

ORDINANCE O-2020-17

AN ORDINANCE AMENDING CHAPTER 182.07 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.

WHEREAS, in light of recent citizen complaints the Mayor has recommended that Council repeal the requirement of quarterly estimated payment of Village Municipal Income Tax for individuals as is currently required pursuant to Windham Codified Ordinance 182.07; and

WHEREAS, upon review, the Council has determined that the repeal of the requirement of quarterly municipal income tax payments for individuals should be accomplished.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, County of Portage, State of Ohio that the majority of its members thereto concurring that:

Section One: The recommendation of the Mayor is accepted.

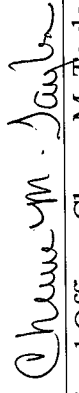
Section Two: Section 182.07 "Declaration of Estimated Tax." of the Windham Codified Ordinances is hereby amended. The provisions set forth and shown in Section 182.07 of the Windham Codified Ordinances as shown in the attached Exhibit "A" are hereby enacted. The stricken text is removed and the underlined text is added to the former Section 182.07 of the Windham Codified Ordinances.

Section Three: It is hereby 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, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Passed in Council: First Reading: June 23, 2020
Second Reading: July 21, 2020
Third Reading: August 25, 2020

Vote of Council: Ayes: 5
Nays: 0

ATTEST:


Fiscal Officer, Cheree M. Taylor

APPROVED:


Scott Garrett, Mayor

APPROVED AS TO FORM:

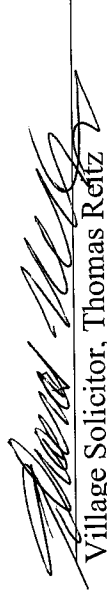

Village Solicitor, Thomas Reitz

Exhibit A

182.07 DECLARATION OF ESTIMATED TAX.

(A) As used in this section:

(1) "Estimated taxes" means the amount that the Taxpayer reasonably estimates to be the Taxpayer's net profit tax liability in compliance with Section 182.06 to 182.066 of this Chapter for a municipal corporation's income tax for the current taxable year.

(2) "Tax liability" means the total net profit taxes due to a municipal corporation for the taxable year, after allowing any credit to which the Taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(3) For purposes of this section 182.07 "Taxpayer" means any taxpayer engaged in a business or profession in the Municipality and who is required to file a Net Profit Estimated Income Tax Form 20-EX1 with the Regional Income Tax Agency. Taxpayer does not mean an individual who resides in the Municipality even if the individual is self employed or a Taxpayer who is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the Ohio Revised Code.

(B) (1) Except as provided in division (f) of this section, every Taxpayer shall make a declaration of estimated net profit income taxes for the current taxable year, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least two hundred dollars. For the purposes of this section:

~~(a) Taxes withheld from qualifying wages shall be considered as paid to the municipal corporation for which the taxes were withheld in equal amounts on each payment date. If the taxpayer establishes the dates on which all amounts were actually withheld, the amounts withheld shall be considered as paid on the dates on which the amounts were actually withheld.~~

(ab) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(be) A Taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.

~~(d) Taxes withheld by a casino operator or by a lottery sales agent under section 718.031 of the Ohio Revised Code are deemed to be paid to the municipal corporation for which the taxes were withheld on the date the taxes are withheld from the taxpayer's winnings.~~

~~(2) Except as provided in division (F) of this section, taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the tax administrator. Except as provided in division (F) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the tax administrator.~~

(23) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G) of Section 182.091 of this Chapter or on or before the fifteenth day of the fourth month of the first taxable year after the Taxpayer becomes subject to tax for the first time.

(34) Taxpayer reporting on a fiscal year basis shall file a declaration on or before the fifteenth day of the fourth month after the beginning of each fiscal year or period.

(45) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C) (1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the Municipality or Tax Administrator, including the

application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

- (a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the tax liability for the taxable year;
 - (b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the tax liability for the taxable year;
 - (c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the tax liability for the taxable year;
 - (d) ~~For an individual, on or before the fifteenth day of this first month of the following taxable year, ninety per cent of the tax liability for the taxable year. For a person other than an individual, on~~ On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the tax liability for the taxable year.
- (2) A Taxpayer may amend a declaration under rules prescribed by the Tax Administrator. When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates. The amended declaration must be filed on the next applicable due date as outlined in (C)(1)(a) through (d) of this section.
- (3) On or before the fifteenth day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with section 182.091 of this Chapter.
- (a) ~~For Taxpayers who are individuals, or who are not individuals and are reporting and filing on a calendar year basis, the annual tax return is due on the same date as the filing of the federal tax return, unless extended pursuant to division (G) of section 5747.08 of the Revised Code.~~
- (b) ~~For Taxpayers who are not individuals, and are reporting and filing on a fiscal year basis or any period other than a calendar year, the annual return is due on the fifteenth day of the fourth month following the end of the taxable year or period.~~
- (4) An amended declaration is required whenever the Taxpayer's estimated tax liability changes during the taxable year. A change in estimated tax liability may either increase or decrease the estimated tax liability for the taxable year.
- (D) (1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 182.10 of this Chapter upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:
- (a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (b) For the second payment of estimated taxes each year, forty-five per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;
 - (d) For the fourth payment of estimated taxes each year, ninety per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment.
- (2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the Taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the Taxpayer filed a return with the municipal corporation under Section 182.091 of this Chapter for that year.

~~(3) The taxpayer is an individual who resides in the Municipality but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.~~

(F) A Tax Administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.