxes withheld or required to be withheld from wages by an employer and remaining unpaid after they have become due, shall bear interest on the amount of the unpaid tax at the rate of six percent (6%) per annum, and the taxpayers upon whom said taxes are imposed. And the employers required by this Ordinance to deduct, withhold and pay taxes imposed by the Ordinance shall be liable, in addition thereto, to a penalty of one-half (1/2) of one percent (1%) of the amount of the unpaid tax for each month or fraction of a month for the first six (6) months of non-payment, or Five Dollars (\$5.00), whichever is the greater. Upon recommendation of the Tax Administrator, the Board of Review may abate interest or penalties, or both, and upon appeal from the refusal of the Village Auditor to so recommend, the Board of Review may nevertheless abate interest or penalty, or both.

Section 11. ADMINISTRATIVE – DUTIES OF THE TAX ADMINISTRATOR

A. UNPAID TAXES RECOVERABLE AS OTHER DEBTS- All taxes imposed by this Ordinance shall be collectible, together with any interest and penalties thereon, by suit, as other debts of the like amount are recoverable. except in the case of fraud, of omission of a substantial portion of income subject to this tax, or of 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 tax Administrator shall be six (6) years from the time of the final determination of the federal tax liability.

B. REFUND IF TAXES ERRONEOUSLY PAID- Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date which such payment was made or the return was due, or within three (3) months after the final determination of the federal tax liability, whichever is later.

C. AMOUNTS LESS THAN ONE DOLLAR- Amounts less than One Dollar (\$1.00) shall not be collected or refunded.

D. DUTY TO RECEIVE TAX IMPOSED- It shall be the duty of the Tax Administrator to receive the tax imposed by this Ordinance in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received.

E. DUTY TO ENFORCE COLLECTION- It shall be the duty of the Tax Administrator to enforce payment of all taxes owing the VILLAGE OF SALINEVILLE, to keep accurate records for a minimum of three (3) 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 amount of payments thereof.

F. AUTHORITY TO MAKE AND ENFORCE REGULATIONS- The Tax Administrator is hereby charged with the enforcement of the provisions of this Ordinance and is hereby empowered, subject to the approval of 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 Village Income Taxes and the administration and enforcement of the provision of this Ordinance, including provisions for the examination and correction of returns and payments.

G. AUTHORITY TO DETERMINE AMOUNT OF TAX DUE- 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 Tax Administrator may determine the amount of tax appearing to be due the VILLAGE OF SALINEVILLE 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.

H. AUTHORITY TO COMPROMISE- Subject to the regulations approved by the Board of Review, the Tax Administrator shall have the power to compromise any interest or penalty, or both, imposed by this Ordinance.

I. AUTHORITY TO ARRANGE INSTALLMENT PAYMENTS- The Tax Administrator is authorized to arrange for the payment of unpaid tax, interest and penalties on a schedule of installment payments, when the tax payer has proved to the Tax Administrator that, due to certain hardships conditions, he 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 under this Ordinance.

Failure to make any deferred payment when due shall cause the total unpaid amount, including penalty and interest, to become payable on demand.

J. AUTHORITY TO DETERMINE AMOUNT OF TAX DUE- In any case where taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Tax Administrator may determine the amount of tax appearing to be due the VILLAGE OF SALINEVILLE 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.

K. AUTHORITY TO CONTRACT FROM CENTRAL COLLECTION FACILITY- The VILLAGE OF SALINEVILLE having already entered into an agreement for the establishment of a Regional Council of Government pursuant to Ordinance Number \_\_\_\_\_, which Council has organized a municipal tax collection agency known as “Regional Income Tax Agency”, the Board of Trustees of said regional Income Tax Agency is authorized to administer and enforce the provisions of this Ordinance as the agent of the VILLAGE OF SALINEVILLE, and the duties and authority of the Tax Administrator hereunder may be performed by the Board of Trustees of said agency through the administrator of said agency. Provided, however, the Administrator of said agency shall have no authority to abate penalties or interest provide for in this Ordinance.

Section 12. INVESTIGATIVE POWERS OF THE TAX ADMINISTRATOR –  
PENALTY FOR DIVULGING CONFIDENTIAL INFORMATION

A. AUTHORITY TO INVESTIGATE- The Tax Administrator or his duly authorized agent or employee, is hereby authorized to examine the books, papers and records of any employer, or of any taxpayer or person subject to the tax, or believed to be subject to the provisions of this Ordinance, for the purpose of verifying the accuracy if any return made, or, if no return was made, to ascertain the tax due. Every such employer, supposed employer, taxpayer or supposed taxpayer, is hereby directed and required to furnish to the Tax Administrator or his



duly authorized agent or employee, within thirty (30) days following a written request by the Tax Administrator or his duly authorized agent or employee, the means, facilities, and opportunity for making such examinations and investigations as are hereby authorized.

B. PRODUCTION OF RECORDS-The Tax Administrator, or his duly authorized agent or employee is hereby authorized to examine any person, employer, or employees under oath, concerning any income which was or should have been returned for taxation and for this purpose may compel the production of books, federal income tax records, papers and records and the attendance of all persons before him, whether as parties or witnesses, wherever he believes such persons have knowledge of such income.

C. REFUSAL TO PRODUCE- The refusal to produce books, papers, records and federal income tax returns, or the refusal to submit to such examination by any employer or persons subject to presumed to be subject to the tax by any officer, agent or employee if a person subject to the tax or required to withhold tax or the failure of any person to comply with the provisions of this Section or with any order or subpoena of the Tax Administrator authorized hereby shall be deemed a violation of this Ordinance, punishable as provided in Section 8 hereof.

D. CONFIDENTIAL NATURE OF INFORMATION-Tax returns – investigations, hearings and all audit papers and information connected therewith are confidential and shall be carefully preserved so that they shall not be available for inspection by anyone other than the proper agents of the VILLAGE OF SALINEVILLE for official purposes.

Any information gained as the result of the filing of any tax returns, investigations, hearings or verifications required or authorized by this Ordinance shall be confidential, except for official purposes and except in accordance with proper judicial order. Any person divulging such information shall upon conviction thereof be deemed guilty of a misdemeanor in the 1<sup>st</sup> degree and shall be subject to a fine or penalty of not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more that six (6) months or both. Each disclosure shall constitute a separate offense. In addition to the above penalties, any employee of the VILLAGE OF SALINEVILLE who violates the provisions of this section relative to disclosures of confidential information shall be immediately dismissed from the service of the Village.

E. TAXPAYER REQUIRED TO MAINTAIN RECORDS- Every taxpayer shall retain all records necessary to compute is tax liability for a period of six (6) years from the date his return is filed, or withholding taxes are paid.

### Section 13. ALLOCATION OF FUNDS

The funds collected under the provisions of this Ordinance shall be deposited in the General Fund and said funds collected, shall be disbursed in the following order, to wit:

1. Such part thereof as shall be necessary to defray all costs of collecting the taxes and the cost of administering and enforcing the provisions thereof.
2. Not more than seventy-five percent (75%) of the net available income tax receipts received annually shall be deposited in the General Fund and may be used to defray operating expenses of the Village.
3. At least twenty-five percent (25%) of net available income tax receipts received annually shall be deposited in the Street Construction Fund.

#### Section 14. BOARD OF REVIEW

A. ESTABLISHMENT- A Board of Review, consisting of three (3) electors of the VILLAGE OF SALINEVILLE, one to be appointed by the Mayor, one to be appointed by the Village Treasurer, and the third to be selected by the two so appointed, is created by the Ordinance. No member shall be appointed to the Board of Review who holds other public office or appointment. The members of the Board of Review shall serve without pay.

B. QUORUM-A majority of the members of the Board of Review shall constitute a quorum. The Board of Review shall adopt its own procedural rules and shall keep a record of its transactions.

C. HEARINGS- All hearings of the Board shall be conducted privately and the provisions of Section 6 of the Ordinance with reference to the confidential character of information required to be disclosed by the Ordinance shall apply to such matters as may be heard before the Board of Review on appeal.

D. RIGHT OF APPEAL- Any person dissatisfied with any ruling or decision of the Tax Administrator which is made under the authority conferred by the Ordinance and the Rules and Regulations related thereto may appeal the decision to the Board of Review by filing a request with the Board. The request shall be in writing, shall state why the decision should be deemed incorrect or unlawful and shall be filed within thirty (30) days after the Tax Administrator issues the decision complained of.

The Board shall schedule a hearing within forty-five (45) days after receiving the request unless the taxpayer waives the hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the and may be represented by an attorney at law, certified public account, or other representative.

The Board of Review may affirm, reverse or modify the Tax Administrator's decision or any part of that decision. The Board shall issue a decision on the appeal within ninety (90) days after the Board's final hearing on the appeal, and the Board shall send notice of its decision by

ordinary mail to the taxpayer within fifteen (15) days after issuing the decision.

Any person dissatisfied with any ruling or decision of the Board of Review may appeal therefrom to a court of competent jurisdiction within thirty (30) days from the announcement of such ruling or decision.

The Board of Review, as created, shall serve during the life of the Ordinance.

#### Section 15. APPLICABILITY

This Ordinance shall not apply to any person, firm, corporation, or to any property as to whom or which it is beyond the power of the Village Council of the VILLAGE OF SALINEVILLE to impose the tax herein provided for.

#### Section 16. SAVINGS CLAUSE

If any sentence, clause, section or part of this Ordinance, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall effect only such sentence, clause, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Ordinance. It is hereby declared to be the intention of the Council of the VILLAGE OF SALINEVILLE that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

#### Section 17. REFUNDS

Should it appear that any taxpayer has paid more than the amount of the tax to which the VILLAGE OF SALINEVILLE is entitled under the provisions of this Ordinance, a refund of the amount so overpaid shall be made, provided a proper claim for refund of such overpayment of tax has been filed by the taxpayer, or same may be applied toward the declaration of tax due for the ensuing year. Claims for refunds shall be made on forms prescribed by and obtained from the Village Auditor.

#### Section 18. EFFECTIVE PERIOD

Such amended income tax shall be levied, collected and paid with respect to the salaries, wages, commissions, and other compensation, and with respect to the net profits of business, professions, or other activities earned on or after July 1, 1980.

#### Section 19. EMERGENCY CLAUSE

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, the emergency being the necessity of immediately raising additional funds for the operation of necessary governmental functions imposed by law, including proper police and fire protection, but not limited thereto, and, as such, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval by the Mayor.

Section 20.

All Ordinances in conflict with this Ordinance are hereby rescinded.

Passed this \_\_\_\_\_ day of January, 2002

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Presiding Officers

Attest: \_\_\_\_\_  
Clerk-Treasurer

Requested by: Village Council  
Sponsored by: Village Council