



City of Willowick
CITY COUNCIL REGULAR MEETING

Tuesday, December 05, 2023 at 7:30 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

AGENDA

CALL MEETING TO ORDER

The Twenty-First Meeting of Council

PLEDGE ALLEGIANCE

INVOCATION

ROLL CALL OF COUNCIL

APPROVAL OF MINUTES

1. Motion to Approve the Minutes from the October 23, 2023, Special Council Meeting
2. Motion to Approve the Minutes of the November 21, 2023, Regular Council Meeting

APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS

3. Nominations for the Position of President Pro Tempore for Tonight's Meeting

ADMINISTRATIVE APPEALS

REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR

COUNCIL DISCUSSION OF THE MAYOR'S REPORT

GENERAL COMMUNICATIONS & REPORTS – Directors & Officials

Service Director – Todd Shannon

Recreation Director – Julie Kless

City Engineer – Tim McLaughlin

Finance Director – Cheryl Benedict

Law Director – Stephanie Landgraf

Police Chief – Rob Daubenmire

Fire Chief – Bill Malovrh

Chief Housing/Zoning Inspector – Sean Brennan

WARD MATTERS**PUBLIC PARTICIPATION**

- a) Public statement (1 minute maximum)*
- b) Council response to the public*
- c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

REPORTS OF STANDING COMMITTEES

Finance – Bisbee, Mohorcic, Loncala

Safety – Phares, Malta, Bisbee

Service, Utilities & Public Lands – Malta, Phares, Loncala

Streets, Sidewalks & Sewers – Malta, Antosh, Mohorcic

Tax Compliance – Koudela, Antosh, Loncala

Moral Claims – Antosh, Phares, Koudela

Budget – Mohorcic, Koudela, Bisbee

LIAISON REPORTS

Planning – Phares/Alternate Antosh

Board of Zoning Appeals – Loncala/Alternate Koudela

Volunteer Fire Fighters' Dependents Fund Board – Antosh, Phares

Recreation Board – Bisbee/Alternate Phares

Plan Review Board – Antosh

Hearts & Hammers – Malta

FUND TRANSFERS & BID AUTHORIZATIONS**CONTRACT APPROVALS**

- 4. Motion to Authorize the Mayor to Enter into an Amended Agreement with Cargill for Calcium Chloride Road Brine for the 2023-2024 Winter Season

INTRODUCTION & CONSIDERATION OF LEGISLATION

- 5. Resolution No. 2023-47

A Resolution to Approve Authorizations (Then and Now Certificate) to Domenick Electric Sewer Cleaning Co., Inc., in the Amount of \$5,400.00 for the City of Willowick and Declaring an Emergency

- 6. Resolution No. 2023-48

A Resolution to Approve Authorizations (Then and Now Certificate) to Lake County Communities Erosion Special Improvement District, Inc., in the Amount of \$37,550.61 for the City of Willowick and Declaring and Emergency

7. Resolution No. 2023-49

A Resolution Authorizing the Application and Acceptance of a Safety Intervention Grant (SIG) from the Ohio Bureau of Workers' Compensation in the Amount of \$24,276.75 and Declaring an Emergency

8. Resolution No. 2023-50

A Resolution to Approve Authorizations (Then and Now Certificate) to Chase Card Services in the Amount of \$155,502.00 for the City of Willowick, and Declaring an Emergency

9. Ordinance No. 2023-45

An Ordinance Amending Chapter 194 of the Codified Ordinances of the City of Willowick, Ohio, titled "Earned Income Tax Regulations Effective Beginning January 1, 2016" with an Effective Date of January 1, 2024

1st Reading 10/17/2023; 2nd Reading 11/21/2023; 3rd Reading 12/5/2023

10. Ordinance No. 2023-52

An Ordinance Repealing Certain Section of Chapter 133 of the Codified Ordinances of the City of Willowick, Ohio, to Eliminate Certain Funds, and Declaring an Emergency

11. Ordinance No. 2023-53

An Ordinance Amending Chapter 1147 of the Codified Ordinances of the City of Willowick, Ohio, titled "Industrial District;" Specifically, Section 1147.05, titled "Prohibited Uses," and Declaring an Emergency

12. Ordinance No. 2023-54

An Ordinance Amending Chapter 1145 of the Codified Ordinances of the City of Willowick, Ohio, titled "Retail District;" Specifically, Section 1145.03, titled "Uses," and Declaring an Emergency

MISCELLANEOUS

13. Motion Authorizing Change Order #1-Final to Chagrin Valley Paving, Inc., in the Deduct Total Amount for the Base Bid and Alternate B of \$47,473.91 for the 2023 Pavement Repair Program
14. Motion Authorizing the Release of Retainage in the Amount of \$40,313.89 to Chagrin Valley Paving, Inc., for the 2023 Pavement Repair Project
15. Motion Authorizing CT Consultants to Prepare Specifications, Details, Plans, and Bid Documents, Advertise and Obtain Bids for the LAK.-E. 305th Street Sewer Resurfacing Project for a Fee of \$257,500.00 in Accordance with the Agreement for Engineering Services
16. Motion Authorizing CT Consultants to Prepare Specifications, Details, Plans and Bid Documents, Advertise and Obtain Bids for the 2024 Road Improvement for a Fee of \$55,000 in Accordance with the Agreement for Engineering Services
17. Motion Authorizing Expenditures in the Amount of \$37,550.61 to Lake County Communities Erosion Special Improvement District, Inc., for Reimbursement of Payments Received from the First and Second Half Tax Assessment Collections for 2023

- [18.](#) Motion Authorizing an Expenditure to Chase Card Services for 2024 Workers' Compensation Premium
- 19. Motion Authorizing an Expenditure in the Amount of \$210,720.39 to the Willoughby Eastlake School District for Their Share of Payments in Lieu of Taxes Received for TY22/CY23 per the Compensation Agreement Approved on December 28, 2005, and Relative to the Shoreland Crossings TIF

PUBLIC PARTICIPATION

EXECUTIVE SESSION

- 20. Motion to Adjourn to Executive Session to Discuss Pending or Imminent Litigation

CLOSE EXECUTIVE SESSION

- 21. Motion to Reconvene Regular Meeting

ADJOURNMENT



Salt, Road Safety
 24950 Country Club Blvd, Suite 450
 North Olmsted, OH 44070

Tuesday, October 31, 2023

Billing Information		Shipping Information		*Contact Information	
Name	City of Willowick	City of Willowick	Attn:		
Account Number	1000017673	2000023892			
Address 1	30435 Lake Shore BLVD	31230 Vine St	Phone	440-585-0963	
City State Zip	Willowick, Ohio	Willowick, Ohio 44095	Mobile		
County	LAKE		e-mail	jdfiranco@cityofwillowick.com	

Cargill, Incorporated Deicing Technology Business Unit ("Cargill") is pleased to submit the following quote for your SALT BRINE needs for the 2023/2024 season.

Price Basis Per Gallon

Product	Pickup	Delivered* (4,000 gallon minimum)	Estimated Volume	Terminal
100012343- Sodium Chloride Brine	\$0.34GAL	\$0.75GAL	50,000 gallons	1ACY – Akron OH
110004255- Enhanced Ca Cl Brine	\$0.42GAL	\$0.83GAL	15,000 Gallons	1ACY – Akron OH

**Delivered price is subject to a fuel surcharge. Applicable fuel surcharge rates may be applied to Buyers account at the time of shipment.*

PLEASE SIGN AND RETURN THIS QUOTE LETTER TO OUR ATTENTION WITHIN TEN (10) BUSINESS DAYS FROM DATE OF LETTER. WE CANNOT UPDATE YOUR ACCOUNT FOR THIS YEAR WITHOUT THE SIGNED QUOTE LETTER. THIS PRICE QUOTE LETTER DOES NOT CONSTITUTE AN ORDER. ORDERS MUST BE PLACED BY CALLING CUSTOMER SERVICE AT 800-600-SALT (7258).

TERMS AND CONDITIONS –

- Provided this Price Quote Letter is signed and returned within Ten (10) business days from the Date, Cargill agrees to hold the quoted prices firm from October 31, 2023 through April 30, 2024. Notwithstanding the foregoing, the prices contained in this Price Quote Letter are contingent on Customers adherence to these Terms and Conditions and the attached Terms and Conditions of Sale, including, but not limited to, Customer's compliance with the Customer account's payment and credit terms stated below.
- The Estimated Volume figure is an estimate of the total quantity of each Product(s) to be purchased by Customer under this Price Quote Letter. Customer is not obligated to purchase a minimum percentage of the Estimated Volume. Cargill is not obligated to sell Customer any quantity of the Estimated Volume.
- Cargill's obligation to sell Product(s) is SUBJECT TO PRODUCT AVAILABILITY. Cargill has the right to (i.) decline, or suspend shipments of, any Customer order placed under this Price Quote letter or (ii) terminate this Price Quote Letter if, at any time, Cargill encounters Product shortages due to commitments to other customers. In addition, Cargill reserves the right to decline, or suspend shipments of, any Customer order placed under this Price Quote Letter for any reason(s) relating to: Conditions at any Cargill terminal/production facility, weather conditions, or any other reason that may affect Cargill's ability to accept orders.
- This quote assumes that Product will be delivered from or picked up at the terminal set forth above. Cargill's sale of Product is expressly conditional upon these Terms and Conditions and Customer's acceptance of the attached Terms and Conditions of Sale. Any terms which may exist on the Customer's standard purchase order (or similar forms) and which alter or are inconsistent with the terms and conditions will be of no legal force or effect and will not govern the transaction contemplated by this Price Quote Letter.
- By accepting, Customer agrees that this Price Quote Letter (including the Terms and Conditions and the attached Terms and Conditions of Sale) constitutes the entire understanding between Cargill and Customer and supersedes all other prior agreements or quotations, whether written or oral, between Cargill and Customer with respect to the Product(s)

Payment Terms	NET 30	Credit Limit	-----
PAYMENT TERMS AND CREDIT LIMIT ARE SUBJECT TO CHANGE.			

Thank you for the opportunity to be of service. We are looking forward to supplying your brine needs.

Cargill, Incorporated Salt, Road Safety Unit <i>Kaitlyn Jackson</i> District Manager Cargill Road Safety 440-716-4686 Kaitlyn_jackson@cargill.com	Accepted
	Signature:
	Name:
	Title:
	e-mail:



Salt, Road Safety
 24950 Country Club Blvd, Suite 450
 North Olmsted, OH 44070

Please notify us of any required changes to your account information. Any incorrect information will delay your account setup.			
Billing Information		Shipping Information	
Name:			
DBA (if applicable)			
Address 1			
Address 2			
City State Zip			
County			
Attn:			
Phone		Fax	e-mail:

TERMS AND CONDITIONS OF SALES	
<p>1. TERMS TO GOVERN. The terms and conditions set forth herein shall constitute the sole terms and conditions of sale for this quotation (the "Quote") and any orders placed thereunder. No other terms or conditions, whether contained in Buyer's purchase order or elsewhere, shall be binding on Seller unless agreed to in writing by Seller.</p> <p>2. TITLE/RISK OF LOSS. Title and risk of loss shall pass to Buyer at the time the goods are delivered to or picked up by Buyer.</p> <p>3. PAYMENT AND CREDIT TERMS. Failure of the Buyer to pay on the due date on invoice for products shipped shall give Seller the right, but not the obligation, to suspend further shipment, without notice to the Buyer, until all previous shipments are paid, or to terminate this agreement and seek all available remedies from Buyer. Interest at the maximum rate permitted by law will accrue on all invoices unpaid as of the net due date. All payments by Buyer shall be final 180 days after shipment of the goods and Buyer shall have no right to audit payments or deduct future payments after such date. Notwithstanding anything else herein contained, Seller reserves the right to modify payment terms or to allow no credit whatsoever to Buyer if Seller determines that it cannot grant Buyer the credit terms which are specified herein or Buyer's credit changes. Buyer understands that this reservation is necessary to allow Seller's credit department to have adequate time to review Buyer's credit status.</p> <p>4. WARRANTY AND LIMITATION OF LIABILITY. Seller warrants that it has the right to convey good title to the goods and that the goods will be delivered free of all liens and encumbrances. IN NO EVENT SHALL SELLER BE LIABLE FOR TO BUYER, OR TO ANY THIRD PARTY, FOR ANY INDIRECT, CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE OR EXEMPLARY DAMAGES OF WHATSOEVER NATURE (INCLUDING, BUT NOT LIMITED TO, LOST BUSINESS, LOST PROFITS, DAMAGE TO GOODWILL OR REPUTATION AND/OR DEGRADATION IN VALUE OF BRANDS, TRADEMARKS, TRADENAMES, SERVICE NAMES OR SERVICE MARKS) WHETHER ARISING OUT OF BREACH OF CONTRACT, WARRANTY, TORT (INCLUDING NEGLIGENCE, FAILURE TO WARN, OR STRICT LIABILITY) OR OTHERWISE.</p> <p>5. EXCLUSIVE REMEDY. If upon delivery to Buyer the goods appear not to meet the above warranty, Buyer shall immediately notify Seller who shall have a right to inspect them. Buyer shall not return, repair or dispose of any goods that fail to meet the above warranty without Seller's written consent. In the event Seller breaches the above warranty, Buyer's sole and exclusive remedy and Seller's sole and exclusive liability shall be limited to, at Seller's option, replacement of non-conforming goods with conforming goods or return of the purchase price.</p> <p>6. FORCE MAJEURE. Seller shall be excused for failure to deliver or delay occasioned by conditions beyond Seller's reasonable control, including, but not limited to, Acts of God, fire flood, windstorm, acts of governmental authorities, strikes shortage of raw materials, breakdown, shortage or non-availability of transportation facilities or equipment or any similar event not within Seller's control. In the event Seller is unable to supply the total requirements of its customers, Seller may allocate its available supply among its customers in a manner deemed by Seller to be fair and equitable. If Seller declares force majeure hereunder, Seller may cancel any unperformed portion hereof upon ten (10) days written notice to Buyer.</p>	<p>7. INCREASES. Any advance in applicable freight rates or taxes taking effect before the fulfillment of orders placed under this Quote shall be for Buyer's account. All demurrage or detention charges shall be for Buyer's account. Seller reserves the right to add energy and/or transportation related surcharges for Buyer's account. In addition, if Seller is unable, for any reason, to supply the goods from its plant closest to Buyer's facility, then Seller may, but is not required to, supply the goods from another plant, to the extent it is available, subject to Buyer's payment of all increased freight costs. Seller will notify Buyer of any additional charges before shipping.</p> <p>8. DELIVERY. Buyer shall furnish complete shipping instructions in sufficient time to enable Seller to perform its obligations hereunder. Seller shall not be obligated to make shipment in absence thereof. If more than one delivery is called for, each delivery is to be considered a separate contract for purposes of furnishing complete shipping instructions by Buyer. Unless otherwise provided for herein, if the Quote provides for deliveries over a period exceeding one month, Seller shall not be obligated to deliver in any thirty day period more than approximately equal monthly quantities, in relation to the total amount. The destination routing of shipments will be at Seller's option.</p> <p>9. TERMINATION. If either party breaches any of its obligations under this Quote or any order thereunder, the non-breaching party may give ten (10) day notice of termination, and if the breach has not been cured during the said 30-day period, this Quote shall terminate. In the event Buyer files a voluntary petition in bankruptcy, makes an assignment for the benefit of creditors; is adjudicated as bankrupt; and/or becomes insolvent, Seller may terminate this Agreement effective immediately. Termination, pursuant to this Section, while being in itself a remedy for breach, shall not preclude any other legal or equitable remedy which is available to the terminating party.</p> <p>10. TAXES. Buyer shall be liable for any taxes or other exactions levied by Federal, State or local authorities upon the sale, delivery, storage, consumption or transportation of the goods or services, and if any such items are paid or required to be paid by Seller, the amount shall be added to and become part of the price payable to Seller for such goods or services.</p> <p>11. ASSIGNMENT. The rights and obligations under this quote are not assignable by either party unless in writing and signed by both.</p> <p>12. FORWARD CONTRACT. The Parties agree that the transactions hereunder constitute a "forward contract" within the meaning of the United States Bankruptcy Code and that each Party is a "forward contract merchant" within the meaning of the United States Bankruptcy Code.</p> <p>13. CONTRACT AMBIGUITIES. The Parties acknowledge that they have had the opportunity to consult with legal counsel of their own choosing.</p>

RESOLUTION NO. 2023 – 47

A RESOLUTION TO APPROVE AUTHORIZATIONS (THEN AND NOW CERTIFICATE) TO DOMENICK ELECTRIC SEWER CLEANING CO., INC. IN THE AMOUNT OF \$5,400.00 FOR THE CITY OF WILLOWICK, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that if prior certification of funds by the Fiscal Officer was not obtained before the contract or order involving the expenditure of money was made, then the Fiscal Officer may instead certify; and

WHEREAS, that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund, free from any previous encumbrances; and

WHEREAS, the Fiscal Officer is accordingly certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now); and

WHEREAS, the amount of the certificate exceeds \$3,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. It is hereby certified that both at the time of the making of the attached contract(s) or order(s) and at the date of execution of this certificate, the amount of funds required to pay this contract(s) or order(s) has been appropriated for the purpose of this contract or order, attached hereto, and is in the treasurer or in the process of collection to the credit of the fund free from any previous encumbrances.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 3. This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; and so that the certificate meets the timeliness requirement of the Ohio State Auditor; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____, 2023

Council President Pro Tempore

SUBMITTED to the Mayor for his approval
on _____, 2023

APPROVED by the Mayor on
_____, 2023

ATTEST:

Christine Morgan, Clerk of Council

Michael J. Vanni, Mayor

100 2023-41



Domenick Electric Sewer Cleaning Co., Inc.

INVOICE

Item #5.

35886 Lakeland Blvd. • Eastlake, OH 44095
(440) 946-6405 • FAX (440) 946-6406

NAME TO CITY OF Willowick DATE 11-14-23
ADDRESS JOB AT MARY PARK
CITY WILLOWICK, OHIO 44095 PHONE 440-585-3700

PAYMENT DUE ON COMPLETION OF THE JOB ...
FOR PUMPING WATER OUT OF METER
VAULT, AT MARY PARK.
REMOVE TWO 3" INCHES GATE VALVES
INCLUDING METER. REPLACED WITH
NEW 3" GATE VALVES, WITH NEW GASKET
NEW ZINK-BOLTZ, SUPPORT WITH BRICKS
AND WEDGES. NOV 17 2023 \$ 5,400.00

I HEREBY CERTIFY THAT THE GOODS, MATERIALS
AND SERVICES SHOWN IN THIS INVOICE HAVE BEEN
RECEIVED AND RENDERED ON BEHALF OF THE

CITY OF WILLOWICK, P.O. # _____

DATE _____ 20__

TOTAL \$ 5,400.00

BALANCE DUE \$ 5,400.00

ALL WORK HAS BEEN COMPLETED CORRECTLY AND TO MY SATISFACTION

OUR SERVICES INCLUDE

- | | | |
|-----------------------------|----------------------|---------------|
| Master Plumber | Sewer Cleaning | Basement |
| Copper Water Line Installed | Sewer Repair | Waterproofing |
| Hi-Velocity Sewer Jet | And New Installation | Cement Work |

TERMS: NET 30 DAYS
DELINQUENT ACCOUNTS
WILL BE CHARGED
1-1/2% PER MONTH
18% PER YEAR MAXIMUM

RESOLUTION NO. 2023 – 48
A RESOLUTION TO APPROVE AUTHORIZATIONS (THEN AND NOW CERTIFICATE) TO LAKE COUNTY COMMUNITIES EROSION SPECIAL IMPROVEMENT DISTRICT, INC. IN THE AMOUNT OF \$37,550.61 FOR THE CITY OF WILLOWICK, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that if prior certification of funds by the Fiscal Officer was not obtained before the contract or order involving the expenditure of money was made, then the Fiscal Officer may instead certify; and

WHEREAS, that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund, free from any previous encumbrances; and

WHEREAS, the Fiscal Officer is accordingly certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now); and

WHEREAS, the amount of the certificate exceeds \$3,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. It is hereby certified that both at the time of the making of the attached contract(s) or order(s) and at the date of execution of this certificate, the amount of funds required to pay this contract(s) or order(s) has been appropriated for the purpose of this contract or order, attached hereto, and is in the treasurer or in the process of collection to the credit of the fund free from any previous encumbrances.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 3. This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; and so that the certificate meets the timeliness requirement of the Ohio State Auditor; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____, 2023

SUBMITTED to the Mayor for his approval
on _____, 2023

Council President Pro Tempore

APPROVED by the Mayor on
_____, 2023

ATTEST:

Christine Morgan, Clerk of Council

#

Michael J. Vanni, Mayor

INVOICE**To: City of Willowick, Ohio****From: Lake County Communities Shoreline Special Improvement District, Inc. (SID)****November 1, 2023**

The City of Willowick, Ohio as a Participating Subdivision in the captioned Special Improvement District levied special assessments for erosion control projects listed on the attachment.

This is an invoice to pay to the SID the amount of \$37,550.61 representing the first and second half collections that were due and owing for collection year 2023 as detailed in the attachment.

Payment is due upon receipt. Payments can be made by check payable to The Lake County Communities Erosion Special Improvement District, Inc. or may be made by electronic transfer. Wiring instructions will be sent upon email request to sidlakecounty@gmail.com.

**ASSESSMENT CERTIFICATION LIST
CITY OF WILLOWICK, OHIO
LAKE COUNTY COMMUNITIES
SHORELINE SPECIAL IMPROVEMENT DISTRICT**

The final assessments for those parcels identified in the land records of the County of Lake, Ohio as identified below are as follows:

1. Parcel Number: 28-A-044-F-00-005-0 (Dan Bennett– 31617 North Road, Willowick, Ohio 44095)

COLLECTION YEAR	ANNUAL ASSESSMENT	COLLECTION YEAR	ANNUAL ASSESSMENT
2023	\$5,038.37	2031	\$5,038.37
2024	\$5,038.37	2032	\$5,038.37
2025	\$5,038.37	2033	\$5,038.37
2026	\$5,038.37	2034	\$5,038.37
2027	\$5,038.37	2035	\$5,038.37
2028	\$5,038.37	2036	\$5,038.37
2029	\$5,038.37	2037	\$5,038.37
2030	\$5,038.37		

2. Parcel Number: 28-A-044-F-00-030-0 (Dan Bennett– 31617 North Road, Willowick, Ohio 44095)

COLLECTION YEAR	ANNUAL ASSESSMENT	COLLECTION YEAR	ANNUAL ASSESSMENT
2023	\$10.58	2031	\$10.58
2024	\$10.58	2032	\$10.58
2025	\$10.58	2033	\$10.58
2026	\$10.58	2034	\$10.58
2027	\$10.58	2035	\$10.58
2028	\$10.58	2036	\$10.58
2029	\$10.58	2037	\$10.58
2030	\$10.58		

3. Parcel Number: 28-A-044-F-00-004-0 (Dan Bennett– 31617 North Road, Willowick, Ohio 44095)

COLLECTION YEAR	ANNUAL ASSESSMENT	COLLECTION YEAR	ANNUAL ASSESSMENT
2023	\$243.45	2031	\$243.45
2024	\$243.45	2032	\$243.45
2025	\$243.45	2033	\$243.45
2026	\$243.45	2034	\$243.45
2027	\$243.45	2035	\$243.45
2028	\$243.45	2036	\$243.45
2029	\$243.45	2037	\$243.45
2030	\$243.45		

4. Parcel Number: 28-A-041-C-00-002-0 (Mark Lasmanis – 29619 Cresthaven Dr., Willowick, Ohio 44095)

COLLECTION YEAR	ANNUAL ASSESSMENT	COLLECTION YEAR	ANNUAL ASSESSMENT
2023	\$9,847.87	2031	\$9,847.87
2024	\$9,847.87	2032	\$9,847.87
2025	\$9,847.87	2033	\$9,847.87
2026	\$9,847.87	2034	\$9,847.87
2027	\$9,847.87	2035	\$9,847.87
2028	\$9,847.87	2036	\$9,847.87
2029	\$9,847.87	2037	\$9,847.87
2030	\$9,847.87		

5. Parcel Number: 28-A-042-D-00-003-0 (Devon Paullin– 29307 Cresthaven Drive, Willowick, Ohio 44095)

COLLECTION YEAR	ANNUAL ASSESSMENT	COLLECTION YEAR	ANNUAL ASSESSMENT
2023	\$9,367.30	2031	\$9,367.30
2024	\$9,367.30	2032	\$9,367.30
2025	\$9,367.30	2033	\$9,367.30
2026	\$9,367.30	2034	\$9,367.30
2027	\$9,367.30	2035	\$9,367.30
2028	\$9,367.30	2036	\$9,367.30
2029	\$9,367.30	2037	\$9,367.30
2030	\$9,367.30		

6. Parcel Number: 28-A-045-J-00-005-0 (Frederick Audi– 32319 Lakeshore Blvd., Willowick, Ohio 44095)

COLLECTION YEAR	ANNUAL ASSESSMENT	COLLECTION YEAR	ANNUAL ASSESSMENT
2023	\$13,043.04	2031	\$13,043.04
2024	\$13,043.04	2032	\$13,043.04
2025	\$13,043.04	2033	\$13,043.04
2026	\$13,043.04	2034	\$13,043.04
2027	\$13,043.04	2035	\$13,043.04
2028	\$13,043.04	2036	\$13,043.04
2029	\$13,043.04	2037	\$13,043.04
2030	\$13,043.04		

RESOLUTION NO. 2023-49

A RESOLUTION AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A SAFETY INTERVENTION GRANT (SIG) FROM THE OHIO BUREAU OF WORKERS' COMPENSATION IN THE AMOUNT \$24,276.75, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Bureau of Workers' Compensation (BWC) has a Safety Intervention Grant Program which permits employers to apply for and receive grant funds for projects that substantially reduce or eliminate the risk of workplace injuries and illnesses; and

WHEREAS, the Fire Department made application to the BWC for grant funds in the amount of \$24,276.75 for the purchase of fire hoses and associated equipment to be utilized by the Willowick Fire Department; and

WHEREAS, on November 2, 2023, the BWC approved Willowick's Application for SIG funds and awarded a SIG grant to the City of Willowick Fire Department in the amount of \$24,276.75 for the purchase of fire hoses and associated equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, STATE OF OHIO:

Section 1. That the Willowick City Council hereby authorizes and accepts the applied for grant funds from the Ohio Bureau of Workers' Compensation in the amount of \$24,276.75 to be utilized by the fire department for the purchase of fire hose and associated equipment in accordance with the Ohio Bureau of Workers' Compensation Safety Intervention Grant application (230830-000032) and award letter annexed hereto as Exhibit A.

Section 2. All formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances of the City of Willowick and Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick.

WHEREFORE, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

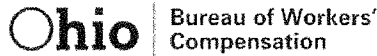
Adopted by Council: _____, 2023

Council President Pro Tempore

Submitted to the Mayor: _____, 2023 _____
Michael Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council



Bureau of Workers'
Compensation

Division of Safety & Hygiene
30 W. Spring St., 25th Floor
Columbus, OH 43215-2256

Governor Mike DeWine
Administrator/CEO John Logue

www.bwc.ohio.gov
1-800-644-6292
Fax: 1 866-336-8352

11/02/2023

Nahim Kaim
WILLOWICK
30435 LAKE SHORE BLVD
WILLOWICK OH 44095

Policy number: 34305902

Application number: 230830-000032

Dear Nahim Kaim,

Congratulations! We have approved WILLOWICK's application for the Safety Intervention Grant (SIG) in the amount of \$24,276.75. You may now make your purchase.

You should receive your award within six weeks from the date of this letter. If you enrolled in electronic funds transfer (EFT), expect a direct deposit into the account specified on your vendor information form.

We have approved the following equipment under this grant award as detailed in the attached approved grant budget:

18 - Key Fire Hose Pro Flow LDH 4"X 100' Yellow Hose Storz Couplings
8 - Key Fire Hose Pro Flow LDH 4"X 50' Yellow Hose Storz Couplings
6 - Key Fire Hose Pro Flow LDH 4"X 25' Yellow Hose Storz Couplings
1 - Lift Gate service to off load hose from trucking company
1 - Roll-n-Rack Hose Roller Efficiency Package w/ extra battery 3- coupling Jaws and Loader
1 - Shinning

** Please DO NOT STRAY FROM THE BUDGET, be advised that you may not use grant money for safety intervention equipment that has already been purchased. This includes any or all of the following procurement activities: Ordered equipment; Received equipment; Received paid equipment. If you make the purchase/payment prior to receipt of this letter, BWC will consider the purchase retroactive and BWC may request return of the funds.

You must complete the action steps as listed below. All of them should be completed within the BWC Grant Management Portal:

- Within 90 days after the grant check or EFT, purchase and implement the approved intervention equipment/services.
- Within 120 days after the grant check or EFT, submit proof of spending and purchase documentation for all approved equipment/services.
- Within one year after the equipment is placed into service, complete the required case study.

Lastly, please ensure that when submitting your proof of spending and proof of payment documentation that your invoice is exact to the quote previously submitted. Including items that were not pre-approved in this grant or significantly changing their descriptions could delay the reconciliation process.

If you have any questions or concerns, please contact Safety Grants via The Ohio BWC Grant Management Portal. Thank you for taking the initiative to provide a safe work environment for your employees.

Sincerely,

Bernard Silkowski

Superintendent, Division of Safety & Hygiene

Enclosure

cc: BWC Finance Division



Section V: Budget

Step 1: Please provide the proposed budget for the project.

Note: You may only use the safety intervention grant to purchase ergonomic, safety or industrial hygiene equipment. You may not use the safety intervention grant for recouping the cost of any prior or ongoing interventions, or for rented or leased equipment. In addition, you may not use a safety intervention grant to pay for salaries, wages, internal labor, or any costs associated with preparing the application. You must make all grant purchases and implement the intervention equipment within ninety (90) days after the date on the BWC grant check or the electronic funds transfer. Note all itemized expenses associated with the project. Indicate exact costs and do not round figures. All budgets MUST have vendor price quotes attached for each individual item. You must subtract all discounts and equipment trade-ins from the project total.

Item	Quantity	Cost	Total
Key Fire Hose Pro Flow LDH 4"X 100' Yellow Hose Storz Couplings	18	\$712.00	\$12,816.00
Key Fire Hose Pro Flow LDH 4"X 50' Yellow Hose Storz Couplings	8	\$473.00	\$3,784.00
Key Fire Hose Pro Flow LDH 4"X 25' Yellow Hose Storz Couplings	6	\$356.00	\$2,136.00
Lift Gate service to off load hose from trucking company	1	\$600.00	\$600.00
Roll-n-Rack Hose Roller Efficiency Package w/ extra battery 3- coupling Jaws and Loader	1	\$12,300.00	\$12,300.00
Shipping	1	\$733.00	\$733.00

Subtotal \$32,369.00

Freight \$0.00

Tax \$0.00

Less all discounts and trade-in amounts. -\$0.00

Total budget \$32,369.00

Step 2: To determine the grant amount you are requesting, please complete the formula below.

Total amount of project (from table above) _____ A \$32,369.00

Total amount supplied by BWC, (either \$40,000 or less, or remaining funds in eligibility cycle) _____ B = A x 0.75 \$24,276.75

Total amount supplied by the employer _____ A-B \$8,092.25

Do you have ownership, partnership or any other affiliation with the vendor of the equipment being purchased?

If yes, please explain. _____

Are you planning to finance your portion of the grant project? Yes No If yes, you must provide a copy of the loan agreement with your receipt documentation once you receive the grant funds and make your purchase.

By my signature, I agree to fully comply with the terms and conditions of the program and to use all funds solely for the purposes intended. I further understand I may be subject to civil, criminal and/or administrative penalties as the result of any false, fictitious, misleading, or fraudulent statements. I understand if funds are not used, misused, misapplied, or misappropriated, or are used for purchases and/or services not associated with the approved budget and itemized proposal submitted, that I may be subject to civil, criminal, and administrative penalties.

Name of duly authorized representative (please print) Nahim Kaim

Signature of duly authorized representative I, Nahim Kaim have signed this agreement on Date: 08/30/2023

Title Lieutenant

Employer name WILLOWICK BWC policy number 34305902



Section VI. AGREEMENT between OHIO BUREAU OF WORKERS' COMPENSATION

and WILLOWICK

Employer's Full Legal Name

Agreement between the Ohio Bureau of Workers' Compensation and Employer

This is an agreement by and between WILLOWICK (hereinafter, "Employer"), with its principal place

Employer's Full Legal Name

of business located at 30435 LAKE SHORE BLVD, WILLOWICK, Ohio 44095, and the State of Ohio, Bureau of Workers' Compensation

Address

ZIP code

(hereinafter, "BWC"), having offices at 30 W. Spring St., Columbus, OH 43215-2256, entered into the day, month and year set out below.

Whereas, the administrator of workers' compensation may issue a grant to defray the costs incurred by an employer who elects to participate in the safety intervention grant program, pursuant to Ohio Administrative Code Rule (OAC) 4123-17-56, wherein an employer may receive grant funds for projects which substantially reduce or eliminate the risk of workplace injuries and illnesses.

Therefore, for good and valuable consideration, the sufficiency of which is acknowledged, the parties mutually agree to the following conditions.

Eligibility — Acceptance of Employer into the safety intervention grant program is contingent upon Employer's: (a) submission and approval of an application, (b) demonstrated need for intervention, (c) having active Ohio workers' compensation coverage, and (d) being current with respect to payroll reporting and payments due to any fund administered by BWC as of the date of execution of this agreement and for its duration.

Distribution of Grant Funds — Subject to the conditions precedent in this agreement and subject to available BWC resources, Employer and BWC mutually understand and agree that the total sum of the grant to be issued by BWC shall not exceed a 3-to-1 ratio of the funds contributed by Employer, whether a public or private employer, and that the maximum grant amount shall not exceed \$40,000. Employer must contribute \$13,333.33 in order to receive the maximum grant amount of \$40,000. Employer understands and acknowledges that BWC will not issue a grant matching any expenditures that exceed \$13,333.33. The \$40,000 safety grant is the maximum per eligibility cycle. If Employer has not received the maximum amount of money available through the safety grant program during their eligibility cycle, Employer may reapply and have its application approved to enter into another agreement until Employer has received a total of \$40,000 for that cycle.

Employer Responsibilities — Employer, in consideration of a grant given to it, promises to fully comply with the program requirements as outlined in the Application and Instructions and OAC 4123-17-56, all of which are fully incorporated herein by reference. *Employer will be responsible for using the awarded grant in the manner for which it is intended and will be required to provide BWC with documentation. This documentation may include, but is not limited to, original invoices, canceled checks, and periodic reports to confirm that all funds were spent and applied toward the approved intervention.* Employer understands that approved safety intervention equipment may not be rented or leased. Employer agrees to allow a BWC representative to conduct risk factor assessments. Further, Employer agrees not to eliminate jobs due to participation in the safety intervention grant program.

All interventions must receive approval prior to purchase to qualify for the grant, and any proposed changes must be agreed to by BWC prior to making the change. Employer agrees to allow BWC to publish safety intervention grant results including, but not limited to, data, videos, specifications, or photos for the purposes of illustrating, educating, and training employers and employees.

Time of Performance — *Employer must make all equipment purchases and implement the approved intervention equipment within ninety (90) days of BWC issuing the grant check or electronic fund transfer. BWC will consider allowing additional time, up to a maximum of 90 days, upon the request of Employer. However, the extension must be made within the initial 90 day period. No later than thirty (30) days following the 90 day purchase period, Employer must provide BWC the following information: (a) itemized expense report, (b) original paid invoices pertaining to all intervention purposes, and (c) copies of all cancelled checks or other documentation to support that all invoices associated with the interventions were paid in full.*

Employer shall provide BWC a one-year case study report which detail the number of affected population and list claim numbers affected by the intervention, if any. The one-year case study is due within 30 days of the reporting period. The one-year case study report is to be completed electronically by Employer. If the one-year case study report is not filed, or if the report is not written as described in the application, Employer shall be liable to repay the full amount of the grant.

Disqualification — If for any reason Employer fails to satisfy one or more of the criteria established in the Application and Instructions, OAC 4123-17-56, and this agreement, including, but not limited to, the requirement of maintaining active coverage, timely payments thereof, and the obligations described in Employer Responsibilities and Time of Performance sections, Employer may be disqualified from the program. *Disqualification will result in the termination of BWC's obligations under this agreement. BWC reserves the right to recover grant funds by one or more of the following methods: billing Employer for the grant funds received, forwarding Employer's information to the Office of the Attorney General of Ohio for collection, set-off, recoupment, or other administrative, civil, or legal remedy.*

If Employer merges or combines its business after receiving a grant, but before completing the one year of measurement reporting, the BWC Successorship Liability Policy will go into effect. Employer is responsible for notifying the successor employer of the obligations under the safety intervention grant program. The successor employer may be liable to repay any and all previously paid grant funds if these obligations are not met.



Bureau of Workers' Compensation

Application for Safety Intervention Grant

Disclaimer - If implemented correctly by Employer, the goal of the safety intervention grant program is to substantially reduce or eliminate injury and illness in the workplace and, hence, claims associated with the affected processes. BWC does not guarantee or warrant that the implementation of such a plan will result in a substantial reduction or elimination of injuries and illnesses in the workplace. The exclusive remedy shall be pursuant to workers' compensation laws of the appropriate jurisdiction. In no event, shall BWC be liable for any damages in contract or in tort.

Ohio elections law - Employer hereby certifies that no applicable party listed in Divisions (I), (J), (Y) and (Z) of O.R.C. Section 3517.13 has made contributions in excess of the limitations specified under Divisions (I), (J), (Y) and (Z) of O.R.C. Section 3517.13.

Conflicts of interest and ethics compliance certification - Employer affirms that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict, in any manner or degree, with the performance of services which are required to be performed under any resulting Contract. In addition, Employer affirms that a person who is or may become an agent of Employer, not having such interest upon execution of this Contract shall likewise advise the BWC in the event it acquires such interest during the course of this Contract.

Employer agrees to adhere to all ethics laws contained in Chapters 102 and 2921 of the Ohio Revised Code governing ethical behavior,

understands that such provisions apply to persons doing or seeking to do business with the Bureau, and agrees to act in accordance with the requirements of such provisions. Employer warrants that it has not paid and will not pay, has not given and will not give, any remuneration or thing of value directly or indirectly to the BWC or any of its board members, officers, employees, or agents, or any third party in any of the engagements of this Agreement or otherwise, including, but not limited to a finder's fee, cash solicitation fee, or a fee for consulting, lobbying or otherwise.

Non-Discrimination and Equal Employment Opportunity: Employer will comply with all state and federal laws regarding equal employment opportunity and fair labor and employment practices, including Ohio Revised Code Section 125.111 and all related Executive Orders. The State encourages Employer to purchase goods and services from Minority Business Enterprise (MBE) and Encouraging Diversity, Growth and Equity (EDGE) vendors.

Authority - The person signing below for Employer states that he or she is either the owner, chief executive officer, chief financial officer, plant manager or other person having fiduciary responsibilities with Employer; and Employer agrees that the signer or his, or her successor, will have the authority to oversee carrying out Employer's responsibilities for one year after BWC issues the funds. The signer's authority shall continue until Employer notifies BWC of the name of the successor.

NK

By initialing this box, Employer agrees that prior purchases have not been made and will not be made prior to approval. Employer also confirms understanding that all grant approved purchases are to be purchased and implemented within 90 days after the date on the BWC grant check or the date of the electronic fund transfer. Additionally, any changes to the original intervention must receive prior approval by BWC.

By my signature, I agree to fully comply with the terms and conditions of this agreement and the program and to use all funds solely for the purposes intended. I further understand I may be subject to civil, criminal and/or administrative penalties as the result of any false, fictitious, misleading, or fraudulent statements. I understand if funds are not used, misused, misapplied, misappropriated, or are used for purchases or services not associated with the approved budget and itemized proposal submitted, that I may be subject to civil, criminal, and administrative penalties.

Modifications: The parties may, in writing and by mutual agreement, amend, modify, supplement or rescind the terms of this agreement.

In witness whereof, the parties hereunto affix their signatures this day of 8 Month 30 Day, 2023

Employer's full legal name WILLOWICK

Federal tax I.D. 346003088

Title Lieutenant

Name (please print) Nahim Kaim

State of Ohio, Bureau of Workers' Compensation Safety Intervention Grant Program

Signature I, Nahim Kaim have signed this agreement on Date: 08/30/2023

Safety Grant Program

Safety Intervention Grant (SIG) Scoresheet

Employer Name	Policy Number	Application Number	Intervention	Grant Amount	Pass/Fail
WILLOWICK	34305902	230830-000032	18 - Key Fire Hose Pro Flow LDH 4"X 100' Yellow Hose Storz Couplings 8 - Key Fire Hose Pro Flow LDH 4"X 50' Yellow Hose Storz	\$24,276.75	Approve

Approvals

Steven Roth

Committee Member 1

Megan Steele

Committee Member 2

Rich Gaul

Committee Member 3

Bernard Silkowski

Superintendent

#

**RESOLUTION NO. 2023-50
A RESOLUTION TO APPROVE AUTHORIZATIONS (THEN AND NOW CERTIFICATE) TO
CHASE CARD SERVICES IN THE AMOUNT OF \$155,502.00 FOR THE CITY OF
WILLOWICK, AND DECLARING AN EMERGENCY**

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that if prior certification of funds by the Fiscal Officer was not obtained before the contract or order involving the expenditure of money was made, then the Fiscal Officer may instead certify; and

WHEREAS, that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund, free from any previous encumbrances; and

WHEREAS, the Fiscal Officer is accordingly certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now); and

WHEREAS, the amount of the certificate exceeds \$3,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. It is hereby certified that both at the time of the making of the attached contract(s) or order(s) and at the date of execution of this certificate, the amount of funds required to pay this contract(s) or order(s) has been appropriated for the purpose of this contract or order, attached hereto, and is in the treasurer or in the process of collection to the credit of the fund free from any previous encumbrances.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 3. This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; and so that the certificate meets the timeliness requirement of the Ohio State Auditor; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____, 2023

Council President Pro Tempore

SUBMITTED to the Mayor for his approval
on _____, 2023

APPROVED by the Mayor on
_____, 2023

ATTEST:

Christine Morgan, Clerk of Council

Michael J. Vanni, Mayor



Due date: 12/21/2023
Invoice date: 11/24/2023
Invoice number: 1016833611

Policy number: 34305902
Coverage status: Reinstated
#BWNFVSQ
#XX21703926#

WILLOWICK
30435 LAKE SHORE BLVD
WILLOWICK OH 44095-4624

Important - please read!
Your policy will lapse and penalties will be billed if installments are not paid timely and in full.

The due date shown only applies to items billed in the current billing cycle.

Table with 2 columns: Description, Amount. Rows include Prior balance - May Be Overdue (\$0.00), Current billing (\$155,502.00), Payments/credits (\$0.00), and Amount due (\$155,502.00).

Current billing cycle

Table with 4 columns: Bill date, Description, Period dates, Amount. Row 1: 11/24/2023, Installment, 01/01/2024 - 01/01/2025, \$155,502.00.

Please refer to the back of the invoice for additional information.

Pay online at www.bwc.ohio.gov or detach and return bottom portion with your payment.

Insured name: WILLOWICK

Table with 2 columns: Field, Value. Fields include Policy number, Invoice number, Due date, Amount due, and Amount enclosed.

Mail payment to:
Ohio Bureau of Workers' Compensation
P.O. Box 89492
Cleveland, Ohio 44101-6492

Make your checks payable to the Ohio Bureau of Workers' Compensation.
Include a policy number on all checks, and be sure to include this remittance with your payment.
Do not staple your check to the remittance.

34305902000001016833611300000000015550200

ORDINANCE NO. 2023-45

AN ORDINANCE AMENDING CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “EARNED INCOME TAX REGULATIONS EFFECTIVE BEGINNING JANUARY 1, 2016” WITH AN EFFECTIVE DATE OF JANUARY 1, 2024.

WHEREAS, the State of Ohio Legislature passed Ohio House Bill 33 which establishes operating appropriations for fiscal years 2024-2025;

WHEREAS, House Bill 33 made amendments to the Ohio municipal income tax, which require Ohio municipalities to incorporate said amendments into existing income tax ordinances with an effective beginning January 1, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, STATE OF OHIO:

Section 1. Effective January 1, 2024, Chapter 194 of the Codified Ordinances of the City of Willowick, Ohio, titled “Earned Income Tax Regulations Effective Beginning January 1, 2016,” is hereby amended to read and provide as follows:

CHAPTER 194

Earned Income Tax Regulations Effective Beginning January 1, ~~2016~~2024

194.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(a) To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, including but not limited to street construction and improvement, police protection, improvement of fire protection, recreation and general municipal functions, the City of Willowick (hereinafter referred to as “City”) hereby levies an annual municipal income tax on income, 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 percent (2%). 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 income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section [194.03](#) of this Chapter and other sections as they may apply.

(2) Intentionally left blank.

(c) The tax on income and the withholding tax established by this Chapter 194 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 R.C. Chapter 718 (ORC 718).

(Ord. 2015-34. Passed 11-17-15.)

194.02 DEFINITIONS.

(a) Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to Federal income taxation or in Ohio R.C. Title LVII, unless a different meaning is clearly required. If a term used in this chapter that is

not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Ohio R.C. Title LVII 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 Ohio R.C. Title LVII.

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

(c) As used in this chapter:

(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. 1. Except as provided in (c)(1)D.2. 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;

2. Division (c)(1)D.1. 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;

2016 Replacement

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 Ohio R.C. 4313.02;

H. 1. Except as limited by divisions (c)(1)A.2., 3., and 4. 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.

2. No person shall use the deduction allowed by division (c)(1)H. of this section to offset qualifying wages.

3. 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.1. of this section.

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

4. 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.

5. Nothing in division (c)(1)H.3.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.3.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.3.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.3.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 Section [194.05\(d\)\(5\)C.2](#).

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 Section [194.05\(d\)\(5\)C.2](#).

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 [194.21](#), 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 Section [194.09\(c\)\(3\)](#), 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 [194.21](#).

(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 Ohio R.C. 3772.01.

(7) “Certified Mail,” “Express Mail,” “United States Mail,” “Postal Service,” and similar terms include any delivery service authorized pursuant to Ohio R.C. 5703.056.

(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. Intentionally left blank.

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 Ohio R.C. 3501.28 or 3501.36 to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars (\$1,000) for the taxable year. Such compensation in excess of one thousand dollars (\$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 Ohio R.C. 5727.24 or 5727.30. Division (c)(12)I. of this section does not apply for purposes of Ohio R.C. Chapter 5745.

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. 1. Except as provided in divisions (c)(12)P.2., 3., and 4. of this section, qualifying wages described in Section [194.04\(b\)\(1\)B.](#) or E. to the extent the qualifying wages are not subject to withholding for the City under either of those divisions.

2. The exemption provided in division (c)(12)P.1. 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.

3. The exemption provided in division (c)(12)P.1. of this section does not apply to qualifying wages that an employer elects to withhold under Section [194.04\(b\)\(1\)D.2.](#)

4. The exemption provided in division (c)(12)P.1. of this section does not apply to qualifying wages if both of the following conditions apply:

a. For qualifying wages described in Section [194.04\(b\)\(1\)B.](#), 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 Section [194.04\(b\)\(1\)E.](#), 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.4.a. of this section on the basis of the employee not performing services in that municipal corporation.

Q. 1. Except as provided in division (c)(12)Q.2. or 3. 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.

2. The exemption provided in division (c)(12)Q.1. of this section does not apply under either of the following circumstances:

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

b. 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.2.b. of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section [194.04\(b\)\(1\)](#).

3. 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.

4. 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 Ohio R.C. 709.023 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 other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

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

(16) "Income" means the following:

A. 1. 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 division (c)(24)(d) of this section.

2. For the purposes of division (c)(16)A.1. 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.4. 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.

3. Division (c)(16)A.2. 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.

4. 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;

E. Intentionally left blank.

(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 intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Ohio R.C. Chapter 5701, 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 Ohio R.C. 5747.01.

(19) “Limited liability company” means a limited liability company formed under Ohio R.C. Chapter 1705 or under the laws of another state.

(20) “Municipal corporation” means, in general terms, a status conferred upon a local government unit, by State law giving the unit certain autonomous operating authority such as the power of taxation, power of eminent domain, police power and regulatory power, and includes a joint economic development district or joint economic development zone that levies an income tax under Ohio R.C. 715.691, 715.70, 715.71, or 715.74.

(21) A. “Municipal taxable income” means the following:

1. 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 situated to the City under Section [194.03](#), and further reduced by any pre-2017 net operating loss carry-forward available to the person for the City.

2. 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)B. of this section, and further reduced by any pre-2017 net operating loss carry-forward 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 situated to the municipal corporation under Section [194.03](#), then reduced as provided in division (c)(21)B. of this section, and further reduced by any pre-2017 net operating loss carry-forward 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.2.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 only 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 Willowick. If the terms are capitalized in this chapter they are referring to Willowick. If not capitalized they refer to a municipal corporation other than Willowick.

(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 this division, 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, 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 Ohio R.C. 125.30, 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 Ohio R.C. 5703.056(B)(3).

(33) A. “Pre-2017 net operating loss carry-forward” 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 the City in future taxable years.

B. For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carry-forward 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:

1. 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.

2. 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.

3. Intentionally left blank.

4. Intentionally left blank.

5. Any amount included in wages that is exempt income.

B. Add the following amounts:

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

2. 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.2. of this section applies only to those amounts constituting ordinary income.

3. 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.3. of this section applies only to employee contributions and employee deferrals.

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

5. 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.

6. 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 Ohio R.C. 718.03, 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 (50%) 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 [194.03](#)(c)(1).

(39) "S corporation" means a person that has made an election under subchapter 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 five hundred thousand dollars (\$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.

(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. “Taxpayer” does not include a grantor trust or, except as provided in division (c)(48)B.1. of this section, a disregarded entity.

B. 1. 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 Ohio R.C. 718.01(I) 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.

2. For purposes of division (c)(48)B.1.e. 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 four hundred thousand dollars (\$400,000).

(49) “Taxpayers' rights and responsibilities” means the rights provided to taxpayers in Sections [194.09](#), [194.12](#), [194.13](#), [194.19](#)(b), [194.20](#), [194.21](#), and Ohio R.C. 5717.011 and 5717.03, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Ohio R.C. Chapter 718 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 Ohio R.C. 3770.21.

(51) “Video lottery terminal sales agent” means a lottery sales agent licensed under Ohio R.C. Chapter 3770 to conduct video lottery terminals on behalf of the State pursuant to Ohio R.C. 3770.21.

(Ord. 2015-34. Passed 11-17-15.)

194.03 IMPOSITION OF TAX.

The income tax levied by the City at a rate of two percent (2%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City.

(a) Individuals.

(1) 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 is Section [194.02](#)(c)(16).

(2) 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.

(3) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section [194.02\(c\)\(21\)](#). Exemptions which may apply are specified in Section [194.02\(c\)\(12\)](#).

(b) Refundable Credit for Nonqualified Deferred Compensation Plan.

(1) A. As used in this division:

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

2. "Qualifying loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred 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.

3. a. "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.

b. 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.

4. "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.

B. 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.

C. 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.

D. The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

1. The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

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

(c) Domicile.

(1) A. 1. 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.

2. An individual may rebut the presumption of domicile described in division (c)(1)A.1. 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.

B. 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:

1. The individual's domicile in other taxable years;
2. The location at which the individual is registered to vote;
3. The address on the individual's driver's license;
4. 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;
5. The location and value of abodes owned or leased by the individual;
6. Declarations, written or oral, made by the individual regarding the individual's residency;
7. The primary location at which the individual is employed;
8. 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;
9. 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.

C. All additional applicable factors are provided in the Rules and Regulations.

(d) Businesses.

(1) 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 Ohio R.C. Chapter 5745.

A. Except as otherwise provided in division (d)(1)B. 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:

1. 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;

2. 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 [194.04\(a\)\(3\)](#);

3. 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.

B. 1. If the apportionment factors described in division (d)(1)A. 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:

- a. Separate accounting;
- b. The exclusion of one or more of the factors;
- c. 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;
- d. A modification of one or more of the factors.

2. 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 [194.12\(a\)](#).

3. The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (d)(1)B.1 of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section [194.12\(a\)](#).

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

C. As used in division (d)(1)A.2. 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:

1. A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:
 - a. The employer;
 - b. A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;
 - c. A vendor, customer, client, or patient of a person described in (d)(1)C.1.b. of this section, or a related member of such a vendor, customer, client, or patient.

2. 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.

3. 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 (d)(1)C.1. or 2. 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.

D. For the purposes of division (d)(1)A.3. of this section, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

1. Gross receipts from the sale of tangible personal property shall be situated 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:

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

b. 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.

c. 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.

2. Gross receipts from the sale of services shall be situated to the City to the extent that such services are performed in the City.

3. To the extent included in income, gross receipts from the sale of real property located in the City shall be situated to the City.

4. To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be situated to the City.

5. Gross receipts from rents and royalties from tangible personal property shall be situated to the City based upon the extent to which the tangible personal property is used in the City.

E. 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 situated under this division to the municipal corporation in which the property is located.

F. 1. Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated 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.

2. 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.

G. When calculating the ratios described in division (d)(1)A. of this section for the purposes of that division or division (d)(1)B. 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.

H. Intentionally left blank.

I. Intentionally left blank.

J. (1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under C.O. 194.04, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (J)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (J)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying

reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (J)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an

alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to C.O. 194.04.

194.04 COLLECTION AT SOURCE.

(a) Withholding Provisions.

(1) 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 [194.03](#) or division (a)(2)D. or F. of this section, the tax shall be withheld at the rate, specified in Section [194.03](#) of this chapter, of two percent (2%). 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.

(2) A. Except as provided in division (a)(2)B. 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:

1. 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 two thousand three hundred ninety-nine dollars (\$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 two hundred dollars (\$200.00).

Payment under division (a)(2)A.1. 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.

2. Any employer, agent of an employer, or other payer not required to make payments under division (a)(2)A. of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the fifteenth day of the month following the end of each calendar quarter.

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B. 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.

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C. 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 a nonresident employee whose sole income subject to the tax under this chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

D. 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.

E. 1. 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 or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

2. 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.

F. 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.

G. 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.

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

1. 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;
2. 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;
3. 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;
4. 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;
5. Other information as may be required by the Tax Administrator.

I. 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.

J. An employer is required to deduct and withhold 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.

K. 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 to be tax required to be withheld and remitted for the purposes of this section.

(b) Occasional Entrant - Withholding.

(1) A. As used in this division:

1. "Employer" includes a person that is a related member to or of an employer.
2. "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.
3. "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 (b)(1)B.1.a. 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 (b)(1)B.2. of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

4. "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.
5. "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.
6. "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.
7. "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.

B. 1. Subject to divisions (b)(1)C., E., and F. of this section, an employer is not required to withhold 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:

a. The employee's principal place of work is located in the City.

b. 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:

i. The nature of the services are such that it will require more than 20 days of the services to complete the services;

ii. 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.

c. 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 [194.04](#).

d. 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.

2. For the purposes of division (b)(1)B.1. 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:

a. Traveling to the location at which the employee will first perform services for the employer for the day;

b. Traveling from a location at which the employee was performing services for the employer to any other location;

c. 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;

d. Transporting or delivering property described in division (b)(1)B.2.c. 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;

e. 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.

C. 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 (b)(1)B.1. 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.

D. 1. Except as provided in this division, 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.

2. An employer required to begin withholding tax for the City under division (b)(1)D.1. 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.

E. If an employer's fixed location is the City and the employer qualifies as a small employer as defined in Section [194.02](#), 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.

F. Divisions (b)(1)B.1. and (b)(1)D. 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 [194.04](#).

(Ord. 2015-34. Passed 11-17-15.)

194.05 ANNUAL RETURN; FILING.

(a) (1) ~~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.~~ An annual City of Willowick income tax return shall be completed and filed by every taxpayer for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

A. 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 [194.04](#) 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.

B. Retirees having no Municipal Taxable Income for 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 chapter.

(2) 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.

(3) 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.

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

(5) The City shall permit spouses to file a joint return.

(6) A. 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.

B. 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.

C. 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.

D. 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 (a)(6) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

(7) A. 1. Except as otherwise provided in this chapter, each individual income tax 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 Ohio R.C. 5747.08(G). 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 due is ten dollars (\$10.00) or less.

2. Except as otherwise provided in this chapter, each annual net profit return required 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 due is ten dollars (\$10.00) or less.

B. 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 fifteenth day of the tenth month after the last day of the taxable year to which the return relates. **For tax years ending on or after January 1, 2023, the extended due date of the City's income tax return for a taxpayer that is not an**

individual shall be the 15th day of the eleventh 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.

1. A copy of the Federal extension request shall be included with the filing of the City's income tax return.

2. A taxpayer that has not requested or received a six-month extension for filing the taxpayer's Federal income tax return may submit a written 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.

C. If the Tax Commissioner extends for all taxpayers the date for filing State income tax returns under Ohio R.C. 5747.08(G), a taxpayer 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 same as the extended due date of the state income tax return.

D. 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.

E. If a taxpayer receives an extension for the filing of a municipal income tax return under division (G)(2), (3), or (4) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

Division (G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2) of this section or failed to file for an extension under division (G)(2)(b) of this section.

~~EF~~. To the extent that any provision in this division (a)(7) conflicts with any provision in division (c) of this section, the provisions in division (c) prevail.

(8) A. 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 (\$10.00) or less.

B. Any taxpayer not required to remit tax to the City for a taxable year pursuant to division (a)(8)A. of this section shall file with the City an annual net profit return under division (a)(6)C. of this section.

(9) 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 Section [194.04\(a\)\(2\)A.1.](#) or provisions for semi-monthly withholding.

(10) Taxes withheld for the City by an employer, the agent of an employer, or other payer as described in Section [194.04](#) 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.

(11) 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.

(12) 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 and of the City's ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

(b) Filing via Ohio Business Gateway.

(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.

(c) Extension for Service in or for the Armed Forces.

(1) 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.

(2) A. 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 one hundred eighty-first 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.

B. 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 one hundred eighty-first day after the applicant's active duty or service terminates.

C. Taxes paid pursuant to a contract entered into under division (c)(2)A. 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.

(3) A. Nothing in this division denies to any person described in this division the application of divisions (c)(1) and (c)(2) of this section.

B. 1. 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. The length of any extension granted under division (c)(3)B.1. 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.

2. Taxes whose payment is extended in accordance with division (c)(3)B.1. 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)(3)B.1. of this section in calculating the penalty or interest due on any unpaid tax.

(4) For each taxable year to which division (c)(1), (2) or (3) of this section applies to a taxpayer, the provisions of divisions (c)(2)B. and C. 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.

(d) Consolidated Municipal Income Tax Return.

(1) As used in this section:

A. “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.

B. “Consolidated Federal income tax return” means a consolidated return filed for Federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

C. “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 (d)(1)A. of this section.

D. “Incumbent local exchange carrier” has the same meaning as in Ohio R.C. 4927.01.

E. “Local exchange telephone service” has the same meaning as in Ohio R.C. 5727.01.

(2) A. 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 (d)(2)B. of this section or a taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

B. 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 (d)(2)A. 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.

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

(3) 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.

(4) 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.

(5) A. Except as otherwise provided in divisions (d)(5)B., C., and D. of this section, corporations that file a consolidated municipal income tax return shall compute adjusted Federal taxable income, as defined in Section [194.02](#), 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.

B. No corporation filing a consolidated City income tax return shall make any adjustment otherwise required under Section [194.02\(c\)\(1\)](#) 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.

C. 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:

1. 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 division (d) of this section, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated 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.

2. 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 division (d) of this section, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated 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.

D. If the net profit or loss of a pass-through entity having less than 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, all of the following shall apply:

1. 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 division (d) of this section, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to the City;

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

(6) Corporations filing a consolidated City income tax return shall make the computations required under division (d) of this section 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.

(7) 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 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.

(8) 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.

(Ord. 2015-34. Passed 11-17-15.)

194.06 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 may claim a nonrefundable credit upon satisfactory evidence of the tax paid to the other municipality. Subject to division (c) of this section, the credit shall not exceed 87.5% 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 imposed under this chapter.

(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 Ohio R.C. 715.691 or a joint economic development district

created under Ohio R.C. 715.70, 715.71, or 715.72 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.

(d) Intentionally left blank.

(Ord. 2015-34. Passed 11-17-15.)

194.07 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 two hundred dollars (\$200.00). 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 12 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 Section [194.05\(a\)\(7\)](#) 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 [194.05](#).

(d) (1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section [194.18](#) 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 (100%) 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 12 months and the taxpayer filed a return with the City under Section [194.05](#) 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.

(Ord. 2015-34. Passed 11-17-15.)

194.08 ROUNDING OF AMOUNTS.

A person may round to the nearest whole dollar (\$1.00) all amounts the person is required to enter on any return, report, voucher, or other document required under this chapter. Any fractional part of a dollar (\$1.00) that equals or exceeds fifty cents (\$.50) shall be rounded to the next whole dollar (\$1.00), and any fractional part of a dollar (\$1.00) that is less than fifty cents (\$.50) shall be dropped. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document.

(Ord. 2015-34. Passed 11-17-15.)

194.09 REQUESTS FOR REFUNDS.

(a) As used in this section, “withholding tax” has the same meaning as in Section [194.18](#).

(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 ten dollars (\$10.00) or more;
- (2) Amounts paid erroneously if the refund requested is ten dollars (\$10.00) or more.

(c) (1) Except as otherwise provided in this chapter, 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 [194.21](#).

(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 [194.18\(a\)\(4\)](#).

(Ord. 2015-34. Passed 11-17-15.)

194.10 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 carry-forward.

(Ord. 2015-34. Passed 11-17-15.)

194.11 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 (\$10.00) 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:

A. To determine the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; or

B. If the applicable statute of limitations for civil actions or prosecutions under Section [194.12](#) 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 Section [194.12\(a\)\(2\)](#) 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 (\$10.00), 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 [194.09](#).

(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 (\$10.00).

(Ord. 2015-34. Passed 11-17-15.)

194.12 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:

1. Three years after the tax was due or the return was filed, whichever is later; or
2. 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 [194.21](#). 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 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 [194.09](#).

(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 [194.09](#), with interest on that amount as provided by Section [194.09\(e\)](#).

(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.

(Ord. 2015-34. Passed 11-17-15.)

194.13 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.

(Ord. 2015-34. Passed 11-17-15.)

194.14 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 Ohio R.C. 5703.056.

(2) "Undeliverable address" means an address to which the Postal Service or an authorized delivery service under Ohio R.C. 5703.056 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 Ohio R.C. 5703.056. 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 Ohio R.C. 5703.056. 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.

(Ord. 2015-34. Passed 11-17-15.)

194.15 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.

(b) Nothing in this chapter 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.

(Ord. 2015-34. Passed 11-17-15.)

194.16 TAX INFORMATION CONFIDENTIAL.

(a) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this chapter 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. The Tax Administrator or a designee thereof may furnish copies of returns filed or otherwise received under this chapter 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.

(Ord. 2015-34. Passed 11-17-15.)

194.17 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 City ordinance or State law to be filed with 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.

(Ord. 2015-34. Passed 11-17-15.)

194.18 INTEREST AND PENALTIES.

(a) As used in this section:

(1) "Applicable law" means this chapter, 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 (5%). 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 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) (a) For tax years ending on or before December 31, 2022, ~~W~~with respect to returns other than estimated income tax returns, the City may impose a penalty of twenty-five dollars (\$25.00) 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 one hundred fifty dollars (\$150.00) for each failure.

(b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, the City may impose a penalty not exceeding \$25.00 for each failure to timely file each return, regardless of the liability shown thereon, except that the City shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(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 thirty-first 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.

(Ord. 2015-34. Passed 11-17-15.)

194.19 AUTHORITY OF TAX ADMINISTRATOR; VERIFICATION OF INFORMATION.

(a) Authority. Nothing in this chapter 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 Ohio Revised Code:

(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;

(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 [194.03](#);

(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 [194.04](#).

(b) Verification of Accuracy of Returns and Determination of Liability.

(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 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. 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 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.

(c) Identification Information.

(1) Nothing in this chapter 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 prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to Section [194.18](#), in addition to any applicable penalty described in Section [194.99](#).

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 this division (c) within 30 days after filing the next tax document requiring such identifying information, nothing in this chapter prohibits the Tax Administrator from imposing a penalty pursuant to Section [194.18](#).

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 [194.99](#) for a violation of Section [194.17](#) and any other penalties that may be imposed by the Tax Administrator by law.

(Ord. 2015-34. Passed 11-17-15.)

194.20 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.

(Ord. 2015-34. Passed 11-17-15.)

194.21 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 of 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 Ohio R.C. 5717.011.

(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 Ohio R.C. 149.43. 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 Ohio R.C. 121.22.

(Ord. 2015-34. Passed 11-17-15.)

194.22 AUTHORITY TO CREATE RULES AND REGULATIONS.

Nothing in this chapter 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. Such rules shall not conflict with or be inconsistent with any provision of this chapter. 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.

(Ord. 2015-34. Passed 11-17-15.)

194.23 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 [194.99](#) of this chapter:

- (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.

(Ord. 2015-34. Passed 11-17-15.)

194.24 SAVINGS CLAUSE.

This chapter 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 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 and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, or part hereof, not been included therein.

(Ord. 2015-34. Passed 11-17-15.)

194.25 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 [194.12](#) and Section [194.99](#) hereof.

(b) Annual returns due for all or any part of the last effective year of this chapter shall be due on the date provided in Sections [194.04](#) and [194.05](#) of this chapter as though the same were continuing.

(Ord. 2015-34. Passed 11-17-15.)

194.26 ADOPTION OF RITA RULES AND REGULATIONS.

The City hereby adopts the Regional Income Tax Agency (RITA) Rules and 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 and Regulations, this chapter will supersede. Until and if the contractual relationship between the City and RITA ceases, Section [194.26](#) will supersede all other provisions within Section [194.01](#) through and including Section [194.99](#) regarding promulgation of rules and regulations by the Tax Administrator.

194.27 ELECTION TO BE SUBJECT TO R.C. 718.80 TO 718.95

(A) The City hereby adopts and incorporates herein by reference Sections 718.80 to 718.95 of the ORC for tax years beginnings on or after January 1, 2018.

(B) A taxpayer. As defined in division (C) of this section may elect to be subject to Sections 718.80 to 718.95 of the ORC in lieu of the provisions of this Chapter.

(C) "Taxpayer" has the same meaning as in section 718.01 of the ORC, except that a "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745 of the ORC. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.

194.99 VIOLATIONS; PENALTIES.

(a) Whoever violates Sections [194.04](#), [194.16\(a\)](#), or [194.17](#) 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 one thousand dollars (\$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 Section [194.16\(a\)](#) shall be guilty of a felony to be prosecuted under appropriate State law.

(c) Each instance of access or disclosure in violation of Section [194.16\(a\)](#) 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 chapter;
- (2) File any incomplete or false return;
- (3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter;

(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 chapter 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.

(e) Any person who violates any of the provisions in Section 194.99(d) shall be subject to the penalties provided for in Section 194.99(a).

Section 2. The existing sections of Chapter 194 of the City’s Codified Ordinances are hereby repealed in that said Section to the extent inconsistent herewith is superseded by this legislation.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

WHEREFORE, this Ordinance shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2023

Monica Koudela, Council President

Submitted to the Mayor: _____, 2023

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council

ORDINANCE NO. 2023-52

AN ORDINANCE REPEALING CERTAIN SECTIONS OF CHAPTER 133 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TO ELIMINATE CERTAIN FUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, prior legislation by the City of Willowick Council established certain capital improvement funds under Chapter 133 of the Codified Ordinances of the City of Willowick; specifically, Section 133.28, captioned Manry Park Improvement Fund, Section 133.33, captioned Shoreland Crossings Development Project Construction Capital Improvement Fund, and Section 133.44, captioned East 329th Street Phase 2 Capital Improvement Fund; and

WHEREAS, prior legislation passed by the City of Willowick Council established a housing rehabilitation fund under Chapter 133 of the Codified Ordinances, specifically Section 133.37, captioned Housing Rehabilitation Fund, and

WHEREAS, the above identified funds all relate to completed projects and the fund balances have been reduced to zero; and

WHEREAS, this Council has determined it necessary and appropriate to eliminate the above-identified funds as a result;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Willowick, County of Lake, State of Ohio:

Section 1. That Section 133.28, captioned Manry Park Improvement Fund, Section 133.33, captioned Shoreland Crossings Development Project Construction Capital Improvement Fund, Section 133.37, captioned Housing Rehabilitation Fund, and 133.44, captioned East 329th Street Phase 2 Capital Improvement Fund; all as presently included within Chapter 133 of the Codified Ordinances of the City of Willowick are hereby repealed.

Section 2. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick, and further provides for the immediately necessary repeal of the Sections identified by the finance department to provide for the orderly operation of the City finance department; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2023

Council President Pro Tempore

Submitted to the Mayor: _____, 2023

Michael Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council

ORDINANCE NO. 2023-53

AN ORDINANCE AMENDING CHAPTER 1147 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “INDUSTRIAL DISTRICT;” SPECIFICALLY, SECTION 1147.05, TITLED “PROHIBITED USES,” AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willowick Charter and Chapter 1147 of the Codified Ordinances of the City of Willowick empower the City to establish the division of its municipal corporate limits into use district zones and the specific identification of permitted main and accessory uses therein; and

WHEREAS, the City of Willowick Planning Commission by public hearing reviewed a proposed amendment to Chapter 1147 of the Codified Ordinances of the City of Willowick, Ohio, captioned “Industrial District;” specifically, Section 1147.05, titled “Prohibited Uses,” and thereafter recommended approval of the requested amendment to this Council; and

WHEREAS, Section 3.15 of the Charter of the City of Willowick requires that a measure which provides for a change in the uses of a property from uses presently authorized by the existing zoning code of the City shall go into effect only after approval by a majority of the electors of the City voting upon it; and

WHEREAS, on November 7, 2023, a majority of the electors of the City passed the foregoing zoning amendment to prohibit the sale of motor vehicles in the Industrial District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. Chapter 1147 of the Codified Ordinances of the City of Willowick, Ohio, titled, “Industrial District;” specifically, Section 1147.05, titled “PROHIBITED USES”, is hereby amended to read and provide as follows:

1147.05 PROHIBITED USES.

- (a) Asphalt manufacture or refining.
- (b) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
- (c) Petroleum products manufacture or wholesale storage of petroleum.
- (d) Quarry or stone mill.
- (e) Wool pulling or scouring.
- (f) Acetylene gas manufacture or bulk storage.
- (g) Ammonia, bleaching powder or chlorine manufacture.
- (h) Chemical manufacture.
- (i) Concrete or cement manufacture.
- (j) Iron or steel foundry.
- (k) Rolling mills.

(l) Any other trade, industry or use that will be injurious, hazardous, noxious or offensive to an extent equal to or greater than those enumerated.

(m) Any industry or use creating noise and/or vibrations at the boundary of the district adjoining a residential district or public street exceeding the average intensity of street traffic noise at any point along the boundary.

(n) **Sale of motor vehicles**

Section 2. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick in that it effectuates the affirmative vote of the electors of the City of Willowick, and therefore shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.

Adopted by Council: _____, 2023

Council President Pro Tempore

Submitted to the Mayor: _____, 2023

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council

ORDINANCE NO. 2023-54

AN ORDINANCE AMENDING CHAPTER 1145 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “RETAIL DISTRICT”; SPECIFICALLY, SECTION 1145.03, TITLED “USES,” AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willowick Charter and Chapter 1145 of the Codified Ordinances of the City of Willowick empower the City to establish the division of its municipal corporate limits into use district zones and the specific identification of permitted main and accessory uses therein; and

WHEREAS, the City of Willowick Planning Commission by public hearing reviewed a proposed amendment to Chapter 1145 of the Codified Ordinances of the City of Willowick, Ohio, captioned “Retail District;” specifically, Section 1145.03, titled “Uses,” and thereafter recommended approval of the requested amendment to this Council; and

WHEREAS, Section 3.15 of the Charter of the City of Willowick requires that a measure which provides for a change in the uses of a property from uses presently authorized by the existing zoning code of the City shall go into effect only after approval by a majority of the electors of the City voting upon it; and

WHEREAS, on November 7, 2023, a majority of the electors of the City passed the foregoing zoning amendment to prohibit the sale of motor vehicles in the Retail District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. Chapter 1145 of the Codified Ordinances of the City of Willowick, Ohio, titled, “Retail District;” specifically, Section 1145.03, titled “USES”, is hereby amended to read and provide as follows:

1145.03 USES.

The Retail District shall have the following main uses, accessory uses, and prohibited uses:

- (a) Main Uses Permitted.
 - (1) Retail establishments.
 - (2) Offices. Professional, administrative, medical, public, semi-public and civil offices and other civil establishments.
 - (3) Professional business and service establishments. Professional, craftsman, artisan business uses and personal services when recommended by the Planning Commission and approved by City Council.
 - (4) Dining facilities, full service and drive through restaurants, ice cream parlors, pizza or other specialty food establishments.
 - (5) Grocery stores.
 - (6) School facilities.

- (7) Health club facilities.
- (8) Motor vehicle fueling stations.
- (9) Maximum of four entertainment device arcade(s) per three square mile(s).
- (10) Mechanical amusement devices and game rooms.

(b) Accessory Uses Permitted.

(1) Parking areas for the use of customers of the establishments permitted in Section [1145.03\(a\)](#).

(2) Building service facilities:

A. Facilities for the disposal of garbage and rubbish complying with the provisions of the Building Code.

B. Facilities shall be provided within an enclosed service area, separate from any pedestrian or vehicular traffic, for any accessory service needs to any retail establishment.

(c) Prohibited Uses.

(1) Retail establishments not conducive to those uses permitted in Section [1145.03\(a\)](#).

(2) Abortion clinics.

(3) Motels, hotels, or mobile home parks.

(4) Adult oriented material businesses.

(5) ~~Used car Sale of motor vehicles with the exception of the area identified in Section [1145.02\(e\)](#).~~

Section 2. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick in that it effectuates the affirmative vote of the electors of the City of Willowick, and therefore shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.

Adopted by Council: _____, 2023

Council President

Submitted to the Mayor: _____, 2023

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council

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**RESOLUTION NO. 2023-50
A RESOLUTION TO APPROVE AUTHORIZATIONS (THEN AND NOW CERTIFICATE) TO
CHASE CARD SERVICES IN THE AMOUNT OF \$155,502.00 FOR THE CITY OF
WILLOWICK, AND DECLARING AN EMERGENCY**

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that if prior certification of funds by the Fiscal Officer was not obtained before the contract or order involving the expenditure of money was made, then the Fiscal Officer may instead certify; and

WHEREAS, that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund, free from any previous encumbrances; and

WHEREAS, the Fiscal Officer is accordingly certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now); and

WHEREAS, the amount of the certificate exceeds \$3,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. It is hereby certified that both at the time of the making of the attached contract(s) or order(s) and at the date of execution of this certificate, the amount of funds required to pay this contract(s) or order(s) has been appropriated for the purpose of this contract or order, attached hereto, and is in the treasurer or in the process of collection to the credit of the fund free from any previous encumbrances.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 3. This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; and so that the certificate meets the timeliness requirement of the Ohio State Auditor; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____, 2023

Council President Pro Tempore

SUBMITTED to the Mayor for his approval
on _____, 2023

APPROVED by the Mayor on
_____, 2023

ATTEST:

Christine Morgan, Clerk of Council

Michael J. Vanni, Mayor



Bureau of Workers' Compensation

www.bwc.ohio.gov | 1-800-644-6292

Item #18.

Due date: 12/21/2023
Invoice date: 11/24/2023
Invoice number: 1016833611

Policy number: 34305902
Coverage status: Reinstated
#BWNFVSQ
#XX21703926#

Important - please read!
Your policy will lapse and penalties will be billed if installments are not paid timely and in full.

WILLOWICK
30435 LAKE SHORE BLVD
WILLOWICK OH 44095-4624

The due date shown only applies to items billed in the current billing cycle.

Prior balance - May Be Overdue	\$0.00
Current billing	\$155,502.00
Payments/credits	\$0.00
Amount due	\$155,502.00

Current billing cycle

Bill date	Description	Period dates	Amount
11/24/2023	Installment	01/01/2024 - 01/01/2025	\$155,502.00

Please refer to the back of the invoice for additional information.

Pay online at www.bwc.ohio.gov or detach and return bottom portion with your payment.

Insured name: WILLOWICK

Policy number	34305902
Invoice number	1016833611
Due date	12/21/2023
Amount due	\$155,502.00
Amount enclosed	

Mail payment to:
Ohio Bureau of Workers' Compensation
P.O. Box 89492
Cleveland, Ohio 44101-6492

Make your checks payable to the Ohio Bureau of Workers' Compensation.
Include a policy number on all checks, and be sure to include this remittance with your payment.
Do not staple your check to the remittance.

34305902000001016833611300000000015550200