

AN ORDINANCE AMENDING SECTION 191.0318 "DEFINITIONS" ("TAX-ABLE INCOME") AND ENACTING SECTION 191.0501(g) ("RATE AND INCOME TAXABLE") AND AMENDING SECTION 191.1901 ("TAX LIMIT") OF CHAPTER 191 "INCOME TAX" OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RICHFIELD AND DECLARING AN EMERGENCY.

WHEREAS, the Supreme Court of Ohio has recently rendered a decision confirming the right of municipalities in Ohio to tax for municipal income tax purposes, state lottery winnings; and

WHEREAS, the Council has determined that proceeds from lotteries, gaming, wagering or other schemes of chance should be subject to the Village income tax.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That Section 191.0318 "Taxable Income" of Chapter 191 "Income Tax" of the Codified Ordinances of the Village of Richfield is hereby amended to read as follows:

"191.0318 TAXABLE INCOME.

'Taxable Income' means wages, salaries and other compensation, paid by an employer or employers before any deduction. "Other compensation" includes, but is not limited to, bonuses; commissions; incentive payments; directors fees; property in lieu of cash; tips; dismissal or severance pay; supplemental income benefits for early retirement regardless of label; contest prizes and awards; tax shelter plans; vacation and sick pay regardless of label, such as sick leave, vacation pay, etc.; wage continuation plans; stock options given as compensation to the extent to which it is included on the taxpayer's annual W-2 or applicable 1099's. 'Taxable Income' to include income from gaming, wagering and lotteries, including the Ohio State Lottery; and/or net profits from the operation of a business, profession or other enterprise or activity adjusted in accordance with the provisions of this chapter.

SECTION 2. That Section 191.0501 "Rate and Income Taxable" of Chapter 191 "Income Tax" is hereby amended to enact subsection (g) which shall hereafter read as follows:

191.0501 RATE AND INCOME TAXABLE.

An annual tax for the purposes specified in Section 191.0101 hereof shall be imposed and after July 1, 1992, at the rate of two percent (2%) per annum upon the following:

(a) through (f) ****

(g) On all proceeds from lotteries, gaming, wagering or schemes of chance including the Ohio State Lottery received by residents of the Village or received by nonresidents of the Village within the Village of Richfield or on the basis of activity conducted within the Village of Richfield."

SECTION 3. That Section 191.1901 "Tax Limit" of Chapter 191 "Income Tax" is hereby amended to read as follows:

191.1901 TAX LIMIT

When a resident of the Village of Richfield is subject to a municipal income tax in another municipality or Joint Economic Development District (JEDD) he shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

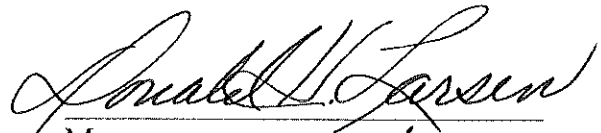
SECTION 4. That Sections 191.0318, 191.0501 and 191.1901 as they existed prior to the effective date of this Ordinance be, and the same hereby are, repealed.

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary for the proper collection of income taxes; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: December 17, 1996



President of Council



Mayor

Dated: 12/20/96

ATTEST:



Clerk of Council