

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 62-13

Passed October 14, 20 13

9/10/13-tif
(Finance & Property)

Ordinance No. 62-13

An ordinance amending CHAPTER 191 – INCOME TAX, specifically Section 191.13 EXEMPTIONS FROM TAX, 191.18 DECLARATIONS, AND 191.22 PAYMENT OF ESTIMATED TAX, of the Codified Ordinances of the City of North Canton.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That CHAPTER 191 – INCOME TAX, specifically Section 191.13 EXEMPTIONS FROM TAX, be, and the same is hereby amended to read as follows:

191.13 EXEMPTIONS FROM TAX.

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

- (a) Pay and allowances of members and retirees from the active or reserve components of the U.S. Army, Navy, Air Force, Marines, Coast Guard, or National Guard, who reside in North Canton, or surviving spouses of military retirees, who reside in North Canton, and who receive income through the Survivor Benefit Plan, together with those exemptions available under the Servicemembers Civil Relief Act. 50 U.S.C. App. §§ 501 *et seq.*
- (b) Payments from pensions, unemployment compensation or similar payments, including social security and disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.
- (c) Proceeds of insurance paid by reason of death of the insured; annuities, or gratuities not in the nature of compensation for services rendered from whatever source derived.
- (d) The gross income and gross receipts of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property, or tax exempt activities.
- (e) Receipts by bona fide charitable, religious and educational organizations and associations, when those receipts are from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide Stark County charitable, religious and educational organizations and associations.
- (f) Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
- (g) Alimony received.
- (h) Earnings and income of all individuals under eighteen years of age whether residents or nonresidents. The individual is subject to tax, in the year in which they become eighteen, from their birth-date until the end of the year.
- (i) Gains from involuntary conversion, cancellation or 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).
- (j) Compensatory damages for personal injuries or for damages to property by way of insurance or otherwise.
- (k) Compensation paid under Section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually.

RECORD OF ORDINANCES

Ordinance No. 62-13 Passed October 14, 2013

- (l) Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as a part of an ordained minister's compensation. The minister must be duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination, and permitted to perform all sacraments of the church or the religious body.
- (m) Intangible income as defined in Section 191.01(n).
- (n) Income, salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limited the power of the States or their political subdivisions to impose net income taxes on the income derived from interstate commerce.
- (o) Income, 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 City to impose net income taxes.

Section 2. That CHAPTER 191 -- INCOME TAX, specifically Section 191.18 DECLARATIONS, be, and the same is hereby amended to read as follows:

191.18 DECLARATIONS.

- (a) Every person who anticipates annual taxable income as defined by this ordinance in excess of \$33,333.00, which is not subject to Section 191.16 hereof, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 191.04 hereof, and anticipates annual taxable income as defined by this ordinance in excess of \$33,333.00, 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 wages from which the tax will be withheld and remitted to the City, in accordance with Section 191.16 hereof, such person need not file a declaration.
- (b) Such declaration shall be filed on or before April 15th of each year during the life of this ordinance, except that:
 - (1) No penalties or interest shall be assessed, for not filing a declaration or not making payments or making late payments, on any resident taxpayer who was not domiciled in the City on the first day of January in the year in which they became subject to estimated payments.
 - (2) No penalties or interest shall be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent of the previous year's tax liability, provided that the previous year reflected a twelve-month period, or if ninety percent (90%) of the actual liability has been received.
- (c) Those taxpayers reporting on a fiscal year basis shall file a declaration within 105 days after the beginning of each fiscal year or period.
- (d) Such declaration shall be filed upon a form furnished by, or obtainable from the Director of Finance, or on a generic form approved by the Director of Finance.

Section 3. That CHAPTER 191 -- INCOME TAX, specifically Section 191.19 PAYMENT OF ESTIMATED TAX, be, and the same is hereby amended to read as follows:

191.19 PAYMENT OF ESTIMATED TAX.

- (a) As provided by Section 191.18, such declaration of estimated tax to be paid to the City by taxpayers who are individuals shall be accompanied by a payment of at least one-fourth (1/4) 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 following year.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 62-13

Passed October 14, 20 13

(b) As provided by 191.18, such declaration of estimated tax to be paid to the City by corporations and associations shall be accompanied by a payment of at least one-fourth (1/4) of the Declaration amount and at least a similar amount shall be paid on or before June 15, September 15 and December 15. In the case of a fiscal year taxpayer the second, third, and fourth quarterly estimated payments shall be due on the fifteenth day of the sixth, ninth, and twelfth months of the taxable year, respectively.

(c) 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.

Section 3. That CHAPTER 191 – INCOME TAX, specifically Section 191.22 INTEREST AND PENALTIES, be, and the same is hereby amended to read as follows:

191.22 INTEREST AND PENALTIES.

(a) Interest: All taxes imposed by this chapter and all monies withheld, or required to be withheld, by employers under the provisions of this ordinance and remaining unpaid after they have become due shall bear interest, in addition to the amount of the unpaid tax or withholdings, at the rate of one-half of one percent (1/2%) per month.

(b) Penalties: In addition to interest as provided in paragraph (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 (1/2%) per month or fraction of a month. (No limit.)

(2) For failure to remit taxes withheld from employees: three percent (3%) per month or fraction of a month.

(3) In case of taxpayer failing to file returns when due and who is not otherwise exempt from filing requirements: a civil penalty of Fifty Dollars (\$50.00) for the first instance and One Hundred Dollars (\$100.00) for each subsequent instance, for failure-to-file violation. Interest on an unpaid civil penalty shall accrue at the rate of one-half (1/2%) per month. (No limit.)

(c) Exceptions:

(1) No penalty shall be assessed on additional taxes found on audit to be due when a return was timely filed in good faith and the tax paid thereon within the prescribed time.

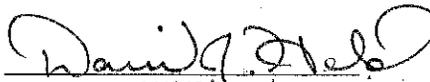
(2) In the absence of fraud neither penalty nor interest shall be assessed on any additional taxes resulting from a federal audit for federal income tax purposes provided an amended return is filed and the additional tax paid within three (3) months after final determination of the federal tax liability.

(3) A taxpayer or employer shall have thirty (30) days after receipt of notice of any proposed imposition of interest and penalties within which to file a written protest or explanation with the Director of Finance. If no protest or explanation is filed within the prescribed time, the proposed imposition of interest and penalties shall become and be the final assessment. Upon filing of a written protest or explanation, the Director of Finance shall determine the assessment which may or may not be the same as the proposed assessment.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed: 10/14/13


MAYOR

SIGNED: 10/14, 2013

ATTEST:


CLERK OF COUNCIL