

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2014-11 Passed December 2nd, 2014

AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL INCOME TAX ORDINANCE TO PROVIDE FOR A PERMANENT INCREASE IN THE INCOME TAX RATE IN THE AMOUNT OF ONE-FOURTH OF ONE PERCENT (0.25%) EFFECTIVE JANUARY 1, 2016 FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, AND EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES OF THE CITY OF BROOKVILLE.

WHEREAS, the Council of the City of Brookville desires to increase said income tax from the rate of 1.75% per annum to the rate of 2.00% per annum for the purposes of general municipal operations, maintenance, new equipment, and extension and enlargement of municipal services and facilities in the City of Brookville, Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO, THAT:

SECTION I: Subject to the approval of this Ordinance by the electors of the City, there is adopted a 0.25% levy on income effective January 1, 2016 to provide for a permanent increase in the income tax rate for the purposes of general municipal operations, maintenance, new equipment, and extension and enlargement of municipal services and facilities of this Municipality there shall be levied a tax on salaries, wages, commissions, other compensations, and net profits as provided in this chapter, but will not tax social security benefits, pensions, interest payment and other items excluded by the City of Brookville municipal income tax ordinance.

SECTION II: The following sections of Chapter 193 of the Municipal Income Tax Ordinance shall be amended:

A. Section 193.03(a) is hereby amended to read as follows:

(a) **Taxable Income.** Subject to the provisions of Section 193.15, a permanent annual tax for the purposes specified in Section 193.01 shall be imposed beginning April 1, 1971 at the rate of one percent (1%) per annum and at the rate of one and three-fourths percent (1.75%) per annum effective July 1, 1978 and at the rate of two percent (2.00%) per annum effective January 1, 2016 upon the following:

- (1) On all qualifying salaries, wages, commissions and other compensation and all other income from whatever source which is permitted by Ohio law to be taxed, which is earned, received, accrued or otherwise set apart during the effective period of this chapter by residents of the City of Brookville.
- (2) On all qualifying salaries, wages, commissions and other compensation and all other income from whatever source which is permitted by Ohio law to be taxed, which is earned, received, accrued or otherwise set apart during the effective period of this chapter by nonresidents for work done or services performed or rendered in the City of Brookville.
- (3) On the portion attributable to the City of Brookville of the net profits earned and accrued or received during the effective period of this chapter of all resident associations, unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Brookville.
- (4) On the portion of the distributive share of the net profits earned and accrued or received during the effective period of this chapter of a resident partner, member, other beneficiary or distributee, or owner of a resident unincorporated business entity, not attributable to the City of Brookville upon which the tax was not paid by the entity.
- (5) On the portion attributable to the City of Brookville of the net profits earned and accrued or received during the effective period of this chapter of every non-resident unincorporated business entity derived from sales made, work done or services performed or rendered and business or other activities conducted in the City of Brookville, whether or not such unincorporated business entity has an office or place of business in the City of Brookville.

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- (6) On the portion of the distributive share of the net profits earned and accrued or received during the effective period of this chapter of a resident partner, owner, member, other beneficiary or distributee or owner of a non-resident unincorporated business entity not attributable to the City of Brookville on which the tax was not paid by the entity.
- (7) On the portion attributable to the City of Brookville of the net profits earned and accrued or received 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 City of Brookville, whether or not such corporations have a place of business in the City of Brookville.
- (8) If a taxpayer's taxable income includes income against which the taxpayer has taken a deduction for federal income tax purposes as reportable on the taxpayer's form 2106, the amount of the deduction for federal income tax purposes may be deducted from the taxpayer's net income in determining taxable income for the City of Brookville income tax base.
- (9) An individual taxpayer that has a net profit from a sole proprietorship he or she conducts, the schedule C actually filed for federal purposes shall be filed by the taxpayer to determine his or her net income from that proprietorship, as part of the City of Brookville income tax return.

B. Section 193.04 is hereby amended to read as follows:

The permanent income tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation received shall be levied with respect to the net profits of businesses, professions or other activities earned and accrued or received after April 1, 1971 at the rate of one percent (1%) per annum and at the rate of one and three-fourths percent (1.75%) per annum effective July 1, 1978 and at the rate of two percent (2.00%) per annum effective January 1, 2016.

C. Section 193.05(b)(1) is hereby amended to read as follows:

- (b) The return shall be filed with the Superintendent on a form or forms furnished by or obtainable upon request from the Superintendent setting forth:
 - (1) The aggregate amounts of salaries, wages, commissions and other compensation received by him or her 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. In lieu of the above, a taxpayer could submit an affidavit from the tax office of the city or cities in which he or she worked, stating that he or she had met his or her tax obligation. This alternative would only be open to those taxpayers who have income derived from salaries, wages or commission from which the local tax has been fully withheld at no less than 2.00 percent.

D. Section 193.06(a) is hereby amended to read as follows:

- (a) Each employer shall, at the time of the payment of any salary, wage, commission or other compensation, deduct the tax of one percent per annum for the period April 1, 1971, through June 30, 1978, 1.75 percent per annum from and after July 1, 1978 through December 31, 2015, and 2.00 percent per annum from and after January 1, 2016 of the qualifying salaries, wages, commissions or other compensation due by the said employer to his or her employees who are subject to the provisions of this chapter. In making such deduction at the time of payment, the employer shall compute the tax to the nearest full cent so that mills of five or more shall be increased to the next full cent and mills less than five shall be dropped. No person shall be entitled to a refund merely because such rounding-off of the tax results in an apparent overpayment based on his or her total earnings. Each employer shall, on or before the last day of each month, make a return and pay to the Superintendent the tax withheld during the preceding month. However, the Superintendent shall have the authority to

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approve the filing of returns and payment of the tax withheld on a quarterly basis. In such case, the employer shall, on or before the last day of each month following the calendar quarters ending March 31, June 30, September 30 and December 31, make a return and pay to the Superintendent the tax withheld during the preceding calendar quarter. Such approval for quarterly filings and payments may be withdrawn by the Superintendent when it is in the best interest of the City of Brookville to do so. The Superintendent shall provide by regulation, the manner in which such approval is to be granted or withdrawn.

On and after January 1, 2005, every employer required to deduct and pay withholding taxes shall make timely payment to the City of Brookville by electronic funds transfer, under regulations the Superintendent shall provide, unless the Superintendent allows another form of payment, case by case. The employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such tax has in fact been withheld.

E. Section 193.17(a) is hereby amended to read as follows:

(a) This chapter shall continue effective, insofar as the levy of taxes is concerned, indefinitely, with respect to the levy of a 2.00 percent income tax imposed in Section 193.03(a), 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 said taxes levied hereunder 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 193.11, 193.12 and 193.99.

F. All other sections of Chapter 193 that are not amended by this Ordinance, shall remain in full force and effect.

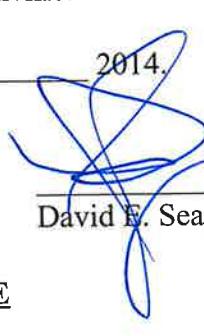
SECTION II: The Clerk of Council be and is hereby directed to certify a copy of this Ordinance to the Board of Elections for Montgomery County, Ohio and notify said Board of Elections to cause notice of election on the questions of levying said tax to be given as required by law.

SECTION III: This Ordinance shall take effect after passage by the Council of the City of Brookville as provided in the Charter of the City of Brookville.

PASSED this 2nd day of December

2014.


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor

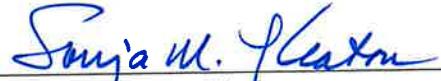
CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2014-11, passed by the Council of the City of Brookville, Ohio, on the 2nd day of December 2014.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2014-11 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 4th day of December 2014 to the 3rd day of January 2015, both days inclusive.


Sonja M. Keaton, Clerk