

ORDINANCE NO. 1-06.19

ORDINANCE NO. 1-06.19 requiring owners of rental or leased property within the corporate limits of the Village of Hartville, Ohio to timely provide the Village Clerk-Treasurer with the names and addresses of tenants and establishing a penalty for failure to comply.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO

Section 1: Findings and Determinations. This Council finds and determines the following matters (capitalized terms are defined in Section 5):

- (a) Under the Village's Municipal Income Tax Ordinance, the Village is entitled to collect a municipal income tax on:
 - (1) salaries, wages, commissions, and other compensation earned by residents of the Village;
 - (2) salaries, wages, commissions, and other compensation earned by non-residents of the Village for work done or services performed in the Village;
 - (3) the net profits attributable to the Village earned on businesses, professions, and other activities conducted by residents of the Village;
 - (4) the net profits attributable to the Village earned on all businesses, professions, and other activities conducted by non-residents within the Village; and
 - (5) the net profits earned by all corporations doing business in the Village as the result of work done or services performed or rendered in the Village.
- (b) Some of the Village's residents, non-residents, businesses, professions, corporations, and other business entities subject to the Village's Municipal Income Tax Ordinance are Tenants who rent or lease real property, including residential, commercial, and industrial property, within the Village.
- (c) The Village desires to secure the names and addresses of these residents, non-residents, businesses, corporations, professions, and other business entities who are Tenants within the Village to properly and equitably administer the Village's Municipal Income Tax Ordinance.
- (d) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 2: Duties of Owners of Rental or Leased Real Property.

- (a) Within thirty days after a new Tenant occupies residential, commercial, or industrial rental or lease property in the Village, the owner of that property must file a report with the Clerk-Treasurer of the Village showing the name and address of that Tenant.
- (b) Within thirty days after a Tenant vacates a rental or leased residential, commercial, or industrial property in the Village, the owner must file a report with the Clerk-Treasurer showing the name of the vacating Tenant and the date the Tenant vacated the property.

Section 3: Penalty for Failure to File Report. Owners who fail to comply with Section 2 of this ordinance will be subject to a penalty of \$50 for the first offense, \$100 for the second offense, and \$200 for third and subsequent offenses.

Section 4: Repeal of Inconsistent Ordinances. Because it is inconsistent with this ordinance, Ordinance No. 1-84.27, passed November 19, 1984, as amended by Ordinance No. 1-90.23, passed November 5, 1990, is repealed as of the effective date of this ordinance.

Section 5: Definitions. Words and terms are used in this ordinance with the following meanings:

“Municipal Income Tax Ordinance” means the Village of Hartville, Ohio Ordinance No. 1-68.18, enacted November 4, 1968, as amended and supplemented, including by Ordinance No. 1-84.23, enacted September 17, 1984, and Ordinance No. 1-84.31, enacted November 19, 1984.

“Tenant” means:

- (1) If there is a written lease or rental agreement, the person or persons who signs the written lease or rental agreement with the owner of the real property.
- (2) If there is an oral lease or rental agreement, the person or person with whom the owner of the real property enters into the oral lease or rental agreement.

Section 6: Effective Date. This ordinance will take effect and be in full force at the earliest period allowed by law.

DATE: September 5, 2006

Signature of Mayor Green on File in office
MAYOR

ATTEST:

Signature of Clerk-Treasurer Anna Erb on File
CLERK-TREASURER