

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

**ORDINANCE 1049-04**  
**AN ORDINANCE AMENDING CHAPTER 35 OF THE VILLAGE**  
**CODE OF ORDINANCES (MUNICIPAL INCOME TAX) AND**  
**REPEALING THE INCOME TAX CREDIT PAID TO OTHER**  
**MUNICIPALITIES AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the Village of Batavia, OH, at least a majority of its members concurring

**Section 1: Chapter 35 of the Codified Ordinances of the Village of Batavia are amended as follows:**

**§ 35.17 RETURN AND PAYMENT OF TAX.**

(D) *Payment with returns.*

(1) The taxpayer making a return shall at the time of the filing thereof pay to the Tax Commissioner the amount of taxes shown as due thereon; however, where the source, pursuant to the provisions of § 35.18 or where any portion of such tax has been paid by the taxpayer pursuant to the provisions of § 35.19:

**§ 35.19 DECLARATIONS.**

(C) *Credit for tax withheld .:*

(1) Such declaration shall be filed upon a form furnished by or obtainable from the Tax Commissioner.

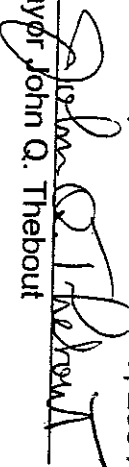
(2) Beginning with the year 1975, a declaration of estimated tax to be paid the municipality shall be accompanied by a payment of at least one-fourth of the estimated tax, less credit for taxes withheld or paid to another municipality, and at least a similar amount shall be paid on or before the last day of the seventh, tenth and thirteenth months after the beginning of the tax year.

(3) A declaration may be amended at any time, provided that if an amended declaration is filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.

**Section 2: Section § 35.23 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY. is hereby repealed.**

Section 3: This ordinance is hereby declared to be an emergency measure for the reason that the Village budget has a critical short fall, that Section 35.23 was originally adopted by Village council with the understanding that there would be some sharing of tax revenue from those municipalities imposing income taxes in excess of one per-cent , however, such sharing has not come about resulting in a number of Village residents employed outside of the Village of Batavia who pay no income taxes.

Adopted: December 6, 2004

  
 Mayor John Q. Thebout

Attest:   
 Angelina Burton, Clerk-Treasurer