

TITLE NINE - Taxation
Chap. 191. Income Tax.
Chap. 192. Additional Taxes.

CHAPTER 191
Income Tax

191.01	Definitions.	191.11	Collection of unpaid taxes.
191.02	Purpose; imposition of tax method of determination.	191.12	Violations; statute of limitations; failure to obtain form.
191.03	Effective date.	191.13	Allocation of funds.
191.04	Return and payment of tax.	191.14	Board of Review.
191.05	Collection at source.	191.15	Exemptions.
191.06	Declarations.	191.16	Refunds.
191.07	City resident subject to income tax in other Municipality.	191.17	Effective period..
191.08	Administration; City Manager's duties.	191.18	Nonreimbursed business expenses.
191.09	Investigative powers of the City Manager.	191.19	Amended return and refunds for overpayment.
191.10	Interest and penalties on unpaid taxes.	191.20	Returns by landlords.
		191.99	Penalty.

CROSS REFERENCES

Power to levy income tax - see Ohio Const., Art. XVIII, Sec. 3
 Payroll deductions - see Ohio R.C. 9.42
 Municipal income taxes - see Ohio R.C. Ch. 718

191.01 DEFINITIONS.

As used in this chapter, the following words have the meanings ascribed to them in this section, except if the context clearly indicates or requires a different meaning:

- (a) "Taxpayer" means a person, whether an individual, partnership, limited partnership, corporation, association or other entity, required to file a return or to pay a tax in accordance with the provisions of this chapter.
- (b) "Association" means a partnership, limited partnership or any other form of unincorporated enterprise, owned by two or more persons.
- (c) "Business" means an enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, limited partnership, corporation, association or any other entity.
- (d) "Corporation" means 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.

- (e) "Employee" means an individual whose earnings are subject to the withholding of Federal income tax or social security tax.
- (f) "Employer" means an individual, partnership, limited partnership, association, corporation, governmental body, unit or agency or any other entity who or that employs one or more persons on a salary, wage, commission or other compensation basis.
- (g) "Net profits" means 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 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 chapter.
- (h) "Nonresidents" means an individual, partnership, limited partnership, corporation, association or other entity domiciled outside the City of Rittman.
- (i) "Person" means 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, means the partners or members thereof, and as applied to corporation, the officers thereof.
- (j) "Resident" means an individual, partnership, limited partnership, corporation, association or other entity domiciled in the City of Rittman.
- (k) "Other entity" means any person or unincorporated body not previously named or defined and includes inter alia, fiduciaries located within the City of Rittman. (Ord. 4632. Passed 3-27-67.)

191.02 PURPOSE; IMPOSITION OF TAX; METHOD OF DETERMINATION.

To provide funds for the purposes of general property tax relief, capital improvements, new equipment, maintenance of equipment, operation, maintenance and capital improvements of the City water system and general Municipal operation, there is hereby levied a tax upon earnings at the rate of one and one-half percent upon the following:

- (a) All salaries, wages, commissions and other compensation earned on and after January 1, 1978, by resident individuals of the City of Rittman, including all fringe benefits taxable by the Internal Revenue Service, such as sick pay and life insurance premiums.
- (b) All salaries, wages, commissions and other compensation earned on and after January 1, 1978, by nonresident individuals of the City of Rittman for work done or services performed or rendered in the City of Rittman.
- (c) The net profits attributable to Rittman, earned on and after January 1, 1978, 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 City of Rittman.
- (d) The portion of the distributive share of the net profit earned on and after January 1, 1978, of a resident individual, partner or owner of a resident unincorporated business entity.

- (e) The net profits attributable to Rittman, earned on and after January 1, 1978, of all nonresident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the City of Rittman.
- (f) The portion of the distributive share of the net profits earned on and after January 1, 1978, of a resident individual, partner or owner of a nonresident unincorporated business entity not attributable to Rittman and not levied against such unincorporated business entity.
- (g) The net profits earned on and after January 1, 1978, of all corporations derived from work done or services performed or rendered and business or other activities conducted in the City of Rittman.
- (h) Business Allocation Percentage Formula (Ohio R.C. 718.02).
 - (1) In the taxation of income which is subject to taxation by the provisions of this chapter, if the books and records of a taxpayer conducting a business or profession both within and without the boundaries of the City of Rittman 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 City of Rittman, then only such portion shall be considered as having a taxable situs in the City of Rittman 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 City of Rittman shall be considered as having a taxable situs in the City of Rittman for purposes of income taxation in the same proportion as the average ratio of:
 - A. 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 City of Rittman during the taxable period to the average net book value of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever 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;
 - B. Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the City of Rittman to wages, salaries and other compensation paid during the same period to persons employed in the business or profession wherever their services are performed.
 - C. Gross receipts of the business or profession from sales made and services performed during the taxable period in the City of Rittman to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

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

- (2) As used in Section 191.02(h)(1), "sales made in the City of Rittman" means:
- A. All sales of tangible personal property which is delivered within the City of Rittman regardless of where title passes if shipped or delivered from a stock of goods within Rittman;
 - B. All sales of tangible personal property which is delivered within the City of Rittman regardless of where title passes even though transported from a point outside Rittman if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City of Rittman and the sales result from such solicitation or promotion;
 - C. All sales of tangible personal property which is shipped from a place within the City of Rittman to purchasers outside Rittman 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.
- (i) Net operating losses may not be carried forward or back.
- (j) Lottery and Gambling Winnings. In addition to the other types of income taxable under this section, lottery winnings and other winnings from any and all types of gambling in excess of six hundred dollars (\$600.00) shall also be taxable when received by residents of the City at the rate set forth and the amount of such winnings shall be included in the tax return and payment required.
- (k) Gain on Sale of Business Assets. Property used in a trade or business (including rental) are depreciated for tax purposes. When property is disposed of in a sale at a profit, the gain attributable to the amount of depreciation taken on the asset is taxable as ordinary income and includible in income to be taxed by the City. Gain in excess of cost is excludable as capital gain under Section 191.15.
(Ord. 5100. Approved by voters 9-20-77; Amended by voters 11-5-96; Ord. 7652. Passed 9-12-11.)

191.03 EFFECTIVE DATE.

The income tax shall be levied, collected and paid with respect to salaries, wages, commissions and other compensation earned on and after January 1, 1978, and with respect to the net profit of businesses, professions and other activities earned on and after January 1, 1978. However, 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 January 1, 1978, to the close of the taxpayer's fiscal year; thereafter the taxpayer shall report on its fiscal year basis.
(Ord. 5100. Approved by voters 9-20-77; Amended by voters 11-5-96.)

191.04 RETURN AND PAYMENT OF TAX.

(a) Each taxpayer, or person eighteen years of age or older, except as herein provided, shall whether or not a tax is due thereon, make and file a return on or before April 15 of each year thereafter, make and file a final return with the City Manager on a form obtainable from the City Manager, setting forth the aggregate amount of salary, wages or other compensation and net profits earned by him during the preceding year or period and subject to the income tax, together with other pertinent information as the City Manager may require. However, when the final return is made for a fiscal year or other period different from the calendar year, the return shall be made within 105 days from the end of the fiscal year or other period.

(b) The return shall also show the amount of the tax imposed on such earnings and profits. The taxpayer making the return shall, at the time of filing, pay to the Finance Director the amount of taxes shown as due on the return. However, where any portion of the tax has been paid by the taxpayer pursuant to the provisions of Section 191.05 and/or Section 191.06, credit for the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing the final return.

(c) The return of an employer or employers showing the amount of tax deducted by the employer or employers from the salaries, wages, or compensation of a nonresident employee and paid by him or them to the Finance Director, shall be accepted as the return required of a nonresident employee whose sole income subject to the tax imposed by Section 191.02 is such salary, wages or compensation.

(d) All residents of the City subject to the tax imposed by Section 191.02, shall on or before April 15 of each year following the passage date of this section, make and file a return with the City Manager as provided in this section.

(e) Upon written request of the taxpayer, the City Manager may extend the time for filing the annual tax return for a period not more than six months or not more than thirty days beyond any extension requested of and granted by the Internal Revenue Service for the filing of the Federal income tax return.

(f) Each taxpayer for the preceding year, that is no longer required to make or file a return thereafter, shall provide written notification of the valid reason for this change in filing status to the City Manager by the due date for a tax return of the following year. (Ord. 5938. Passed 7-27-87; Ord. 7652. Passed 9-12-11.)

191.05 COLLECTION AT SOURCE.

(a) In accordance with rules and regulations prescribed by the City Manager, each employer within or doing business within the City shall deduct at the time of the payment of such salary, wage, commission or other compensation the tax imposed by Section 191.02 on the gross salaries, wages, commissions or other compensation due by the employer to the employee and shall, on or before the last day of the month following the close of each calendar quarter, make a return and pay to the City Manager the amount of taxes so deducted subject to the provisions of subsections (c) to (e) hereof. Returns shall be on a form prescribed by or acceptable to the City Manager and shall be subject to the rules and regulations prescribed therefore by the City Manager. 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.

(b) Such employer, in collecting the tax, shall be deemed to hold the same until payment is made by the employer to the City and any such tax collected by the employer from his employees shall, until the same is paid to the City, be deemed a trust fund in the hands of the employer.

(c) Such employer who deducts the tax of one hundred dollars (\$100.00) or more per month shall pay to the Administrator, before the last day of the following month, the amount of taxes so deducted on a monthly basis beginning with the first month the

employer exceeds one hundred dollars (\$100.00) in taxes withheld. Quarterly returns shall be filed and paid to the Administrator on or before the last day of the following month.

(d) Payments shall be on a form furnished by or obtainable upon request from the City Manager.

(e) No person shall be required to withhold the tax on wages or other compensation paid domestic servants employed by him exclusively in or about such person's residence, even though such residence is in the City, but such employee shall be subject to all of the requirements of this chapter.

(f) It shall be the responsibility, jointly and severally, of the officers of each corporation required to withhold the taxes from wages, salaries, commissions or other compensations paid to employees, under this section to see that all such taxes so withheld are paid to the City in accordance with the provisions of this section. In the event the taxes withheld by a corporation from the salaries of its employees are not paid to the City in accordance with the provisions of this section, the officers and such corporation shall be criminally liable under the provisions of Section 191.99.
(Ord. 5938. Passed 7-27-87; Ord. 7652. Passed 9-12-11.)

191.06 DECLARATIONS.

(a) Every taxpayer who anticipates any income which is not subject to the provisions of Section 191.05 shall file a declaration of the estimated tax for the taxable year of 1968. Such declaration shall be filed on or before April 30, 1968, and thereafter a similar declaration shall be filed by all such taxpayers for each calendar year on or before April 30 of each ensuing year for the duration of the taxes imposed in this chapter. Business or Corporate declarations shall be filed on or before April 15 for each calendar year.
(Ord. 7256. Passed 3-22-04.)

(b) The declaration shall be filed upon a form prescribed by the City Manager; the form may simply state that the figures used in making such declaration are the figures used in making the declaration of the estimate for Federal income tax, provided that it is understood that such figures may be modified according to the provisions of this chapter so that the declaration required by this section shall set forth only such income as is taxable under the provisions of this chapter. (Ord. 4632. Passed 3-27-67.)

(c) The declaration to be filed on April 30 of each year by taxpayers shall be accompanied by payment of at least one-fourth of the estimated annual tax, and at least a similar amount shall be paid on or before July 31, October 31 and January 31 of each year. The declaration to be filed on April 15 of each year by business or corporate filers shall be accompanied by 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 December 15 of each year. However, the estimate may be amended at the time of making any quarterly payment, and the final return shall be paid on or before April 15 of the year following that for which the declaration was filed. Should it appear that a taxpayer has paid more than the amount of tax to which the City of Rittman is entitled, a refund of the amount so overpaid shall be made, or the overpayment may be applied toward the declaration of tax due for the ensuing year. Claims for refunds shall be made on forms prescribed by and obtainable from the City Manager.
(Ord. 7256. Passed 3-22-04.)

191.07 CITY RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY.

(a) When a resident of Rittman is subject to a municipal income tax in another municipality on the same income taxable under Section 191.02, a credit shall be allowed equal to such tax against the Rittman income tax, but such credit shall not exceed the amount of the Rittman income tax. For the purpose of this section, taxable income shall include the distributive share of net profits of a resident partner or owner of an unincorporated business entity.

(b) In the event such Rittman resident fails, neglects or refuses to file such return or form as prescribed by the City Manager, he shall not be entitled to such credit and shall be considered in violation of this chapter for failure to file a return and make payment of taxes due hereunder.

(Init. Ord. Approved by voters 11-8-88.)

191.08 ADMINISTRATION; CITY MANAGER'S DUTIES.

- (a) (1) It shall be the duty of the City Manager of Rittman to receive the tax imposed by this chapter in the manner prescribed in this chapter from the taxpayers; to keep an accurate record thereof; and to report all moneys so received.
- (2) It shall be the duty of the City Manager to enforce payment of all taxes owing the City of Rittman, to keep accurate records for a minimum of six 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 amounts of payments thereof.

- (b) (1) The City Manager is hereby charged with the enforcement of the provisions of this chapter and is hereby empowered, subject to the approval of the Board of Review, to adopt, promulgate and enforce rules and regulations relating to the collection of taxes and the administration and enforcement of the provisions of this chapter, including provisions for the re-examination and correction of returns.
- (2) The City Manager is hereby authorized to arrange for the payment of unpaid taxes, interest and penalties on a schedule of installment payments, when the taxpayer has proved to the City Manager that, due to certain hardship 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 chapter.

Failure to make any deferred payment when due shall cause the total amount unpaid, including penalty and interest, to become payable on demand and the provisions of Sections 191.11 and 191.12 shall apply.

(c) 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 City Manager may determine the amount of tax appearing to be due Rittman 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.

(d) Subject to the consent of the Board of Review or pursuant to regulation approved by the Board of Review, the City Manager shall have the power to compromise any interest or penalty imposed by this chapter. (Ord. 4632. Passed 3-27-67.)

191.09 INVESTIGATIVE POWERS OF THE CITY MANAGER.

(a) The City Manager 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 tax, for the purpose of verifying the accuracy of 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 City Manager or his duly authorized agent or employee, the means, facilities and opportunity for making such examination and investigations as are hereby authorized.

(b) The City Manager, or his duly authorized agent or employee, is hereby authorized to examine any person, employer or employee under oath, concerning any income which was or should have been returned for taxation, and for this purpose may compel the production of books, 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) The refusal of such examination by any employer, employee or person subject or presumed to be subject to tax shall be deemed a violation of this chapter.

(d) Tax returns 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 City of Rittman for official purposes.

(e) Any information gained as the result of the filing a any tax returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official purposes and except in accordance with proper judicial order.

(f) Any employee of the City of Rittman who violates any provision of this section relative to disclosure of confidential information shall be immediately dismissed from the service of the City, in addition to the penalty provided for in Section 191.99. (Ord. 4632. Passed 3-27-67.)

191.10 INTEREST AND PENALTIES ON UNPAID TAXES.

(a) Interest on Unpaid Tax. All taxes imposed and all moneys withheld or required to be withheld by employers under the provisions of this chapter and remaining unpaid after they become due shall bear interest at the rate of one and one half percent (1 1/2%) per month or fraction thereof.

(b) Penalties on Unpaid Tax. In addition to interest as provided in this section, penalties based on the unpaid tax are hereby imposed as follows:

- (1) For failure to pay taxes due other than taxes withheld: one and one-half percent (1 1/2%) per month or fraction thereof.
- (2) The minimum penalty for failure to file an annual return shall be thirty-five dollars (\$35.00) for the first instance and sixty dollars (\$60.00) for each subsequent instance.
- (3) For failure to pay taxes withheld from employees: ten percent (10%) per month or fraction thereof.

(c) Exceptions to Penalties. A penalty shall not be assessed on an additional tax assessment made by the City Manager when a return has been filed in good faith and the tax paid thereon within the time prescribed by the City Manager and provided further, that in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a Federal audit, providing an amended return is filed and the additional tax is paid within three months after a final determination of the Federal tax liability.

(d) Abatement of Interest and Penalty. Upon recommendation of the City Manager, the Board of Review may abate penalty or interest or both, or upon an appeal from the refusal of the City Manager to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest or both for good cause shown.
(Ord. 5938. Passed 7-27-87; Ord. 7652. Passed 9-12-11; Ord. 7884. Passed 6-8-15.)

191.11 COLLECTION OF UNPAID TAXES.

All delinquent tax accounts outsourced by the City to a law firm or collection agency shall be assessed a collection fee on the entire balance due equal to the fee charged by each law firm or collection agency as set forth in the collection contract with the City. The balance due prior to the assessment of the collection fee shall be the principle balance due plus interest, penalties, late fees, and/or other permissible fines, penalties and charges. The collection fee shall be assessed against all payments made by the taxpayer whether or not the balance due is paid in full with one payment, or over time with more than one payment. The assessment of the collection fee shall be made by the law firm or collection agency after the delinquent account has been outsourced for collection. Additionally, court costs shall be added to the balance due as they are incurred but shall not be assessed a collection fee.

(Ord. 4632. Passed 3-27-67; Ord. 7568. Passed 9-14-09.)

191.12 VIOLATIONS; STATUTE OF LIMITATIONS; FAILURE TO OBTAIN FORM.

- (a) Each of the following acts shall be considered a violation of this chapter:
- (1) Failing, neglecting or refusing to make any return or declaration required by this chapter;
 - (2) Making any incomplete, false or fraudulent return;
 - (3) Failing, neglecting or refusing to pay the tax, penalties or interest imposed by this chapter;
 - (4) Failing, neglecting or refusing to withhold the tax from employees or to remit such withholding to the Finance Director;
 - (5) Refusing to permit the City Manager or any duly authorized agent or employee to examine books, records and papers relating to the income or net profits of a taxpayer;
 - (6) Failing to appear before the City Manager and to produce books, records and papers relating to the income or net profits of a taxpayer under order or subpoena of the City Manager;
 - (7) Refusing to disclose to the City Manager any information with respect to the income or net profits of a taxpayer;
 - (8) Failing to comply with the provisions of this chapter or any order or subpoena of the City Manager authorized hereby; or
 - (9) Attempting to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.
- (Ord. 4632. Passed 3-27-67.)

(b) All prosecutions under this section shall be commenced within the time prescribed by Ohio R.C. 718.06. Before commencing a prosecution pursuant to this chapter, notice shall be sent to the taxpayer by certified mail, return receipt requested, or by a certificate of mailing, informing him or her of the violation.
(Ord. 6801. Passed 11-25-96.)

(c) 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.
(Ord. 4632. Passed 3-27-67.)

191.13 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be deposited and applied to the following purposes:

- (a) Three quarters of the one and one-half percent (1.124%) shall be deposited in the General Fund.
- (b) One fourth of the one and one-half percent tax (.375 percent) shall be deposited in the Capital Improvement Fund, ten percent of which shall be earmarked for recreation purposes.
(Ord. 7866. Passed 3-9-15.)

191.14 BOARD OF REVIEW.

(a) A Board of Review, consisting of three electors of the City of Rittman, to be appointed by Council, is hereby created. 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) 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) All hearings of the Board shall be conducted privately and the provisions of Sections 191.09 and 191.99(a) with reference to the confidential character of information required to be disclosed by the chapter shall apply to such matters as may be heard on appeal before the Board of Review.

(d) Any person dissatisfied with any ruling or decision of the City Manager which is made under the authority conferred by this chapter may appeal therefrom to the Board of Review within thirty days from the announcement of such ruling or decision by the City Manager, and the Board of Review shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

(e) Any person dissatisfied with any ruling or decision of the Board of Review may appeal therefrom to a court of competent jurisdiction in the manner provided by Ohio R.C. Chapter 2506.

(f) The Board of Review shall serve during the life of the tax imposed in this chapter. (Ord. 4632. Passed 3-27-67.)

191.15 EXEMPTIONS.

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

- (a) Funds received from local, State or Federal governments because of service in the Armed Forces of the United States by the person rendering such service, or as a result of another person rendering such service.

- (b) Poor relief, pensions, social security, unemployment compensation, not including supplemental unemployment compensation, and disability benefits received from private industry or local, State or Federal governments, or from charitable, religious or educational organizations.
- (c) Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
- (d) Receipts from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide charitable, religious and educational organizations and associations.
- (e) 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.
- (f) Gains from involuntary conversions, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State which the Municipality is expressly prohibited from taxing and income of a decedent's estate during the period of administration (except such income from the operation of a business.)
- (g) Earnings and income of all persons under eighteen years of age, whether residents or nonresidents. (Ord. 4632. Passed 3-27-67.)
- (h) Personal service performed by nonresident on twelve or fewer days unless one of the following applies:
 - (1) The individual who is an employee of another person; the principal place of business of the individual's employer is located in another municipal corporation in this State that imposes a tax applying to compensation paid to the individual for services performed on those days; and the individual is not liable to that other municipal corporation for tax on the compensation paid for such services.
 - (2) The individual is a professional entertainer or professional athlete, the promoter of a professional entertainment or sports event, or an employee of such a promoter, all as may be reasonably defined by the City of Rittman.
- (i) Parsonage allowances paid to a minister of the gospel as part of his or her compensation, or the rental allowance paid to a minister of the gospel as part of his or her compensation, to the extent used by him to rent or provide a home pursuant to Section 107 of the Internal Revenue Code.
- (j) Most capital gains.
- (k) Sick pay unless reported on a W-2 as earned income.
(Ord. 7652. Passed 9-12-11.)

191.16 REFUNDS.

Should it appear that any taxpayer has paid more than the amount of the tax to which the City of Rittman is entitled under the provisions of this chapter, a refund of the amount so overpaid shall be applied against any subsequent liability hereunder. The taxpayer also has the option to have any overpayment of five dollars (\$5.00) or more refunded, provided a proper claim for refund of such overpayment of tax has been filed by the taxpayer.

(Ord. 4632. Passed 3-27-67; Ord. 7652. Passed 9-12-11.)

191.17 EFFECTIVE PERIOD.

The provisions of this chapter shall continue effective insofar as the levy of taxes is concerned until superseded or repealed by a subsequent ordinance of Council. The provisions of this chapter, insofar as the collection of taxes levied in such period, and actions or proceedings for collecting any tax so levied, or enforcing any provisions of this chapter are concerned, shall continue effective until all taxes levied under and by virtue of its authority are fully paid and any and all suits and prosecutions for the collection of such taxes or for the punishment of violations of any provision of this chapter have been fully terminated. (Ord. 4632. Passed 3-27-67.)

191.18 NONREIMBURSED BUSINESS EXPENSES,

(a) An individual taxpayer who is permitted for Federal income tax purposes to deduct certain business expenses from gross wages, salaries or commissions (I.B.C., section 62) may reduce income subject to Rittman tax may file a copy of Federal Income Tax Form 2106 along with Schedule A with his municipal tax return, claiming only deductions allowable under Schedule A of Form 2106, no matter whether all or part of such wages, salaries or commissions are subject to withhold. (Further, the 2106 must be allocable to income earned within the City of Rittman. Form 2106 expenses allocable to income earned outside the City of Rittman must be filed with the City where the income was earned in order to obtain a refund of taxes withheld.)

(b) Such deductions are effective and allowed for the tax year 1982 with returns to be filed on or before April 15, 1983.
(Ord. 5524. Passed 3-14-83; Ord. 7652. Passed 9-12-11.)

191.19 AMENDED RETURN AND REFUNDS FOR OVERPAYMENT.

When 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 and/or limitations of prior sections, such amended return shall be on a form obtainable on request from the Department of Taxation. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return. Within three months from the final determination of any Federal tax liability affecting the taxpayer's City tax liability, such taxpayer shall make and file an amended City return showing income subject to the City tax based upon such final determination of Federal tax liability and pay any additional tax shown due thereon or make a claim for refund of any overpayment. No refund shall be allowed unless a written request is presented to the Administrator within the time prescribed by Ohio R.C. 718.06.
(Ord. 7652. Passed 9-12-11.)

191.20 RETURNS BY LANDLORDS.

(a) Commencing January 1, 2012 and thereafter, any property owner, condominium association, or other owners' or residents' affiliation who rents one or more dwelling units to tenants of apartments, condominiums, or any other rental accommodations with the City of Rittman, shall file with the Administrator a semi-annual return that lists each such tenant who occupies an apartment, condominium, or other rental accommodations within the corporate limits of the City of Rittman. This return shall not include those tenants who are responsible for their own water utility payments, and no return is required if all of the property owner's tenants are responsible for their own water utility payments.

(b) Any person required by this section to submit the semi-annual return described in subsection (a) hereof who fails to submit such return shall be subject to the penalty provisions contained in Section 191.99 of this chapter.

(Ord. 7652. Passed 9-12-11.)

191.99 PENALTY.

(a) Any person divulging any information gained as a result of the filing of any tax returns, investigations, hearings or verifications required or authorized by this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both. Each disclosure shall constitute a separate offense.

(b) Any person who violates any of the provisions of Section 191.12(a) shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both, for each offense.

(Ord. 4632. Passed 3-27-67.)

