

ORDINANCE NO. 23-81

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell Sweetman ON THE 31st  
DAY OF August, 1981.

AN ORDINANCE AMENDING CHAPTER 191 OF THE  
CENTERVILLE MUNICIPAL CODE RELATING TO THE  
CENTERVILLE INCOME TAX TO REFLECT THE RESULTS  
OF THE ELECTION HELD IN THE CITY OF CENTER-  
VILLE ON AUGUST 4, 1981.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS;

Section 1. That Section 191 of the Centerville Municipal  
Code is hereby amended in the following respect by virtue of the  
results of the election held in the City of Centerville on August  
4, 1981:

191.01 PURPOSE

[To provide funds for the purposes of general Municipal  
operations, maintenance, new equipment, extension and  
enlargement of Municipal services and facilities and  
capital improvements of the City there is hereby levied  
a tax on salaries, wages, commissions and other compen-  
sation, and on net profits as hereinafter provided.]  
For the purpose of providing funds for the purposes of  
general Municipal operations which includes maintenance,  
repair and upgrading of existing streets, new equipment,  
extension and enlargement of Municipal services and  
facilities and capital improvements of the City there is  
hereby levied a tax on salaries, wages, commissions and  
other compensation, and on net profits as hereinafter  
provided.

191.03 IMPOSITION OF TAX

(a) Subject to the provisions of Section 191.18, an  
annual tax for the purposes specified in Section 191.01  
shall be imposed for the period beginning [September 1,  
1970] October 1, 1981 at the rate of [one percent] one  
and three quarters percent (1-3/4%) per annum upon the  
following:

- (1) On all salaries, wages, commissions and other  
compensation received during the effective period  
of this chapter by residents of the City.
- (2) On all salaries, wages, commissions and other  
compensation received during the effective period  
of this chapter by nonresidents for work done or  
services performed or rendered in the City.
- (3) A. On the portion attributable to the City  
of the net profits earned and accrued or  
received during the effective period of this  
chapter of all resident associations, unincor-  
porated businesses, professions or other enti-  
ties, derived from sales made, work done,  
services performed or rendered and business or  
other activities conducted in the City.

B. On the portion of the distributive share of the net profits earned and accrued or received during the effective period of this chapter of a resident partner or owner of a resident unincorporated business entity not attributable to the City chapter upon which the tax was not paid by the entity.

(4) A. On the portion attributable to the City of the net profits earned and accrued or received during the effective period of this chapter of all nonresident associations, unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the City, whether or not such association or other unincorporated business entity has an office or place of business in the City.

B. On the portion of the distributive share of the net profits earned and accrued or received during the effective period of this chapter of a resident partner or owner of a nonresident association or other incorporated business entity not attributable to the City on which the tax was not paid by the entity.

(5) On the portion attributable to the City of the net profits earned and accrued or received during the effective period of this chapter of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City whether or not such corporations have a place of business in the City.

(b) The portion of the entire net profits of a taxpayer to be allocated as having been derived from within the City in the absence of actual records thereof, shall be determined as follows:

(1) Multiply the entire net profits by a business allocation percentage to be an average ratio of:

A. The average net book value of the real and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average net book value of all the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight.

B. Wages, salaries and other compensation paid or accrued during the taxable period to persons employed in the business or profession for services performed in the City to wages, salaries and other compensation paid or accrued during the same period to persons employed in the business or profession, wherever their services are performed.

C. Gross receipts of the business or profession from sales made and services performed during the taxable period in the City to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

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

(2) As used in subparagraph (b)(1)C. hereof, "sales made in the City" means:

A. All sales of tangible personal property which is delivered within the City regardless of where title passes if shipped or delivered from a stock of goods within the City:

B. All sales of tangible personal property which is delivered within the City regardless of where title passes even though transported from a point outside the City if 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:

C. All sales of tangible personal property which is shipped from a place within the City to purchasers outside the City regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(c) For the purpose of this section, the taxable base shall be determined in accordance with the Federal tax interpretations, when applicable, and with the accounting method use by the taxpayer for Federal income taxes adjusted to the requirements of this chapter.

#### 191.06 EFFECTIVE PERIOD

The tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation received and shall be levied with respect to the net profits of businesses, professions, or other activities earned and accrued or received from and after [September 1, 1970] October 1, 1981.

#### 191.08 COLLECTION AT SOURCE

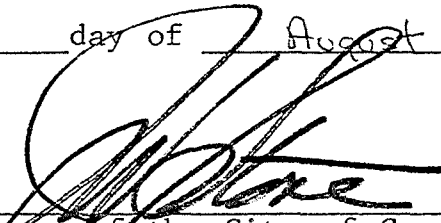
(a)(1) Each employer shall at the time of the payment of any salary, wage, commission or other compensation, deduct the tax of [one percent] one and three quarters percent (1-3/4%) beginning [September 1, 1970] October 1, 1981 of the gross salaries, wages, commissions or other compensation due by the employer to his employees who are subject to the provisions of this chapter. In making such deduction at the time of payment, the employer shall compute the tax to the nearest full cent so that mills of five or more shall be dropped. No person shall be entitled to a refund merely because such

rounding off of the tax results in an apparent over payment based on his total earnings. Each employer shall, on or before the last day of each month following the calendar quarters ending March 31, June 30, September 30 and December 31, file a return and pay to the Superintendent the tax withheld during the preceding calendar quarter.

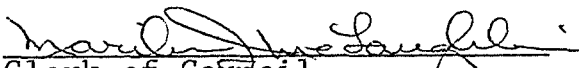
Section 2. That the remainder of Chapter 191 of the Centerville Municipal Code, as not amended herein, shall remain in full force and effect.

Section 3. This Ordinance shall become effective on October 1, 1981.

PASSED THIS 31st day of August, 1981.

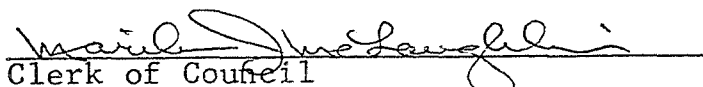
  
Mayor of the City of Centerville, Ohio

ATTEST:

  
Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 23-81, passed by the Council of the City of Centerville, Ohio, on the 31st day of August, 1981.

  
Clerk of Council

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions.

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Dep. Atty. Gen.  
Robert N. Farquhar  
Municipal Attorney