

ORDINANCE NO. 40 -77

By Thomas C. Johnson

To amend Ordinance No. 35-76 so that it will comply with recent amendments made to the City of Columbus Income Tax Ordinance, and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO

Section 1. That effective October , 1977, Section 2D., Section 5., ~~Section 7.~~, Section 8. and Section 19. be and the same are hereby amended to read as follows:

Section 2D. On the net profits of all corporations, estates, and trusts derived from work done or services performed or rendered and business or other activities conducted in the City, whether or not such corporations, estates, and trusts have their principal or any place of business located in the City.

In Section 5. insert a new paragraph D. following paragraph C., and change the designations on existing paragraphs D., E. and F. to E., F. and G., which new paragraph D. shall read as follows:

D. Affiliated corporations may not deduct a loss from any other corporation having a taxable profit and operations of any affiliated corporation having a loss may not be taken into consideration in computing net profits or Business Allocation Percentage Formula

In Section 7., add a new sentence at the end of the first paragraph following the words "in fact been withheld.", which additional sentence shall read as follows:

Every employer or officer of a corporation is deemed to be a trustee for this municipality in collecting and holding the tax required under the ordinance to be withheld and the funds so collected by such withholding are deemed to be trust funds.

Also in Section 7., add a new paragraph at the end thereof reading as follows:

The officer or the employee having control or supervision of or charged with the responsibility of filing the report and making payment is personally liable for failure to file the report or pay the tax due as required by this section. The dissolution of a corporation does not discharge an officer's or employee's liability for a failure of the corporation to file returns or pay tax due.

In Section 8., in the sixth paragraph, fourth line, delete the word "seventh" and insert in lieu thereof the word "sixth".

Also in Section 8., add a new paragraph at the end thereof, reading as follows:

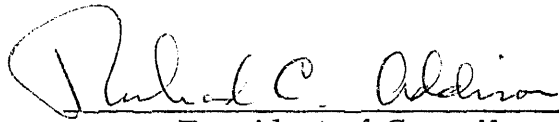
A declaration of estimated tax which is less than 80% of the tax shown on the final return shall not be considered filed in good faith. The difference shall be subject to penalties and interest as provided for in Section 13 of this ordinance.

Section 19. Interest on unpaid withheld taxes. All taxes deducted by an employer or required to be deducted and withheld by an employer and remaining unpaid after they become due pursuant to Section 7 shall bear interest on the amount of such unpaid taxes at the rate of six (6) percent per annum and in addition a penalty of ten (10) percent of the amount of the unpaid taxes.

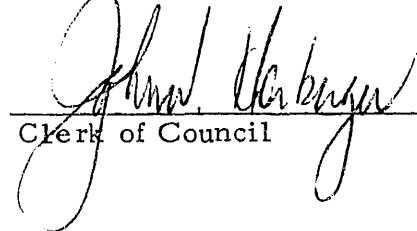
Section 2. That effective October 1, 1977 existing paragraph D. of Section 2 and existing Section 19 of Ordinance No. 35-76 of the City of Bexley, be and the same are hereby repealed.

Section 3. That this ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health and safety, said emergency being that this ordinance must be effective October 1, 1977 and said ordinance shall go into immediate force and effect.

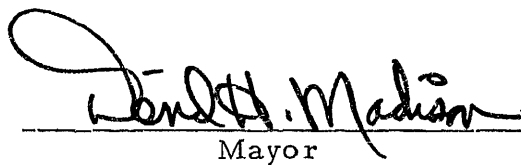
Passed October 11, 1977

  
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President of Council

Attest:

  
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Clerk of Council

Approved Oct. 12, 1977, 1977

  
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Mayor

First Reading September 13, 1977  
Second Reading September 27, 1977

*4-2-77  
10/12/77*