

City Of Strongsville Ohio

CHAPTER 880

Income Tax

- 880.01 Purpose of levy of income tax.
- 880.02 Definitions.
- 880.03 Rate and income taxable.
- 880.04 Effective period.
- 880.05 Method of determination of allocation of tax.
- 880.06 Sales made in the City.
- 880.07 Total allocation.
- 880.08 Rentals.
- 880.09 Operating loss-carry forward.
- 880.10 Sources of income not taxed.
- 880.11 When return required to be made.
- 880.12 Form and content of return.
- 880.13 Extension of time for filing returns.
- 880.14 Consolidated returns.
- 880.15 Amended returns.
- 880.16 Payment of tax on filing of return.
- 880.17 Collection at source.
- 880.18 Declarations of income not collected at source.
- 880.19 Filing of declaration.
- 880.20 Form of declaration.
- 880.21 Payment to accompany declaration.
- 880.22 Annual return.
- 880.23 Interest on unpaid tax.
- 880.24 Penalties on unpaid tax.
- 880.25 Exceptions.
- 880.26 Abatement of interest and penalty.
- 880.27 Violations.
- 880.28 Failure to procure forms not excuse.
- 880.29 Unpaid taxes recoverable as other debts.
- 880.30 Refunds of taxes erroneously paid.
- 880.31 Amounts of less than one dollar.
- 880.32 Tax credit. (2011)
- 880.32 Tax credit. (2012)
- 880.33 Claim for credit.
- 880.34 Disbursement of funds collected.
- 880.35 Duty to receive tax imposed.
- 880.36 Duty to enforce collection.
- 880.37 Authority to make and enforce regulations.
- 880.38 Authority to arrange installment payments.
- 880.39 Authority to determine amount of tax due.
- 880.40 Authority to make investigations.

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|--------|--|
| 880.41 | Authority to compel productions of records. |
| 880.42 | Refusal to produce records. |
| 880.43 | Confidential nature of information obtained. |
| 880.44 | Taxpayer required to retain records. |
| 880.45 | Authority to contract for central collection facilities. |
| 880.46 | Board of Review established. |
| 880.47 | Duty of Board to approve regulations and hear appeals. |
| 880.48 | Right of appeal. |
| 880.49 | Declaration of legislative intent. |
| 880.50 | Collection of tax after termination of chapter. |
| 880.51 | Limitation on prosecutions. |
| 880.52 | Registration. |
| 880.53 | Authorization to provide notice. |
| 880.99 | Penalty. |

CROSS REFERENCES

Power to tax – see Ohio Const., Art. XVIII, Sec. 3; CHTR.

Art. VI

Payroll deductions – see Ohio R.C. 9.42

Municipal income taxes – see Ohio R.C. Ch. 718

880.01 PURPOSE OF LEVY OF INCOME TAX.

To provide funds for the purpose of general municipal functions of the City of Strongsville including capital improvements to the street and storm drainage systems, the operation of, hiring additional personnel in, and capital improvements for, the Police, Fire and Emergency Medical Service departments, constructing, furnishing and equipping a Recreation and Senior Multi- Purpose Complex, and paying debt charges on securities of the City issued to pay costs of capital improvements, there shall be and is hereby levied a tax on all salaries, wages, commissions and other compensations, and on net profits as hereinafter provided.

(Ord. 2005-101. Passed 5-16-05.)

880.02 DEFINITIONS.

For the purpose of this chapter, the terms, phrases, words and their derivations shall have the meanings given in the next succeeding sections. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

(a) "Adjusted federal taxable income" means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, but including subsequent adjustments from required additions and deductions as reflected in Ohio Revised Code Section 718.01. Pass-through entities must compute adjusted federal taxable income as if the pass-through entity were a C corporation. This definition does not apply to any taxpayer required to file a return under Ohio Revised Code Section 5745.03 or to the net profit from a sole proprietorship.

(b) "Administrator" means the individual designated by the Mayor and confirmed by Council to administer and enforce the provisions of the City income tax.

(c) "Association" means any partnership, limited partnership, or other form of unincorporated enterprise, owned by two or more persons.

(d) "Board of Review" means the Board created by and constituted as provided in Section 880.46.

(e) "Business" means any 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, excluding, however, all nonprofit corporations which are exempt from the payment of Federal income tax.

(f) "City" means the City of Strongsville, Ohio.

(g) "Corporation" means a corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory or foreign country or dependency.

(h) "Employee" means one who works for wages, salary, commission or other type compensation in the service of an employer, as "employee" is defined in the federal Internal Revenue Code.

(i) "Employer" means an individual, partnership, association, corporation, government body, unit or 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 basis of compensation.

(j) "Fiscal year" means an accounting period of twelve months or less ending on any day other than December 31.

(k) "Form 2106" means Internal Revenue Service Form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(l) "Generic form" means an electronic or paper form designed for reporting estimated municipal income taxes and/or annual municipal income tax liability and/or requests for refunds, which contain all of the information required on the City's regular tax return, estimated payment forms, and request for refund forms, and are in a similar format that will allow processing of the generic forms without altering the City's procedures for processing forms.

(m) "Gross receipts" means the total income from any source whatever.

(n) "Income from a pass-through entity" means partnership income of partners, membership interests of members of a limited liability company, distributive shares of shareholders of an S corporation, or other distributive or proportionate ownership shares of income from other pass-through entities.

(o) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred

income. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.

(p) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

(q) "Military" means any person actively engaged in any branch of the Armed Forces, including individuals employed by any branch of the National Guard.

(r) "Net profit" for a taxpayer other than an individual means adjusted federal taxable income and "net profit" for a taxpayer who is an individual means the individual's profit, other than amounts described in this chapter required to be reported on schedule C, schedule E, or schedule F.

(s) "Nonresident" means an individual domiciled outside the City.

(t) "Nonresident incorporated business entity" means an incorporated business entity not having an office or place of business within the City.

(u) "Nonresident unincorporated business entity" means an unincorporated business entity not having an office or place of business within the City.

(v) "Other activity" means any undertaking, not otherwise specifically defined herein, which is normally entered into for profit, including, but not limited to, lottery, rental of real and personal property and a business conducted by a trust or guardianship estate.

(w) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual.

(x) "Owner" means a partner of a partnership, a member of a limited liability company, a shareholder of an S corporation, or other person with an ownership interest in a pass-through entity.

(y) "Owner's proportionate share", with respect to each owner of a pass-through entity, means the ratio of:

(1) The owner's income from the pass-through entity that is subject to taxation by the municipal corporation, to

(2) The total income from that entity of all owners whose income from the entity is subject to taxation by that municipal corporation.

(z) "Pass-through entity" means a partnership, limited liability company, S corporation, or any other class of entity the income or profits from which are given pass-through treatment under the Internal Revenue Code.

(aa) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity. Whenever used in any clause prescribing and imposing a penalty, the term "person", as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

(bb) "Place of business" means 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.

- (cc) "Qualified plan" means a retirement plan satisfying the requirements under section 401 of the Internal Revenue Code.
- (dd) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted in accordance with Section 718.03(A) of the Ohio Revised Code.
- (ee) "Resident" means an individual domiciled in the City.
- (ff) "Resident incorporated business entity" means an incorporated business entity having an office or place of business with the City.
- (gg) "Resident unincorporated business entity" means an unincorporated business entity having an office or place of business within the City.
- (hh) "Return preparer" means any person other than a taxpayer that is authorized by a taxpayer to complete or file an income tax return, report, or other document for or on behalf of the taxpayer.
- (ii) "Rules and regulations" means the rules and regulations as set forth in this chapter.
- (jj) "S Corporation" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.
- (kk) "Schedule C" means Internal Revenue Service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.
- (ll) "Schedule E" means Internal Revenue Service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.
- (mm) "Schedule F" means Internal Revenue Service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.
- (nn) "Tax Administrator" means the individual charged with direct responsibility for administration of the City's Income Tax Ordinance.
- (oo) "Taxable income" means any and all income earned or received by an individual or an entity, the taxation of which by the City is not prohibited by federal law, state law, or specifically exempted under Section 880.10 of this chapter. Wages, salaries and other compensation paid by an employer or employers before any deduction, including bonuses paid for signing or ratifying an employment contract and amounts paid by an employer to terminate an employment contract; lottery prize award payments of \$600.00 or more from the State of Ohio lottery or lottery in which the State of Ohio participates; and/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 shall be considered taxable income.
- (pp) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.
- (qq) "Taxpayer" means a person subject to a tax on income levied by a municipal corporation. "Taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.

(Ord. 2005-101. Passed 5-16-05.)

880.03 RATE AND INCOME TAXABLE.

1. An annual tax for the purposes specified in Section 880.01 shall be imposed on and after July 1, 1993, at the rate of two percent (2%) per year (of which rate one and one-half percent (1-1/2%) is hereinafter referred to as the "Base Tax" and one-half of one percent (1/2%) is hereinafter referred to as the "Additional Tax") upon the following:

(a) On all qualifying wages, commissions and other compensation received, and on each lottery prize award payment of six hundred dollars (\$600.00) or more received from any State of Ohio lottery or lottery in which the State of Ohio participates during the effective period of this chapter by residents of the City.

(b) On all salaries, wages, commissions, other compensation and other taxable income earned or received during the effective period of this chapter by nonresidents of the City for work done or services performed or rendered within the City; and on each lottery prize award payment of six hundred dollars (\$600.00) or more received from any State of Ohio lottery or lottery in which the State of Ohio participates from a lottery ticket purchased in the City by nonresidents of the City during the effective period of this chapter.

(c) (1) On the portion attributable to the City of the net profits earned during the effective period of this chapter of all resident unincorporated business entities, pass-through entities, professions or other activities, derived from work done, services performed or rendered and business or other activities conducted in the City.

(2) On the portion of the distributive share of the net profits earned during the effective period of this chapter of a resident owner of a resident unincorporated business entity or pass-through entity not attributable to the City and not levied against such unincorporated business entity or pass-through entity.

(d) (1) On the portion attributable to the City of the net profits earned during the effective period of this chapter of all nonresident unincorporated businesses, pass-through entities, professions or other activities, derived from work done, services performed or rendered and business and other activities conducted in the City, whether or not such unincorporated business entity has an office or place of business in the City.

(2) On the portion of the distributive share of the net profits earned during the effective period of this chapter of a resident owner of a nonresident unincorporated business entity or pass-through entity not attributable to the City and not levied against such unincorporated business entity or pass-through entity.

(e) On the portion attributable to the City of the net profits earned during the effective period of this chapter of all corporations that are not pass-through entities derived from work done, services performed or rendered and business or other activities conducted in the City, whether or not such corporations have an office or place of business in the City.

2. Businesses Both In and Outside the Municipal Boundaries.

(a) This section does not apply to taxpayers that are subject to and required to file reports under Chapter 5745 of the Ohio Revised Code. Except as otherwise provided in paragraph 3 of this section, 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 such municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(b) Multiply the entire net profits of the business by a business apportionment percentage formula to be determined by:

(1) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business or profession in such municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. As used in the preceding paragraph, real property includes property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in such municipal corporation to wages, salaries and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed, excluding compensation that is not taxable by the municipal corporation under Section 718.011 of the Ohio Revised Code;

(3) Gross receipts of the business or profession from sales made and services performed during the taxable period in such municipal corporation to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

(4) Adding together the percentages determined in accordance with subsections (2)(b) (1), (2), and (3) hereof, or such of the aforesaid percentages as are applicable to the particular taxpayer and dividing the total so obtained by the number of percentages used in deriving such total.

(i) A factor is applicable even though it may be apportioned entirely in or outside the City.

(ii) Provided however, that in the event a just and equitable result cannot be obtained under the business apportionment percentage formula provided for herein, the Tax Administrator, upon application of the taxpayer, shall have the authority to substitute other factors or methods calculated to effect a fair and proper apportionment.

3. Except as otherwise provided in this section, net profit from rental activity not constituting a business or profession shall be subject to tax only by the municipal corporation in which the property generating the net profit is located.

4. A non-resident individual, who works in the City twelve (12) or fewer days per year shall be considered an occasional entrant, and shall not be subject to the City municipal income tax for those twelve (12) days. For purposes of the 12-day calculation, any portion of a day worked in the City shall be counted as one (1) day worked in the City.

Beginning with the thirteenth (13th) day, the employer of said individual shall begin withholding the City income tax from remuneration paid by the employer to the individual, and shall remit the withheld income tax to the City in accordance with the requirements of this chapter, and shall remit taxes on income earned in the City by the individual for the first twelve (12) days.

If the individual is self-employed, it shall be the responsibility of the individual to remit the appropriate income tax to the City.

This section does not apply to entertainers or professional athletes, their employees or individuals who perform services on their behalf, or promoters and booking agents of such entertainment and sporting events.

5. This section does not apply to individuals who are residents of the Municipality and, except as otherwise provided in Section 718.01 of the Ohio Revised Code, the Municipality may impose a tax on all income earned by residents of the Municipality to the extent allowed by the United States Constitution.

(Ord. 2005-101. Passed 5-16-05.)

880.04 EFFECTIVE PERIOD.

The tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned on and after July 1, 1993.

(Ord. 2005-101. Passed 5-16-05.)

880.05 METHOD OF DETERMINATION OF ALLOCATION OF TAX.

In the taxation of income which is subject to the City income tax if the books and records of a taxpayer conducting a business or profession both within and without the City shall disclose with reasonable accuracy what portion of the net profit is attributable to that part of the business or profession conducted within the boundaries of the City, then only such portion shall be considered as having a taxable situs in the City for the purposes of municipal income taxation. The portion of the entire net profits of a taxpayer to be allocated as having been derived from within the City, in the absence of actual records thereof, shall be determined as follows:

Multiply the entire net profits by a business allocation percentage to be determined by a three-factor of property, payroll and sales, each of which shall be given equal weight, as follows:

(a) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all the real and tangible personal property owned or used by the taxpayer in the business or profession

during the same period wherever situated. Real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight.

(b) Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the City to wages, salaries and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed, excluding compensation that is not taxable by the City under Section 718.011 of the Ohio Revised Code.

(c) Gross receipts of the business or profession from sales made and services performed during the taxable period in the City to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

In the event that the foregoing apportionment formula does not produce an equitable result, another basis may, under uniform regulations, be substituted so as to produce such result.

If the Tax Administrator approves the use of books and records as a substitute method, the following shall apply:

(1) The net profits allocable to the City from business, professional or other activities conducted in the City by corporations or unincorporated entities, whether resident or non-resident, may be determined from the records of the taxpayer only if the taxpayer has bona fide records which disclose with reasonable accuracy what portion of his net profits is attributable to that part of his activities conducted within the City.

(2) If the books and records of the taxpayer are used as the basis for apportioning net profits, a statement must accompany the return explaining the manner in which such apportionment is made in sufficient detail to enable the Tax Administrator to determine whether the net profits attributable to the City are apportioned with reasonable accuracy.

(3) In determining the income allocable to the City from the books and records of a taxpayer, an adjustment may be made for the contribution made to the production of such income by headquarters activities of the taxpayer, whether such headquarters is within or without the City.

(Ord. 2005-101. Passed 5-16-05.)

880.06 SALES MADE IN THE CITY.

As used in Section 880.05(c) "sales made in the City" means:

(a) All sales of tangible personal property which is delivered within the City regardless of where title passes if shipped or delivered from a stock of goods within the City.

(b) All sales of tangible personal property which is delivered within the City regardless of where title passes even though transported from a point outside the City if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

(c) All sales of tangible personal property which is shipped from a place within the City to purchasers outside of the City regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(d) Except as otherwise provided in subsection (e) hereof, net profit from rental activity not constituting a business or profession shall be subject to tax only by the municipal corporation in which the property generating the net profit is located.

(e) This section shall not apply to individuals who are residents of the City and, except as otherwise provided in Section 718.01 of the Ohio Revised Code, the City may impose a tax on all income earned by residents of the municipal corporation to the extent allowed by the United States Constitution.

(Ord. 2005-101. Passed 5-16-05.)

880.07 TOTAL ALLOCATION.

Add together the percentages determined in accordance with Section 880.05(a) to (c) or such of the aforesaid percentages as are applicable to the particular taxpayer, and divide the total so obtained by the number of percentages used in deriving such total in order to obtain the business allocation percentage referred to in Section 880.05.

A factor is applicable even though it may be allocable entirely in or outside the City.

(Ord. 2005-101. Passed 5-16-05.)

880.08 RENTALS.

(a) Rental income received by a taxpayer shall be included in the computation of net profits from business activities under Section 880.03(c) to (e), only if and to the extent that the rental ownership, management or operations of the real estate from which such rentals are derived, whether so rented, managed or operated by a taxpayer individually or through agents or other representatives, constitutes a business activity of the taxpayer in whole or in part.

(b) Where the gross monthly rental of any and all real properties, regardless of number and value, aggregates in excess of two hundred fifty dollars (\$250.00) per month, it shall be prima-facie evidence that the rental, ownership, management or operation of such properties is a business activity of such taxpayer, and the net income of such rental property shall be subject to tax; provided that in the case of commercial property, the owner shall be considered engaged in a business activity when the rental is based on a fixed or fluctuating percentage of gross or net sales, receipts or profits of the lessee, whether or not such rental exceeds two hundred fifty dollars (\$250.00) per month; provided further that in the case of farm property, the owner shall be considered engaged in a business activity when he shares in crops or when the rental is based on a percentage of the gross or net receipts derived from the farm whether or not the gross income exceeds two hundred fifty dollars (\$250.00) per month; and provided further that the person who operates a licensed rooming house shall be

considered in business whether or not the gross income exceeds two hundred fifty dollars (\$250.00) per month.

(c) It shall be mandatory for every property owner subject to the provisions of this section to personally or through a management agent submit a list to the Administrator of names and addresses of all persons, firms, corporations or other entities occupying, leasing, renting or otherwise using the premises within the Municipality in such a manner as to produce economic benefit to the property owner, whether or not such benefit is called "rent" and whether or not such benefit results in a profit or loss. The required list shall be prepared as of December 31 of each year and submitted on or before January 31 of the following year and at such other times as may be prescribed by the Administrator.

(Ord. 2005-101. Passed 5-16-05.)

880.09 OPERATING LOSS-CARRY FORWARD.

(a) The portion of a net operating loss sustained in any taxable year subsequent to October 1, 1967, allocable to the City may be applied against the portion of the profit of succeeding tax years allocable to the City until exhausted but in no event for more than five taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year.

(b) The portion of net operating loss sustained shall be allocated to the City in the same manner as provided herein for allocating net profits to the City.

(c) The Administrator shall provide by rules and regulations the manner in which such net operating loss-carry forward shall be determined.

(Ord. 2005-101. Passed 5-16-05.)

880.10 SOURCES OF INCOME NOT TAXED.

(a) The tax provided for herein shall not be levied on the following:

(1) Pay or allowance of members of the armed forces of the United States and of their reserve components, including the Ohio National Guard;

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

(3) Poor relief, unemployment insurance benefits, old age pensions or similar payments including disability benefits received from local, State or Federal governments or charitable, religious or educational organizations.

(4) Proceeds of insurance paid by reason of the death of the insured; pensions, disability benefits, annuities or gratuities not in the nature of compensation for services rendered from whatever source derived.

- (5) Receipts from seasonal or casual entertainment, amusements, sports events and health and welfare activities when such are conducted by bonafide charitable, religious or educational organizations and associations.
- (6) Alimony received.
- (7) Personal earnings of any natural person under eighteen years of age.
- (8) Compensation for personal injuries or for damages to property by way of insurance or otherwise.
- (9) Interest, dividends and other revenue from intangible property.
- (10) Gains from involuntary conversion, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State from which the City 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).
- (11) Salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce.
- (12) Salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State of Ohio or any act of the Ohio General Assembly limiting the power of the City to impose net income taxes.
- (13) The rental value of a home furnished to an ordained minister of the gospel as part of his compensation, or the rental allowance paid to a bona fide minister of the gospel as part of his compensation, to the extent used by him to rent or provide a home pursuant to section 107 of the Internal Revenue Code.
- (14) Compensation paid under section 3501.28 or 3501.36 of the Ohio Revised Code to a person serving as a precinct official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually. Such compensation in excess of one thousand dollars may be subject to taxation. The payer of such compensation is not required to withhold municipal tax from that compensation.
- (15) Compensation paid to an employee of a transit authority, regional transit authority, or a regional transit commission created under Chapter 306 of the Ohio Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the City, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such tax by reason of residence or domicile in the City, or the headquarters of the authority or commission is located within the City.
- (16) Personal earnings of any natural person under eighteen years of age.
- (17) Mentally retarded and developmentally disabled employees earning less than the minimum hourly wage while employed at government

sponsored sheltered workshops shall be exempt from the levy of the tax provided herein with approval of the Tax Administrator.

(18) The City shall not tax the compensation paid to a nonresident individual for personal services performed by the individual in the City on twelve (12) or fewer days in a calendar year unless one of the following applies:

A. The individual is an employee of another person, the principal place of business of the individual's employer is located in another municipality in Ohio that imposes a tax applying to compensation paid to the individual for services paid on those days; and the individual is not liable to that other municipality for tax on the compensation paid for such services.

B. The individual is a professional entertainer or professional athlete, the promoter of a professional entertainment or sports event, or an employee of such promoter, all as may be reasonably defined by the City.

For purposes of this rule, any portion of a day worked in the City shall be counted as one day.

(19) The income of a public utility, when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Ohio Revised Code, except a municipal corporation may tax the following, subject to Chapter 5745 of the Ohio Revised Code:

A. The income of an electric company or combined company;

B. The income of a telephone company.

As used in division (a)(19) of this section, "combined company", "electric company", and "telephone company" have the same meanings as in section 5727.01 of the Ohio Revised Code.

(20) An S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code, to the extent such distributive share would not be allocated or apportioned to this State under division (B)(1) and (2) of section 5733.05 of the Ohio Revised Code if the S corporation were a corporation subject to the taxes imposed under Chapter 5733 of the Ohio Revised Code.

(b) Generally, the above noted items in this section are the only forms of income not subject to the tax. Any other income, benefits, or other forms of compensation shall be taxable.

(Ord. 2005-101. Passed 5-16-05.)

880.11 WHEN RETURN REQUIRED TO BE MADE.

Each taxpayer shall, whether or not a tax be due thereon, make and file a return on or before April 15 of the year following the effective date of this chapter, and on or before April 15 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 such fiscal year or period.
(Ord. 2005-101. Passed 5-16-05.)

880.12 FORM AND CONTENT OF RETURN.

The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator, setting forth:

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

(b) The amount of the tax imposed by this chapter on such earnings and profits, and

(c) Such other pertinent statements, information returns or other information as the Administrator may require.

(Ord. 2005-101. Passed 5-16-05.)

880.13 EXTENSION OF TIME FOR FILING RETURNS.

(a) Any taxpayer that has requested an extension for filing a federal income tax return may request an extension for the filing of a Municipal Income Tax Return by filing a copy of the taxpayer's federal extension request with the Municipal Tax Division. Any taxpayer not required to file a federal income tax return may request an extension for filing a Municipal Income Tax Return in writing. The request for extension must be filed on or before the original due date for the annual return. If the request is granted, the extended due date of the municipal income tax return shall be the last day of the month following the month to which the due date of the federal income tax return has been extended.

(b) The Tax Administrator may deny a taxpayer's request for extension if the taxpayer:

(1) Fails to timely file the request; or

(2) Fails to file a copy of the federal extension request, (if applicable); or

(3) Owes the Municipality any delinquent income tax, penalty, interest or other charge for the late payment or nonpayment of income tax; or

(4) Has failed to file any required income tax return, report, or other related document for a prior tax period.

(c) The granting of an extension for filing a Municipal tax return does not extend the due date as provided in this section for payment of the tax; hence, penalty and interest may apply to any unpaid tax during the period of extension at the rate set out by Sections 880.23 and 880.24. No penalty shall be assessed in those cases in which the return is filed and the final tax paid within the extension period provided all other filing and payment requirements of the Tax Code have been met. Any extension by the Tax Administrator shall be granted upon the condition that declaration filing and payment requirements have been

fulfilled; however, if, upon further examination it then becomes evident that declaration filing and payment requirements have not been fulfilled, penalty and interest may be assessed in full and in the same manner as though no extension had been granted.

(Ord. 2005-101. Passed 5-16-05.)

880.14 CONSOLIDATED RETURNS.

(a) Filing of consolidated returns may be permitted or required in accordance with rules and regulations prescribed by the Administrator.

(b) In the case of a corporation that carried 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 the City constituting a portion only of its total business, the Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City. If the Administrator finds that net profits are not properly allocated to the City by reason of transactions with stockholders or with other corporations related by stock ownership or interlocking directorates, or transactions with such division, branch, factory, office, laboratory or by some other method, he shall make such allocation as he deems appropriate to produce a fair and proper allocation of net profits to the City.

(Ord. 2005-101. Passed 5-16-05.)

880.15 AMENDED RETURNS.

(a) Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due or claim a refund of tax overpaid, subject to the requirements, limitations, or both contained in Sections 880.05 through 880.07 and 880.32 through 880.51. Such amended return 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 filing the original return.

(b) Within three months from the final determination of any Federal tax liability affecting the taxpayer's City tax liability, such taxpayer shall make and file an amended City return showing income subject to the City tax based upon such final determination of Federal tax liability and pay any additional tax shown due thereon or make claim for refund of any overpayment.

(Ord. 2005-101. Passed 5-16-05.)

880.16 PAYMENT OF TAX ON FILING OF RETURNS.

(a) The taxpayer making a return shall, at the time of filing thereof, pay to the Administrator the amount of taxes shown as due thereon, provided, however, that:

(1) Where any portion of the tax so due has been deducted at the source pursuant to the provisions of Section 880.17, or

(2) Where any portion of such tax has been paid by the taxpayer pursuant to the provisions of Section 880.18, or

(3) Where an income tax has been paid on the same income to another municipality credit for the amount so deducted or paid, or credit to the extent provided for in Section 880.33, 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 such return.

(b) A taxpayer who has overpaid the amount of tax to which the City is entitled under the provisions of this chapter may have such overpayment applied against any subsequent liability hereunder or, at his election, indicated on the return, such overpayment, or part thereof, shall be refunded, provided that no additional taxes or refunds of less than one dollar (\$1.00) shall be collected or refunded.

(Ord. 2005-101. Passed 5-16-05.)

880.17 COLLECTION AT SOURCE.

(a) In accordance with rules and regulations prescribed by the Administrator, each employer within or doing business within the City shall deduct, at the time of the payment of such salary, wages, commission or other compensation, the tax at its then applicable percentage 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 each month, make a return and pay to the Administrator the amount of taxes so deducted during the previous month. However, if the amount of the tax so deducted by any employer in any one month is less than one hundred dollars (\$100.00), the employer may defer the filing of the return and payment of the amount deducted until the last day of the month following the end of the calendar quarter in which such month occurred.

(b) Such returns shall be on a form or forms prescribed or acceptable to the Administrator and shall be subject to the rules and regulations prescribed therefor by the Administrator. Such 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.

(c) Such employer in collecting the tax shall be deemed to hold the same until payment is made by such employer to the City as a trustee for the benefit of the City, and any such tax collected by such employer from his employees shall, until the same is paid to the City be deemed a trust fund in the hands of such employer.

(d) No person shall be required to withhold the tax on wages or other compensation paid domestic servants employed by him exclusively in or about such person's residence, even though such residence is in the City, but such employee shall be subject to all of the requirements of this chapter.

(e) The officer or employee having control or supervision of or charged with the responsibility of, filing the return and making the payment, shall be personally liable for failure to file the return or pay the tax due as required herein. The dissolution, bankruptcy or reorganization of any such employer does not discharge an officer's or employee's liability for a prior failure of such business to file a return or pay taxes due.

(Ord. 2005-101. Passed 5-16-05.)

880.18 DECLARATIONS OF INCOME NOT COLLECTED AT SOURCE.

Except as provided in this section, every person shall file a declaration setting forth taxable income, including distributive shares of net profits of unincorporated business entities, estimated to be earned during the current tax year, together with the estimated tax due thereon, less the amount withheld within the City and less the tax credit allowed in Section 880.32, unless the entire taxable income is subject to withholding within the City, pursuant to Section 880.17. If the estimated tax for the current year, less the tax to be withheld and less such tax credit, amounts to not more than fifty dollars (\$50.00), no declaration or payment of estimated tax is required.

(Ord. 2005-101. Passed 5-16-05.)

880.19 FILING OF DECLARATION.

(a) The declaration required by Section 880.18 shall be filed on or before April 15 of each year during the effective period set forth in Section 880.04 or on or before the fifteenth (15th) day of the fourth (4th) month following the date the taxpayer becomes subject to tax for the first time.

(b) Those taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth month following the beginning of each fiscal year or period.

(Ord. 2005-101. Passed 5-16-05.)

880.20 FORM OF DECLARATION.

(a) The declaration required by Section 880.18 shall be filed upon a form furnished by or obtainable from the Administrator or an acceptable generic form. As provided in Section 880.18, credit shall be taken for the City tax to be withheld from any portion of such income and credit shall be taken for tax to be paid or withheld and remitted to another taxing municipality, in accordance with the provisions of Section 880.32.

(b) The original declaration or any subsequent amendment thereof may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.

(Ord. 2005-101. Passed 5-16-05.)

880.21 PAYMENT TO ACCOMPANY DECLARATION.

(a) The declaration of estimated tax to be paid to the City by taxpayers who are individuals shall be accompanied by a payment of at least one-fourth of the estimated annual tax and which shall be paid on or before the last day of the seventh, tenth and thirteenth months after the beginning of the taxable year.

(b) The declaration of estimated tax to be paid to the City by taxpayers that are not individuals shall be accompanied by a payment of at least one-fourth of the estimated annual tax which shall be paid on or before the fifteenth day of the sixth, ninth and twelfth months after the beginning of the taxable year.

(c) However, in case an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.
(Ord. 2005-101. Passed 5-16-05.)

880.22 ANNUAL RETURN.

On or before the fifteenth (15th) day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the City shall be paid therewith in accordance with the provisions of Section 880.16. However, any taxpayer may file, on or before the last day of the first month of the year following that for which such declaration or amended declaration was filed, an annual return and pay any balance due at such time in lieu of filing such declaration or an amended declaration, and in lieu of paying the final quarterly installment based upon a declaration or amended declaration of estimated tax.
(Ord. 2005-101. Passed 5-16-05.)

880.23 INTEREST ON UNPAID TAX.

All taxes imposed and all moneys withheld or required to be withheld by employers and all installments of estimated taxes required to be paid under the provisions of this chapter and remaining unpaid after they become due, shall bear interest at the rate of eight percent (8%) per year. No interest shall be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent (100%) of the previous year's tax liability, provided that the previous year reflected a 12-month period, or if ninety percent (90%) of the actual liability has been received.
(Ord. 2005-101. Passed 5-16-05.)

880.24 PENALTIES ON UNPAID TAX.

In addition to interest as provided in Section 880.23, penalties based on the unpaid tax or installments of estimated tax are hereby imposed as follows:

(a) For failure to pay taxes or estimated taxes due, other than taxes withheld: ten percent per year, but not less than twenty-five dollars (\$25.00).

(b) For failure to remit taxes withheld from employees: ten percent per month or fraction thereof, but the accumulated penalty shall not exceed fifty

percent upon any unpaid amount and shall not be less than twenty-five dollars (\$25.00).

(c) No penalty shall be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent (100%) of the previous year's tax liability, provided that the previous year reflected a 12-month period, or if ninety percent (90%) of the actual liability has been received.

(Ord. 2005-101. Passed 5-16-05.)

880.25 EXCEPTIONS.

A 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 thereof 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 an amended return is filed and the additional tax is paid within three months after a final determination of the Federal tax liability.

(Ord. 2005-101. Passed 5-16-05.)

880.26 ABATEMENT OF INTEREST AND PENALTY.

Either the Administrator hereunder or the Board of Review may abate a penalty or interest, or both, for good cause shown.

(Ord. 2005-101. Passed 5-16-05.)

880.27 VIOLATIONS.

No person shall:

(a) Fail, neglect or refuse to make any return or declaration required by this chapter;

(b) Make any incomplete, false or fraudulent return;

(c) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter;

(d) Fail, neglect or refuse to withhold the tax from his employees or remit such withholding to the Administrator;

(e) 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;

(f) Fail to appear before the Administrator and to produce his books, records, papers or Federal income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator;

(g) Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer;

(h) Fail to comply with the provisions of this chapter or any order or subpoena of the Administrator authorized hereby;

(i) Give to an employer false information as to his true name, correct social security number and residence address or fail to promptly notify an employer of any change in residence address and date thereof;

- (j) Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and City tax withheld, or knowingly give the Administrator false information;
- (k) Attempt to do anything whatever to evade the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.
(Ord. 2005-101. Passed 5-16-05.)

880.28 FAILURE TO PROCURE FORMS NOT EXCUSE.

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.

(Ord. 2005-101. Passed 5-16-05.)

880.29 UNPAID TAXES RECOVERABLE AS OTHER DEBTS.

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, of omission of a substantial portion of income subject to this tax or of 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, provided, however, in those cases in which a 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 the Federal tax liability.

(Ord. 2005-101. Passed 5-16-05.)

880.30 REFUNDS OF TAXES ERRONEOUSLY PAID.

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

(Ord. 2005-101. Passed 5-16-05.)

880.31 AMOUNTS OF LESS THAN ONE DOLLAR.

Amounts of less than one dollar (\$1.00) shall not be collected or refunded.
(Ord. 2005-101. Passed 5-16-05.)

880.32 TAX CREDIT.(2011)

(This version of Section 880.32 is in effect until Midnight on December 31, 2011.)

(a) When the taxable income of a resident of the City is subject to a municipal income tax in another municipality on the same income taxable under this chapter, such resident shall be allowed a credit of the amount of income tax paid on such taxable income to such other municipality, equal to 75 percent of the amount obtained by multiplying the lower of the tax rate of such other

municipality or of the City by the taxable income earned in or attributable to the municipality of employment or business activity. For the purpose of this section, taxable income shall include the distributive share of net profits of a resident partner or owner of an unincorporated business entity.

(b) Effective with the 2004 tax year, and except as provided in subsection (c) hereof, if tax or withholding is paid to a municipal corporation on income or wages, and if a second municipal corporation imposes a tax on that income or wages after the time period allowed for a refund of the tax or withholding paid to the first municipal corporation, the second municipal corporation shall allow a nonrefundable credit, against the tax or withholding the second municipality claims is due with respect to such income or wages equal to the tax or withholding already paid to the first municipal corporation.

(c) If the tax rate in the second municipal corporation is less than the tax rate in the first municipal corporation, then the credit described in subsection (b) of this section shall be calculated using the tax rate in effect in the second municipal corporation.

(d) A claim for credit or refund under this section shall be made in such manner as the Administrator may by regulation provide. In the event such City resident fails, neglects or refuses to file an annual return or declaration on the form prescribed by the Administrator, he shall not be entitled to such credit or refund and shall be considered in violation of this chapter for failure to file a return.

(e) However, nothing in this section permits any credit carryover.
(Ord. 2005-270. Passed 1-3-06.)

880.32 TAX CREDIT.(2012)

(This version of Section 880.32 is in effect from and after January 1, 2012 unless provisions of Section 3 of Ordinance No. 2005-270 apply.)

(a) When the taxable income of a resident of the City is subject to a municipal income tax in another municipality on the same income taxable under this chapter, such resident shall be allowed a credit of the amount of income tax paid on such taxable income to such other municipality, equal to 100 percent of the amount obtained by multiplying the lower of the tax rate of such other municipality or of the City by the taxable income earned in or attributable to the municipality of employment or business activity. For the purpose of this section, taxable income shall include the distributive share of net profits of a resident partner or owner of an unincorporated business entity.

(b) Effective with the 2004 tax year, and except as provided in subsection (c) hereof, if tax or withholding is paid to a municipal corporation on income or wages, and if a second municipal corporation imposes a tax on that income or wages after the time period allowed for a refund of the tax or

withholding paid to the first municipal corporation, the second municipal corporation shall allow a nonrefundable credit, against the tax or withholding the second municipality claims is due with respect to such income or wages equal to the tax or withholding already paid to the first municipal corporation.

(c) If the tax rate in the second municipal corporation is less than the tax rate in the first municipal corporation, then the credit described in subsection (b) of this section shall be calculated using the tax rate in effect in the second municipal corporation.

(d) A claim for credit or refund under this section shall be made in such manner as the Administrator may by regulation provide. In the event such City resident fails, neglects or refuses to file an annual return or declaration on the form prescribed by the Administrator, he shall not be entitled to such credit or refund and shall be considered in violation of this chapter for failure to file a return.

(e) However, nothing in this section permits any credit carryover.
(Ord. 2005-270. Passed 1-3-06.)

880.33 CLAIM FOR CREDIT.

Any claim for credit for income taxes paid another municipality on the same income taxable hereunder, or claim for or assignment of any refund due to the credit provided for herein, must be filed with the Administrator on or before December 31 of the year following that for which such credit is claimed, provided that in the case such claim for reciprocity refund shall have been assigned to the Municipality of residence, such municipality of residence shall file a claim for refund with the Administrator on or before January 31 following. Failure to file such claim for reciprocity credit or refund, or assignment thereof, within the time prescribed herein shall render such credit, claim for refund or assignment null and void.

(Ord. 2005-101. Passed 5-16-05.)

880.34 DISBURSEMENT OF FUNDS COLLECTED.

The funds collected under the provisions of this chapter shall be disbursed in the following manner:

(a) First, such part thereof as shall be necessary to defray all expenses of collecting the tax and of administering and enforcing the provisions of this chapter shall be paid.

(b) Second, one-sixth of the balance remaining which is attributable to the Base Tax, as defined in Section 880.03, after payment of the expenses referred to in subsection (a) hereof shall be deposited in the Street Construction, Maintenance and Repair Fund to pay costs of street construction, maintenance and repair, including debt service charges on bonds and notes issued to pay costs of those capital improvements.

(c) Third, all of the balance remaining which is attributable to the Additional Tax, as defined in Section 880.03, after payment of the expenses referred to in subsection (a) hereof shall be placed in a special fund or funds and used only for general municipal functions of the City of Strongsville including capital improvements to the street and storm drainage systems, the operation of, hiring additional personnel in, and capital improvements for, the Police, Fire and Emergency Medical Service departments, constructing, furnishing and equipping a Recreation and Senior Multi- Purpose Complex, and paying debt charges on securities of the City issued to pay costs of capital improvements.

(d) The balance remaining after payment of the expenses referred to in subsection (a) hereof and the payments referred to in subsections (b) and (c) hereof shall be deposited in the General Fund for municipal purposes.

(Ord. 2005-101. Passed 5-16-05.)

880.35 DUTY TO RECEIVE TAX IMPOSED.

It shall be the duty of the Administrator 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.

(Ord. 2005-101. Passed 5-16-05.)

880.36 DUTY TO ENFORCE COLLECTION.

It shall be the duty of the Administrator to enforce payment of all taxes owing to the City, to keep accurate records for a minimum of five years showing the amount due from each taxpayer required to file a declaration or make any return, or both, including taxes withheld, and to show the dates and amounts of payments thereof.

(Ord. 2005-101. Passed 5-16-05.)

880.37 AUTHORITY TO MAKE AND ENFORCE REGULATIONS.

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 re-examination and correction of returns.

(Ord. 2005-101. Passed 5-16-05.)

880.38 AUTHORITY TO ARRANGE INSTALLMENT PAYMENTS.

(a) The Administrator is authorized to arrange for the payment of unpaid taxes, interest and penalties on a schedule of installment payments when the taxpayer has proven to the Administrator that, due to certain hardship conditions, he is unable to pay the full amount of the tax due. Such authorization shall not be granted until proper returns are filed by the taxpayer for all amounts owed by him under this chapter.

(b) Failure to make any deferred payment when due shall cause the total unpaid amount, including penalty and interest, to become payable on demand and the provisions of Sections 880.27, 880.29 and 880.99 shall apply. (Ord. 2005-101. Passed 5-16-05.)

880.39 AUTHORITY TO DETERMINE AMOUNT OF TAX DUE.

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

(Ord. 2005-101. Passed 5-16-05.)

880.40 AUTHORITY TO MAKE INVESTIGATIONS.

(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.

(b) 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.

(Ord. 2005-101. Passed 5-16-05.)

880.41 AUTHORITY TO COMPEL PRODUCTIONS OF RECORDS.

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 such 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 such persons have knowledge of such income or information pertinent to such inquiry.

(Ord. 2005-101. Passed 5-16-05.)

880.42 REFUSAL TO PRODUCE RECORDS.

The refusal to produce books, papers, records and Federal income tax returns, or the refusal to submit to such examination by any employer or persons 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 chapter or with an order or subpoena

of the Administrator authorized hereby shall be deemed a violation of this chapter, punishable as provided in Section 880.99.
(Ord. 2005-101. Passed 5-16-05.)

880.43 CONFIDENTIAL NATURE OF INFORMATION OBTAINED.

Any information gained as a result of any returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential except for official purposes or except in accordance with proper judicial order. No person shall divulge such information.

(Ord. 2005-101. Passed 5-16-05.)

880.44 TAXPAYER REQUIRED TO RETAIN RECORDS.

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.

(Ord. 2005-101. Passed 5-16-05.)

880.45 AUTHORITY TO CONTRACT FOR CENTRAL COLLECTION FACILITIES.

The City having already entered into an agreement for the establishment of a Regional Council of Governments pursuant to Ordinance 1971-95, which Council has organized a municipal tax collection agency known as "Regional Income Tax Agency", the Board of Trustees of the Regional Income Tax Agency is hereby authorized to administer and enforce the provisions of this chapter as the agent of the City, and the duties and authority of the Administrator hereunder may be performed by the Board of Trustees of the Agency through the Administrator of the Agency. However, the Administrator of the Agency shall have no authority to abate penalties or interest provided for in Sections 880.23 and 880.24.

(Ord. 2005-101. Passed 5-16-05.)

880.46 BOARD OF REVIEW ESTABLISHED.

A Board of Review, consisting of the Director of Finance of the City, the Law Director and a member of Council to be elected by that body, is hereby created. The Board shall select, each year for a one-year term, one of its members to serve as Chairman and one to serve as Secretary. 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 Section 880.43 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 on appeal.

(Ord. 2005-101. Passed 5-16-05.)

880.47 DUTY OF BOARD TO APPROVE REGULATIONS AND HEAR APPEALS.

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 of Review before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator, and, at the request of the taxpayer or Administrator, is empowered to substitute alternate methods of allocation. The Board shall maintain a record of its transactions, which are not public records under Ohio Revised Code Section 149.43. Hearings requested by a taxpayer before the Board are not meetings of a public body subject to section 121.22 of the Ohio Revised Code.
(Ord. 2005-101. Passed 5-16-05.)

880.48 RIGHT OF APPEAL.

Whenever the Tax Administrator issues a decision regarding a municipal income tax obligation that is subject to appeal, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the decision and of the manner in which the taxpayer may appeal the decision. Any person dissatisfied with any ruling or decision of the Administrator which is made under the authority conferred by this chapter and who has filed with the Administrator the required returns or other documents pertaining to the municipal income tax obligation at issue in the decision may appeal therefrom to the Board of Review within 30 days from the announcement of such ruling or decision by the Administrator, by filing a written request with the Board stating why the decision should be deemed incorrect or unlawful. The Board shall schedule a hearing within 45 days after receiving the request, unless the taxpayer waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board and may be represented by an attorney at law, certified public accountant, or other representative. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision or any part thereof. The Board shall issue a final decision on the appeal within 90 days after the Board's final hearing on the appeal, and send a copy of its final decision by ordinary mail to all of the parties to the appeal within 15 days after issuing the decision. The taxpayer or Administrator may appeal the Board's decision as provided in section 5717.011 of the Ohio Revised Code.
(Ord. 2005-101. Passed 5-16-05.)

880.49 DECLARATION OF LEGISLATIVE INTENT.

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 such unconstitutionality, illegality or invalidity shall affect only such 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.
(Ord. 2005-101. Passed 5-16-05.)

880.50 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

(a) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions and proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of such taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of such taxes or for the punishment of violations of this chapter shall have been fully terminated, subject to the limitations contained in Sections 880.27, 880.28, 880.29, 880.30, 880.31 and 880.99(b).

(b) Annual returns due for all or any part of the last effective year of this chapter shall be due on the date provided in Sections 880.11 and 880.17 as though the same were continuing.
(Ord. 2005-101. Passed 5-16-05.)

880.51 LIMITATION ON PROSECUTIONS.

All prosecutions under this chapter must be commenced within the periods set forth in Ohio R.C. 718.06.
(Ord. 2005-101. Passed 5-16-05.)

880.52 REGISTRATION.

(a) Each taxpayer subject to the provisions of this chapter shall register with the Administrator within thirty days from the date that the taxpayer first receives taxable income. Such registration shall include such information as is required to comply with this Code and the regulations of the Administrator.

(b) Each business entity applying for a permit or license to perform work and/or services within the City shall first register with the Administrator and provide such information as is required to comply with this code and the regulations of the Administrator. No permit or license so applied for shall be issued until the Administrator has certified that the business entity is in compliance.
(Ord. 2005-101. Passed 5-16-05.)

880.53 AUTHORIZATION TO PROVIDE NOTICE.

(a) The Administrator is authorized to provide notice, to the extent practicable, to each new residential property owner and occupant of the registration requirements of Section 880.52.

(b) Each owner of a multifamily dwelling or residential rental property shall provide the Administrator with the names and addresses of each adult tenant or lessee within fifteen days from the date of the tenant's or the lessee's occupancy of the owner's premises, in order to afford the Administrator the opportunity to provide notice of the requirements of this section.

(c) Failure of the Administrator to provide notice as authorized in this section shall not waive, remove or otherwise affect the obligation of each taxpayer under the provisions of Section 880.52.

(Ord. 2005-101. Passed 5-16-05.)

880.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, for which no penalty is otherwise provided, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) Whoever violates Section 880.43 is guilty of a misdemeanor of the first degree for each offense. Each disclosure shall constitute a separate offense. In addition, any employee of the City who violates Section 880.43 shall be guilty of an offense punishable by immediate dismissal.

(Ord. 2005-101. Passed 5-16-05.)