

ORDINANCE NO. 2009-02

ORDINANCE AMENDING SECTIONS OF
THE AMBERLEY VILLAGE INCOME TAX CODE

WHEREAS, there being a need for specific clarification of certain sections of the Income Tax Code of Ordinances, NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF AMBERLEY VILLAGE, OHIO, six (6) members elected thereto concurring:

SECTION 1: That Section 93.02(1)(d) be and hereby is, amended by adding the following language, noted in bold type:

Section 93.02(1)(d) Contributions made by an employer on behalf of employees to a qualified **or nonqualified** deferred compensation plan taxed in year earned; deferral not permitted;

SECTION 2: That Section 93.02(1)(e) be and hereby is, repealed.

SECTION 3: That Section 93.02(1)(m) be, and hereby is, amended by adding the following language, noted in bold type, at the end of the current section:

Section 93.02(1)(m) Income received as a result of a covenant or agreement not to compete **will be deemed as received in Amberley Village.**

SECTION 4: That Section 93.02(1)(dd) be, and hereby is, amended by adding the following language, noted in bold type:

Section 93.02(1)(dd) Gambling winnings (which may **not** be offset by gambling losses);

SECTION 5: That Section 93.05(A) be, and hereby is, amended to substitute the following language, noted in bold type, in the second sentence and in the third sentence of this subsection (A):

Section 93.05(A) *Returns.*

In the second sentence, substitute for the language, “the return shall be filed within four months from the end of such fiscal year or period”, the following language, noted in bold type: “**the return shall be filed by the 15th day of the fourth month following the end of such fiscal year or period.**”

In the third sentence, substitute for the language, “commissions or other compensation of an employee,” the following language, noted in bold type: “commissions or other compensation of a **non-resident** employee...”

SECTION 6: That Sections 93.06(A)(2) and 93.07(B)(1) be and hereby are, amended by deleting the date currently set forth therein, April 30, and substituting therefor the following date, noted in bold type, of **April 15.**

SECTION 7: That Section 93.07(B)(2) be, and hereby is, amended by deleting the language, “within four months after the beginning of each fiscal year or period,” and substituting therefor the following language, noted in bold type, “**by the 15th day of the fourth month following the beginning of such fiscal year or period.**”

SECTION 8: That Section 93.07(E) be, and hereby is, amended by deleting the language, “On or before the last day of the fourth month” and substituting therefor the following language, noted in bold type, “**by the 15th day of the fourth month following the beginning of such fiscal year or period.**”

SECTION 9: That Section 93.14(B) be, and hereby is, amended by adding the following language, noted in bold type:

(B) *Credits and limitations.* Every resident who earns or receives taxable income for work done or services performed or rendered outside of the village, if he has paid a municipal income tax on the same income taxable under this chapter to another municipality, shall be allowed a credit against the tax imposed by this chapter of the amount so paid by him or in his behalf to such other municipality **for taxes paid in the same tax year.** The credit shall not exceed the tax assessed by this chapter **in the same tax year** on such income earned in such other municipality or municipalities where the tax is paid. **Credits may not be carried forward to future years.**

SECTION 10: That Section 93.16 be, and hereby is, repealed, and the following is adopted:

§93.16 PROCEEDS FROM 401(a) PLANS AND OTHER DEFERRED COMPENSTION PLANS

Proceeds from employer financed pension and profit sharing plans and trusts which are qualified under §401(a) of the Internal Revenue Code, as well as proceeds from nonqualified plans, are not subject to tax. The receipt of previously deferred compensation, whether qualified under §401(a) or nonqualified, is not taxed at the time of distribution; rather it is taxed at the time of such deferral in accordance with the provisions of §93.02(1)(d).

SECTION 11: That Section 93.02, for the purpose of correcting several errors in punctuation, be, and hereby is, amended to incorporate the following: (i) in the definition of “Compensation,” remove the comma following the word “remuneration;” (ii) in the definition of “Net Profits,” remove the comma following the word “partners,” and (iii) at the end of definitions under 2(f) and 2(h), remove the periods and replace with semicolons.

Mayor Charles Kamine

ATTEST:

Nicole Browder, Clerk of Council

I, Clerk of Council of the Village of Amberley Village, Ohio, certify that on the _____ day of _____, 2009, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designated by Sec. 31.40 (B), Code of Ordinances.

Nicole Browder, Clerk of Council