

ORDINANCE NO. 54-82

By: J. J. Schmitt

An ordinance to amend Section 880.05 Bexley City Code (Ordinance 35-76 as amended) pertaining to the return and payment of the Bexley City Income Tax.

WHEREAS, by agreement, the Bexley City Income Tax is administered by the Income Tax Division of the Auditor's Office, City of Columbus, and

WHEREAS, it is desirable that said City Income Tax correspond as closely as possible to the Columbus City Income Tax law to permit efficient and effective administration of such laws, and

WHEREAS, the City of Columbus has amended its income tax laws to provide essentially that net losses from unincorporated business activities will no longer be allowed as offsets against taxpayers' W-2 income, and

WHEREAS, the City of Columbus has requested that this change be adopted by the City of Bexley to provide clarification of the income tax laws and to assist in the effective administration of such laws;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Section 880.05, of the Bexley City Code entitled "Return and Payment of Tax" be, and the same is hereby amended to read as follows:

880.05 RETURN AND PAYMENT OF TAX.

(a) Each taxpayer who engages in business, or whose salaries, wages, commissions and other compensation are subject to the tax imposed by this chapter, shall, whether or not a tax is due thereon, make and file a return on or before April 15 of each year with the City Auditor on a form furnished by or obtainable from the City Auditor, setting forth the aggregate amount of salaries, wages, commissions and other compensation earned and/or net profits earned and/or gross income from such business less allowable expenses in the acquisition of such gross income earned during the preceding year and subject to the tax, together with such other pertinent information as the City Auditor may require. However, when the return is made for a fiscal year or other period different from the calendar year, the return shall be made on or before the fifteenth day of the fourth month after the close of such fiscal year or other period.

(b) Commencing with taxable years beginning subsequent to December 31, 1981, the net loss from an unincorporated business activity may not be used to offset salaries, wages, commissions and other compensation. However, if a taxpayer is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity (except any portion of a loss separately reportable for municipal tax purposes to another taxing entity) may be used to offset the profits of another for purpose of arriving at overall net profits. A husband and wife, in any taxable year, may elect to file separate or joint returns.

(c) If a net operating loss has been sustained in any taxable year, such losses may not be carried forward or backward to any other taxable year. (Ord. 35-76. Passed 7-2-76.)

(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. (Ord. 40-77. Passed 10-11-77.)

(e) The taxpayer making a return shall, at the time of the filing thereof, pay to the City Auditor the amount of taxes shown as due thereon. However, where any portion of the tax so due has been deducted at the source pursuant to the provisions of Section 880.07, or where any portion of such tax has been paid by the taxpayer pursuant to the provisions of Section 880.08, or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with Section 880.14 shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing such return.

(f) A taxpayer who has overpaid his income tax in any taxable year may request a refund, provided there is no other tax liability and provided, further, that no amount of less than one dollar (\$1.00) will be refunded or collected.

(g) The City Auditor shall have the authority to extend the time for filing the annual return upon the request of the taxpayer for a period not to exceed six months, or one month beyond any extension requested of or granted by the Internal Revenue Service for the filing of the Federal Income Tax Return. The City Auditor may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due. No penalty shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended. (Ord. 35-76. Passed 7-27-76.)

Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 1982.

President of Council

Attest: _____

Approved: _____, 1982.

Mayor

*Oct 26, 1982. First reading
Nov 9, 1982 Second reading
Nov 23, 1982 Third reading
Ordinance Repealed*