

CITY OF BEDFORD, OHIO

ORDINANCE NO. 012-23

AN ORDINANCE AMENDING **SECTION 178.10 (H)** OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD AND DECLARING AN EMERGENCY

WHEREAS, Section 178.10(H)(1) specifies how payments are to be applied and is in conflict with how Regional Income Tax Agency (RITA) would administer, and

WHEREAS, the administration would like to retain the ability to apply payments in the current way for any and all delinquent accounts, know as “City Collecting” by RITA, and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga, and the State of Ohio:

Section 1. Section 178.10 (H) of the Administrative Code which formerly read:

178.10 (H)

(H) Order of application of any payments.

- (1) Upon payment by taxpayer towards any taxes, collection costs, collection fees, (including attorney fees), penalties and interest, these payment(s) will be applied first to the oldest tax year account balance, and shall be applied to the order of application of the payment(s) as follows:
First apply payment to any Municipality’s post-judgment collection costs and fees, including attorney’s fees, then apply remaining payment(s) to penalties and interest, and finally to the delinquent principal tax balance. This application of any payment will be effective for all account balances due prior to January 1, 2016 and after January 1, 2016.

BE AND THE SAME IN HERBY AMENDED TO READ AS FOLLOWS:

178.10 (H)

(H) Order of application of any payments for accounts administered by the Municipality.

- (1) On accounts administered by the Municipality, upon payment by taxpayer towards any taxes, collection costs, collection fees, (including attorney fees), penalties and interest, these payment(s) will be applied first to the oldest tax year account balance, and shall be applied to the order of application of the payment(s) as follows:
First apply payment to any Municipality’s post-judgment collection costs and fees, including attorney’s fees, then apply remaining payment(s) to penalties and interest, and finally to the delinquent principal tax balance. This application of any payment will be effective for all account balances administered by the Municipality due prior to January 1, 2016 and after January 1, 2016.

Section 2. The remaining provisions of Section not herein modified shall remain in full force and effect

CITY OF BEDFORD, OHIO

ORDINANCE NO. 012-23

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure immediately necessary for the public peace, health, safety, and welfare and for the further reason that Council desires to immediately implement this change in the Administrative Code.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

Victor Fluharty, Vice Mayor-President of Council

Tracy M. Simons, Clerk of Council

Prepared and approved as to legal content by: _____
John J. Montello, Law Director

PASSED: January 17, 2023