October 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	*2*	*3*
4	*5*	*6* COUNCIL 7:30 CAUCUS 7:15 STREETS, STORM WATER, UTILITIES 6:00	*7* PLANNING COMMISSION 7:00 CAUCUS 6:45	*8*	*9*	*10*
11	*12* *COLUMBUS DAY* CIVIL SERVICE COMM 4:00	*13*	*14*	*15*	*16*	*17*
18	*19*	*20* COUNCIL 7:30 CAUCUS 7:15 ***R&O SPECIAL,*** B&BC, FINANCE AND SAFETY 6:00	*21* PLANNING COMMISSION 7:00 CAUCUS 6:45	*22*	*23*	*24*
25	*26*	*27* REC BOARD 6:00	*28* BZA 7:00 CAUCUS 6:45	*29*	*30*	*31* *HALLOWEEN*

All meetings will be held at City Hall 14600 State Road, unless otherwise noted.

NORTH ROYALTON CITY COUNCIL
A G E N D A
OCTOBER 6, 2015

7:15 p.m. Caucus — Council Meeting 7:30 p.m.

REGULAR ORDER OF BUSINESS

1. Call to Order.

2. Opening Ceremony (Pledge of Allegiance).

3. Roll Call.

4. Approval of Consent Agenda: Items listed under the Consent Agenda are considered routine. Each item will be read individually into the record and the Consent Agenda will then be enacted as a whole by one motion and one roll call. There will be no separate discussion of these items. If discussion by Council is desired on any Consent Agenda item, or if discussion is requested by the public on any legislative item on the Consent Agenda, that item will be removed from the Consent Agenda and considered in its normal sequence under the Regular Order of Business.

   a. Approval of Minutes: September 15, 2015.
   b. Legislation: Introduce, suspend rules requiring 3 readings and referral to committee, and adopt those legislative items indicated with an asterisk (*).

5. Communications.

6. Mayor's Report.

7. Department Head Reports.

8. President of Council's Report.

9. Committee Reports:

Building & Building Codes	John Nickell
Finance	Larry Antoskiewicz
Review & Oversight	Dan Kasaris
Safety	Dan Langshaw
Storm Water	Steve Muller
Streets	Paul Marnecheck
Utilities	Gary Petrusky

10. Report from Council Representatives to regulatory or other boards:

Board of Zoning Appeals	Dan Kasaris
Planning Commission	Larry Antoskiewicz
Recreation Board	Paul Marnecheck

11. Public Discussion: Five minute maximum, on current agenda legislation only.

12. LEGISLATION

FIRST READING CONSIDERATION

* 1. **15-89** - A RESOLUTION ACKNOWLEDGING THE COMMUNITY SERVICE OF DALE GAUMAN.

* 2. **15-90** - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CLAUDIO ZANIN TO FILL THE UNEXPIRED TERM OF THOMAS P. O'DONNELL TO THE POSITION OF DIRECTOR TO THE BOARD OF DIRECTORS OF UNIVERSITY HOSPITALS PARMA MEDICAL CENTER EFFECTIVE OCTOBER 6, 2015, AND DECLARING AN EMERGENCY.

3. **15-91** - AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 14-127 AS AMENDED BY ORDINANCES 15-09, 15-40, 15-51, 15-58, 15-64, 15-67 AND 15-77 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015 BY TRANSFERRING APPROPRIATIONS AND MAKING ADDITIONAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

4. **15-92** - AN ORDINANCE TO RATIFY AND CONFIRM A CONTRACT TO ACCEPT A GRANT AWARD FROM THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY'S ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM IN THE AMOUNT OF $39,908.80, AND AUTHORIZING THE PURCHASE OF THE APPROVED EQUIPMENT WITHOUT PUBLIC BIDDING FOR AN AMOUNT NOT TO EXCEED $49,886.00, AND DECLARING AN EMERGENCY.

5. **15-93** - AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, CHAPTER 214 GENERAL FEE SCHEDULE, SECTION 214.06 FEES IN THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, PARAGRAPH (k) CEMETERIES, AND DECLARING AN EMERGENCY.

6. **15-94** - AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON PART 8 BUSINESS REGULATION AND TAXATION CODE, BY CREATING A NEW CHAPTER 881 ENTITLED MUNICIPAL INCOME TAXES, AND DECLARING AN EMERGENCY.

7. **15-95** - AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1276 BUSINESS DISTRICTS, SECTION 1276.03 USE REGULATIONS FOR LOCAL BUSINESS DISTRICTS, AND SECTION 1276.04 USE REGULATIONS FOR GENERAL BUSINESS DISTRICTS, AND DECLARING AN EMERGENCY.

13. Miscellaneous.

14. Adjournment.

RESOLUTION NO. 15-89 INTRODUCED BY: Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Muller, Kasaris, Mayor Stefanik

A RESOLUTION ACKNOWLEDGING THE
COMMUNITY SERVICE OF DALE GAUMAN

WHEREAS: Dale Gauman was appointed as a member of the City of North Royalton Board of Zoning Appeals on June 19, 2012, and continued to serve in that capacity through August 27, 2015; and

WHEREAS: Council and Mayor Stefanik desire to recognize Mr. Gauman for his community service to the City of North Royalton.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Council of the City of North Royalton and Mayor Stefanik hereby acknowledge Dale Gauman for his community service to the City of North Royalton.

Section 2. Council and the Mayor further recognize the professionalism, dedication and community spirit demonstrated by Mr. Gauman during his years of public service to the City of North Royalton.

Section 3. The Director of Legislative Services is authorized and directed to forward a copy of this Resolution to Mr. Gauman in recognition of his community service.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

THEREFORE, provided this Resolution receives the affirmative vote of a majority of all members elected to Council, it shall take effect and be in force from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

RESOLUTION NO. 15-90 INTRODUCED BY: Mayor Stefanik

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CLAUDIO ZANIN TO FILL THE UNEXPIRED TERM OF THOMAS P. O'DONNELL TO THE POSITION OF DIRECTOR TO THE BOARD OF DIRECTORS OF UNIVERSITY HOSPITALS PARMA MEDICAL CENTER EFFECTIVE OCTOBER 6, 2015, AND DECLARING AN EMERGENCY

WHEREAS: The Mayor has appointed Claudio Zanin to fill the unexpired term of Thomas P. O'Donnell to the position of Director to the Board of Directors of University Hospitals Parma Medical Center effective October 6, 2015; and

WHEREAS: Council confirms various appointments made by the Mayor; and

WHEREAS: It is necessary to keep an accurate record of these various appointments as to individuals appointed and their term of office.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby confirms the appointment of Claudio Zanin to fill the unexpired term of Thomas P. O'Donnell to the position of Director to the Board of Directors for University Hospitals Parma Medical Center, effective October 6, 2015.

Section 2. The term of said appointment shall expire on May 31, 2018.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to keep accurate public records as to the various appointments made by the Mayor and the date of said appointment.

THEREFORE, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

ORDINANCE NO. 15-91 INTRODUCED BY: Mayor Stefanik

AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 14-127 AS AMENDED BY ORDINANCES 15-09, 15-40, 15-51, 15-58, 15-64, 15-67 AND 15-77 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015 BY TRANSFERRING APPROPRIATIONS AND MAKING ADDITIONAL APPROPRIATIONS, AND DECLARING AN EMERGENCY

WHEREAS: Council wishes to amend the Original Appropriation Ordinance 14-127 as amended by Ordinances 15-09, 15-40, 15-51, 15-58, 15-64, 15-67 and 15-77 for the fiscal year ending December 31, 2015 by transferring and making additional appropriations and providing for transfers between funds.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. To provide for the current expenses and other expenditures for the City of North Royalton, Ohio for the fiscal year ending December 31, 2015, the following sums be and they are hereby appropriated as itemized on Exhibit A attached hereto and incorporated herein as if fully rewritten.

Section 2. The attached Exhibit A includes the following inter-fund transfers:

General Fund	Police Facility Fund	$ 400,000.00	Operating
General Fund	EMS Levy Fund	1,650,000.00	Operating
General Fund	SCMR Fund	690,000.00	Operating
General Fund	Office on Aging Fund	20,000.00	Operating
General Fund	Police Pension Fund	356,000.00	Operating
General Fund	Fire Pension Fund	240,000.00	Operating
SCMR Fund	Bond Retirement	282,794.00	Operating
SCMR Fund	Issue 1 – Bennett Road Fund	400,000.00	Capital Outlay
FEMA Grant Fund	General Fund	8,918.00	Operating
Accrued Balances Fund	General Fund	200,000.00	Operating
Accrued Balances Fund	Police Facility Fund	28,000.00	Operating
Accrued Balances Fund	EMS Levy Fund	107,000.00	Operating
Accrued Balances Fund	SCMR Fund	67,000.00	Operating
Accrued Balances Fund	Office on Aging Fund	3,000.00	Operating
Accrued Balances Fund	Police Levy	20,000.00	Operating
Accrued Balances Fund	Fire Levy	25,000.00	Operating
Storm Sewer & Drainage Fund	SCMR Fund	650,000.00	Operating
Storm Sewer & Drainage Fund	General Bond Retirement Fund	328,400.00	Debt Service
Fire Capital Improvement Fund	General Bond Retirement Fund	272,500.00	Debt Service
Fire Capital Improvement Fund	Fire Pension Fund	200,000.00	Operating
YMCA Capital Project Fund	YMCA Special Revenue Fund	112,118.97	Operating
Wastewater Repair & Replacement Fund	Wastewater Maintenance Fund	500,000.00	Advance

Section 3. A copy of this Ordinance shall be submitted by the Director of Finance to the Auditor of Cuyahoga County, Ohio and upon certification by said Auditor as required by law, the Director of Finance of this City is hereby authorized to draw her warrants upon the City Treasury for payment of any certification and vouchers therefore approved by the proper officers authorized by law to approve the same, or an Ordinance or Resolution of the Council to make such expenditures; provided, however, that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with the law or the Ordinances of this Council.

Section 4. It is 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

THEREFORE, provided this Ordinance receives the affirmative vote of a majority of all members elected to Council, it shall take effect and be in force from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

CITY OF NORTH ROYALTON
2015 AMENDING BUDGET ORDINANCE

	Appropriations per Ord. 14-127	Amendments Per Ordinance 2015-09 Prior Year Encumbrances	Amendments Per Ordinance 2015-09 Amendments	Prior Amendments Subtotal (6)	Amendments this Ordinance	Total 2015 Appropriations
GENERAL FUND						
POLICE DEPARTMENT						
Personal Service	3,199,400			-		**3,199,400**
Contractual Services	258,255	14,423		17,000		**289,678**
Supply & Materials	215,316	4,317		-		**219,632**
Capital Outlay	18,000	1,671		-		**19,671**
Total Police Department	**3,690,971**	**20,411**	**-**	**17,000**	**-**	**3,728,382**
TRAFFIC SIGNALS						
Capital Improvement	10,000	3,721		-		**13,721**
Total Traffic Signals	**10,000**	**3,721**	**-**	**-**	**-**	**13,721**
ANIMAL CONTROL						
Personal Service	133,961			-		**133,961**
Contractual Services	6,450			-		**6,450**
Supply & Materials	7,950			-		**7,950**
Capital Outlay	200			-		**200**
Total Animal Control	**148,561**	**-**	**-**	**-**	**-**	**148,561**
FIRE DEPARTMENT						
Personal Service	470,775			-	(8,000) A	**462,775**
Contractual Services	240,200	16,864		-	(3,000) B	**254,064**
Supply & Materials	76,100	3,535		-	(2,000) B	**77,635**
Capital Outlay	-			-		**-**
Total Fire Department	**787,075**	**20,399**	**-**	**-**	**(13,000)**	**794,474**
POLICE AND FIRE COMMUNICATIONS						
Personal Service	159,525			-		**159,525**
Contractual Services	648,000			-		**648,000**
Supply & Materials	2,000			-		**2,000**
Capital Outlay	2,500			-		**2,500**
Total Police & Fire Comm	**812,025**	**-**	**-**	**-**	**-**	**812,025**
STREET LIGHTING	140,000			-		**140,000**
Total Street Lighting	**140,000**	**-**	**-**	**-**	**-**	**140,000**
SAFETY DIRECTOR						
Personal Service	112,026			-		**112,026**
Contractual Services	15,450			-		**15,450**
Operating Supplies	5,210	625		-		**5,835**
Capital Outlay	1,500			-		**1,500**
Total Police & Fire Comm	**134,186**	**625**	**-**	**-**	**-**	**134,811**
CEMETERY DEPARTMENT						
Personal Service	-			-		**-**
Contractual Services	23,300			-		**23,300**
Supply & Materials	146,995	1,789		-		**148,784**
Capital Outlay	21,000			-		**21,000**
Total Cemetery Department	**191,295**	**1,789**	**-**	**-**	**-**	**193,084**
PARKS & RECREATION DEPARTMENT						
Personal Service	277,933			-	17,000 C	**294,933**
Contractual Services	77,300	111		2,200		**79,611**
Supply & Materials	91,330	6,278		-		**97,608**
Capital Outlay	25,000			-	(17,000) C	**8,000**
Total Parks & Recreation Department	**471,563**	**6,389**	**-**	**2,200**	**-**	**480,152**
PLANNING COMMISSION						
Personal Service	9,700			-		**9,700**
Contractual Services	4,300			-		**4,300**
Supply & Materials	700			-		**700**
Capital Outlay	-			-		**-**
Total Planning Commission	**14,700**	**-**	**-**	**-**	**-**	**14,700**
BOARD OF ZONING						
Personal Service	11,500			-		**11,500**
Contractual Services	1,000			-		**1,000**
Supply & Materials	541			-		**541**
Total Board of Zoning	**13,041**	**-**	**-**	**-**	**-**	**13,041**
BUILDING DEPARTMENT						
Personal Service	543,850			-		**543,850**
Contractual Services	38,800	2,954		6,000		**47,754**
Supply & Materials	10,250	252		-		**10,502**
Capital Outlay	22,000			(17,000)		**5,000**
Total Building Department	**614,900**	**3,205**	**-**	**(11,000)**	**-**	**607,105**
COMMUNITY DEVELOPMENT						
Personal Service	137,606			-		**137,606**
Contractual Services	17,670	5,412		-		**23,082**
Supply & Materials	1,900			-		**1,900**
Capital Outlay	1,000			-		**1,000**
Total Community Development	**158,176**	**5,412**	**-**	**-**	**-**	**163,588**
ARCHITECTURAL REVIEW BOARD						
Personal Service	-			-		**-**
Contractual Services	-			-		**-**
Supply & Materials	-			-		**-**
Capital Outlay	-			-		**-**
Total ARB	**-**			**-**		**-**

CITY OF NORTH ROYALTON
2015 AMENDING BUDGET ORDINANCE

	Appropriations per Ord. 14-127	Amendments Per Ordinance 2015-09 Prior Year Encumbrances	Amendments Per Ordinance 2015-09 Amendments	Prior Amendments Subtotal (6)	Amendments this Ordinance	Total 2015 Appropriations
RUBBISH COLLECTION						
Personal Service	-			-		-
Contractual Services	1,184,952			-		**1,184,952**
Supply & Materials	-			-		-
Capital Outlay	-			-		-
Debt Service	-			-		-
Total Rubbish Collection	**1,184,952**	**-**	**-**	**-**	**-**	**1,184,952**
RECYCLING						
Personal Service	-			-		-
Contractual Services	-			-		-
Supply & Materials	-			-		-
Capital Outlay	-			-		-
Debt Service	-			-		-
Total Recycling	**-**			**-**		**-**
SERVICE BUILDING AND GROUNDS						
Personal Service	-			-		-
Contractual Services	105,675	3,525		-		**109,200**
Supply & Materials	15,900			-		**15,900**
Capital Outlay	-			-		-
Total Service Bldg & Grounds	**121,575**	**3,525**	**-**	**-**	**-**	**125,100**
MAYOR'S OFFICE						
Personal Service	287,708			-		**287,708**
Contractual Services	30,770			(4,000)		**26,770**
Supply & Materials	2,200			-		**2,200**
Capital Outlay	1,000			-		**1,000**
Total Mayor's Office	**321,678**	**-**	**-**	**(4,000)**	**-**	**317,678**
FINANCE DEPARTMENT						
Personal Service	321,243			-	(5,000) D	**316,243**
Contractual Services	125,400	550		(4,000)	5,000 D	**126,950**
Supply & Materials	4,000			-		**4,000**
Capital Outlay	1,000	2,429		-		**3,429**
Total Finance Department	**451,643**	**2,979**	**-**	**(4,000)**	**-**	**450,622**
LEGAL ADMINISTRATION						
Personal Service	312,206			15,206		**327,412**
Contractual Services	126,400	1,550		(23,406)		**104,544**
Supply & Materials	12,218	301		-		**12,519**
Capital Outlay	1,000			-		**1,000**
Total Legal Administration	**451,824**	**1,851**	**-**	**(8,200)**	**-**	**445,475**
ENGINEERING DEPARTMENT						
Personal Service	148,856			-		**148,856**
Contractual Services	141,825	318		(40,000)	17,000 E	**119,143**
Supply & Materials	3,550			-		**3,550**
Capital Outlay	500			-		**500**
Total Engineering	**294,731**	**318**	**-**	**(40,000)**	**17,000**	**272,049**
LEGISLATIVE						
Personal Service	286,413			-		**286,413**
Contractual Services	33,100			-		**33,100**
Supply & Materials	13,500			-		**13,500**
Capital Outlay	6,500	299		-		**6,799**
Total Legislative Activity	**339,513**	**299**	**-**	**-**	**-**	**339,812**
MAYOR'S COURT						
Personal Service	129,350			-		**129,350**
Contractual Services	56,475			10,000		**66,475**
Supply & Materials	1,500			-		**1,500**
Capital Outlay	-			-		-
Total Mayor's Court	**187,325**	**-**	**-**	**10,000**	**-**	**197,325**
CIVIL SERVICE						
Personal Service	4,200			-		**4,200**
Contractual Services	13,200			-		**13,200**
Supply & Materials	200			-		**200**
Total Civil Service	**17,600**	**-**	**-**	**-**	**-**	**17,600**
CITY HALL BUILDING						
Personal Service	-			7,000		**7,000**
Contractual Services	203,000	9,227		(4,000)		**208,227**
Supply & Materials	35,650	960		-	(17,000) E	**19,610**
Capital Outlay	-			18,000		**18,000**
Debt Service	-			-		-
Total City Hall Building	**238,650**	**10,188**	**-**	**21,000**	**(17,000)**	**252,838**
OTHER GENERAL GOVERNMENT						
Personal Services	5,000			-		**5,000**
Supply & Materials	270,000			-		**270,000**
Transfers-Out	2,806,000			550,000		**3,356,000**
Total - Other General Government	**3,081,000**	**-**	**-**	**550,000**	**-**	**3,631,000**
				-		
TOTAL - GENERAL FUND	**13,876,983**	**81,111**	**-**	**533,000**	**(13,000)**	**14,478,094**
DARE TRUST FUND #203						
Supply & Materials	-			-		-
Total - DARE Trust Fund	**-**			**-**		**-**

CITY OF NORTH ROYALTON
2015 AMENDING BUDGET ORDINANCE

	Appropriations per Ord. 14-127	Amendments Per Ordinance 2015-09 Prior Year Encumbrances	Amendments Per Ordinance 2015-09 Amendments	Prior Amendments Subtotal (6)	Amendments this Ordinance		Total 2015 Appropriations
COPS Grant Fund #204							
Operating Supplies	-			-			-
Total - COPS Grant Fund	**-**			**-**			**-**
ENFORCEMENT AND EDUCATIONAL FUND #205							
Supply & Materials	25,000	508		-			**25,508**
Total - Enforcement & Education	**25,000**	**508**	**-**	**-**	**-**		**25,508**
DRUG LAW ENFORCEMENT FUND #206							
Supply & Materials	200			-			**200**
Total - Drug Law Enforcement	**200**	**-**	**-**	**-**	**-**		**200**
POLICE FACILITY OPERATING FUND #207							
Personal Service	802,025			-			**802,025**
Contractual Services	19,900			-			**19,900**
Supply & Materials	64,642			-			**64,642**
Capital Outlay	2,400			-			**2,400**
Total - Police Facility Operating	**888,967**	**-**	**-**	**-**	**-**		**888,967**
LAW ENFORCEMENT TRUST FUND #208							
Supply & Materials	5,000			-			**5,000**
Total - Law Enforcement Trust	**5,000**	**-**	**-**	**-**	**-**		**5,000**
EMERGENCY MEDICAL SERVICE LEVY FUND #209							
Personal Service	2,417,275			-	8,000	A	**2,425,275**
Contractual Services	20,000	863		5,000	7,000	B	**32,863**
Supply & Materials	34,600	1,105		-	(2,000)	B	**33,705**
Capital Outlay	-			-			**-**
Debt Service	-			-			**-**
Transfers-Out	-			-			**-**
Total EMS Levy Fund	**2,471,875**	**1,968**	**-**	**5,000**	**13,000**		**2,491,843**
MOTOR VEHICLE LICENSE FUND #210							
Traffic Signals	-			-			**-**
Street Repair	220,540			80,000			**300,540**
Transfers-Out	-			-			**-**
Total Motor Vehicle License Fund	**220,540**	**-**	**-**	**80,000**	**-**		**300,540**
STREET CONSTRUCTION, MAINTENANCE, & REPAIR FUND #211							
Signals & Signs				-			
Personal Service	29,000			-			**29,000**
Contractual Services	90,000	6,295		-	(25,000)	F	**71,295**
Supply & Materials	**23,000**			**-**			**23,000**
	142,000	**6,295**	**-**	**-**	**(25,000)**		**123,295**
Storm Sewer							
Personal Service	480,900			-			**480,900**
Contractual Services	60,375			-			**60,375**
Supply & Materials	217,810	521		-	(30,000)	F	**188,331**
	759,085	**521**	**-**	**-**	**(30,000)**		**729,606**
Street Reconstruction							
Supply & Materials	-			-			**-**
Capital Outlay	500,000	122,230		252,500	55,000	F	**929,730**
	500,000	**122,230**	**-**	**252,500**	**55,000**		**929,730**
Street Construction, Maintenance & Repair							
Personal Service	1,884,800			40,000			**1,924,800**
Contractual Services	162,460	3,672		(7,000)	(7,000)	G	**152,132**
Supply & Materials	393,075	3,012		100,000	7,000	G	**503,087**
Capital Outlay	48,200			-			**48,200**
Debt Service	-			-			**-**
Transfers-Out	282,794			400,000			**682,794**
	2,771,329	**6,684**	**-**	**533,000**	**-**		**3,311,013**
Snow Removal							
Personal Service	115,500			-			**115,500**
Contractual Services	11,500			7,000	(7,000)	G	**11,500**
Supply & Materials	394,500			-	7,000	G	**401,500**
Capital Outlay	-			-			**-**
	521,500	**-**	**-**	**7,000**	**-**		**528,500**
Total SCMR Fund	**4,693,914**	**135,730**	**-**	**792,500**	**-**		**5,622,144**
STATE HIGHWAY FUND #212							
Traffic Signals & Marking				-			**-**
Contractual Services	15,000			-			**15,000**
Street Maintenance & Repair				-			
Operating Supplies	25,000			-			**25,000**
Snow & Ice Removal				-			
Supply & Materials	65,000			-			**65,000**
Total State Highway Fund	**105,000**	**-**	**-**	**-**	**-**		**105,000**
CITY INCOME TAX FUND #213							
Contractual Services	450,000			-			**450,000**
Total City Income Tax Fund	**450,000**	**-**	**-**	**-**	**-**		**450,000**
POLICE LEVY FUND #215							
Personal Services	1,100,000			-			**1,100,000**
Capital Outlay	210,000	16,569		-			**226,569**
Transfer-Out	-			-			**-**
Total - Police Levy Fund	**1,310,000**	**16,569**	**-**	**-**	**-**		**1,326,569**

CITY OF NORTH ROYALTON
2015 AMENDING BUDGET ORDINANCE

	Appropriations per Ord. 14-127	Amendments Per Ordinance 2015-09 Prior Year Encumbrances	Amendments Per Ordinance 2015-09 Amendments	Prior Amendments Subtotal (6)	Amendments this Ordinance	Total 2015 Appropriations
FIRE LEVY FUND #216						
Personal Service	1,010,000			-		**1,010,000**
Capital Outlay	-			-		**-**
Debt Service	-			-		**-**
Total Fire Levy Fund	**1,010,000**	**-**	**-**	**-**	**-**	**1,010,000**
Recycling Grant Fund #217						
Contractual Services	4,000			-		**4,000**
Supplies & Materials	-			-		**-**
Capital Outlay	-			-		**-**
Total Recycling Grant	**4,000**	**-**	**-**	**-**	**-**	**4,000**
FEMA Grant Fund #218						
Transfers-Out	-			8,918		**8,918**
Total FEMA Grant Fund	**-**	**-**	**-**	**8,918**	**-**	**8,918**
OFFICE ON AGING FUND #219						
Personal Services	180,700			-		**180,700**
Contractual Services	11,800	111		(1,000)		**10,911**
Supply & Materials	10,896	333		1,000		**12,229**
Capital Outlay	-			10,000	40,000 H	**50,000**
Total Office on Aging Fund	**203,396**	**445**	**-**	**10,000**	**40,000**	**253,840**
COURT COMPUTER FUND #236						
Contractual Services	10,000			-		**10,000**
Operating Supplies	5,000			-		**5,000**
Capital Outlay	10,000			-		**10,000**
Total Court Computer Fund	**25,000**	**-**	**-**	**-**	**-**	**25,000**
COMMUNITY DIVERSION PROGRAM FUND #237						
Personal Services	15,000			-		**15,000**
Contractual Services	1,000			-		**1,000**
Operating Supplies	1,500			-		**1,500**
Capital Outlay	-			-		**-**
Total Community Diversion	**17,500**	**-**	**-**	**-**	**-**	**17,500**
CEMETERY IMPROVEMENT & MAINTENANCE FUND #238						
Contractual Services	-			-		**-**
Operating Supplies	-			-		**-**
Capital Outlay	-			-		**-**
Total Court Computer Fund	**-**			**-**		**-**
ENTERPTISE ZONE FUND #239						
Contractual Services	750			-		**750**
Total Enterprise Zone Fund	**750**	**-**	**-**	**-**	**-**	**750**
YMCA SPECIAL REVENUE FUND #249						
Contractual Services	-			45,000		**45,000**
Transfers-Out	520,000			-		**520,000**
Total Enterprise Zone Fund	**520,000**	**-**	**-**	**45,000**	**-**	**565,000**
ACCRUED BALANCES FUND #260						
Personal Service	-			-		**-**
Transfers-Out	450,000			-		**450,000**
Total AB Fund	**450,000**	**-**	**-**	**-**	**-**	**450,000**
POLICE PENSION FUND #261						
Personal Service	605,670			-		**605,670**
Total Police Pension Fund	**605,670**	**-**	**-**	**-**	**-**	**605,670**
FIRE PENSION FUND #262						
Personal Service	722,277			-		**722,277**
Total Police Pension Fund	**722,277**	**-**	**-**	**-**	**-**	**722,277**
GENERAL BOND RETIREMENT FUND #321						
Supply & Materials	145,702			-		**145,702**
Debt Service - Interest	521,000			-		**521,000**
Debt Service - Principal	680,000			-		**680,000**
Total General Bond Retirement	**1,346,702**	**-**	**-**	**-**	**-**	**1,346,702**
SPECIAL ASSESSMENT FUND #341						
Other	-			-		**-**
Debt Service	58,000			-		**58,000**
Total Special Assessment Fund	**58,000**	**-**	**-**	**-**	**-**	**58,000**
RECREATION CAPITAL IMPROVEMENT FUND #430						
Capital Outlay	60,000			-		**60,000**
Total Rec Capital Improvement	**60,000**	**-**	**-**	**-**	**-**	**60,000**
RECREATION CAPITAL IMPROVEMENT FUND #431						
Recreation Capital Improvement				-		
Contractual Services	10,000			-		**10,000**
Capital Outlay	-			33,000		**33,000**
Total Rec Capital Improvement	**10,000**	**-**	**-**	**33,000**	**-**	**43,000**
FUTURE CAPITAL IMPROVEMENT FUND #432						
Contractual Services	-	24,584		(13,437)		**11,147**
Capital Outlay	60,000	655,719	150,000	(46,563)		**819,156**
Debt Service	3,120,000			-		**3,120,000**
Transfers-Out	-			-		**-**
Total Future Capital Improvement Fu	**3,180,000**	**680,303**	**150,000**	**(60,000)**	**-**	**3,950,303**

CITY OF NORTH ROYALTON
2015 AMENDING BUDGET ORDINANCE

	Appropriations per Ord. 14-127	Amendments Per Ordinance 2015-09 Prior Year Encumbrances	Amendments Per Ordinance 2015-09 Amendments	Prior Amendments Subtotal (6)	Amendments this Ordinance		Total 2015 Appropriations
STORM AND SEWER DRAINAGE FUND #433							
Contractual Services	65,000	12,805		448,000			**525,805**
Capital Outlay	-	1,334,067		-			**1,334,067**
Debt Service	-			-			**-**
Transfers-Out	978,400			-			**978,400**
Total Storm & Sewer Drainage	**1,043,400**	**1,346,872**	**-**	**448,000**	**-**		**2,838,272**
FIRE CAPITAL IMPROVEMENT FUND #434							
Contractual Services	-			40,000			**40,000**
Operating Supplies	5,000			247,000	(247,000)	G	**5,000**
Capital Outlay	233,000	17,220		-	247,000	G	**497,220**
Debt Service	-			-			**-**
Transfer Out	-			-			**-**
Total Fire Capital Improvement Fund	**238,000**	**17,220**	**-**	**287,000**	**-**		**542,220**
ROUTE 82 WIDENING FUND #435							
Contractual Services	-			-			**-**
Capital Outlay	-			-			**-**
Total Route 82 Widening Fund	**-**	**-**	**-**	**-**	**-**		**-**
ISSUE 1 - BENNETT ROAD FUND #442							
Contractual Services	-			109,360			**109,360**
Capital Outlay	-			330,640			**330,640**
Debt Service	290,000			-			**290,000**
Total Bennett Road Fund	**290,000**	**-**	**-**	**440,000**	**-**		**730,000**
EDGERTON ROAD WATERLINE FUND #443							
Contractual Services	-			-			**-**
Capital Outlay	-			-			**-**
Debt Service	313,000			-			**313,000**
Total Edgerton Road Fund	**313,000**	**-**	**-**	**-**	**-**		**313,000**
EXCESSIVE LOAD FUND #444							
Operating Supplies	-			-			**-**
Transfer-Out	-			-			**-**
Total - Excessive Load Fund	**-**	**-**	**-**	**-**	**-**		**-**
WATER MAIN FUND #445							
Contractual Services	-	56,200		-			**56,200**
Operating Supplies	-	-		-			**-**
Capital Outlay	-	-		-			**-**
Total Water Main Fund	**-**	**56,200**	**-**	**-**	**-**		**56,200**
YORK ROAD RECONSTRUCTION #448							
Contractual Services	-			-			**-**
Capital Outlay	-			-			**-**
Transfers-Out	-			-			**-**
Total Wallings Road Fund	**-**			**-**			**-**
YMCA CAPITAL IMPROVEMENT FUND #449							
Transfer-Out	-			112,119			**112,119**
Total YMCA Capital Imp Fund	**-**			**112,119**	**-**		**112,119**
ISSUE 1 - SPRAGUE ROAD FUND #451							
Contractual Services	-	41,333		60,000			**101,333**
Capital Outlay	-	1,872,994		51,400			**1,924,394**
Debt Service	-	-		-			**-**
Total YMCA Capital Imp Fund	**-**	**1,914,327**	**-**	**111,400**	**-**		**2,025,727**
WASTEWATER TREATMENT FUND #551							
Sanitary Sewer Treatment				-			
Personal Services	1,169,878			11,000			**1,180,878**
Contractual Services	2,458,050	9,260		(140,000)			**2,327,310**
Supply & Materials	237,100	4,156		-			**241,256**
Capital Outlay	161,000	18,200		(46,000)	(50,000)	I	**83,200**
Transfer-Out	-			-			**-**
Compost Facility							**-**
Personal Services	-			-			**-**
Contractual Services	28,350			-			**28,350**
Supply & Materials	500			-			**500**
Capital Outlay	-			-			**-**
Total Wastewater Treatment Fund	**4,054,878**	**31,617**	**-**	**(175,000)**	**(50,000)**		**3,861,495**
WASTEWATER MAINTENANCE FUND #552							
Personal Service	853,800			15,000			**868,800**
Contractual Services	103,000			241,000			**344,000**
Supply & Materials	108,150	1,235		65,000			**174,385**
Capital Outlay	-			-			**-**
Debt Service	45,373			-			**45,373**
Total WW Maintenance Fund	**1,110,323**	**1,235**	**-**	**321,000**	**-**		**1,432,558**
WASTEWATER DEBT SERVICE FUND #553							
Debt Service	1,543,320			-			**1,543,320**
Total WW Debt Service Fund	**1,543,320**	**-**	**-**	**-**	**-**		**1,543,320**
WASTEWATER REPAIR AND REPLACEMENT FUND #555							
Capital Outlay	368,700	32,280		-	50,000	I	**450,980**
Transfers-Out	500,000			-			**500,000**
Total WW Repair & Replacem't	**868,700**	**32,280**	**-**	**-**	**50,000**		**950,980**

CITY OF NORTH ROYALTON
2015 AMENDING BUDGET ORDINANCE

	Appropriations per Ord. 14-127	Amendments Per Ordinance 2015-09		Prior Amendments Subtotal (6)	Amendments this Ordinance	Total 2015 Appropriations
		Prior Year Encumbrances	Amendments			
IMPROVEMENT HOLDING FUND #763						
Refunds	200,000			-		**200,000**
Total Improvement Holding Fund	**200,000**	**-**	**-**	**-**	**-**	**200,000**
OHIO BOARD OF BUILDING STANDARDS FUND #764						
Other	2,000			-		**2,000**
Total OBBS Fund	**2,000**	**-**	**-**	**-**	**-**	**2,000**
BUILDING CONSTRUCTION BOND FUND #766						
Transfer	-			-		**-**
Other	75,000			-		**75,000**
Total Bldg. Construction Bond	**75,000**	**-**	**-**	**-**	**-**	**75,000**
OFFICE ON AGING DEPOSITS FUND #768						
Other	2,878			-		**2,878**
Total Office on Aging Deposits	**2,878**	**-**	**-**	**-**	**-**	**2,878**
UNCLAIMED FUNDS #769						
Other	5,000			-		**5,000**
Total Unclaimed Funds	**5,000**	**-**	**-**	**-**	**-**	**5,000**
FUND TOTALS	**42,007,273**	**4,316,384**	**150,000**	**2,991,937**	**40,000**	**49,505,594**

ORDINANCE NO. 15-92 INTRODUCED BY: Langshaw, Muller, Petrusky Marnecheck

AN ORDINANCE TO RATIFY AND CONFIRM A CONTRACT TO ACCEPT A GRANT AWARD FROM THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY'S ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM IN THE AMOUNT OF $39,908.80, AND AUTHORIZING THE PURCHASE OF THE APPROVED EQUIPMENT WITHOUT PUBLIC BIDDING FOR AN AMOUNT NOT TO EXCEED $49,886.00, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton has been awarded a grant in the amount of $39,908.80 from the Northeast Ohio Areawide Coordinating Agency's Enhanced Mobility For Seniors and Individuals with Disabilities Program; and

WHEREAS: This grant award has been approved by the Northeast Ohio Areawide Coordinating Agency's Enhanced Mobility For Seniors and Individuals with Disabilities Program to be applied towards the purchase of a Dedicated Mobility Access Vehicle for the Office on Aging and Human Services for a total amount not to exceed $49,886.00, with the city's final cost share of this purchase being $9,977.20; and

WHEREAS: This equipment is being purchased from Tesco without public bidding due to the fact that this equipment is available only from a single source supplier; and

WHEREAS: It is therefore necessary to ratify and confirm a contract to accept the grant award from the Northeast Ohio Areawide Coordinating Agency's Enhanced Mobility for Seniors and Individuals with Disabilities Program and to authorize the purchase of the approved equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby ratifies and confirms a contract to accept the grant award from the Northeast Ohio Areawide Coordinating Agency's Enhanced Mobility for Seniors and Individuals with Disabilities Program in the amount of $39,908.80 and to authorize the purchase from Tesco without public bidding for one (1) Dedicated Mobility Access Vehicle for an amount not to exceed $49,886.00 pursuant to terms and conditions as approved by the Director of Law and substantially similar to a copy of which is attached hereto as Exhibit A and incorporated as if fully rewritten.

Section 2. It is 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to ratify and confirm a contract to accept the grant award from the Northeast Ohio Areawide Coordinating Agency's Enhanced Mobility for Seniors and Individuals with Disabilities Program in the amount of $39,908.80 and to authorize the purchase without public bidding of one (1) Dedicated Mobility Access Vehicle for an amount not to exceed $49,886.00.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

Final costs 2015 vehicle

TESCO®

PRICING FOR CONTRACT #251-14
2014

Please Return by _____
This Form must be completed and received by the above date to ensure the timely processing of your order.

Dedicated Mobility Access Vehicle

Floor Plan _____ **Order Qty.:** 1

Customer Name: City North Royalton Office on Aging
Address: 13500 Ridge Rd
North Royalton, Ohio 44133

Contact Name: Judy Willey
Phone No.: 440-582-6333
Fax No.:
Email: jwilley@northroyalton.org

Items	Unit Price	Qty	Selected Option Price
Dedicated Mobility Access Vehicle (MV-1)	$47,978.00	1	$ 47,978.00
Optional Powered Ramp	$ 1,320.00	1	$ 1,320.00
Center Console	Included		
Rear Air Conditioning	$ 1,995.00		$ -
CNG System	$13,700.00		$ -
Oxygen Tank Securement	$ 588.00	1	$ 588.00
		TOTAL	$ 49,886.00

TOTAL CUSTOMER REQUESTED OPTIONS $ -

(SEE PAGE 2 ATTACHED)

TOTAL VEHICLE COST INCLUDING OPTIONS $ 49,886.00

☐ ☐ ☐ ☐

X _____ _____
PURCHASER'S SIGNATURE **Date**

For pricing assistance, please contact Bud Graham:
6401 Seaman Rd., PO Box 167230, Oregon, OH 43616-7230
1-800-227-3572 FAX 419-836-8460

rev: 1/2/2014

City's share
$ 9,977.20 > 20%

39,908.80 (80%)

CONTRACT BETWEEN
NOACA AND SUB-RECIPIENT
FY 2015

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

Contract for Services (SEC5310-001-CNR)

THIS AGREEMENT entered into the 29th DAY OF SEPTEMBER, 2015 ~~day of INSERT MONTH~~, by and between the City of North Royalton **(Sub-recipient)**, an OHIO NON-PROFIT CORPORATION and the **NORTHEAST OHIO AREAWIDE COORDINATING AGENCY** (NOACA);

W I T N E S S E T H:

WHEREAS, NOACA desires to contract with the City of North Royalton as sponsor for specialized transportation for transit dependent individuals (the "Project"), as evidenced by NOACA Board of Directors' Resolution 2015-013.

WHEREAS, City of North Royalton will assist NOACA in achieving the goals of the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program through a vehicle purchase that will support the safety and satisfaction of target Section 5310 populations and improve service efficiency.

WHEREAS, the projects recommended are consistent with the goals of the Coordinated Public Transit-Human Services Transportation Plan for Northeast Ohio, as required by FTA; and

NOW, THEREFORE, the parties mutually agree as follows:

1. **Contract with the City of North Royalton.** The Grantee agrees to oversee work as detailed in Exhibit "A" in conformity with all applicable federal, state and local laws to which the City of North Royalton and NOACA and their respective employees are subject.

2. **Scope of Services.** City of North Royalton shall perform in a satisfactory, proper and timely manner the work tasks set forth in the attached Scope of Services (Exhibit "A"), upon receiving proper authorization as defined in this Scope. The Scope of Services shall become part of this Contract and shall not be altered without prior express, written consent of NOACA and City of North Royalton.

DESCRIPTION	ORDER #	TOTAL PROJECT COST	FEDERAL SHARE	LOCAL SHARE
(1) MV-1 (DMV)		$49886	**$39908**	$9977

3. **Time of Performance.** The effective date of this Contract shall commence upon signature by all parties. The term of this Contract shall conclude on December 31st, 2016, unless terminated earlier in accordance with Section 6 or extended by agreement of the parties. In any event, all services shall be completed on or before December 31st, 2016.

4. **Compensation.** The total estimated cost of the Project is **$49,886** as shown in Section 2 and Exhibit "C." NOACA agrees to reimburse and/or invoice according to an agreed schedule (Exhibit "B") for all authorized services performed in a satisfactory and timely manner by the City of North Royalton. NOACA agrees that grant funds paid in accordance with this Contract shall not to exceed the project maximum of **$39,908**. All costs in excess of the project maximum are to be paid by the City of North Royalton. The City of North Royalton agrees to submit to NOACA invoices with sufficient evidence of payment.

NOACA reserves the right to make partial payments on any Grant Contract when necessary to conform to appropriation levels and funding availability.

5. **Method of Payment; Quarterly Status Reports**. All invoices shall be submitted by the City of North Royalton and shall have proof of payment attached. Invoices shall be taken from the books of account kept by the City of North Royalton. The City of North Royalton shall have available copies of payroll distribution, receipted bills or other documents reasonably required by NOACA. The invoices are to be in the form of Exhibit "D" attached. The City of North Royalton shall also submit to NOACA quarterly reports, in the form shown in Exhibit "E," without which payment by NOACA may be refused.

Capital: If not purchased for the recipient by NOACA, the City of North Royalton shall submit to NOACA a capital Invoice for items described in the "Scope of Services" of this Contract as they are purchased or provided. Grantee can submit only one Invoice per quarter following the purchase of the item(s). Vehicle invoices may be submitted up to 10 days prior to the anticipated vehicle delivery date. Upon receipt of an Invoice, NOACA will initiate the payment of the grant funds specified in the "Scope of Services" of this Contract, corresponding to the eligible capital expense incurred by the City of North Royalton identified on the Invoice.

Reimbursement to the City of North Royalton shall not constitute a final determination by NOACA of the eligibility of any expense incurred by the City of North Royalton and shall not constitute a waiver of any breach of this Contract by the City of North Royalton or any Project Contractor. NOACA will make a final determination of the eligibility of any cost charged to the Projects after completion of the Final Audit and/or project closeout.

6. **Required Information and Documentation.** The City of North Royalton, shall submit copies of all documents relating to this Contract, including all bids and financial reports, as well as applicable federal fiscal year 2015 certifications and assurances for the Section 5310 Specialized Transportation Program, to NOACA upon request or in accordance with the requirements of the appropriate program or other NOACA guidance.

The City of North Royalton, shall:

1. Maintain and update a complete inventory of vehicles and equipment supplied through NOACA programs including the Enhanced Mobility for Seniors and Individuals with Disabilities;

2. Submit quarterly progress reports to NOACA

3. Provide copies of purchase orders issued for all capital items; and budgets for operating expenses

4. Upon delivery of vehicles provide a Vehicle Delivery Checklist;

The Grantee shall submit all other information to NOACA's Section 5310 Project Manager as requested by NOACA or its agents.

7. **Sale, Disposition or Encumbrance of Project Equipment:** Sale or disposition of project equipment shall be undertaken by the City of North Royalton only after receiving NOACA's written approval. If applicable, upon disposition the City of North Royalton shall refund to NOACA the Federal share of the Fair Market Value of the project equipment that does not meet minimum disposition criteria.

The City of North Royalton shall not execute any mortgage, lien, assignment, or other legal or equitable claim upon any project equipment unless such action is authorized in writing by the Executive Director or other designated staff of NOACA.

8. **Required Insurance Coverage.** The City of North Royalton shall purchase and maintain a comprehensive policy of insurance upon the Project. Said policy (for vehicles) shall be in effect throughout the Project life and include collision, theft, and liability insurance. Collision and theft insurance shall be maintained upon the Project in an amount no less than the Federal participation rate of the fair market value. Liability insurance shall protect FTA, NOACA, and the City of North Royalton from claims for damages to property and bodily injury including death, which may arise from or in connection with operation of the project equipment by the City of North Royalton or by anyone directly or indirectly associated with the City of North Royalton. Unless the City of North Royalton receives the prior written permission of NOACA to carry a lower amount of insurance coverage, the minimum amount of liability insurance the City of North Royalton shall maintain is $500,000 per occurrence and $500,000 in the aggregate.

9. **Termination of Contract for Cause**. If through any cause, except for cause beyond control of the City of North Royalton, the City of North Royalton fails to produce at the time set forth in the Scope of Services, time being of the essence, or fails to fulfill in any material respect its obligations under this Contract; or if the City of North Royalton has violated in any material respect any of the covenants, agreements or stipulations of this Contract, NOACA shall have the right to terminate this Contract by giving written notice to the City of North Royalton of such termination and specifying the effective date, which may be immediate. In such event, City of North Royalton shall be eligible for reimbursement for that portion of the work satisfactorily completed and accounted for prior to termination.

Whenever an event of default has occurred, NOACA may (a) direct the City of North Royalton to comply with such orders of disposition of the project equipment and/or facility as NOACA may issue, (b) direct the City of North Royalton to return to NOACA the percentage of the Federal share of the remaining Fair Market Value, if any, which is realized from the City of North Royalton disposition of the Project Equipment and/or facility, (c) refuse to pay any invoices, and/or (d) require reimbursement from the City of North Royalton of all or any portion of the grant funds for any period of time that the City of North Royalton has been in default.

10. **Termination for Convenience**. Either party may terminate this Contract at any time by giving at least seven (7) days advance written notice to the other party of such termination and specifying the effective date. If the Contract is terminated by NOACA, the City of North Royalton will be reimbursed for all of its services satisfactorily performed and accounted for up to that time. Acceptance of the sum so reimbursed shall constitute complete and final release by the City of North Royalton of NOACA and the City of North Royalton shall not be entitled to any further reimbursement nor will NOACA be liable for any further reimbursement, whether for damages or otherwise. Notwithstanding the fact that NOACA terminates this Contract, the City of North Royalton shall comply with all conditions to be eligible for reimbursement for that portion of the work which it completed prior to termination.

11. **Changes**. NOACA may from time to time request changes in the Scope of Services to be performed by the City of North Royalton. Such changes, which are mutually agreed upon by NOACA and the City of North Royalton, shall be incorporated in written amendments to this Contract, signed by both parties.

12. **Findings Confidential**. Any reports, information and data given to or prepared or assembled by the City of North Royalton under this Contract shall not be made available to any individual or organization by the City of North Royalton without prior approval of NOACA unless required by law or unless dissemination of any such reports, information or data is in furtherance of the City of North Royalton's services hereunder. All news releases or other public information relating to NOACA or contents of the Scope of Services contained in this Contract must have prior approval of both parties unless subject to public records law.

13. **Responsibility of the City of North Royalton.** The City of North Royalton shall be responsible for professional quality, technical accuracy and coordination of all services furnished by the City of North Royalton and any NOACA-approved third-party contractor under this Contract. Upon request, the City of North Royalton shall correct or revise, without additional compensation, any errors or deficiencies that occur in its services.

14. **Compliance with Federal, State and Local Requirements.** The City of North Royalton will fully comply with all applicable terms and conditions stipulated in the FTA Master Agreement, dated October 1st, 2012, as amended. The FTA Master Agreement may be accessed at the Federal Transit Administration Web site at www.fta.dot.gov, including all applicable certifications and assurances. NOACA and the City of North Royalton understand and agree that not every requirement within the Master Agreement will apply to the Project and those that do not apply will not be enforced. The City of North Royalton will also fully comply with all other applicable federal, state and local laws, rules, regulations, executive orders and other legal requirements as they apply to the City of North Royalton's responsibilities under this Contract. Further, the City of North Royalton will fully comply with any applicable provisions of NOACA's Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program Management Plan (PMP), published in 2014 and any subsequent amendments (Exhibit "F").

15. **Audits and Inspection**. Upon reasonable advance notice, at any time during normal business hours and as often as NOACA or its auditor may reasonably deem necessary, the City of North Royalton shall make available to NOACA, for examination, all records for a period of no less than three years from the date of final payment with respect to all matters covered by this Contract and will permit NOACA or its auditor to audit, examine and make copies of transcripts from such records, and to make copies of all contracts, invoices, materials, payroll records, and to make copies of other data relating to all matters covered by this Contract. The City of North Royalton shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred pursuant to generally accepted accounting practices. Those records which relate to a NOACA grant agreement, litigation or settlement of claims arising out of such performance or cost of items to which an audit exception has been taken, shall be maintained and made available 15 years after date of resolution of such appeal, litigation, claim or exception.

16. **Reimbursement**. The City of North Royalton agrees to complete services as set forth in the attached Scope of Services (Exhibit "A") and to invoice NOACA only for those services requested. The City of North Royalton agrees to reimburse NOACA for any costs found to be ineligible for reimbursement by any state or federal agency whether due to audit or otherwise.

17. **Equal Employment Opportunity**: The City of North Royalton agrees to abide by any and all applicable equal employment opportunity laws, whether state or federal, and to use its best efforts to subcontract with disadvantaged business enterprises (DBEs) when possible. The City of North Royalton shall ensure that applicants are hired, and that employees are treated during employment, without regard

to their race, religion, national origin, ancestry, color, gender, sexual orientation, age, disability or veteran status. Such action shall include, but is not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and, election for training, including apprenticeship. The City of North Royalton further agrees that it will insert the foregoing provision in all of its subcontracts in connection with services provided; the City of North Royalton further agrees to comply with all requirements of Title VI of the Civil Rights Act, 42 U.S.C. 2000d et seq., 49 C.F.R. Part 21.

18. **Interest of Members of the City of North Royalton and Others**. No officer, member or employee of the City of North Royalton and no members of its governing body shall have any interest, direct or indirect, in this Contract.

19. **Time of Execution and Reliance by NOACA on Prior Submissions**. The parties acknowledge that NOACA, in executing this Contract, is relying upon the accuracy and truthfulness of information submitted to NOACA by the City of North Royalton as requested by NOACA and supplied by the City of North Royalton, and such information is incorporated by reference in this Contract.

20. **Drug-Free Workplace.** The City of North Royalton agrees to comply with all applicable State and Federal law regarding a drug-free work place. Grantee shall make a good faith effort to ensure that its employees will not purchase, transfer, use, or possess illegal drugs, or abuse prescription drugs in any way.

21. **Buy America.** The City of North Royalton agrees to comply with 49 U.S.C. subsection 5323(j), FTA regulations, "Buy America Requirements," 49 C.F.R. Part 661, and implementing guidance FTA may issue.

22. **Anti-Lobbying (Receiving over $100,000).** No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq* .)]

23. **Notices to the Parties.** Notices, reports, invoices and other communications required under this Contract shall be sent to the following representatives of the parties:

Kelley Britt, Program Manager	**Judy Willey, Director Office on Aging**
NOACA	**City of North Royalton**
1299 Superior Ave	**13500 Ridge Rd**
Cleveland, OH 44113	**North Royalton, OH 44133**
216.241.2414 ext 211	**440.582.6333**
kbritt@mpo.noaca.org	**jwilley@northroyalton.org**
www.noaca.org	

CONTRACT BETWEEN
NOACA AND SUB-RECIPIENT
FY 2015

IN WITNESS WHEREOF, the City of North Royalton and NOACA have executed this Contract as and for the date first above written.

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

By_____
NAME, TITLE

APPROVED AS TO LEGAL ADEQUACY
NOACA LEGAL COUNSEL:

_____
Nancy Hancock Griffith, Esq.
BauerGriffith LLC

CITY OF NORTH ROYALTON

By Robert A Stefko, Mayor
NAME, TITLE

APPROVED AS TO LEGAL ADEQUACY
CITY OF NORTH ROYALTON, LEGAL COUNSEL:

Thomas A Kelly
LEGAL COUNSEL NAME, Esq.
LAW DIRECTOR

Funds Encumbered by NOACA Purchase Order No.: XXXXX

EXHIBIT A

Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310)

I. General: The work to be accomplished is in support of the following Northeast Ohio Areawide Coordinating Agency (NOACA) Resolution No. 2015-013:

FFY 2015 Enhanced Mobility for Seniors and Individuals with Disabilities Program

To manage the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program NOACA has set up a federal grant with U.S. Department of Transportation Federal Transit Administration (FTA) to access appropriated Section 5310 funds for the Cleveland Urbanized Area. For purposes of this document, NOACA is the designated recipient of these funds and the agency that will receive the funds is City of North Royalton ("organization").

II. Area Covered: All necessary services provided in this Contract will support the Enhanced Mobility for Seniors and Individuals with Disabilities project in the service area as outlined in the Scope of Services with work completed or subcontracted by the City of North Royalton.

III. Goal: The Enhanced Mobility for Seniors and Individuals with Disabilities program provides federal funding assistance for eligible entities to conduct or contract for operating or capital projects to serve the transportation needs of elderly persons and persons with disabilities.

SCOPE OF SERVICES

Project Description		
Strategy/Activity	**Responsibility**	**Timeline**

EXHIBIT B

Compensation and Method of Payment

I. Compensation: Total cost of the Project is **$49,886**. NOACA agrees that the grant funds paid in accordance with this Contract shall consist of a Federal amount not to exceed **$39,908**. A breakdown of this compensation is shown in the approved project budget, which is attached and made part of this contract for financial reporting, monitoring and audit purposes (Exhibit "C"). Changes to the approved project budget shall be made in accord with the Contract section entitled "Changes".

II. Method of Payment:
A. Payments: The City of North Royalton may bill NOACA for milestones no more frequently than quarterly. The bill must contain documentation of the milestone or percentage of work completed for acceptance by the NOACA Enhanced for Mobility and Individuals with Disabilities (section 5310) Program Project Manager.

The City of North Royalton shall be entitled to receive progress payments on the following basis. Upon completion of the described milestones (Exhibit "C") during the existence of this Contract, the City of North Royalton shall prepare an invoice for payment documenting work completed and costs incurred during the invoice period. This invoice shall be submitted to NOACA along with the quarterly report by the 10th day of the month following the end of each quarter (January 10th, April 10th, July 10th, and October 10th). Any payment for which reimbursement is requested may be disallowed at NOACA's discretion if not properly documented, as determined by NOACA, in the required quarterly narrative progress report.

Upon NOACA's audit and review of such invoice and its review and approval of the invoice, NOACA, at the request of the City of North Royalton, will make payments to the City of North Royalton as the work progresses but not more often than quarterly. Invoices shall reflect 100% of allowable actual costs incurred, be numbered consecutively and submitted each quarter or at a less frequent, agreed upon interval until the project is completed. An electronic or paper copy of the City of North Royalton quarterly invoice and quarterly narrative progress report is to be submitted to the NOACA Enhanced Mobility for Seniors and Individuals with Disabilities Program Project Manager, as shown in the "Notices to the Parties" section of this Contract. Quarterly narrative progress reports will be required throughout the useful life of the equipment purchased under this project Contract. Additional annual reporting may be required of the by FTA at a schedule of its determination.

B. Final Payment: Final payment shall only be made upon determination by NOACA that all requirements have been completed. Upon such determination and upon submittal of a final invoice, NOACA shall pay all compensation due to the City of North Royalton, minus all previous payments made.

The City of North Royalton final invoice must be received by NOACA by December 31st, 2016, which is no later than 30 days after the project completion date specified in the "Time of Performance" section of this Contract. NOACA may disallow, at its reasonable discretion, payment of all or part of a final invoice received after this deadline.

III. Completion of Project: It is agreed that in no event will the maximum compensation and reimbursement, if any, to be paid to the City of North Royalton under this Contract exceed **$39,908**, and that the City of North Royalton expressly agrees that it shall do, perform and carry out in a satisfactory and proper manner, as reasonably determined by NOACA, all work and services described in Exhibit "C."

IV. Access to Records: The City of North Royalton agrees that NOACA, FTA and, if appropriate, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the City of North Royalton which are directly pertinent to the project for the purpose of making audit, examination, excerpts and transcriptions.

The City of North Royalton agrees that failure to carry out requirements set forth above in any material respect shall constitute a breach of contract and may result in termination of this agreement by NOACA or such other remedy available under law.

V. NOACA's Designated Agent. NOACA's Executive Director designates Kelley Britt (or other designee) as NOACA's Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program Project Manager for purposes of this Contract only, except for executing amendments.

VI. Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Agreement Number. The City of North Royalton is required to have the Agreement number on every document that is submitted to NOACA. **The Agreement Number for this grant is SEC5310-001-CNR.** No document submitted to NOACA by the City of North Royalton will be accepted without this number on the document.

VII. Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Invoice Number. The City of North Royalton is required to have the Agreement number on every invoice that is submitted to NOACA. **The first invoice submitted shall be SEC5310-001-CNR–P1 then numbered successively afterwards (i.e. P2, P3, P4...).** No invoice will be eligible for reimbursement without the invoice number.

VIII. Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Report Number. Reports shall be submitted quarterly, no later than the 10th day of the month following the end of each quarter (January 10, April 10, July 10, October 10). The City of North Royalton is required to have the Agreement number on every report that is submitted to NOACA. **The first report submitted shall be SEC5310-001-CNR–R1 then numbered successively afterwards (i.e. R2, R3, R4...).**

EXHIBIT C

Milestones and Budget

TASKS	SCOPE OF WORK	ESTIMATED TOTAL COST	MILESTONES	SCHEDULE
1				
2				
3				
TOTAL				

EXHIBIT D

Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310)
Invoice for Federal Reimbursement

Submitted By: The City of North Royalton ("organization")
Submitted To: Kelley Britt, Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program Project Manager

Date: **Invoice #:SEC5310-001-CNR-P1**

Agreement #: SEC5310-001-CNR

Total Project Budget: $49,886
Maximum Federal Share: $39,908
Local Share: $9,977

PROJECT PAYMENT PROCESS

	TOTAL COST	FEDERAL SHARE (MAXIMUM 80%)
Previous Invoices Submitted:	$	$
Current Invoice Amount:	$	$
Total Submitted To Date:	$	$
Percent Submitted To Date:	%	%
Percent Work Completed To Date:		%
Milestone(s) Addressed by this Invoice:		

By signature below, the City of North Royalton certifies that the above amount submitted was for work completed as shown on the attached detailed statement. For payments on this invoice the City of North Royalton requests reimbursement for the federal share of this invoice payment.

V. Eric Dean 9/29/15
City of North Royalton Project Manager Date

NOACA Section 5310 Program Project Manager Date

EXHIBIT E

Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program
Quarterly Status Report

Submitted By: The City of North Royalton ("organization")
Submitted To: Kelley Britt, Enhanced Mobility and Individuals with Disabilities (Sections 5310) Program Project Manager

Date: **Report #: SEC5310-001-CNR-R1**

Agreement #: SEC5310-001-CNR

Total Project Budget: $49,886
Maximum Federal Share: $39,908
Local Share: $9,977

Work Anticipated This Quarter:

Work Completed This Quarter:

Problems Encountered or Anticipated:

Note: Additional reporting may be required by FTA.

EXHIBIT F

Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program Management Plan

INSERT HERE

ORDINANCE NO. 15-93 INTRODUCED BY: Antoskiewicz, Petrusky, Marnecheck

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, CHAPTER 214 GENERAL FEE SCHEDULE, SECTION 214.06 FEES IN THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, PARAGRAPH (k) CEMETERIES, AND DECLARING AN EMERGENCY

WHEREAS: Council has determined that it is necessary to amend the Codified Ordinances of the City of North Royalton, Chapter 214 General Fee Schedule, Section 214.06 Fees in the Streets, Utilities and Public Services Code, Paragraph (k) Cemeteries; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Chapter 214 General Fee Schedule, Section 214.06 Fees in the Streets, Utilities and Public Services Code, Paragraph (k) Cemeteries, is hereby amended and shall hereinafter read as follows:

214.06 FEES IN THE STREETS, UTILITIES AND PUBLIC SERVICES CODE.
(k) Cemeteries:

The price charge per grave lot: (1068.03(b))	Residents	Nonresidents
Section A	~~$650.00~~ ***$700.00***	~~$900.00~~ ***$1,000.00***
Section B	~~$550.00~~ ***$600.00***	~~$800.00~~ ***$900.00***

Sale or transfer of graves: (1068.04)	~~$ 35.00~~ ***$ 40.00***
Grave opening and burial permit fees: (1068.06)	
Small size	~~$200.00~~ ***$250.00***
Full size	~~$500.00~~ ***$550.00***
Extra deep for stacking of burials	~~$300.00~~ ***$350.00***
Headstone resetting fee	~~$150.00~~ ***$200.00***
Grave opening for cremation	~~$175.00~~ ***$200.00***
Disinterment (regular grave)	~~$800.00~~ ***$850.00***
Saturday or Sunday burial extra	~~$400.00~~ ***$550.00***
Saturday opening for cremation	~~$250.00~~ ***$400.00***
Funerals arriving after 3:00 p.m.	~~$ 50.00~~ ***$ 75.00***
Extra charge for each half hour or fraction thereof	~~$ 40.00~~ ***$ 50.00***
Footer installations: (1068.07)	
1 ft. wide by 3 ft. long or larger	~~$250.00~~ ***$300.00*** plus ~~$50.00~~ ***$75.00*** for each additional foot
Less than 1 ft. wide by 3 ft. long	~~$150.00~~ ***$175.00***
Full size burial – holidays and city observed holidays	***$1,100.00***
Grave opening for cremation – holidays and city observed holidays	***$ 400.00***

Section 2. Section 214.06 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Section 214.06 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend the fee schedule regarding the municipal cemetery.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

ORDINANCE NO. 15-94 INTRODUCED BY: Antoskiewicz, Petrusky, Marnecheck

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON PART 8 BUSINESS REGULATION AND TAXATION CODE, BY CREATING A NEW CHAPTER 881 ENTITLED MUNICIPAL INCOME TAXES, AND DECLARING AN EMERGENCY

WHEREAS: The State of Ohio has adopted new income tax regulations that each municipality in Ohio must adopt as a part of their individual tax codes; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton Part 8 Business Regulation and Taxation Code by creating a new Chapter 881 entitled Municipal Income Taxes effective January 1, 2016; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby amends the Codified Ordinances of the City of North Royalton Part 8 Business Regulation and Taxation Code by creating a new Chapter 881 entitled Municipal Income Taxes effective January 1, 2016, a copy of which is attached hereto as Exhibit A and incorporated as if fully rewritten.

Section 2. Part 8 Business Regulation and Taxation Code of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Part 8 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to adopt the new State of Ohio income tax regulations that each municipality in Ohio must adopt as a part of their individual tax codes.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

Ordinance No. 15-94
Exhibit A

CHAPTER 881 MUNICIPAL INCOME TAXES

SECTION 881.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide for the purposes of paying costs of general municipal functions, constructing, reconstructing, widening, grading, draining, paving, resurfacing, maintaining, repairing and otherwise improving streets, sidewalks, curbs and gutters, and related infrastructure improvements, costs of constructing and installing storm water improvements, and the costs of acquiring related equipment and other related municipal street and storm water operating expenses, there is hereby levied a tax on all income, salaries, qualifying wages, commissions and other compensation, and on net profits, as hereinafter provided

(B) (1) The annual tax is levied at a rate of two (2.00) % per year, of which rate one (1.00) % is hereinafter referred to as the Base Tax and one (1.00) % is hereinafter referred to as the Additional Tax. The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the City. The tax is levied on all income, salaries, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in this Chapter and other sections as they may apply.

(2) The base tax, as defined in (B)(1), collected under this chapter shall be disbursed by the Director of Finance in the following manner:

(a) First, such part thereof as is necessary to defray all expenses of collecting the tax and of administering and enforcing this chapter shall be paid.

(b) Income tax funds available shall be disbursed in the following manner;

Office on Aging Fund	$175,000 per year
City Income Tax Fund	6.00% of collections
Police Facility Operating Fund	$200,000 per year
General Fund	Balance Remaining

(c) Funds which are attributable to the additional tax, as defined in Section 881.01 (B)(1), collected under this chapter, shall be disbursed by the Director of Finance in the following manner:

(i) First, such part thereof as is necessary to defray all expenses of collecting the tax and of administering and enforcing this chapter shall be paid.

(ii) Income tax funds available shall be disbursed in the following manner;

A. At least 40% of the collections shall be placed in the General Fund;
B. Up to 40% of the collections shall be placed in the SCM&R Fund; and
C. Up to 20% of the collections shall be placed in the Storm Water and Drainage Fund.

(C) The tax on income and the withholding tax established by Chapter 881 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718).

SECTION 881.02. DEFINITIONS.

(A) Any term used in this chapter/ordinance that is not otherwise defined in this chapter/ordinance has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the ORC, unless a different meaning is clearly required. If a term used in this chapter/ordinance that is not otherwise defined in this chapter/ordinance is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the ORC and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the ORC.

(B) The singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

(C) As used in this chapter/ordinance:

(1) **"Adjusted federal taxable income"**, for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under (C)(24)(d) of this division, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(a) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(b) Add an amount equal to five percent (5%) of intangible income deducted under division (C)(1)(a) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;

(c) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(d) (i) Except as provided in (C)(1)(d)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(ii) Division (C)(1)(d)(i) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.

(e) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(f) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(g) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the ORC;

(h) (i) Except as limited by divisions (C)(1)(h)(ii), (iii), and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.

The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(ii) No person shall use the deduction allowed by division (C)(1)(h) of this section to offset qualifying wages.

(iii) (a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (C)(1)(h)(i) of this section.

(b) For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by (C)(1)(h)(i) of this section.

(iv) Any pre-2017 net operating loss carry forward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to (C)(1)(h) of this section.

(v) Nothing in division (C)(1)(h)(iii)(a) of this section precludes a person from carrying forward, use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (C)(1)(h)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (C)(1)(h)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (C)(1)(h)(iii)(a) of this section shall apply to the amount carried forward.

(i) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (V)(3)(b) of Section 881.05.

(j) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (V)(3)(b) of Section 881.05.

If the taxpayer is not a C corporation, is not a disregarded entity that has made an election described in division (C)(48)(b) of this section, is not a publicly traded partnership that has made the election described in division (C)(24)(d) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such Payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (C)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(2) (a) **"Assessment"** means a written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the Board of

Tax Review pursuant to Section 881.21, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(b) "Assessment" does not include a notice denying a request for refund issued under division (C)(3) of Section 881.09, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (C)(2)(a) of this section.

(3) **"Audit"** means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(4) **"Board of Tax Review"** or "Board of Review" or "Board of Tax Appeals", or other named local board constituted to hear appeals of municipal income tax matters, means the entity created under Section 881.21.

(5) **"Calendar quarter"** means the three-month period ending on the last day of March, June, September, or December.

(6) **"Casino operator"** and **"casino facility"** have the same meanings as in Section 3772.01 of the ORC.

(7) **"Certified mail", "express mail", "United States mail", "postal service"**, and similar terms include any delivery service authorized pursuant to Section 5703.056 of the ORC.

(8) **"Disregarded entity"** means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(9) **"Domicile"** means the true, fixed, and permanent home of a taxpayer and to which, whenever absent, the taxpayer intends to return. A taxpayer may have more than one residence but not more than one domicile.

(10) **"Employee"** means an individual who is an employee for federal income tax purposes.

(11) **"Employer"** means a person that is an employer for federal income tax purposes.

(12) **"Exempt income"** means all of the following:

(a) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state.

(b) Intangible income

(c) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(12)(c) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in Section 3402(o)(2) of the Internal Revenue Code.

(d) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(e) Compensation paid under Section 3501.28 or 3501.36 of the ORC to a person serving as a precinct election official to the extent that such compensation does not exceed $1,000 for the taxable year. Such compensation in excess of $1,000 for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(f) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(g) Alimony and child support received.

(h) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages.

(i) Income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the ORC. Division (C)(12)(i) of this section does not apply for purposes of Chapter 5745. of the ORC.

(j) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business.

(k) Compensation or allowances excluded from federal gross income under Section 107 of the Internal Revenue Code.

(l) Employee compensation that is not qualifying wages as defined in division (C) (35) of this section.

(m) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(n) An S corporation shareholder's share of net profits of the S corporation, other than any part of the share of net profits that represents wages as defined in Section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in Section 1402(a) of the Internal Revenue Code.

(o) All of the income of individuals under 18 years of age.

(p) (i) Except as provided in divisions (C)(12)(p)(ii), (iii), and (iv) of this section, qualifying wages described in division (C)(2) or (5) of Section 881.04 to the extent the qualifying wages are not subject to withholding for the City under either of those divisions.

(ii) The exemption provided in division (C)(12)(p)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(iii) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (C)(4)(b) of Section 881.04.

(iv) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages if both of the following conditions apply:

(a) For qualifying wages described in division (C)(2) of Section 881.04, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (C)(5) of Section 881.04, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(b) The employee receives a refund of the tax described in division (C)(12)(p)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.

(q) (i) Except as provided in division (C)(12)(q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the City on not more than 20 days in a taxable year.

(ii) The exemption provided in division (C)(12)(q)(ii) of this section does not apply under either of the following circumstances:

The individual's base of operation is located in the municipal corporation.

The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(12)(q)(ii)(b) of this section, “professional athlete,” “professional entertainer,” and “public figure” have the same meanings as in Section 881.04 (C).

(iii) Compensation to which division (C)(12)(q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(iv) For purposes of division (C)(12)(q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(r) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to Section 709.023 of the ORC on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(s) Income the taxation of which is prohibited by the constitution or laws of the United States. Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(13) “**Form 2106”** means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(14) **“Generic form”** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or claim

(15) **“Gross receipts”** means the total revenue derived from sales, work done, or service rendered.

(16) **“Income”** means the following:

(a) (i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in (C)(24)(d) of this division.

(ii) For the purposes of division (C)(16)(a)(i) of this section:

(a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and

the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (C)(16)(a)(iv) of this section;

(b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(iii) Division (C)(16)(a)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division(C)(12)(n) or (C)(16)(e) of this section.

(iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(b) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(c) For taxpayers that are not individuals, net profit of the taxpayer;

(d) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(17) **“Intangible income”** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of defined in Chapter/ordinance 5701 of the ORC, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(18) **“Internal Revenue Code”** has the same meaning as in Section 5747.01 of the ORC.

(19) **“Limited liability company”** means a limited liability company formed under chapter/ordinance 1705 of the ORC or under the laws of another state.

(20) **“Municipal corporation”** includes a joint economic development district or joint economic development zone that levies an income tax under Section 715.691 , 715.70 , 715.71 , or 715.74 of the ORC.

(21) (a) **“Municipal taxable income”** means the following:

(i) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the City under Section 881.03, and further reduced by any pre-2017 net operating loss carryforward available to the person for the City.

(ii) (a) For an individual who is a resident of the City, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (C)(21) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(b) For an individual who is a nonresident of the City, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under Section 881.03, then reduced as provided in division (C)(21)(b) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the City.

(b) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (C)(21)(a)(ii)(a) or (C)(21)(b) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by Section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes, but to the extent the expenses do not relate to exempt income. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation and are not related to exempt income.

(22) **“Municipality”** means the same as the City of North Royalton, (referred to herein as “City”). If the terms are capitalized in the ordinance they are referring to North Royalton. If not capitalized they refer to a municipal corporation other than North Royalton.

(23) **“Net operating loss”** means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(24) (a) **“Net profit”** for a person other than an individual means adjusted federal taxable income.

(b) ”Net profit” for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (C)(24)(b) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (C)(1)(h) of this section.

(c) For the purposes of this chapter/ordinance, and notwithstanding division (C)(24)(a) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(d) A publicly traded partnership that is treated as a partnership for federal income tax purposes, and that is subject to tax on its net profits by the City, may elect to be treated as a C corporation for the City. The election shall be made on the annual return for the City. The City will treat the publicly traded partnership as a C corporation if the election is so made.

(25) **“Nonresident”** means an individual that is not a resident.

(26) **“Ohio Business Gateway”** means the online computer network system, created under Section 125.30 of the ORC, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(27) **“Other payer”** means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. “Other payer” includes casino operators and video lottery terminal sales agents.

(28) **“Pass-through entity”** means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. “Pass-through entity” does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(29) **“Pension”** means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

(30) **“Person”** includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(31) **“Postal service”** means the United States postal service.

(32) **“Postmark date”**, “date of postmark”, and similar terms include the date recorded and marked in the manner described in division (B)(3) of Section 5703.056 of the ORC.

(33) (a) **“Pre-2017 net operating loss carryforward”** means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the city that was adopted by the city before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in future taxable years.

(b) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(34) **“Publicly traded partnership”** means any partnership, an interest in which is regularly traded on an established securities market. A “publicly traded partnership” may have any number of partners.

(35) **“Qualifying wages”** means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.

(ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(iii) Any amount included in wages that is exempt income.

(b) Add the following amounts:

(i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(ii)Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (C)(35)(b)(ii) of this section applies only to those amounts constituting ordinary income.

(iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (C)(35)(b)(ii) of this section applies to employee contributions and employee deferrals.

(iv) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o) (2) of the Internal Revenue Code and not included in wages.

(v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a) (8) of the Internal Revenue Code.

(vi) Any amount not included in wages if all of the following apply:

(a) For the taxable year the amount is employee compensation that is earned outside the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

(b) For no preceding taxable year did the amount constitute wages as defined in Section 3121(a) of the Internal Revenue Code;

(c) For no succeeding taxable year will the amount constitute wages; and

(d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (C)(35)(b) of this section or ORC Section 4718.03, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.

(36) **"Related entity"** means any of the following:

(a) An individual stockholder, or a member of the stockholder's family enumerated in Section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(b) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(c) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (C)(36)(d) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent of the value of the corporation's outstanding stock;

(d) The attribution rules described in Section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (C)(36)(a) to (c) of this section have been met.

(37) **"Related member"** means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in Section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty percent (20%)" shall be substituted for "five percent (5%)" wherever "five percent (5%)" appears in Section 1563(e) of the Internal Revenue Code.

(38) **"Resident"** means an individual who is domiciled in the municipal corporation as determined under Section 881.03(E).

(39) **"S corporation"** means a person that has made an election under subchapter/ordinance S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(40) **"Schedule C"** means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(41) **"Schedule E"** means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(42) **"Schedule F"** means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(43) **"Single member limited liability company"** means a limited liability company that has one direct member.

(44) **"Small employer"** means any employer that had total revenue of less than $500,000 during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(45) **"Tax Administrator"** means the individual charged with direct responsibility for administration of an income tax levied by the City in accordance with this chapter/ordinance.

(46) **"Tax return preparer"** means any individual described in Section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15 .

(47) **"Taxable year"** means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(48) (a) **"Taxpayer"** means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter/ordinance. "Taxpayer" does not include a grantor trust or, except as provided in division (C)(48)(b)(i) of this section, a disregarded entity.

(b) (i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company.

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of ORC 718.01 as that section existed on December 31, 2004.

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division (C)(48)(b)(ii) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least $400,000.

(49) **"Taxpayers' rights and responsibilities"** means the rights provided to taxpayers in Sections 881.09, 881.12, 881.13, 881.19(B), 881.20, 881.21, and Sections 5717.011 and 5717.03 of the ORC, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718 of the ORC and resolutions, ordinances, and rules and regulations adopted by the City for the imposition and administration of a municipal income tax.

(50) **"Video lottery terminal"** has the same meaning as in Section 3770.21 of the ORC.

(51) **"Video lottery terminal sales agent"** means a lottery sales agent licensed under Chapter 3770. of the ORC to conduct video lottery terminals on behalf of the state pursuant to Section 3770.21 of the ORC.

SECTION 881.03 IMPOSITION OF TAX.

The income tax levied by the City at a rate of two (2.00%) percent is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City,

Individuals.

(A) For residents of the City, the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 881.02 (C)(16)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section 881.02 (C)(21). Exemptions which may apply are specified in Section 881.02 (C)(12).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D) (1) As used in this division:

(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v) (2) (C) of the Internal Revenue Code.

(b) "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified referred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c) (i) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the City with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the City each year with respect to the nonqualified deferred compensation plan.

(d) "Refundable credit" means the amount of the City income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the City, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate

share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the City for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

Domicile.

(E) (1) (a) An individual is presumed to be domiciled in the City for all or part of a taxable year if the individual was domiciled in the City on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the City for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the City for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the City for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed.

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the City. For the purposes of this division, an individual has one “contact period” with the City if the individual is away overnight from the individual's abode located outside of the City and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the City.

(3) All additional applicable factors are provided in the Rules and Regulations.

Businesses.

(F) This division applies to any taxpayer engaged in a business or profession in the City, unless the taxpayer is an individual who resides in the City or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in division (F)(2) of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost 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, tangible personal or 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 individuals employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 881.04 (C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2) (a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the City, the taxpayer may request, or the Tax Administrator of the City may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 881.12 (A).

The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 881.12 (A).

Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this section, “wages, salaries, and other compensation” includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F)(3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the City if, regardless of where title passes, the property meets any of the following criteria:

(i) The property is shipped to or delivered within the City from a stock of goods located within the City.

The property is delivered within the City from a location outside the City, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

(iii) The property is shipped from a place within the City to purchasers outside the City, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(b) Gross receipts from the sale of services shall be sitused to the City to the extent that such services are performed in the City.

(c) To the extent included in income, gross receipts from the sale of real property located in the City shall be sitused to the City.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be sitused to the City.

(e) Gross receipts from rents and royalties from tangible personal property shall be sitused to the City based upon the extent to which the tangible personal property is used in the City.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the City's tax only if the property generating the net profit is located in the City or if the individual taxpayer that receives the net profit is a resident of the City. The City shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit sitused under this division to the municipal corporation in which the property is located.

(6) (a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the City shall report the individual's net profit from all real estate activity on the individual's annual tax return for the City. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City's income tax ordinance.

(7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

SECTION 881.04. COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the City shall withhold an income tax from the qualifying wages earned and/or received by each employee in the City. Except for qualifying wages for which withholding is not required under Section 881.03 or division (B)(4) or (6) of this section, the tax shall be withheld at the rate, specified in Section 881.03 of this chapter, of two (2.00%) percent. An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B) (1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the City the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the City in the preceding calendar year exceeded $2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the City in any month of the preceding calendar quarter exceeded $200.

Payment under division (B)(1)(a) of this section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th day of the month following the end of each calendar quarter.

(2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the City. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by Tax Administrator and the City as the return required of an non-resident employee whose sole income subject to the tax under this chapter/ordinance is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the City income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(5) (a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this chapter/ordinance or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the City the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the City income tax or income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the City until such time as the withheld amount is remitted to the Tax Administrator.

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the City during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the City income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this chapter/ordinance, to be tax required to be withheld and remitted for the purposes of this section

<u>Occasional Entrant - Withholding</u>.

(C) (1) As used in this division:

(a) “Employer” includes a person that is a related member to or of an employer.

(b) “Fixed location” means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(c) “Principal place of work” means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, “principal place of work” means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, “principal place of work” means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the “greatest number of days in a calendar year” performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's “principal place of work” with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this section, except that “location” shall be substituted for “municipal corporation” wherever “municipal corporation” appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2) (a) Subject to divisions (C)(3), (5), (6), and (7) of this section, an employer is not required to withhold the City income tax on qualifying wages paid to an employee for the performance of personal services in the City if the employee performed such services in the City on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the City.

(ii) The employee performed services at one or more presumed worksite locations in the City. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in the City at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services are such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the City and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 881.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this section, an employee shall be considered to have spent a day performing services in the City only if the employee spent more time performing services for or on behalf of the employer in the City than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer or the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4) (a) Except as provided in division (C)(4)(b) of this section, if, during a calendar year, the number of days an employee spends performing personal services in the City exceeds the 20-day threshold, the employer shall withhold and remit tax to the City for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the City.

(b) An employer required to begin withholding tax for the City under division (C)(4)(a) of this section may elect to withhold tax for the City for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the City.

(5) If an employer's fixed location is the City and the employer qualifies as a small employer as defined in Section 881.02, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the City, regardless of the number of days which the employee worked outside the corporate boundaries of the City.

To determine whether an employer qualifies as a small employer for a taxable year, a the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 881.04.

SECTION 881.05. ANNUAL RETURN; FILING.

(A) An annual City income tax return shall be completed and filed by every individual taxpayer eighteen (18) years of age or older and any taxpayer that is not an individual for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

(1) The Tax Administrator may accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer under Section 881.04 of this Chapter/ordinance when the nonresident individual taxpayer's sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due the City.

(2) Retirees having no Municipal Taxable Income for the City income tax purposes may file with the Tax Administrator a written exemption from these filing requirements on a form prescribed by the Tax Administrator. The written exemption shall indicate the date of retirement and the entity from which retired. The exemption shall be in effect until such time as the retiree receives Municipal Taxable Income taxable to the City, at which time the retiree shall be required to comply with all applicable provisions of this ordinance/chapter.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by the City, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(E) The city shall permit spouses to file a joint return.

(F) (1) Each return required to be filed under this division shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer. The return shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) The Tax Administrator shall require a taxpayer who is an individual to include, with each annual return, and amended return, copies of the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040; and, with respect to an amended tax return, any other documentation necessary to support the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(3) The Tax Administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway.

(4) After a taxpayer files a tax return, the Tax Administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the City to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

(G) (1) (a) Except as otherwise provided in this chapter/ordinance, each return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City. No remittance is required if the net amount s due is ten dollars or less.

(b) Except as otherwise provided in this chapter/ordinance, each annual net profit return to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City. No remittance is required if the net amount is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the City's income tax return. The extended due date of the City's income tax return shall be the 15th day of the tenth month after

the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of the City's income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's City income tax return. If the request is received by the Tax Administrator on or before the date the City income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of a City's income tax return. The extended due date of the City's income tax return shall be the same as the extended due date of the state income tax return.

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the City, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

(H) (1) For taxable years beginning after 2015, the City shall not require a taxpayer to remit tax with respect to net profits if the net amount due is ten dollars or less.

(2) Any taxpayer not required to remit tax to the City for a taxable year pursuant to division (H)(1) of this section shall file with the City an annual net profit return under division (F)(3) of this section.

(I) If a payment is required to be made by electronic funds transfer, the payment is considered to be made when the payment is credited to an account designated by the Tax Administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment. This division shall not apply to payments required to be made under division (B)(1)(a) of Section 881.04 or provisions for semi-monthly withholding.

(J) Taxes withheld for the City by an employer, the agent of an employer, or other payer as described in Section 881.04 shall be allowed to the taxpayer as credits against payment of the tax imposed on the taxpayer by the City, unless the amounts withheld were not remitted to the City and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by the City to be filed in accordance with this division shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return.

(L) The Tax Administrator shall accept for filing a generic form of any income tax return, report, or document required by the City, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules and regulations adopted by the City or the Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this chapter/ordinance and of the City's ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

Filing via Ohio Business Gateway.

(M) (1) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file the City's income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(2) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(3) Nothing in this section affects the due dates for filing employer withholding tax returns.

Extension for service in or for the armed forces.

(N) Each member of the national guard of any state and each member of a reserve component of the armed forces of the United States called to active duty pursuant to an executive order issued by the president of the United States or an act of the congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces, may apply to the Tax Administrator of the City for both an extension of time for filing of the return and an extension of time for payment of taxes required by the City during the period of the member's or civilian's duty service, and for 180 days thereafter. The application shall be filed on or before the one hundred eightieth day after the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

(O) (1) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the 181st day after the applicant's active duty or service terminates. The Tax

Administrator may prescribe such contract terms as the Tax Administrator considers appropriate. However, taxes pursuant to a contract entered into under this division are not delinquent, and the Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(2) If the Tax Administrator determines that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be required to pay any tax otherwise due to the municipal corporation before the 181st day after the applicant's active duty or service terminates.

(3) Taxes paid pursuant to a contract entered into under (O)(1) of this division are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(P) (1) Nothing in this division denies to any person described in this division the application of divisions (N) and (O) of this section.

(2) (a) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by a municipal corporation in accordance with this chapter/ordinance. The length of any extension granted under division (P)(2)(a) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this division, “qualifying taxpayer” means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active duty pursuant to either an executive order issued by the president of the United States or an act of the congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.

(b) Taxes whose payment is extended in accordance with division (P)(2)(a) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division (C)(2)(a) of this section in calculating the penalty or interest due on any unpaid tax.

(Q) For each taxable year to which division (N), (O), or (P) of this section applies to a taxpayer, the provisions of divisions (O)(2) and (3) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year.

Consolidated municipal income tax return.

(R) As used in this section:

(1) “Affiliated group of corporations” means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) “Consolidated federal income tax return” means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(3) “Consolidated federal taxable income” means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (R)(1) of this section.

(4) “Incumbent local exchange carrier” has the same meaning as in Section 4927.01 of the ORC.

(5) “Local exchange telephone service” has the same meaning as in Section 5727.01 of the ORC.

(S) (1) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to the City’s income tax in that taxable year, and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division (S)(2) of this section or a taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division (S)(1) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (S)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(T) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated City income tax return for that taxable

year if the Tax Administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to the City. A taxpayer that is required to file a consolidated City income tax return for a taxable year shall file a consolidated City income tax return for all subsequent taxable years, unless the taxpayer requests and receives written permission from the Tax Administrator to file a separate return or a taxpayer has experienced a change in circumstances.

(U) A taxpayer shall prepare a consolidated City income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(V) (1) Except as otherwise provided in divisions (V)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in Section 881.02, by substituting “consolidated federal taxable income” for “federal taxable income” wherever “federal taxable income” appears in that division and by substituting “an affiliated group of corporation's” for “a C corporation's” wherever “a C corporation's” appears in that division.

(2) No corporation filing a consolidated City income tax return shall make any adjustment otherwise required under Section 881.02 (C)(1) to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated City income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 881.05, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the City. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 881.05, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the city. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty percent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in divisions (R) through (Y) of Section 881.05, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the City;

(b) The pass-through entity shall be subject to the City income taxation as a separate taxpayer in accordance with this chapter/ordinance on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(W) Corporations filing a consolidated City income tax return shall make the computations required under divisions (R) through (Y) of Section 881.05 by substituting "consolidated federal taxable income attributable to for “net profit from” wherever “net profit from” appears in that section and by substituting “affiliated group of corporations” for “taxpayer” wherever “taxpayer” appears in that section.

(X) Each corporation filing a consolidated City income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by the City in accordance with this chapter/ordinance on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

(Y) Corporations and their affiliates that made an election or entered into an agreement with the City before January 1, 2016, to file a consolidated or combined tax return with the City may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

SECTION 881.06. CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Every individual taxpayer domiciled in the City who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter/ordinance, may claim a nonrefundable credit against the tax imposed by this chapter/ordinance upon satisfactory evidence that tax has been paid to another municipality. Subject to division (C) of this section, the credit shall not exceed

100% of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality by the LOWER of the tax rate in such other municipality OR the tax rate of 1.25%.

(B) The City shall grant a credit against its tax on income to a resident of the City who works in a joint economic development zone created under Section 715.691 or a joint economic development district created under Section 715.70, 715.71, or 715.72 of the ORC to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (A) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality.

SECTION 881.07. ESTIMATED TAXES.

(A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for the City's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to the City 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.

(B) (1) Every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least $200. For the purposes of this section:

(a) Taxes withheld for the City from qualifying wages shall be considered as paid to the City in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case they shall be considered as paid on the dates on which the amounts were actually withheld.

(b) 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.

(2) Taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.

(3) 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 881.05 or on or before the fifteenth (15th) day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth month after the beginning of each fiscal year or period.

(5) 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 City, 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 (15th) day of the fourth month after the beginning of the taxable year, twenty-two and one-half (22.5) percent of the tax liability for the taxable year;

(b) On or before the fifteenth (15th) day of the sixth month after the beginning of the taxable year, forty-five (45) percent of the tax liability for the taxable year;

(c) On or before the fifteenth (15th) day of the ninth month after the beginning of the taxable year, sixty-seven and one-half (67.5) percent of the tax liability for the taxable year;

(d) On or before the fifteenth (15th) day of the twelfth month of the taxable year, ninety percent (90%) of the tax liability for the taxable year.

(2) 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.

(3) On or before the fifteenth (15th) 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 881.05.

(D) (1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 881.18 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 percent (22.5%) 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 percent (45%) 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 percent (67.5%) 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 percent (90%) 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 percent (90%) 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 percent 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 City under Section 881.05 for that year.

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

SECTION 881.08. ROUNDING OF AMOUNTS.

A person may round to the nearest whole dollar all amounts the person is required to enter on any return, report, voucher, or other document required under this chapter/ordinance. Any fractional part of a dollar that equals or exceeds fifty cents shall be rounded to the next whole dollar, and any fractional part of a dollar that is less than fifty cents shall be dropped. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document.

SECTION 881.09. REQUESTS FOR REFUNDS.

(A) As used in this section, “withholding tax” has the same meaning as in Section 881.18.

(B) Upon receipt of a request for a refund, the Tax Administrator, in accordance with this section, shall refund to employers, agents of employers, other payers, or taxpayers, with respect to any income or withholding tax levied by the municipal corporation:

(1) Overpayments of more than ten dollars or more;

(2) Amounts paid erroneously if the refund requested is ten dollars or more.

(C) (1) Except as otherwise provided in this chapter/ordinance, requests for refund shall be filed with the Tax Administrator, on the form prescribed by the Tax Administrator within three years after the tax was due or paid, whichever is later. The Tax Administrator may require the requestor to file with the request any documentation that substantiates the requestor's claim for a refund.

(2) On filing of the refund request, the Tax Administrator shall determine the amount of refund due and certify such amount to the appropriate municipal corporation official for payment. Except as provided in division (C)(3) of this section, the administrator shall issue an assessment to any taxpayer whose request for refund is fully or partially denied. The assessment shall state the amount of the refund that was denied, the reasons for the denial, and instructions for appealing the assessment.

(3) If a Tax Administrator denies in whole or in part a refund request included within the taxpayer's originally filed annual income tax return, the Tax Administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under Section 881.21.

(D) A request for a refund that is received after the last day for filing specified in division (C) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

(1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request.

(2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the request, and the request is received within seven days of such last day.

(3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven days of the last day for making the request.

(E) Interest shall be allowed and paid on any overpayment by a taxpayer of any municipal income tax obligation from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within 90 days after the final filing date of the annual return or 90 days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without

regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in Section 881.18 (A)(4).

SECTION 881.10. SECOND MUNICIPALITY IMPOSING TAX AFTER TIME PERIOD ALLOWED FOR REFUND.

(A) Income tax that has been deposited with the City, but should have been deposited with another municipality, is allowable by the City as a refund but is subject to the three-year limitation on refunds.

(B) Income tax that was deposited with another municipality but should have been deposited with the City is subject to recovery by the City. If the City's tax on that income is imposed after the time period allowed for a refund of the tax or withholding paid to the other municipality, the City shall allow a nonrefundable credit against the tax or withholding the City claims is due with respect to such income or wages, equal to the tax or withholding paid to the first municipality with respect to such income or wages.

(C) If the City's tax rate is less than the tax rate in the other municipality, then the nonrefundable credit shall be calculated using the City's tax rate. However, if the City's tax rate is greater than the tax rate in the other municipality, the tax due in excess of the nonrefundable credit is to be paid to the City, along with any penalty and interest that accrued during the period of nonpayment.

(D) Nothing in this section permits any credit carryforward.

SECTION 881.11. AMENDED RETURNS.

(A) (1) If a taxpayer's tax liability shown on the annual tax return for the City changes as a result of an adjustment to the taxpayer's federal or state income tax return, the taxpayer shall file an amended return with the City. The amended return shall be filed on a form required by the Tax Administrator.

(2) If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the Tax Administrator before filing the amended return.

(B) (1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due, together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, no payment need be made. The amended return shall reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return only:

(i) to determine the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; or,

(ii) if the applicable statute of limitations for civil actions or prosecutions under Section 881.12 has not expired for a previously filed return.

(2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; i.e., the payment shall be the lesser of the two amounts.

(C) (1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (D) of this section for filing the amended return, even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the amount of the refund is less than ten dollars, no refund need be paid by the City. A request filed under this division shall claim refund of overpayments resulting from alterations only to those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return, unless it is also filed within the time prescribed in Section 881.09.

(2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened. All facts, figures, computations, and attachments may be reopened to determine the refund amount due by inclusion of all facts, figures, computations, and attachments.

(D) Within 60 days after the final determination of any federal or state tax liability affecting the taxpayer's City's tax liability, that taxpayer shall make and file an amended City return showing income subject to the City income tax based upon such final determination of federal or state tax liability. The taxpayer shall pay any additional City income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is less than ten dollars.

SECTION 881.12. LIMITATIONS.

(A) (1) (a) Civil actions to recover municipal income taxes and penalties and interest on municipal income taxes shall be brought within the later of:

(i) Three years after the tax was due or the return was filed, whichever is later; or

(ii) One year after the conclusion of the qualifying deferral period, if any.

(b) The time limit described in division (A)(1)(a) of this section may be extended at any time if both the Tax Administrator and the employer, agent of the employer, other payer, or taxpayer consent in writing to the extension. Any extension shall also extend for the same period of time the time limit described in division (C) of this section.

(2) As used in this section, “qualifying deferral period” means a period of time beginning and ending as follows:

(a) Beginning on the date a person who is aggrieved by an assessment files with the Board of Tax Review the request described in Section 881.21. That date shall not be affected by any subsequent decision, finding, or holding by any administrative body or court that the Board of Tax Review did not have jurisdiction to affirm, reverse, or modify the assessment or any part of that assessment.

(b) Ending the later of the sixtieth day after the date on which the final determination of the Board of Tax Review becomes final or, if any party appeals from the determination of the local board of Tax Review, the sixtieth day after the date on which the final determination of the Board of Tax Review is either ultimately affirmed in whole or in part or ultimately reversed and no further appeal of either that affirmation, in whole or in part, or that reversal is available or taken.

(B) Prosecutions for an offense made punishable under a resolution or ordinance imposing an income tax shall be commenced within three years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of income required to be reported, prosecutions may be commenced within six years after the commission of the offense.

(C) A claim for a refund of municipal income taxes shall be brought within the time limitation provided in Section 881.09.

(D) (1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the City does not prejudice any claim for refund upon final determination of the appeal.

(2) If upon final determination of the appeal an error in the assessment is corrected by the Tax Administrator, upon an appeal so filed or pursuant to a final determination of the Board of Tax Review, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the resultant amount due is less than the amount paid, a refund will be paid in the amount of the overpayment as provided by Section 881.09, with interest on that amount as provided by division (E) of Section 881.09.

(E) No civil action to recover City income tax or related penalties or interest shall be brought during either of the following time periods:

(1) The period during which a taxpayer has a right to appeal the imposition of that tax or interest or those penalties;

(2) The period during which an appeal related to the imposition of that tax or interest or those penalties is pending.

SECTION 881.13. AUDITS.

(A) At or before the commencement of an audit, the Tax Administrator shall provide to the taxpayer a written description of the roles of the Tax Administrator and of the taxpayer during the audit and a statement of the taxpayer's rights, including any right to obtain a refund of an overpayment of a tax. At or before the commencement of an audit, the Tax Administrator shall inform the taxpayer when the audit is considered to have commenced.

(B) Except in cases involving suspected criminal activity, the Tax Administrator shall conduct an audit of a taxpayer during regular business hours and after providing reasonable notice to the taxpayer. A taxpayer who is unable to comply with a proposed time for an audit on the grounds that the proposed time would cause inconvenience or hardship must offer reasonable alternative dates for the audit.

(C) At all stages of an audit by the Tax Administrator, a taxpayer is entitled to be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner. The Tax Administrator shall prescribe a form by which a taxpayer may designate such a person to assist or represent the taxpayer in the conduct of any proceedings resulting from actions by the Tax Administrator. If a taxpayer has not submitted such a form, the Tax Administrator may accept other evidence, as the Tax Administrator considers appropriate, that a person is the authorized representative of a taxpayer.

A taxpayer may refuse to answer any questions asked by the person conducting an audit until the taxpayer has an opportunity to consult with the taxpayer's attorney, accountant, bookkeeper, or other tax practitioner.

This division does not authorize the practice of law by a person who is not an attorney.

(D) A taxpayer may record, electronically or otherwise, the audit examination.

(E) The failure of the Tax Administrator to comply with a provision of this section shall neither excuse a taxpayer from payment of any taxes owed by the taxpayer nor cure any procedural defect in a taxpayer's case.

(F) If the Tax Administrator fails to substantially comply with the provisions of this section, the Tax Administrator, upon application by the taxpayer, shall excuse the taxpayer from penalties and interest

SECTION 881.14. SERVICE OF ASSESSMENT.

(A) As used in this section:

(1) “Last known address” means the address the Tax Administrator has at the time a document is originally sent by certified mail, or any address the Tax Administrator can ascertain using reasonable means

such as the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC.

(2) "Undeliverable address" means an address to which the postal service or an authorized delivery service under Section 5703.056 of the ORC is not able to deliver an assessment of the Tax Administrator, except when the reason for non-delivery is because the addressee fails to acknowledge or accept the assessment.

(B) Subject to division (C) of this section, a copy of each assessment shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under Section 5703.056 of the ORC. With the permission of the person affected by an assessment, the Tax Administrator may deliver the assessment through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail.

(C) (1) (a) If certified mail is returned because of an undeliverable address, a Tax Administrator shall utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC. If the Tax Administrator is unable to ascertain a new last known address, the assessment shall be sent by ordinary mail and considered served. If the ordinary mail is subsequently returned because of an undeliverable address, the assessment remains appealable within 60 days after the assessment's postmark.

(b) Once the Tax Administrator or other City official, or the designee of either, serves an assessment on the person to whom the assessment is directed, the person may protest the ruling of that assessment by filing an appeal with the local board of tax review within 60 days after the receipt of service. The delivery of an assessment of the Tax Administrator under division (C)(1)(a) of this section is prima facie evidence that delivery is complete and that the assessment is served.

(2) If mailing of an assessment by a Tax Administrator by certified mail is returned for some cause other than an undeliverable address, the Tax Administrator shall resend the assessment by ordinary mail. The assessment shall show the date the Tax Administrator sends the assessment and include the following statement:

"This assessment is deemed to be served on the addressee under applicable law ten days from the date this assessment was mailed by the Tax Administrator as shown on the assessment, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima facie evidence that delivery of the assessment was completed ten days after the Tax Administrator sent the assessment by ordinary mail and that the assessment was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the Tax Administrator shall proceed under division (C)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (D) of this section.

(D) (1) A person disputing the presumption of delivery and service under division (C) of this section bears the burden of proving by a preponderance of the evidence that the address to which the assessment was sent by certified mail was not an address with which the person was associated at the time the Tax Administrator originally mailed the assessment. For the purposes of this section, a person is associated with an address at the time the Tax Administrator originally mailed the assessment if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the assessment was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the assessment was mailed, owned or controlled at least 20 percent, as determined by voting rights, of the addressee's business.

(2) If a person elects to appeal an assessment on the basis described in division (D)(1) of this section, and if that assessment is subject to collection and is not otherwise appealable, the person must do so within 60 days after the initial contact by the Tax Administrator or other City official, or the designee of either, with the person. Nothing in this division prevents the Tax Administrator or other official from entering into a compromise with the person if the person does not actually file such an appeal with the local board of tax review.

(E) Nothing in this section prohibits the Tax Administrator or the Tax Administrator's designee from delivering an assessment by a Tax Administrator by personal service.

(F) Collection actions taken upon any assessment being appealed under division (C)(1)(b) of this section, including those on which a claim has been delivered for collection, shall be stayed upon the pendency of an appeal under this section.

(G) Additional regulations as detailed in the Rules and Regulations shall apply.

SECTION 881.15. ADMINISTRATION OF CLAIMS.

(A) As used in this section, "claim" means a claim for an amount payable to the City that arises pursuant to the City's income tax imposed in accordance with this chapter/ordinance.

(B) Nothing in this chapter/ordinance prohibits a Tax Administrator from doing either of the following if such action is in the best interests of the municipal corporation:

(1) Compromise a claim;

(2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall be to the benefit of only the parties to the compromise or agreement, and shall not eliminate or otherwise affect the liability of any other person.

(E) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.

SECTION 881.16. TAX INFORMATION CONFIDENTIAL.

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this chapter/ordinance is confidential, and no person shall access or disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the City as authorized by this chapter/ordinance. The Tax Administrator or a designee thereof may furnish copies of returns filed or otherwise received under this chapter/ordinance and other related tax information to the internal revenue service, the tax commissioner, and tax administrators of other municipal corporations.

(B) This section does not prohibit the City from publishing or disclosing statistics in a form that does not disclose information with respect to particular taxpayers.

SECTION 881.17. FRAUD.

No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by the City ordinance or state law to be filed with a the Tax Administrator, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the City or the Tax Administrator.

SECTION 881.18. INTEREST AND PENALTIES.

(A) As used in this section:

(1) "Applicable law" means this chapter/ordinance, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the City provided they impose or directly or indirectly address the levy, payment, remittance, or filing requirements of the City.

(2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.

(3) "Income tax", "estimated income tax", and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by the City pursuant to applicable law, including at any time before January 1, 2016.

(4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.

(5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a the Tax Administrator or the City by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B) (1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the City on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules and regulations, as adopted before January 1, 2016, of the City to which the return is to be filed or the payment is to be made.

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the City any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2) (a) With respect to unpaid income tax and unpaid estimated income tax, the City may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the City may impose a penalty equal to fifty percent (50%) of the amount not timely paid.

(3) With respect to returns other than estimated income tax returns, the City may impose a penalty of $25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed $150 for each failure.

(D) Nothing in this section requires the City to refund or credit any penalty, amount of interest, charges, or additional fees that the City has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of the City to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate.

(F) By the 31st day of October of each year the City shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The City may impose on the taxpayer, employer, any agent of the employer, or any other payer the City's post-judgment collection costs and fees, including attorney's fees.

SECTION 881.19. AUTHORITY OF TAX ADMINISTRATOR; VERIFICATION OF INFORMATION.

Authority.

(A) Nothing in this chapter/ordinance shall limit the authority of the Tax Administrator to perform any of the following duties or functions, unless the performance of such duties or functions is expressly limited by a provision of the ORC:

(1) (a) Exercise all powers whatsoever of an query nature as provided by law, including, the right to inspect books, accounts, records, memorandums, and federal and state income tax returns, to examine persons under oath, to issue orders or subpoenas for the production of books, accounts, papers, records, documents, and testimony, to take depositions, to apply to a court for attachment proceedings as for contempt, to approve vouchers for the fees of officers and witnesses, and to administer oaths.

(b) The powers referred to in this division of this section shall be exercised by the Tax Administrator only in connection with the performance of the duties respectively assigned to the Tax Administrator under the City’s income tax ordinance;

(2) Appoint agents and prescribe their powers and duties;

(3) Confer and meet with officers of other municipal corporations and states and officers of the United States on any matters pertaining to their respective official duties as provided by law;

(4) Exercise the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes, including penalties and interest thereon, for any reason overpaid. In addition, the Tax Administrator may investigate any claim of overpayment and, if the Tax Administrator finds that there has been an overpayment, make a written statement of the Tax Administrator's findings, and approve and issue a refund payable to the taxpayer, the taxpayer's assigns, or legal representative as provided in this chapter/ordinance;

(5) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(6) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 881.03;

(7) (a) Make all tax findings, determinations, computations, and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, re-determine, or correct any tax findings, determinations, computations, or orders the Tax Administrator has made.

(b) If an appeal has been filed with the Board of Tax Review or other appropriate tribunal, the Tax Administrator shall not review, re-determine, or correct any tax finding, determination, computation, or order which the Tax Administrator has made, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;

(8) Destroy any or all returns or other tax documents in the manner authorized by law;

(9) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 881.04.

Verification of accuracy of returns and determination of liability.

(B) (1) A Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this chapter/ordinance for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this chapter/ordinance. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(2) The records and other documents of any taxpayer, employer, or other person that is subject to, or that a Tax Administrator believes is subject to, the provisions of this chapter/ordinance shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the City or for the withholding of such tax.

(3) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(4) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal or state income tax returns under this section shall fail to comply.

Identification information.

(C) (1) Nothing in this chapter/ordinance prohibits the Tax Administrator from requiring any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator. A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information.

(2) (a) If the Tax Administrator makes a request for identifying information and the Tax Administrator does not receive valid identifying information within 30 days of making the request, nothing in this chapter/ordinance prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to Section 881.18, in addition to any applicable penalty described in Section 881.99.

(b) If a person required by the Tax Administrator to provide identifying information does not notify the Tax Administrator of a change with respect to that information as required under division (C) of Section 881.19 within 30 days after filing the next tax document requiring such identifying information, nothing in this chapter/ordinance prohibits the Tax Administrator from imposing a penalty pursuant to Section 881.18.

(c) The penalties provided for under divisions (C)(2)(a) and (b) of this section may be billed and imposed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in Section 881.99 for a violation of Section 881.17 and any other penalties that may be imposed by the Tax Administrator by law.

SECTION 881.20. REQUEST FOR OPINION OF THE TAX ADMINISTRATOR.

(A) An “opinion of the Tax Administrator” means an opinion issued under this section with respect to prospective municipal income tax liability. It does not include ordinary correspondence of the Tax Administrator.

(B) A taxpayer may submit a written request for an opinion of the Tax Administrator in accordance with the Rules and Regulations.

(C) A taxpayer is not relieved of tax liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.

(D) A Tax Administrator may refuse to offer an opinion on any request received under this section. Such refusal is not subject to appeal.

(E) An opinion of the Tax Administrator binds the Tax Administrator only with respect to the taxpayer for whom the opinion was prepared and does not bind the Tax Administrator of any other municipal corporation.

(F) An opinion of the Tax Administrator issued under this section is not subject to appeal.

SECTION 881.21. BOARD OF TAX REVIEW.

(A) (1) The Board of Tax Review shall consist of three members. Two members shall be appointed by the legislative authority of the City, but such appointees may not be employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the mayor of the City. This member may be an employee of the City, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

(2) The term for members of the Board of Tax Review the City shall be two years. There is no limit on the number of terms that a member may serve if the member is reappointed by the legislative authority. The board member appointed by the mayor of the City shall serve at the discretion of the administrative official.

(3) Members of the Board of Tax Review appointed by the legislative authority may be removed by the legislative authority by majority vote for malfeasance, misfeasance, or nonfeasance in office. To remove such a member, the legislative authority must give the member a copy of the charges against the member and afford the member an opportunity to be publicly heard in person or by counsel in the member's own defense upon not less than ten days' notice. The decision by the legislative authority on the charges is final and not appealable.

(4) A member of the Board of Tax Review who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(5) A vacancy in an unexpired term shall be filled in the same manner as the original appointment within 60 days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board of Tax Review shall impair the power and authority of the remaining members to exercise all the powers of the Board of Tax Review.

(6) If a member is temporarily unable to serve on the Board of Tax Review due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the Board of Tax Review in the member's place. The appointment of such an individual shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

(B) Whenever a Tax Administrator issues an assessment, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the assessment, the manner in which the taxpayer may appeal the assessment, and the address to which the appeal should be directed.

(C) Any person who has been issued an assessment may appeal the assessment to the Board of Tax Review by filing a request with the Board of Tax Review. The request shall be in writing, shall specify the reason or reasons why the assessment should be deemed incorrect or unlawful, and shall be filed within 60 days after the taxpayer receives the assessment.

(D) The Board of Tax Review shall schedule a hearing to be held within 60 days after receiving an appeal of an assessment under division (C) of this section, unless the taxpayer requests additional time to prepare or waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board of Tax Review and may be represented by an attorney at law, certified public accountant, or other representative. The Board of Tax Review may allow a hearing to be continued as jointly agreed to by the parties. In such a case, the hearing must be completed within 120 days after the first day of the hearing unless the parties agree otherwise.

(E) The Board of Tax Review may affirm, reverse, or modify the Tax Administrator's assessment or any part of that assessment. The Board of Tax Review shall issue a final determination on the appeal within 90 days after the Board of Tax Review's final hearing on the appeal, and send a copy of its final determination by ordinary mail to all of the parties to the appeal within 15 days after issuing the final determination. The taxpayer or the Tax Administrator may appeal the Board of Tax Review's final determination as provided in Section 5717.011 of the ORC.

(F) The Board of Tax Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Section 149.43 of the ORC. Hearings requested by a taxpayer before a Board of Tax Review created pursuant to this section are not meetings of a public body subject to Section 121.22 of the ORC.

SECTION 881.22. AUTHORITY TO CREATE RULES AND REGULATIONS.

Nothing in this chapter/ordinance prohibits the legislative authority of the City, or a Tax Administrator pursuant to authority granted to the administrator by resolution or ordinance, to adopt rules to administer an income tax imposed by the City in accordance with this chapter/ordinance. Such rules shall not conflict with or be inconsistent with any provision of this chapter/ordinance. Taxpayers are hereby required to comply not only with the requirements of this chapter, but also to comply with the Rules and Regulations.

All rules adopted under this section shall be published and posted on the internet.

SECTION 881.23. RENTAL AND LEASED PROPERTY.

(A) All property owners of real property located in the City, who rent or otherwise lease the same, or any part thereof, to any person for residential dwelling purposes, including apartments, rooms and other rental accommodations, during any calendar year, or part thereof, commencing with the effective date of this section, shall file with the Tax Administrator on or before the January 31 first following such calendar year a written report disclosing the name, address and also telephone number, if available, of each tenant known to have occupied on December 31 during such calendar year such apartment, room or other residential dwelling rental property.

(B) The Tax Administrator may order the appearance before him, or his duly authorized agent, of any person whom he believes to have any knowledge of the name, address and telephone number of any tenant of residential rental real property in the City. The Tax Administrator, or his duly authorized agent, is authorized to examine any person, under oath, concerning the name, address and telephone number of any tenant of residential real property located in the City. The Tax Administrator, or his duly authorized agent, may compel the production of papers and records and the attendance of all personal before him, whether as parties or witnesses, whenever he believes such person has knowledge of the name, address and telephone number of any tenant of residential real property in the City.

(C) Any property owner or person that violates one or more of the following shall be subject to Section 881.99 of this chapter/ordinance:

(1) Fails, refuses or neglects to timely file a written report required by subsection (a) hereof; or

(2) Makes an incomplete or intentionally false written report required by subsection (a) hereof; or

(3) Fails to appear before the Tax Administrator or any duly authorized agent and to produce and disclose any tenant information pursuant to any order or subpoena of the Tax Administrator as authorized in this section; or

(4) Fails to comply with the provisions of this section or any order or subpoena of the Tax Administrator.

SECTION 881.24. SAVINGS CLAUSE.

This chapter/ordinance shall not apply to any person, firm or corporation, or to any property as to whom or which it is beyond the power of Council to impose the tax herein provided for. Any sentence, clause, section or part of this chapter/ordinance or any tax against or exception granted any individual or any of the several groups of persons, or forms of income specified herein if found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter/ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter/ordinance. It is hereby declared to be the intention of Council that this chapter/ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, or part hereof, not been included therein.

SECTION 881.25. COLLECTION OF TAX AFTER TERMINATION OF ORDINANCE.

(A) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, 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 of said taxes levied hereunder in the aforesaid periods 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 Section 881.12 and Section 881.99 hereof.

(B) Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Sections 881.05 and Section 881.04 of this ordinance as though the same were continuing.

SECTION 881.26. ADOPTION OF RITA RULES AND REGULATIONS.

The City hereby adopts the Regional Income Tax Agency (RITA) Rules & Regulations, including amendments that may be made from time to time, for use as the City's Income Tax Rules and Regulations. In the event of a conflict with any provision(s) of the City Income Tax Ordinance and the RITA Rules & Regulations, the Ordinance will supersede. Until and if the contractual relationship between the City and RITA ceases, Section 881.26 will supersede all other provisions within Ordinance 881 regarding promulgation of rules and regulations by the Tax Administrator.

SECTION 881.99. VIOLATIONS; PENALTIES.

(A) Whoever violates Section 881.17, division (A) of Section 881.16, or Section 881.04 by failing to remit City income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than $1,000 or imprisonment for a term of up to six

months, or both. If the individual that commits the violation is an employee, or official, of the City, the individual is subject to discharge from employment or dismissal from office.

(B) Any person who discloses information received from the Internal Revenue Service in violation of division (A) of Section 881.16 shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than $5,000 plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both. If the individual that commits the violation is an employee, or official, of the City, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of division (A) of Section 881.16 constitutes a separate offense.

(D) If not otherwise specified herein, no person shall:

(1) Fail, neglect or refuse to make any return or declaration required by this ordinance;

(2) File any incomplete or false return;

(3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter/ordinance

(4) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his books, records, papers and federal and state income tax returns relating to the income or net profits of a taxpayer;

(5) Fail to appear before the Tax Administrator and to produce his books, records, papers or federal and state income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator;

(6) Refuse to disclose to the Tax Administrator any information with respect to the income or net profits of a taxpayer;

(7) Fail to comply with the provisions of this ordinance or any order or subpoena of the Tax Administrator authorized hereby;

(8) Give to an employer false information as to his true name, correct social security number, and residence address, or fail to promptly notify an employer of any change in residence address and date thereof;

(9) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter/ordinance.

(E) Any person who violates any of the provisions in Section 881.99 (D) shall be subject to the penalties provided for in Section 881.99 (A) of this chapter/ordinance.

ORDINANCE NO. 15-95 INTRODUCED BY: Nickell, Kasaris, Antoskiewicz Langshaw

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART TWELVE PLANNING AND ZONING CODE, CHAPTER 1276 BUSINESS DISTRICTS, SECTION 1276.03 USE REGULATIONS FOR LOCAL BUSINESS DISTRICTS, AND SECTION 1276.04 USE REGULATIONS FOR GENERAL BUSINESS DISTRICTS, AND DECLARING AN EMERGENCY

WHEREAS: It has been determined that automobile service stations for the sale of gas and accessories should be allowed in Local Business and General Business Districts provided that a Conditional Use Permit is granted in accordance with the standards set forth in Sections 1262.07 and 1276.12 of the Codified Ordinances of the City of North Royalton; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1276 Business Districts, Section 1276.03 Use Regulations for Local Business Districts and Section 1276.04 Use Regulations for General Business Districts; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part Twelve Planning and Zoning Code, Chapter 1276 Business Districts, Section 1276.03 Use Regulations for Office Building Districts, Paragraph (a) Main Buildings and Uses Permitted of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1276.03 USE REGULATIONS FOR LOCAL BUSINESS DISTRICTS.
(a) Main Buildings and Uses Permitted.
(2) B. Services.
4. Automotive services and maintenance, excluding major repair ***and/or service station for sale of gas and accessories***, as provided for in paragraph (a)(2)B(5) ***and (a)(2)B(6)*** hereof; and
6. ***Automobile s**ervice station for sale of gas and accessories, provided that a conditional use permit is granted in accordance with the standards set forth in Sections 1262.07 and 1276.12.***

Section 2. Part Twelve Planning and Zoning Code, Chapter 1276 Business Districts, Section 1276.04 Use Regulations for General Business Districts, Paragraph (a) Main Buildings and Uses Permitted of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1276.04 USE REGULATIONS FOR GENERAL BUSINESS DISTRICTS.
(a) Main Buildings and Uses Permitted.
(1) Offices, stores, services and other use classifications as permitted in Local Business Districts, ~~***except that automotive services as set forth in Section 1276.03(a)(2)B.4. shall not be permitted.***~~

Section 3. Sections 1276.03 and 1276.04 of the Codified Ordinances of the City of North Royalton are hereby amended as provided for herein and all other provisions of Chapter 1276 shall remain in full force and effect.

Section 4. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 5. It is 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to allow automobile service stations for the sale of gas and accessories in Local Business and General Business Districts provided that a Conditional Use Permit is granted in accordance with the standards set forth in Sections 1262.07 and 1276.12 of the Codified Ordinances of the City of North Royalton.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

_____ APPROVED: _____
PRESIDENT OF COUNCIL MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST:_____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS: