

Earned Income Tax

97.01 Purpose.

To provide funds for the purpose of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities, and capital improvements of the village there shall be and is hereby levied a tax on salaries, wages, commissions and other compensation, and on net profits as hereinafter provided.
(' 75, Code, 890.01)

97.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Administrator." The individual designated by ordinance, whether appointed or elected, to administer and enforce the provisions of this chapter.

"Association." A partnership, limit partner ship, or any other form of unincorporated enterprise, owned by two or more persons.

"Board of Review." The board created by and constituted as provided in 97.12

"Business." An enterprise, activity, profession, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity.

"Corporation." A corporation or joint stock association organized under the laws of the United States, the state, or any other state, territory, foreign country, or dependency.

"Employee." One who works for wages, salary, commission, or other type of compensation in the services of an employer.

"Employer." An individual, partnership, association, corporation, governmental body, unit, agency, or any other entity, whether or not organized for profit, who or that employs one or more persons on a salary, wage, commission, or other compensation basis.

"Fiscal Year." An accounting period of 12 months or less ending any day other than December 31.

"Gross Receipts." The total income from any source whatsoever.

"Net Profits." The net gain from the operation of a business, profession, or enterprise after provision for all ordinary and necessary expense either paid or accrued in accordance with the accounting system used by the taxpayer for federal income tax purposes.

"Nonresident." An individual domiciled outside the village.

"Nonresident Unincorporated Business Entity." An unincorporated business entity not having an office or place of business within the village.

"Person." Every natural person, partnership, fiduciary, association, or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "PERSON," as applied to any unincorporated entity, means the partners or members thereof; and as applied to corporations, the officers thereof.

"Place of Business." Any bona fide office (other than a mere statutory office), factory, warehouse, or other space which is occupied and used by the tax payer in carrying on any business activity individually or through one or more of his regular employees regularly in attendance.

"Resident." An individual domiciled in the village.

"Resident Unincorporated Business Entity." An unincorporated business entity having an office or place of business within the village.

"PERSON." Every natural person, partnership, fiduciary, association, or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "PERSON," applied to any unincorporated entity, means the partners or members thereof; and as applied to corporations, the officers thereof.

"PLACE OF BUSINESS." Any bona fide office (other than a mere statutory office), factory, warehouse, or other space which is occupied and used by the taxpayer in carrying on any business activity individually or through one or more of his regular employees regularly in attendance.

"RESIDENT." An individual domiciled in the village.

"RESIDENT UNINCORPORATED BUSINESS ENTITY." An unincorporated business entity having as office or place of business within the village.

"TAXABLE INCOME." Wages, salaries, and other compensation paid by an employer or employers before and deductions or the net profits from the operation of a business, profession, or other enterprise or activity adjusted in accordance with the provisions of this chapter.

"TAXABLE YEAR." The calendar year, or the fiscal year upon the basis of which the net profits are to be computed under this chapter and, in the case of a return for a fractional part of a year, the period for which the return is required to be made.

"TAXPAYER." A person, whether an individual, partnership, association, corporation or other entity, required hereunder to file a return or pay a tax. ('75 code, 890.02)

97.03 IMPOSITION OF TAX: OPERATING LOSS CARRY-FORWARD; CONSOLIDATED RETURNS; EXEMPTIONS.

(A) An annual tax for the purposes specifies in 97.01 shall be imposed on and after July 1, 1987, at the rate of 1.5% per annum on the following:

(1) All salaries, wages, commissions and other compensation including but not limited to bonuses, incentive and profit-sharing payments, vacation pay, payments received under a wage continuation plan from an employer or third party during period of disability or sickness, and contributions made by or on behalf of an employee to a tax deferred annuity plan (401k, 403b, IRA's, Keogh's and other similar plans) earned during the effective period of this chapter by residents of this municipality.

(2) All salaries, wages, commissions and other compensation including but not limited to bonuses, incentive and profit-sharing payments, vacation pay, payments received under a wage continuation plan from an employer or third party during period of disability or sickness, and contributions made by or on behalf of an employee to a tax deferred annuity plan (401k, 403b, IRA's, Keogh's and other similar plans) earned during the effective period of this chapter by nonresidents for work done or services performed or rendered in this municipality.

(3) The portion attributable to this municipality of the net profits earned during the effective period of this chapter of all resident unincorporated business, professions, or other entities, derived from sales made, work done, services performed or rendered, and business of other activities conducted in this municipality.

(4) The portion attributable to the village of the net profits earned during the effective period of this chapter of all nonresident unincorporated businesses, professions, or other entities, derived from sales made, work done, or services performed or rendered, or not such unincorporated business entity has an office or place of business in this municipality.

(5) The portion attributable to this municipality of the net profits earned during the effective period of this chapter of all corporation derived from sales made, work done, services performed or rendered, and business or other activities conducted in this municipality; whether or not such corporation have an office or place of business in this municipality.

(6) All village salaries, wages, commissions, and other compensation earned during the effective period of this chapter for work done or services performed or rendered by municipal employees, who are 18 years of age or older.

(7)(a) The rental of real estate is ordinarily a business activity, and income from such rentals are taxable, provide, however, where the taxpayer's entire rental activity produces gross rentals of \$3,000 par year or less, it will be prima facie evidence that such rentals are not a business activity. If gross rentals of any and all real properties in aggregate total exceeds \$3,000 per year, the entire net income from rentals is taxable and shall be included in the computation of net profits from business activities under divisions (A)(3) through (5) hereof.

(b) Rentals received by a taxpayer engaged in the business of buying and selling real estate shall be considered as part of business income.

(c) Real property, as the term is used in this chapter, shall include commercial property, residential property, farm property and any and all other types of real estate, with the exception of farm property located outside of the corporate limits of the village.

(d) In determining the taxable income from rentals, the deductible expense shall be of the same nature, extent and amount as are allowed by the Internal Revenue Service for federal income tax purposes.

(e) Residents of this municipality are subject to taxation upon the net income from rentals (to the extent specified above), regardless of the location of the real property owned.

(f) Nonresidents of this municipality are subject to such taxation only if the real property is situated within the municipality.

(B) (1) The portion of the net profits attributable to this municipality of a taxpayer conducting a business, profession, or other activity both within and without the boundaries of this municipality shall be determined as provided in R.C. 718.02 and in accordance with the rules and regulations adopted by the administrator pursuant to this chapter.

(2) In the taxation of income which is subject to municipal income taxes, if the books and records of a taxpayer conducting a business or profession both within and without the boundaries of a municipal corporation shall disclose with reasonable accuracy what portion of its net profit is attributable to that part of the business or profession conducted within the boundaries of the municipal corporation, then only such portion shall be considered as having a taxable situs in this municipal corporation for purposes of municipal income taxation. In the absence of such records, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in this municipal corporation in the same proportion as the average ratio of the business allocation formula established under R.C. 718.02.

(C) Operating loss carry-forward.

(1) The portion of a net operating loss sustained in any taxable year subsequent to January 1, 1987, allocable to this municipality may be applied against the portion of profit of succeeding years allocable to this municipality until exhausted but in no event for more than five taxable years. No portion of a net operating loss shall be carried back against net profits of any prior years.

(2) The portion of net operating loss sustained shall be allocated to the municipality in the same manner as provided herein for allocating net profits to the municipality except that no portion of a net operating loss may be used to reduce taxable income from wages, salaries and other compensation paid by an employer or employees; and

(3) The administrator shall provide rules and regulations to provide for the manner in which such net operating loss carry-forward shall be determined.

(D) Consolidated returns.

(1) Filing of consolidated returns may be permitted, required, or denied in accordance with rules and regulations prescribed by the administrator.

(2) In the case of a corporation that carries on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory, or activity within this municipality constituting a portion only of its total business, the administrator shall require such additional information as he or she may deem necessary to ascertain whether net profits are properly allocated to this municipality by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transaction with such division, branch, factory, office, laboratory, or activity or by some other method, he or she shall make such allocation as he or she deems appropriate to produce a fair and proper allocation of net profits to this municipality.

(E) Exceptions. The tax provided for herein shall not be levied on:

(1) Military or reserve pay and allowance for members of the armed forces of the United States. (NOTE: This exemption does not include civilians employed by the military or national guard.)

(2) Income of religious, charitable, fraternal, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate tangible or intangible property, or tax-exempt activities.

(3) Income from intangibles (interest and dividends from stocks and bonds), annuities, government allotments, compensation from personal injury or property damage,

reimbursement for expenses, proceeds of insurance except for loss of business income, and payments received as part of an early retirement incentive program.

(4) Salaries of the mentally retarded or developmentally disabled while working in a government funded workshop for less than the minimum wage.

(5) earnings and income of all persons under 18 years of age.

(6) Receipts from seasonal or casual entertainment, amusement, sports events, and health and welfare activities when any such are conducted by bona fide charitable, religious and educational organizations and associations.

(7) Poor relief, welfare, unemployment insurance benefits (including supplemental unemployment benefits), old age pensions, social security benefits, disability benefits received from local, state or federal governments or charitable, religious or educational organizations.

(8) Gains from involuntary conversion, cancellation of indebtedness, interest on federal obligations, items of income already taxed by the state, from which this municipality is specifically prohibited from taxing, and income of a decedent's estate during the period of administration, except such income from the operation of a business.

(9) Salaries, wages, commissions, and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or by act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce.

(10) Salaries, wages, commissions, and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State of Ohio or act of the Ohio General Assembly limiting the power of this municipality to impose net income taxes. ('75 Code, 840.03) (Ord. 10-1993, passed 11-16-93; Am. Ord. 3-1997, passed 2-10-97) Penalty, see 97.99

97.04 RETURN AND PAYMENT OF TAX.

(A) Dates for returns. Each taxpayer, except as herein provided, shall, whether or not a tax is due therefor, make and file a return on or before April 30 of the year following the effective date of this chapter, and on or before April 30 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four months from the end of that fiscal year or period. The administrator is hereby authorized to provide by regulation that the return of an employer, showing the amount of tax deducted by that employer from the salaries, wages, commissions, or other compensation of an employee, and paid by him or them to the administrator, shall be accepted as the return required of any employee whose sole income, subject to tax under this chapter, is such salary, wages, commissions, or other compensation.

(B) Tax forms. The return shall be filed with the administrator on a form or forms furnished by or obtainable upon request from the administrator setting forth:

(1) The aggregate amounts of salaries, wages, commissions, and other compensation earned and gross income from business, profession, or other activity, less allowable expenses incurred in the acquisition of the gross income earned during the preceding year and subject to the tax.

(2) The amount of the tax imposed by this chapter on the earnings and profits.

(3) Such other pertinent statements, information returns or other information as the administrator may require.

(C) Extensions. The administrator may extend the time for the filing of the annual return upon the request of the taxpayer for a period of not to exceed six months, or one month beyond any extension requested of or granted by the internal revenue service for the filing of the federal income tax return. The administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due. No penalty or interest shall be assessed in those cases in which a return is filed and the final tax paid within the period as extended.

(D) payment, overpayment.

(1) The taxpayer making a return shall, at the time of the filing thereof, pay to the administrator the amount of taxes shown as due thereon, provided that where any portion of the tax so due has been deducted at the source pursuant to the provisions of 97.05 or where any portion of the tax has been paid by the taxpayer pursuant to the provisions of 97.06, or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with 97.14 shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing the return.

(2) A taxpayer who has over paid the amount of tax to which the village is entitled under the provisions of this chapter may have such overpayment applied against any subsequent liability hereunder; or at his election as indicated on the return, the overpayment or part thereof shall be refunded, provided that no additional taxes or refunds of less than \$5 shall be collected or refunded.

(E) Amended returns.

(1) Where necessary an amended return must be filed in order to report additional income and pay any additional tax due, or claim refund of tax overpaid, subject to the

requirements or limitations contained in 97.10 and 97.14. The amended returns shall be on a form obtainable on request from the administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for the filing of the original return.

(2) Within three months from the final determination of any federal tax liability affecting the taxpayer's village tax liability, the taxpayer shall make and file an amended village return showing income subject to the village return tax based upon the final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment. ('75 Code, 890.04) (Am. Ord. 3-1997, passed 2-10-97) Penalty, see 97.99

97.05 COLLECTION AT SOURCE.

(A) In accordance with the rules and regulations prescribed by the administrator, each employer within or doing business within the village shall deduct at the time of the payment of the salary, wage, commission, or other compensation, the tax of 1.5% of the gross salaries, wages, commissions, or other compensation due by the employer to the employee and shall, on or before the last day of the month following the close of each calendar quarter, make a return and pay to the administrator the amount of taxes so deducted. The returns shall be on a form of forms prescribed by or acceptable to the administrator and shall be subject to the rules and regulations prescribed therefor by the administrator. The employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

(B) The employer, in collecting the tax, shall be deemed to hold the same, until payment is made by him to the village, as a trustee for the benefit of the village and any such tax collected by the employer from his employees shall, until the same is paid to the village, be deemed to be held in trust by the employer. ('75 Code, 890.05) Penalty, see 97.99

97.06 DECLARATIONS.

(A) Every person who anticipates any taxable income which is not subject to the provisions of 97.05, or who engages in any business, shall file a declaration setting forth the estimated income or the estimated profit or loss from that business during the year covered by the declaration, together with the estimated tax due thereon, if any.

(B) Exclusive of taxpayers filing on a fiscal basis, the declaration shall be filed beginning with the year 1971 on or before April 30. In the case of a person starting in business, the declaration shall be filed within four months of the date he starts such business.

(C) The declaration shall be filed upon a form or forms furnished by or obtainable upon request from the administrator, which form or forms may contain a statement that the figures used in the making the declaration are the figures used in making the declaration of the estimate for the federal income tax adjusted to set forth only such income as is taxable under the provisions of this chapter.

(D) The declaration of estimated tax to be paid to the village shall be accompanied by a payment of at least one-fourth of the estimated tax. Exclusive of taxpayers filing on a fiscal basis, at least a similar amount shall be paid on or before July 31, October 31, and January 31 of each year. The estimate may be amended at any time.

(E) A taxpayer reporting on a fiscal-year basis shall file, beginning with the first fiscal year any part of which falls within the tax period, a declaration within four months after the start of each fiscal year, accompanied by a payment of at least one-fourth of the estimated tax shown to be due thereon. At least a similar amount shall be paid on or before the last day of each three-month period thereafter.

(F) On or before April 30 of the year following that for which a declaration was filed, or, in the case of a fiscal-year taxpayer, on or before the first day of the fourth month after the close of the fiscal year for which a declaration was filed, an annual return shall be filed and any tax which may be due shall be paid in accordance with the provisions of 97.03. ('75 Code, 97.06) Penalty, see 97.99

97.07 DUTIES OF THE ADMINISTRATOR.

(A) It shall be the duty of the clerk-treasurer to receive the tax imposed by this chapter in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all moneys so received.

(B) It shall be the duty of the administrator to enforce payment of all taxes owing to the village, to keep accurate records for a minimum of five years showing the amount due from each taxpayer required to file a declaration or make an return, including taxes withheld, and to show that dates and amounts of payments thereof.

(C) The administrator is hereby charged with the enforcement of the provisions of this chapter, and is hereby empowered, subject to the approval of the board of review, to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this chapter, including provisions for the reexamination and collection of returns.

(D) In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount or tax due, the administrator may determine the amount of tax appearing to be due the village from the taxpayer and shall send to that taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.

(E) Subject to the consent of the board of review or pursuant to regulation approved by the board, the administrator shall have the power to compromise any interest or penalty or both, imposed by 97.09. ('75 Code, 890.07)

97.08 INVESTIGATE POWERS OF THE ADMINISTRATOR; DIVULGING CONFIDENTIAL INFORMATION.

(A) The administrator, or any authorized employee, is hereby authorized to examine the books, papers, records, and federal income tax returns of any employer or of any taxpayer or person subject to, or whom the administrator believes is subject to, the provisions of this chapter, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer, or supposed taxpayer is hereby directed and required to furnish, upon written request by the administrator or his duly authorized agent or employee, the means, facilities, and opportunity for making such examinations and investigations as are hereby authorized.

(B) The administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect that income, and for this purpose may compel the production of books, papers, records, and federal income tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes those persons have knowledge of such income or information pertinent to the inquiry.

(C) The refusal to produce books, papers, records, and federal income tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax or by any officer, agent, or employee of a person subject to the tax or required to withhold tax, or the failure of any person to comply with the provisions of this section or with an order or subpoena of the administrator authorized hereby, shall be deemed a violation of this chapter, punishable as provided in 97.99.

(D) Any information gained as the result of any investigation, hearing, or verification required or authorized by this chapter shall be confidential, except for official purpose, or except in accordance with proper judicial order. No person shall divulge such information.

(E) Every taxpayer shall retain all records necessary to compute his tax liability for a period of five years from the date his return is filed or the withholding taxes are paid. ('75 Code, 890.08) Penalty, 97.99

97.09 INTEREST AND PENALTIES; EXCEPTION.

(A) All taxes imposed and paid directly by the taxpayer under the provisions of this chapter and remaining unpaid after they become due, shall bear interest at the rate of 1% per month or a fraction thereof.

(B) A;; taxes imposed and all moneys withheld by employers under provisions of this chapter and remaining unpaid after they have become due shall bear interest at the rate of 1% per month or a fraction thereof.

(C) In addition to the interest as provided in divisions (A) and (B) hereof, penalties for failure to pay taxes and to withhold and remit taxes pursuant to the provisions of this chapter are hereby imposed as follows:

(1) In the case of a taxpayer failing to pay the full amount of tax due, the penalty shall be the higher of:

(a) Twenty-five dollars, or

(b) One percent per month, or a fraction thereof, of the amount of the unpaid tax, if the tax is paid during the first six months after the tax became due; and a penalty of 2% per month, or a fraction thereof, of the unpaid tax, if the tax is paid later than six months after it became due.

(2) In the case of employers who fail to withhold and to remit to the administrator the taxes withheld from the employees, the penalty shall be higher of:

(a) Fifty dollars, or

(b) Five percent per month, or a fraction thereof, of the unpaid withholding, if the withholding is paid during the first six months after the withholding became due; and a penalty of 10% per month, or a fraction thereof, of the unpaid withholding, if the withholding is paid later than six months after it was due.

(c) In the case of a taxpayer failing to file his or her return when due, such taxpayer shall be required to pay a late filing penalty of \$25.

(d) Penalty shall not be assessed on an additional tax assessment made by the administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the administrator. In the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing as amended return is filed and the additional tax is paid within three months after final determination of the federal tax liability.

(e) On recommendation of the administrator the board of review may abate penalty or interest or both, or on appeal from the refusal of the administrator to recommend abatement of penalty and interest, the board may nevertheless abate penalty or interest or both.

(f) Any person required to withhold the tax who knowingly fails to withhold the tax or pay over the tax, or knowingly attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a

penalty equal to the total amount of the tax evaded, not withheld, or not paid over. No other penalty under this section shall be applied to any offense to which this penalty is applied. ('75 Code, 890.09) (Ord. 10-1993, passed 11-16-93) Penalty, see 97.99

97.09 (A) TENANT REPORTS.

(A) On or before July 1, 1994, all property owners of rentals or leased property who rent to tenants of residential premises, shall file with the administrator a report showing the names and addresses of each such tenant who occupies residential premises within the corporation limits of the village as of July 1, 1994.

(B) Beginning July 1, 1994, and thereafter, within 30 days after a new tenant occupies residential rental property of any kind within the village, all property owners of rental or leased residential property who rent to tenants, shall file with the administrator a report showing the names and addresses of each such tenant who occupies residential premises within the corporation limits of the village.

(C) Beginning July 1, 1994, and thereafter, within 30 days after a tenant vacates a rental or leased residential property located within the village, the property owner of such vacated rental or leased property shall file with the administrator a report showing the date of vacating from the rental or leased residential property and identifying such vacating tenant.

(D) For the purposes of this section, "TENANT" means:

(1) If there is a written lease or rental agreement, the person or persons who sign the written lease or rental agreement with the owner.

(2) If there is an oral lease or rental agreement, the person or persons with whom the owner enters into the oral lease or rental agreement. (Ord. 10-1993, passed 11-16-93) Penalty, see 97.99

97.10 COLLECTION OF UNPAID TAXES; REFUNDS OF OVERPAYMENTS.

(A) All taxes imposed by this chapter shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable. Except in the case of fraud, omission of a substantial portion of income subject to this tax, or failure to file a return, an additional assessment shall not be made after three years from the time the return was due or filed, whichever is later. However, in those cases in which the commissioner of internal revenue and the taxpayer have executed a waiver of the federal statute of limitations, the period within which an additional assessment may be made by the administrator shall be one year from the time of the final determination of federal tax liability.

(B) Taxes erroneously paid shall not be refunded unless a claim for refund is made within three years from the date when the payment was made or the return was due, or within three months after final determination of federal tax liability, whichever is later.

(C) Amounts of less than \$5 shall not be collected or refunded. ('75 Code, 890.10) (Ord. 10-1993, passed 11-16-93)

97.11 VIOLATIONS; STATUTE OF LIMITATIONS.

(A) No person shall:

- (1) Fail, neglect, or refuse to make any return or declaration required by this chapter.
- (2) Make any incomplete, false, or fraudulent return.
- (3) Fail, neglect, or refuse to pay the tax, penalties, or interest imposed by this chapter.
- (4) Fail, neglect, or refuse to withhold the tax from his employees or remit that withholding to the administrator.
- (5) Refuse to permit the administrator or any duly authorized agent or employee to examine his books, records, papers, and federal income tax returns relating to the income or net profits of a taxpayer.
- (6) Fail to appear before the administrator or any duly authorized agent or employee to examine his books, records, papers, and federal income tax returns relating to the income or net profits of a taxpayer, upon order or subpoena of the administrator.
- (7) Refuse to disclose to the administrator or any duly authorized agent or employee information with respect to the income or net profits of a taxpayer.
- (8) Fail to comply with any of the provisions of this chapter or any order or subpoena of the administrator authorized hereby.
- (9) Give to an employer false information as to his true name, correct social security number, or residence address, or fail to promptly notify an employer of any change of residence address and the date thereof.
- (10) Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid, and village tax withheld, or knowingly give the administrator false information.
- (11) Attempt to do anything whatever to avoid the payment of the whole or any part of the tax, penalties, or interest imposed by this chapter.

(B) All prosecutions under this section shall be prosecuted within the periods stipulated in R.C. 718.06.

(C) The failure of any employer or person to receive or procure a return, declaration, or other required form shall not excuse him from making any information return, return, or declaration, from filing such form, or from paying the tax. ('75 Code, 890.11) Penalty, see 97.99

97.12 BOARD OF REVIEW.

(A) A board of review, consisting of the village solicitor, as chairman, and two other individuals to be appointed by the chief executive officers of the village, is hereby

established. A majority of the members of the board shall constitute a quorum. The board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the board may be conducted privately and the provisions of 97.08 with reference to the confidential character of information required to be disclosed by this chapter shall apply to such matters as may be heard before the board.

(B) All rules and regulations and amendments or changes thereto which are adopted by the administrator under the authority conferred by this chapter must be approved by the board before they become effective. The board shall hear and pass on appeal from any ruling or decision of the administrator and, at the request of the taxpayer or administrator, shall have the power to substitute alternate methods of allocation.

(C) Any person dissatisfied with any ruling or decision of the administrator which is made under the authority conferred by this chapter may appeal therefrom to the board within 30 days from the announcement of such ruling or decision. The board shall, on hearing, have jurisdiction to affirm, reverse, or modify any such ruling or decision, or any part thereof.

('75 Code, 890.12)

97.13 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be deposited in a special fund known as the income tax revenue fund, and such funds shall be disbursed in the following manner:

(A) Such part thereof as is necessary to defray all expense of collecting the tax and of administering and enforcing the provisions of this chapter shall first be paid.

(B) The balance remaining after providing for the expenses referred to in division (A) hereof shall be appropriated for the following purposes:

(1) For general municipal operations, 70%.

(2) For street maintenance and improvement, 20%.

(3) For capital improvements and equipment, 10%.

('75 Code, 890.13) (Ord. 12-1979, passed 8-21-79; Am. Ord. 22-1986, passed 11-18-86; Am. Ord. 27-1986, passed 12-30-86; Am. Ord. 3-1990, passed 5-1-90)

97.14 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Where a resident of the village is subject to a municipal income tax in another municipality he shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

(B) Every individual taxpayer who resides in the village but who receives net profits, salaries, wages, commissions, or other personal service compensation for work done outside of the village, if it is made to appear that 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. The credit shall not exceed the tax assessed by this chapter on such income earned in such other municipality or municipalities where that tax is paid.

(C) A claim for refund or credit under this section shall be made in such manner as the administrator may provide by regulation. ('75 Code, 890.14)

97.15 SEVERABILITY.

If any sentence, clause, section, or part of this chapter, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal, or invalid, the unconstitutionality, illegality, or invalidity shall affect only that clause, sentence, section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of council that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein. ('75 Code, 890.15)

97.16 EARNED INCOME TAX APPLICABLE TO PERSONS WORKING WITHIN AND BUSINESSES LOCATED IN THE PERRY-NAVARRE JOINT ECONOMIC DEVELOPMENT DISTRICT.

In accordance with section 715.74(c) of the Ohio Revised Code, and in accordance with the provisions of the Perry-Navarre Joint Economic Development District Contract, and Resolutions enacted by the Board of Directors created and existing thereunder, and notwithstanding any provisions of Chapter 97 of the Codified Ordinances of the Village of Navarre to the contrary, all provisions of the Village of Navarre's Earned Income Tax, as provided in said Chapter 97 shall be applicable to the income earned by persons working within the Perry-Navarre Joint Economic Development District, and shall further be applicable to the net profits of businesses located in said District; as said District is now or hereafter described.(Ord. 22-1996, passed 12-17-96)

97.99 PENALTY.

(A) Whoever violates any of the provisions of this chapter for which no penalty is otherwise provided shall be fined not more than \$500 or imprisoned not more than six months, or both.

(B) Whoever violates any of the provisions of 97.08(D) shall be fined not more than \$500 or imprisoned not more than six months, or both. Each disclosure shall constitute a separate offense. In addition, any employee of the village who violates 97.08 (D) shall be guilty of an offense punishable by immediate dismissal. ('75 Code, 890.99)