

ORDINANCE NO 1458- 2011

First Read: May 16, 2011
Second Read: June 06, 2011
Third Read: June 20, 2011

Introduced by: MR. WOLFE

**AN ORDINANCE AMENDING SECTION 7: RECIPROCITY
PROVISION: CREDIT FOR TAX PAID TO OTHER
MUNICIPALITIES OF ORDINANCE 675-1971 AND ORDINANCE
963-1981 OF THE VILLAGE OF LAKEMORE TO TEMPORARILY
REDUCE THE INCOME TAX CREDIT LIMIT FROM AN AMOUNT
NOT TO EXCEED THE TAX ASSESSED BY THIS ORDINANCE TO
AN AMOUNT NOT TO EXCEED FIFTY PERCENT (50%) OF THE
TAX ASSESSED BY THIS ORDINANCE**

WHEREAS, The Council of the Village of Lakemore has determined that it is necessary to reduce the income tax credit in order to achieve a balanced budget while effectively funding the necessary functions of the Village of Lakemore, and;

Now, Therefore, Be It Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: Council hereby amends Section 7: Reciprocity Provision: Credit for Tax Paid to Other Municipalities of Ordinance 675-1971 and Ordinance 963-1981 of the Village of Lakemore to temporarily reduce the Income Tax Credit Limit from an amount not to exceed the tax assessed by this Ordinance to an amount not to exceed Fifty Percent (50%) of the tax assessed by this Ordinance, which shall be effective as of the passage of this Ordinance.

Section 2: The amended Section 7: Reciprocity Provision: Credit for Tax Paid to Other Municipalities shall read:

Every individual taxpayer who resides in the Village of Lakemore, but who receives net profits, salaries, wages, commissions or other personal service compensation, for work done, or services performed or rendered outside of said Village, if it be made to appear that the taxpayer has paid a

municipal income tax on such net profits, salary, wages, commissions or other compensation to another municipality, shall be allowed a credit against the tax imposed by this Ordinance of an amount so paid by the taxpayer, or on their behalf, to such other municipalities. The credit shall not exceed fifty percent (50%) of the tax assessed by this Ordinance on such net profit, salary, wages, commissions or compensation earned in such other municipality or municipalities where such tax is paid.

The reduction to a fifty percent (50%) credit of the tax assessed by this Ordinance shall remain in effect until such time that the Village of Lakemore has met all regulatory requirements outlined in Section 118 of the Ohio Revised Code and has been released from Fiscal Emergency designation by the State of Ohio. Upon these requirements being met, the Income Tax credit shall be reinstated to a full one hundred percent (100%) of the tax assessed by this Ordinance on such net profit, salary, wages, commissions or compensation earned in such other municipality or municipalities where such tax is paid.

Section 3: The Fiscal Officer is hereby directed to forward a copy of this Ordinance to the Regional Income Tax Agency immediately upon passage of the measure.

Section 4: All other Ordinances or Resolutions or parts of Ordinances or Resolutions inconsistent herewith are hereby repealed. All other Ordinances or Resolutions or parts of Ordinances or Resolutions not in conflict remain in full force and effect.

Section 5: This Ordinance shall take full force and effect on and after the earliest period allowed by law.

Passed: June 20, 2011

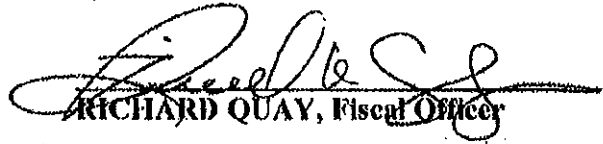
Michael A. Kolomichuk, Mayor

ATTEST:



RICHARD QUAY, Fiscal Officer

I, Richard Quay, Fiscal Officer of the Village of Lakemore, do hereby certify that the foregoing Ordinance 1458-2011 was duly adopted by Council at its regular meeting held on June 20, 2011.


RICHARD QUAY, Fiscal Officer

ORDINANCE NO. 1210 - 1995

**AN ORDINANCE AMENDING SECTION SEVEN (7) OF
ORDINANCE #675-1971 OF THE VILLAGE OF LAKEMORE
INCOME TAX ORDINANCE TO PROVIDE A TAX CREDIT FOR
TAXABLE INCOME OF A RESIDENT OF THE VILLAGE OF
LAKEMORE SUBJECT TO A MUNICIPAL INCOME TAX IN
ANOTHER MUNICIPALITY OR IN A
JOINT ECONOMIC DEVELOPMENT DISTRICT**

WHEREAS, the State of Ohio by House Bill 481, effective March 15, 1993, enacted Revised Code Section 715.70 providing for Joint Economic Development Districts; and

WHEREAS, at the November 8, 1994 election, several Joint Economic Development Districts were approved in Summit County; and

WHEREAS, this Council wishes to clarify that the current provisions of Section Seven (7) providing a tax credit to the Village of Lakemore residents whose taxable income is subject to a municipal income tax in another municipality shall also receive a credit for municipal income tax paid in a Joint Economic Development District.

Now, Therefore, Be It Ordained by the Council of the Village of Lakemore, Ohio:

Section 1: That Section Seven (7) of the Village of Lakemore Income tax Ordinance is hereby amended to read as follows:

(a) Every individual taxpayer who resides in the Village of Lakemore but who receives net profits, salaries, wages, commissions or other personal service compensation, for work done, or services performed or rendered outside of said Village, if it be made to appear that he has paid a municipal income tax on such net profits, salary, wages, commissions or other compensation to another municipality (through a Joint Economic Development District or other municipal income tax ordinance), shall be allowed a credit against the tax imposed by this Ordinance 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 Ordinance on such net profit, salary, wages, commissions or compensation earned in such other municipality or municipalities where such tax is paid.

(b) A claim for credit or refund under this section shall be made in such manner as the Administrator may by regulation provide. If a Village resident fails, neglects or refuses to file an annual return or

declaration on the form prescribed by the Administrator, he or she shall not be entitled to such credit or refund and shall be considered in violation of this chapter for failure to file a return.

Section 2. That Section Seven (7) of the Village of Lakemore Income Tax Ordinance as the same existed prior to the effective date of this Ordinance be, and the same hereby is, repealed.

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

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: March 6, 1995



RICHARD L. HUMM, Mayor

ATTEST:


SANDRA L. STAFFORD, Clerk

I Sandra L. Stafford, Clerk of the Village of Lakemore, do hereby certify that the foregoing Ordinance No. 1210 - 1995 was duly adopted by Council at its regular meeting held on March 6, 1995.


SANDRA L. STAFFORD, Clerk

ORDINANCE NO. 969-1981

AN ORDINANCE TO AMEND ORDINANCE NO. 675-1971 ENTITLED "AN ORDINANCE LEVYING A TAX TO PROVIDE FUNDS FOR THE PURPOSE OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE OF EQUIPMENT, NEW EQUIPMENT, EXTENSION, ENLARGEMENT AND IMPROVEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS, ON ALL SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION EARNED BY RESIDENTS OF THE VILLAGE OF LAKEMORE: ON ALL SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION EARNED BY NON-RESIDENTS OF THE VILLAGE OF LAKEMORE FOR WORK DONE OR SERVICES PERFORMED OR RENDERED IN THE VILLAGE OF LAKEMORE: ON THE NET PROFITS EARNED ON ALL BUSINESSES, PROFESSIONS OR OTHER ACTIVITIES CONDUCTED BY RESIDENTS OF THE VILLAGE OF LAKEMORE: ON THE NET PROFITS EARNED ON ALL BUSINESSES, PROFESSIONS OR OTHER ACTIVITIES CONDUCTED IN THE VILLAGE OF LAKEMORE BY NON-RESIDENTS, AND ON THE NET PROFITS EARNED BY ALL CORPORATIONS DOING BUSINESS IN THE VILLAGE OF LAKEMORE AS A RESULT OF WORK DONE OR SERVICES PERFORMED OR RENDERED IN THE VILLAGE OF LAKEMORE: REQUIRING THE FILING OF RETURNS AND FURNISHING OF INFORMATION BY EMPLOYERS AND ALL THOSE SUBJECT TO SAID TAX: IMPOSING ON EMPLOYERS THE DUTY OF COLLECTING THE TAX AT THE SOURCE AND PAYING THE SAME TO THE VILLAGE OF LAKEMORE; PROVIDING FOR THE ADMINISTRATION, COLLECTION AND ENFORCEMENT OF SAID TAX; DECLARING VIOLATION THEREOF TO BE A MISDEMEANOR AND IMPOSING PENALTIES THEREFOR" AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the Village of Lakemore, Summit County, Ohio:

Section 1: Definitions.

As used in this ordinance, the following words shall have the meaning ascribed to them in this section, except as and if the context thereof indicates or requires a different meaning:

- A. "Taxpayer" - A person, whether an individual, partnership, limited partnership, corporation, association or other entity, required hereunder to file a return or pay a tax hereunder.
- B. "Association" - A partnership, limited partnership, or any other form of unincorporated enterprise, owned by two (2) or more persons.
- C. "Business" - An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, limited partnership, corporation, association or any other entity.
- D. "Corporation" - A corporation or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory, foreign country or dependency.
- E. "Employee" - An individual whose earnings are subject to the withholding of Federal Income Tax or Social Security Tax.
- F. "Employer" - An individual, partnership, limited partnership, association, corporation, governmental body, unit or agency, or any other entity, whether or not organized for profit, who or that employs one (1) or more persons on a salary, wage, commission or other compensation basis.
- G. "Net Profits" - The net gain from the operation of a business, profession or enterprise after provision for all cost and expense incurred in the conduct thereof, including reasonable allowance for depreciation, depletion, amortization and reasonable additions to reserve for bad debts, either paid or accrued in accordance with recognized principles of accounting applicable to the method of accounting regularly employed and without deduction of Federal taxes based on income and without deducting taxes imposed by this Ordinance.

- H. "Non-Resident" - An individual, partnership, limited partnership, corporation, association or other entity domiciled outside the Village of Lakemore.
- I. "Person" - Every natural person, partnership, limited partnership, corporation, fiduciary or association. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to any association shall mean the partners or members thereof, and as applied to a corporation, the officers thereof.
- J. "Resident" - An individual, partnership, limited partnership, corporation, association or other entity domiciled in the Village of Lakemore.
- K. "Other Entity" - The term "other entity" means any person or unincorporated body not previously named or defined and includes inter alia, fiduciaries located within the Village of Lakemore.

The singular shall include the plural and the masculine shall include the feminine and the neuter.

Section 2: Purpose: Imposition of Tax.

To provide funds for the purpose of general municipal operations, maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities and capital improvements of the Village of Lakemore, there be, and hereby is levied a tax upon earnings at the rate of Two Percent (2%) per annum during the calendar year 1982 and during each calendar year thereafter upon the following:

- A. On all salaries, wages, commissions, and other compensation earned on and after January 1, 1982 by resident individuals of the Village of Lakemore.
- B. On all salaries, wages, commissions and other compensation earned on and after January 1, 1982 by non-resident individuals of the Village of Lakemore, for work done or services performed or rendered in the Village of Lakemore.
- C. On the net profits attributable to Lakemore, earned on and after January 1, 1982 of all resident unincorporated businesses, professions and other activities derived from work done or services performed or rendered and business or other activities conducted in the Village of Lakemore.
- D. On the portion of the distributive share of the net profit earned on and after January 1, 1982, of a resident individual, partner, or owner of a resident unincorporated entity attributable to Lakemore and not levied against such unincorporated business entity.
- E. On the net profits attributable to Lakemore earned on and after January 1, 1982 of all non-resident unincorporated businesses, professions or other activities derived from work done or services performed or rendered and business or other activities conducted in the Village of Lakemore.
- F. On the portion of the distributive share of the net profits earned on and after January 1, 1982 of a resident individual, partner or owner of a non-resident unincorporated business entity not attributable to Lakemore and not levied against such unincorporated business entity.
- G. On the net profits earned on and after January 1, 1982 of all corporations derived from work done or services performed or rendered and business or other activities conducted in the Village of Lakemore.
- H. Business allocation percentage formula (Section 718.02, Revised Code - State of Ohio).
 - (A) In the taxation of income, which is subject to taxation by the provisions of this Ordinance, if the books and records of

taxpayer conducting a business or profession both within and without the boundaries of the Village of Lakemore 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 Village of Lakemore, then only such portion shall be considered as having a taxable situs in the Village of Lakemore for purposes of income taxation. In the absence of such records, net profit from a business or profession conducted both within and without the boundaries of the Village of Lakemore shall be considered as having a taxable situs in the Village of Lakemore for purposes of income taxation in the same proportion as the average ratio of

1. The average net book value of the real and tangible personal property owned or used by the taxpayer in the business or profession in the Village of Lakemore during the taxable period to the average net book value 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 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.

2. Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the Village of Lakemore to wages, salaries and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed.
3. Gross receipts of the business or profession from sales made and services performed during the taxable period in the Village of Lakemore 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 allocation formula does not produce an equitable result, another basis may, under uniform regulations be substituted so as to produce such result.

B. As used in division (A) of this subsection, "Sales made in the Village of Lakemore" mean:

1. All sales of tangible personal property which is delivered within the Village of Lakemore regardless of where title passes if shipped or delivered from a stock of goods within such village.
2. All sales of tangible personal property which is delivered within the Village of Lakemore regardless of where title passes even though transported from a point outside such village if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Village of Lakemore and the sales result from such solicitation or promotion.
3. All sales of tangible personal property which is shipped from a place within the Village of Lakemore to purchasers outside such village 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.

Section 3: Effective Date.

Said tax shall be levied, collected and paid with respect to salaries, wages, commissions and other compensation earned on and after January 1, 1982 and with respect to the net profit of businesses, professions and other activities earned on and after January 1, 1982 and with respect to the net profit of businesses, professions and other activities earned on and after January 1, 1982. Provided, however, that where the fiscal year of the business, profession or other activity differs from the calendar year, the tax shall be applied to that part of the net profits for the fiscal year as shall be earned on and after January 1, 1982 to the close of the taxpayer's fiscal year; thereafter, the taxpayer shall report on its fiscal year basis.

Section 4: Return and payment of tax.

- A. Each taxpayer whose earnings or profits are subject to the tax imposed by this Ordinance shall, on or before April 15, 1982 and on April 15th of each year thereafter, make and file a final return with the Village Clerk on a form obtainable from the Village Clerk, setting forth the aggregate amount of salary wages or other compensation and net profits earned by him during the preceding year or period and subject to said tax, together with other pertinent information as the Village Clerk may require. Provided, however, that when the final return is made for a fiscal year or other period different from the calendar year, the return shall be made within one hundred and five (105) days from the end of said fiscal year or other period.
- B. The return shall also show the amount of the tax imposed on such earnings and profits. The taxpayer making the said return shall, at the time of filing thereof, pay to the Village Clerk the amount of taxes shown as due thereon. Provided, however, that where any portion of said tax shall have been paid by such taxpayer pursuant to the provisions of Section 5 and/or Section 6 of this Ordinance, or where an income tax has been paid to another municipality, pursuant to Section 7 of this Ordinance, credit for the amounts so paid 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 said final return.
- C. The return of an employer or employers showing the amount of tax deducted by said employer or employers from the salaries, wages or compensation of any employee, and paid by him or them to the Village Clerk shall be accepted as the return required of any employee whose sole income subject to the tax of Two Percent (2%) per annum during the calendar year 1982 and during each calendar year thereafter, is such salary, wages or compensation.
- D. Upon written request of the taxpayer, the Village Clerk may extend the time for filing the annual return for a period of not more than six (6) months or not more than thirty (30) days before any extension requested of and granted by the Bureau of Internal Revenue for the filing of the Federal Income Tax Return.

Section 5: Collection at Source.

Each employer within the Village of Lakemore who employs within the Village of Lakemore one (1) or more persons on a salary, wage, commission or other compensation basis, excluding exempted incomes set forth in Section 16 of this Ordinance, shall deduct at the time of the payment of such salary, wage, commission or other compensation, the tax of Two Percent (2%) per annum during the calendar year 1982 and during each calendar year thereafter, of salaries, wages, commissions, or other compensation due by the said employer to the said employee and shall make a return and pay to the Village Clerk the amount of taxes so deducted as follows:

- A. For the three (3) months ending March 31st, on or before April 30th;
- B. For the three (3) months ending June 30th, on or before July 31st;
- C. For the three (3) months ending September 30th, on or before October 31st;
- D. For the three (3) months ending December 31st, on or before January 31st.

Said return shall be on a form prescribed by the Village Clerk. Such employer, in collecting said tax, shall be deemed to hold the same as Trustee for the benefit of the Village of Lakemore until payment is made by such employer to the Village of Lakemore and any such tax collected by such employer from his employees shall, until same is paid to the Village of Lakemore, be deemed a trust fund in the hands of such employer.

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.

Section 6: Declarations

- A. Every taxpayer who anticipates any income which is not subject to the provisions of Section 5 hereof shall file a declaration of the estimated tax for the taxable year of 1982. Such declaration shall be filed on or before April 15, 1982 and thereafter a similar declaration shall be filed for each calendar year on or before April 15th of each ensuing year for the duration of the taxes referred to herein, by all such taxpayers.
- B. Such declaration shall be filed upon a form prescribed by the Village Clerk, which form may simply state that the figures used in making such declaration are the figures used in making the declaration of the estimate for the Federal Income Tax, provided that it is understood that such figures may be modified according to the provisions of this ordinance so that the declaration required by this section shall set forth only such income as is taxable under the provisions of this ordinance.
- C. The declaration to be filed on April 15th of each year shall be accompanied by a payment of at least one-fourth (1/4) of the estimated annual tax, and at least a similar amount shall be paid on or before June 30th, September 30th and December 31st of such year. Provided, however, that such estimate may be amended at the time of the making of any quarterly payment, and further provided that on or before April 15th of the year following that for which declaration was filed, a final return shall be filed and any balance which may be due the Village of Lakemore shall be paid therewith. Should it appear that such taxpayer has paid more than the amount of tax to which the Village of Lakemore is entitled, a refund of the amount so overpaid shall be made, or same may be applied toward the declaration of tax due for the ensuing year. Claims for refunds shall be made on forms prescribed by and obtainable from the Village Clerk.

Section 7: Reciprocity Provision: Credit for tax paid to other municipalities.

Every individual taxpayer who resides in the Village of Lakemore, but who receives net profits, salaries, wages, commissions or other personal service compensation, for work done, or services performed or rendered outside of said Village, if it be made to appear that he has paid a municipal income tax on such net profits, salary, wages, commissions or other compensation to another municipality, shall be allowed a credit against the tax imposed by this ordinance 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 ordinance on such net profit, salary, wages, commissions or compensation earned in such other municipality or municipalities where such tax is paid.

Section 8: Administration. Duties of the Village Clerk.

A. It shall be the duty of the Village Clerk to receive the tax imposed by this Ordinance in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received. All cashiers handling tax monies shall be subject directly to the Village Clerk and shall give daily accountings to the Village Clerk.

B. It shall be the duty of the Village Clerk to enforce payment of all taxes owing the Village of Lakemore, to keep accurate records for a minimum of five (5) years showing the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld and to show the dates and amounts of payments thereof.

C. Said Village Clerk is hereby charged with the enforcement of the provisions of this Ordinance and to enforce the rules and regulations of Council of the Village of Lakemore, Ohio, relating to any matter or thing pertaining to the collection of Village income taxes and the administration and enforcement of the provisions of this Ordinance, including provisions for the examination and correction of returns and payments.

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 of tax due, the Village Clerk may determine the amount of tax appearing to be due the Village of Lakemore 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.

E. Subject to the consent of the Board of Review or pursuant to regulations approved by the Council of the Village, the Village Clerk shall have the power to compromise any interest or penalty or both, imposed by this Ordinance.

F. A Department of Taxation is hereby created within the office of the Village Clerk of the Village of Lakemore. Such Department of Taxation shall have such deputies, clerks and other employees as may be from time to time determined by the Council of the Village of Lakemore, and shall receive such salary as may be determined by Village Council. The Village Clerk shall recommend all appointments of personnel and purchase all equipment, supplies and material for the Department of Taxation, subject to the approval of Council. The Department of Taxation shall be charged with the administration and operation of this Ordinance, under the direction of the Village Clerk. The Village Clerk shall prescribe the form and method of accounts and reports for said department, as well as the forms for taxpayers' returns and declaration and shall be charged with the internal examination and audit all such accounts, and shall exhibit accurate records showing the amount received from each taxpayer, and the date of said receipt. The Village Clerk shall also make written report to Council annually of all monies collected hereunder during the preceding year.

Section 9: Investigative powers of the Village Clerk.

A. The Village Clerk or his duly authorized agent or employee, is hereby authorized to examine the books, papers and records of any employer, or of any taxpayer or person subject to the tax, or believed to be subject to the provisions of this Ordinance, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due. Every such employer, supposed employer, taxpayer or supposed taxpayer, is hereby directed and required to furnish to the Village Clerk or his duly authorized agent or employee, within thirty (30) days following a written request by the Village Clerk or his duly authorized agent or employee, the means, facilities and opportunity for making such examination and investigation as are hereby authorized.

B. The Village Clerk, or his duly authorized agent or employee, is hereby authorized to examine any person, employer or employee under oath, concerning any income which was or should have been returned for taxation, and for this purpose may compel the production of books, Federal income tax records, papers and records and the attendance of a persons before him whether as parties or witnesses wherever he

believes such persons have knowledge of such income.

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 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 any order or subpoena of the Village Clerk authorized hereby shall be deemed a violation of this Ordinance, punishable as provided in Section 12 hereof.

D. Tax Returns, investigations, hearings and all audit papers and information connected therewith are confidential and shall be carefully preserved so that they shall not be available for inspection by anyone other than the proper agents of the Village of Lakemore for official purposes.

E. Any information gained as the result of the filing of any tax returns, investigations, hearings or verifications required or authorized by this Ordinance shall be confidential, except for official purposes and except in accordance with proper judicial order. Any person divulging such information shall upon conviction thereof be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than six (6) months or both. Each disclosure shall constitute a separate offense. In addition to the above penalties, any employee of the Village of Lakemore who violates the provisions of this section relative to disclosures of confidential information shall be immediately dismissed from the service of the Village.

Section 10: Interest and Penalties.

All taxes imposed by this Ordinance, including taxes withheld or required to be withheld from wages by an employer and remaining unpaid after they have become due, shall bear interest on the amount of the unpaid tax at the rate of eight percent (8%) per annum, and the taxpayers upon whom said taxes are imposed and the employers required by this Ordinance to deduct, withhold and pay taxes imposed by the Ordinance shall be liable in addition thereto to a penalty of one-half (1/2) of one percent (1%) of the amount of the unpaid tax for each month or fraction of a month for the first six (6) months of non-payment, or Five Dollars (\$5.00), whichever is the greater. Upon recommendation of the Village Clerk, the Board of Review may abate interest or penalties, or both, and upon appeal from the refusal of the Village Clerk to so recommend, the Board of Review may nevertheless abate interest or penalty, or both.

Section 11: Collection of Unpaid Taxes.

All taxes imposed and administered by this Ordinance shall be collectible, together with any interest and penalties thereon, by suit as other debts of like amount are recoverable.

When a final return is filed as prescribed in Section 4 hereof and a deficiency is determined to be due to the Village of Lakemore, action to collect the same shall not be commenced after two (2) years from the due date of said return, and when a taxpayer fails to file a return, or files a false or fraudulent return, action to collect tax due to the Village of Lakemore shall not be commenced after five (5) years from the due date of said return or the date the false or fraudulent return was filed.

Section 12: Violations - Penalties

A. The following shall be considered violations of this Ordinance:

1. Failing, neglecting or refusing to make any return, or declaration required by this Ordinance; or
2. Making any incomplete, false or fraudulent return; or
3. Failing, neglecting or refusing to pay the tax, penalties or interest imposed by this Ordinance; or
4. Failing, neglecting or refusing to withhold the tax from employees or to remit such withholding to the Village Clerk; or
5. Refusing to permit the Village Clerk or any duly authorized agent or employee to examine books, records and papers and Federal income tax returns relating to the income or net profit of a taxpayer; or
6. Failing to appear before the Village Clerk and to produce book records, Federal income tax returns and papers relating to the income or net profits of a taxpayer under order or subpoena of the Village Clerk; or
7. Refusing to disclose to the Village Clerk any information with respect to the income or net profits of a taxpayer; or
8. Failing to comply with the provisions of this Ordinance or any order or subpoena of the Village Clerk authorized hereby; or
9. Attempting to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this Ordinance.

B. Any person who violates any of the provisions of Section 12 above shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months or both, for each offense.

C. All prosecutions under this section must be commenced within two (2) years from the time of the offense complained of, except in the case of failure to file a return or in the case of filing a false or fraudulent return, in which cases the limitation of time within which prosecution must be commenced shall be five (5) years from the date the return was due or the date the false or fraudulent return was filed.

D. The failure of any employer or taxpayer or person to receive or procure a return, declaration or other required form shall not excuse him from making any information return or declaration, from filing such form, or from paying the tax.

Section 13: Allocation of Funds.

The funds collected under the provisions of this Ordinance shall be deposited in the General Fund and said funds collected shall be disbursed in the following order, to-wit:

1. Such part thereof as shall be necessary to defray all costs of collecting the taxes and the cost of administering and enforcing the provisions thereof.
2. Not more than sixty percent (60%) of net available income tax receipts received annually shall be used to defray operating expenses of the Village.
3. At least forty percent (40%) of net available income tax receipts received annually shall be set aside and used for capital improvements for the Village including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks and playgrounds; and for equipment necessary for the police, fire, street, traffic and safety department.

Section 14: Board of Review.

A. A Board of Review of five (5) members is hereby created consisting of the Mayor, Clerk, the Solicitor and two (2) Lakemore citizens not otherwise employed by or appointed to public office for the Village of Lakemore, who shall be appointed by the Mayor with the consent of Council for a term of three (3) years. All members of the Board of Review shall serve without pay.

B. A majority of the members of the Board of Review shall constitute a quorum. The Board of Review shall adopt its own procedural rules and shall keep a record of its transactions.

C. All hearings of the Board shall be conducted privately and the provisions of Section 9 hereof with reference to the confidential character of information required to be disclosed by the Ordinance shall apply to such matters as may be heard before the Board of Review on appeal.

D. Any person dissatisfied with any ruling or decision of the Village Clerk which is made under the authority conferred by this Ordinance may appeal therefrom to the Board of Review within thirty (30) days from the announcement of such ruling or decision by the Village Clerk, and the Board of Review shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof. Such hearing shall be scheduled within thirty (30) days from the date of appeal. The Board of Review's ruling must be made within fifteen (15) days from the date of the hearing.

E. Any person dissatisfied with any ruling or decision of the Board of Review may appeal therefrom to a Court of competent jurisdiction within thirty (30) days from the announcement of such ruling or decision.

F. The Board of Review, as hereinbefore created, shall serve during the life of this Ordinance.

Section 15: Savings Clause.

This Ordinance shall not apply to any person, firm, corporation or to any property as to whom or which it is beyond the power of Village Council of the Village of Lakemore to impose the tax herein provided for. If any sentence, clause, section or part of this Ordinance, 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 sentence, clause, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Ordinance. It is hereby declared to be the intention of the Council of the Village of Lakemore that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 16: Exemptions.

The provisions of this Ordinance shall not be construed as levying a tax upon the following:

1. Funds received from local, state or Federal governments because of service in the Armed Forces of the United States by the person rendering such service, or as a result of another person rendering such service.
2. Poor relief, pensions, social security, unemployment compensation, and disability benefits received from private industry or local, state or Federal governments, or from charitable, religious or educational organizations.

3. Dues, contributions and similar payments received by charities, religious, educational or literary organizations or labor unions, lodges and similar organizations.
4. Receipts from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide charities, religious and educational organizations and associations.
5. Any association, organization, corporation, club or trust which is exempt from Federal taxes on income by reason of its charitable, religious, educational, literary, scientific, etc., purposes.
6. Gains from involuntary conversions, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State of Ohio, excluding any state income tax on personal or corporate income which may be enacted subsequent to the passage of this ordinance and income of a decedent's estate during the period of administration (except such income from the operation of a business).
7. Earnings and income of all persons under eighteen (18) years of age, whether residents or non-residents.

Section 17: Refunds.

Should it appear that any taxpayer has paid more than the amount of the tax to which the Village of Lakemore is entitled under the provisions of this ordinance, a refund of the amount so overpaid shall be made, provided a proper claim for refund of such overpayment of tax has been filed by the taxpayer.

All applications for refund shall be made within six (6) months of the due date of a final return or shall be forever barred thereafter. Provided, however, an extension may be granted by the Village Clerk on written application.

Section 18: Ballot.

That it is the desire of this Council that the ballots presented to the electors of the Village of Lakemore shall be in the following form:

PROPOSED INCOME TAX (Additional)
VILLAGE OF LAKEMORE

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE

Shall the Ordinance providing for a levy on income at the following rates for the following years, to-wit: Two Percent (2%) per annum during the calendar year 1982 and during each calendar year thereafter, for capital improvements and general municipal operations of the Village, and providing that in each fiscal year not less than forty percent (40%) of net income tax proceeds shall be allocated for capital improvements be passed?


FOR THE INCOME TAX _____

AGAINST THE INCOME TAX _____

Section 19: Effective Date.

This ordinance shall take effect and be in force from and after the earliest period allowed by law, except as otherwise provided herein, to-wit: Two Percent (2%) commencing January 1, 1982 per annum and during each calendar year thereafter, and provided further, that this ordinance is subject to the approval of the voters of the Village of Lakemore and that they shall vote on this Ordinance at the general election to be held Tuesday, November 3, 1981.

Passed: July 21, 1981



JAMES B. DODDS, MAYOR

ATTEST:



BARBARA REEDY, CLERK

I, Barbara Reedy, Clerk of the Village of Lakemore, Summit County, Ohio, do hereby certify that the foregoing Ordinance No. 969 - 1981 was duly adopted by the Council at its regular meeting held on July 21, 1981.



BARBARA REEDY, CLERK