

ORDINANCE NO. 2676

AN ORDINANCE AMENDING CHAPTER 181 INCOME TAX OF THE CODIFIED ORDINANCES OF THE CITY OF CRESTLINE, OHIO, BY REVISING THE DEFINITION OF INCOME, REVISING THE REQUIREMENT OF FILING RETURNS AND AMENDED RETURNS, CHANGING THE DATES FOR THE FILING OF DECLARATIONS, ENACTING A REQUIREMENT FOR OWNERS, LESSORS AND LANDLORDS TO PROVIDE INFORMATION ON TENANTS TO THE CITY, AMENDING THE PENALTY PROVISIONS OF THE ORDINANCE, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF CRESTLINE, STATE OF OHIO:

SECTION 1. That Section 181.02 LEVY OF INCOME TAX of the  
Codified Ordinances of the City of Crestline, Ohio, is hereby amended to enact the  
following:

(h) On a resident's entire distributive share income from pass-through entities conducting business outside the City. Income from a pass-through entity includes partnerships, S corporations, limited liability companies and trusts. Credit on the tax imposed by the paragraph shall be given for tax paid to any other municipality under Section 181.07.

That the current subsection (h) is hereby re-lettered (i), and the current subsection  
(i) is hereby re-lettered (j).

SECTION 2. That Section 181.04 RETURN AND PAYMENT OF  
TAX of the Codified Ordinances of the City of Crestline, Ohio, is hereby amended to  
adopt the following:

(k) Each person who was a resident of Crestline at any time during the taxable year shall, whether or not a tax is due thereon; and each person who was a nonresident who has a business operation within Crestline; and each nonresident person who has been employed within Crestline and received any type of compensation or salary where Crestline income tax is either not withheld or such withholding is not equal to the Crestline income tax owed shall make and file a return on or before April 15 of the following year.

(l) No joint tax returns may be filed under this Chapter even though the taxpayers filed a joint return under federal or state income tax law.

(m) Within thirty days of receiving a tax refund from another municipality for which credit has been claimed on a taxpayer's Crestline return, as permitted by Section 181.07, such taxpayer shall make and file an amended Crestline return and pay any additional tax shown thereon.

SECTION 3. That Section 181.05 COLLECTION AT SOURCE of the Codified Ordinances of the City of Crestline, Ohio, is hereby amended to adopt the following:

(g) Employers who do not maintain a permanent office or place of business in the City of Crestline, but who are subject to tax on net profits attributable to the City of Crestline, under the method of allocation provided for in the Ordinance, are considered to be employers within the City of Crestline and subject to the requirement of withholding.

(h) Employers for limited engagements, who make payment for services at said engagement, as set forth below, shall, for the purposes of the collection of the income tax, be required to withhold, report, and pay over to the Tax Administrator the municipal income tax at the current rate on the gross amount so paid on completion of the engagement, said reports to be on forms approved by the Tax Administrator. Employers for limited engagements includes:

(1) Any person who employs or contracts for the services of any entertainer, entertainment act, sports event, promotional booth, special event, band, orchestra, rock group, or theatrical performance; or

(2) Any person who, acting as a promoter, booking agent, or employer, engages the services of, or arranges the appearance of any entertainer, entertainment act, sports event participant, band, orchestra, rock group, or theatrical performance.

(i) Every contract on behalf of the City for works or improvements of the City shall contain the following provisions:

The contractor further agrees that all City income taxes due or payable under Chapter 181 of the Crestline Code of Ordinances shall be withheld by the contractor pursuant to Section 181.05 and further agrees to supply the Income Tax Department with a list of its subcontractors' names, addresses, Social Security or Federal ID numbers, and a listing of the service each subcontractor will perform, prior to beginning contract work.

(j) An individual, association, C corporation or other entity engaged in the business of construction work and who will perform construction work in the City of Crestline shall obtain a tax account number, issued by the Income Tax Department, prior to beginning construction work. The Income Tax Department shall also issue a Certificate of Registration. Failure to possess a valid Certificate shall be cause for suspension of work by the Safety Service Director prior to the construction work commencing and/or during the performance of the construction work. Proof of possession of a valid Certificate shall be necessary to commence or resume suspended construction work. The Certificate of Registration may be revoked by the Income Tax Department for failure by the contractor to remain current in the filing of required tax documents or for failure to remain current in the required payment of taxes. The contractor further agrees to supply the Income Tax Department with a list of its subcontractors' names, addresses, Social Security or Federal ID numbers, and a listing of the service each subcontractor will perform, prior to beginning construction work.

SECTION 4. That Section 181.06 DECLARATIONS of the Codified

Ordinances of the City of Crestline, Ohio, subsection (e), which reads as follows:

(e) Such declaration of estimated tax to be paid to the Municipality shall be accompanied by a payment of at least one-fourth of the estimated annual tax and at least a similar amount shall be paid on or before June 30, September 30, and December 31. Provided, however, that in case an amended declaration has been filed, the unpaid balance due thereon shall be paid in equal installments on or before the remaining payment dates.

is hereby repealed and enacted in its place is the following:

(e) Such declaration of estimated tax to be paid to the Municipality shall be accompanied by a payment of at least one-fourth of the estimated annual tax and at least a similar amount shall be paid on or before June 15, September 15, and January 15. Provided, however, that in case an amended declaration has been filed, the unpaid balance due thereon shall be paid in equal installments on or before the remaining payment dates.

SECTION 5. That Section 181.06 DECLARATIONS of the Codified

Ordinances of the City of Crestline, Ohio, subsection (f), which reads as follows:

(f) On and after July 1, 2003, and notwithstanding any other provision in this section a taxpayer who is an individual must remit payment of estimated taxes as follows:

(1) Not more than twenty-two and one-half percent (22-1/2%) of the taxpayer's estimated tax liability for the current year shall be required to be remitted on or before April 15;

- (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 July 31;
- (3) Not more than sixty-seven and one-half percent (67-1/2%) of the taxpayer's estimated tax liability for the current year shall be required to be remitted on or before the October 31; and
- (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 January 31.

Any amount deducted and withheld for taxes from the compensation of an individual shall be considered as estimated taxes paid in equal amounts on each of the payment dates described above.

is hereby repealed and enacted in its place is the following:

(f) On and after July 1, 2005, and notwithstanding any other provision in this section, a taxpayer who is an individual must remit payment of estimated taxes as follows:

- (1) Not more than twenty-two and one-half percent (22-1/2%) of the taxpayer's estimated tax liability for the current year shall be required to be remitted on or before April 15;
- (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 June 15;
- (3) Not more than sixty-seven and one-half percent (67-1/2%) of the taxpayer's estimated tax liability for the current year shall be required to be remitted on or before September 15; and
- (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 January 15.

Any amount deducted and withheld for taxes from the compensation of an individual shall be considered as estimated taxes paid in equal amounts on each of the payment dates described above.

SECTION 6. That Section 181.06 DECLARATIONS of the Codified

Ordinances of the City of Crestline, Ohio, subsection (g)(3), which reads as follows:

- (3) Not more than sixty-seven and one-half percent (67-1/2%) of the taxpayer's estimated tax liability for the current tax year shall be required to be remitted on or before the 15th day of the ninth month of the taxpayer's taxable year, and

is hereby repealed and enacted in its place is the following:

- (3) Not more than sixty-seven and one-half percent (67-1/2%) of the taxpayer's estimated tax liability for the current tax year shall be required to be remitted on or before the 15th day of September, or in the case of a fiscal year taxpayer on or before the 15th day of the ninth month of the taxpayer's taxable year, and

SECTION 7. That Section 181.18 INFORMATION TO BE SUPPLIED BY OWNERS, LESSORS AND LANDLORDS is hereby enacted as an addition to Chapter 181 Income Tax:

181.18 INFORMATION TO BE SUPPLIED BY OWNERS, LESSORS AND LANDLORDS

- (a) For each piece or parcel of real property, residential, commercial or otherwise, located within the City and leased or rented on or after the effective date of this chapter, the owner, lessor or landlord thereof shall, within thirty (30) days of the effective date hereof, inform the office of the City Tax Clerk in writing of the name and address of each lessee, renter or tenant thereof.
- (b) Within fifteen (15) days of the termination of any tenancy, the owner, lessor or landlord shall notify the office of the City Tax Clerk in writing of the forwarding address of the previous lessee, renter or tenant.
- (c) Every owner, lessor or landlord subject to the provisions of division (a) of this section is under a continuing duty to notify the office of the City Tax Clerk whenever a piece or parcel of real property, residential, commercial or otherwise, is again rented to any subsequent lessee, renter or tenant. Such notification shall provide the same information to the office of the City Tax Clerk as division (a) of this section.

SECTION 8. That Section 181.99 PENALTY of the Codified Ordinances of the City of Crestline, Ohio, which reads as follows:

Any person, firm or corporation who shall fail, neglect or refuse to make any return, questionnaire, declaration or make any return required by this chapter, or any taxpayer who shall refuse, neglect or fail to pay the tax, penalties and interest imposed by this chapter; or any person, firm or corporation who shall refuse to permit the Tax Administrator or any duly authorized agent or employee, to examine his books, records and papers, or who, after having been duly served with process by the Tax Administrator or his or her agent, shall fail to appear and/or be examined in accordance with such process; or who shall knowingly make any incomplete, false or fraudulent return, who shall attempt do anything whatever to evade the payment of the whole or any part of the tax, shall be guilty of a misdemeanor of the third degree. Each offense shall be deemed a separate violation. The failure of any employer or taxpayer to receive or procure a return, questionnaire or declaration form shall not excuse him from making a return, questionnaire or declaration or from paying the tax.

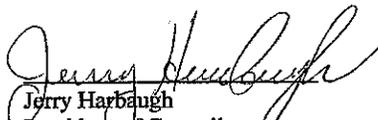
is hereby repealed and enacted in its place is the following:

Any person, firm or corporation who shall fail, neglect or refuse to make any return, questionnaire, declaration or make any return required by this chapter, including the information required by

Section 181.18, or any taxpayer who shall refuse, neglect or fail to pay the tax, penalties and interest imposed by this chapter; or any person, firm or corporation who shall refuse to permit the Tax Administrator or any duly authorized agent or employee, to examine his books, records and papers, or who, after having been duly served with process by the Tax Administrator or his or her agent, shall fail to appear and/or be examined in accordance with such process; or who shall knowingly make any incomplete, false or fraudulent return, who shall attempt to do anything whatever to evade the payment of the whole or any part of the tax, shall be guilty of a misdemeanor of the third degree. Each offense shall be deemed a separate violation. The failure of any employer or taxpayer to receive or procure a return, questionnaire or declaration form shall not excuse him from making a return, questionnaire or declaration or from paying the tax.

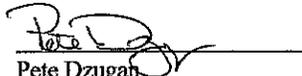
SECTION 9. That it is hereby determined that this Ordinance is an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the residents of this City and for the further reason that the immediate effective date of this Ordinance is necessary to conform the City Income Tax Ordinance to changes in state law and provide a more efficient manner of administrating the City Income Tax provisions, and shall therefore go into immediate effect provided it receives a two-thirds (2/3) vote of all members elected to this Council, otherwise it shall go into effect in thirty (30) days if passed by a majority vote of Council.

PASSED: 10/24/2005

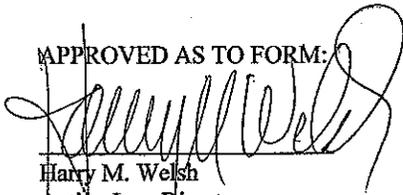
  
Jerry Harbaugh  
President of Council

ATTEST:

  
Annette Johnston  
Clerk of Council

  
Pete Dzuga  
Mayor

APPROVED AS TO FORM:

  
Harry M. Welsh  
Acting Law Director