

ORDINANCE No. 106A

An Ordinance to AMEND, CHANGE AND ADD TO PRESENT INCOME TAX ORDINANCE #106

Be it ordained by the Council of the Village of Middle Point as follows:

Sec. I. That the present Income Tax Ordinance #106 be amended, changed and added to as follows:

Section 5 - Return and Payment of Tax

A. (added) page 5

1. Middle Point residents age 65 or older, whose sole income is from social security or retirement payments, are exempt from filing a Return.

Section 7 - Declarations

D. (changed to read) page 7

Such declaration of estimated tax to be paid said Village shall be accompanied by a payment of at least one-fourth ($\frac{1}{4}$) of the estimated annual tax payable on or before the last day of the fourth month and at least a similar amount shall be paid on or before the last day of the seventh, tenth and thirteenth months after the beginning of the taxable year. Provided, however, that 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.

Section 10 - Interest and Penalties

A. (changed to read) page 10

All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this Ordinance and remaining unpaid after they become due, shall bear interest at the rate of one (1) per cent per month or fraction thereof; twelve (12) per cent per annum.

B. (changed to read) page 10

1. For failure to pay taxes due; five (5) per cent per month or fraction thereof, with a total maximum penalty of twenty-five (25) per cent.
2. For failure to remit taxes withheld from employees; five (5) per cent per month or fraction thereof, with a total maximum penalty of twenty-five (25) per cent.

Sec. II. This Ordinance shall take effect and be in force from and after the earliest period allowed by law, and shall continue in effect for an indefinite period.

Passed the 14th day of December 1981

Attest: Mailey Glasett
Clerk

Bill C. Johnson
President of Council
Arthur N. Eversole
Arthur N. Eversole, Mayor

ORDINANCE #106-B

An Ordinance to Amend, Change, Correct
and Add to Present
Income Tax Ordinance #106

BE IT ORDAINED by the Council of the Village of Middle Point as follows:

Section I. That the present Income Tax Ordinance #106 be amended, changed, corrected and added to as follows:

Section 3 - Imposition

A. (Changed to read) page 3
Subject to the provisions of Section 16 of this Ordinance, an annual tax for the purposes specified in Section I hereof, shall be imposed on and after January 1, 1987, at the rate of one and one-half (1½%) per cent per annum, upon the following:

Section 6 - Collection at Source

A. (changed to read) page 6
In accordance with Rules and Regulations prescribed by the Administrator, each employer within or doing business with said Village shall deduct at the time of payment of such salary, wage, commission or other compensation, the tax of one and one-half (1½%) per cent of the gross salaries, wages, commission or other compensation due by the said employer to said employee and shall, on or before the last day of the month following the close of each calendar quarter, make a return and pay to the Administrator the amount of taxes so deducted. Said returns shall be a form or forms prescribed by 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.

Section 7 - Declarations

C. 1. (changed to read) page 7
Such declaration shall be filed upon a form furnished by, or obtainable from the Administrator provided, however, credit shall be taken for Middle Point, Ohio, tax to be withheld from any portion of such income. In accordance with the provisions of Section 15 hereof, credit of one (1%) per cent may be taken for tax to be paid or to be withheld and remitted to another taxing municipality.

Section 12 - Violations-Penalties

C. (changed to read) page 11
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.

Section 15 - Credit for Tax Paid to Another Municipality

A. & B. (deleted) A. (revised to read) page 12
C. (now B.)

Ordinance #106-B (continued)
Section 15

- A. Where a resident of Middle Point, Ohio, is subject to a municipal income tax in another municipality, he or she shall receive a maximum credit of the amount paid up to but not to exceed one (1%) per cent.
- B. A claim for refund or credit under this Section shall be made in such manner as the Administrator or the regulations provide.

Section 16 - Saving Clause

(Changed to read) page 13

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 clause, sentence, 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 Middle Point, Ohio, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section II. This Ordinance shall take effect and be in force from and after the earliest period allowed by law, and shall continue in effect for an indefinite period.

Passed this 17th day of July, 1986.

William C. Wilcox
President of Council

Robert L. Baird
Mayor

Attested: Maureen J. Grant
Clerk
Dated: 7-14-86

ORDINANCE NO. 166

LEVYING A TAX TO PROVIDE FUNDS FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATION, MAINTENANCE OF EQUIPMENT, EXTENSION, ENLARGEMENT AND IMPROVEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS ON ALL SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATIONS EARNED BY RESIDENTS OF MIDDLE POINT, OHIO; ON ALL SALARIES, WAGES, MIDDLE POINT COMMISSIONS AND OTHER COMPENSATION EARNED BY NON-RESIDENTS OF MIDDLE POINT, OHIO, FOR WORK DONE OR SERVICES PERFORMED OR RENDERED IN MIDDLE POINT, OHIO; ON THE NET PROFITS EARNED ON ALL BUSINESSES PROFESSIONS OR OTHER ACTIVITIES CONDUCTED BY RESIDENTS OF MIDDLE POINT, OHIO; ON THE NET PROFITS EARNED ON ALL BUSINESSES, PROFESSIONS OR OTHER ACTIVITIES CONDUCTED IN MIDDLE POINT, OHIO, BY NON-RESIDENTS, AND ON THE NET PROFITS EARNED BY ALL CORPORATIONS DOING BUSINESS IN MIDDLE POINT, OHIO, AS THE RESULT OF WORK DONE OR SERVICES PERFORMED OR RENDERED IN MIDDLE POINT, OHIO; 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 MIDDLE POINT, OHIO; PROVIDING FOR THE ADMINISTRATION, COLLECTION AND ENFORCEMENT OF SAID TAX; DECLARING VIOLATION THEREOF TO BE A MISDEMEANOR AND IMPOSING PENALTIES THEREFOR; DECLARING EFFECTIVE DATE.

Be it ordained by the Council of the Village of Middle Point,

State of Ohio:

Section 1. Purpose.

To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements of Middle Point, Ohio, there shall be, and is hereby, levied a tax on salaries, wages, commissions and other compensation, and on net profits as hereinafter provided.

Section 2. 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 clearly indicates or requires a different meaning.

ADMINISTRATOR -- The individual designated by the Ordinance, whether appointed or elected, to administer and enforce the provision of the Ordinance, regardless of the particular title assigned such individual.

ASSOCIATION -- A partnership, cooperative, limited partnership, or any other form of unincorporated enterprise, owned by two or more persons.

BOARD OF REVIEW -- The Board created by and constituted as provided in SECTION 13 of this Ordinance.

BUSINESS -- An enterprise, cooperative, 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, including but not limited to the renting or leasing of property, real, personal or mixed.

CORPORATION -- 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.

EMPLOYEE -- One who works for wages, salary, commission or other type of compensation in the service of an employer.

EMPLOYER -- An individual, partnership, association, corporation, governmental 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 compensation basis.

FISCAL YEAR -- An accounting period of twelve (12) months or less ending on any day other than December 31.

GROSS RECEIPTS -- The total income from any source whatsoever.

NET PROFITS -- A net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary and necessary expenses either paid or accrued in accordance with the accounting system used by the taxpayer for federal income tax purposes, without deduction of taxes imposed by this Ordinance, federal, state and other taxes based on income; and in the case of an association, without deduction of salaries paid to partners, and other owners; and otherwise adjusted to the requirements of this Ordinance.

NON-RESIDENT -- An individual domiciled outside the Village of Middle Point, Ohio.

NON-RESIDENT UNINCORPORATED BUSINESS ENTITY -- An unincorporated business entity not having an office or place of business within the Village of Middle Point, Ohio.

PERSON -- Every natural person, partnership, fiduciary, association, corporation, or 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.

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

RESIDENT -- An individual domiciled in the Village of Middle Point, Ohio.

RESIDENT UNINCORPORATED BUSINESS ENTITY -- An unincorporated business entity having an office or place of business within the Village of Middle Point, Ohio.

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

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

TAXPAYER -- A person, whether an individual, partnership, association or any corporation or other entity, required hereunder to file a return or pay a tax.

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

Section 3. Imposition of Tax.

A. Subject to the provisions of Section 16 of this Ordinance, an annual tax for the purposes specified in Section 1 hereof shall be imposed on and after January 1, 1981, at the rate of one (1) per cent per annum upon the following;

1. On all salaries, wages, commissions, sub-pay, vacation pay, and other compensation, except sick pay and strike pay, earned during the effective period of the Ordinance by residents of Middle Point, Ohio.
2. On all salaries, wages, commissions, sub-pay, vacation pay, and other compensation, ~~except sick pay and strike pay~~, earned during the effective period of the Ordinance by non-residents for work done or services performed or rendered in Middle Point, Ohio.
3. a. On the portion attributable to Middle Point, Ohio, of the net profits earned during the effective period of this Ordinance of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in Middle Point, Ohio.
b. On the portion of the distributive share of the net profits earned during the effective period of this Ordinance of a resident partner or owner of a resident unincorporated business entity not attributable to Middle Point, Ohio, and not levied against such unincorporated business entity.
4. a. On the portion attributable to Middle Point, Ohio, of the net profits earned during the effective period of this Ordinance of all non-resident unincorporated businesses, professions or other entities, derived from the sales made, work done or services performed or rendered and business or other activities conducted in Middle Point, Ohio, whether or not such unincorporated business entity has an office or place of business in Middle Point, Ohio.
b. On the portion of the distributive share of the net profits earned during the effective period of this Ordinance of a resident partner or owner of a non-resident unincorporated business entity not attributable to Middle Point, Ohio, and not levied against such unincorporated business entity.
5. On the portion attributable to Middle Point, Ohio, of the net profits earned during the effective period of this Ordinance of all corporations derived from sales

made, work done, services performed or rendered and business or other activities conducted in Middle Point, Ohio, whether or not such corporations have an office or place of business in Middle Point, Ohio.

6. Rental income received by a taxpayer shall be included in computation of net profits from business activities. All persons engaged in the rental of real estate as herein above described shall, in filing their annual return, complete and file with the Tax Administrator a form, obtainable at the Income Tax Office, specifying their tenants' names, lot number, apartment number and or such other information as requested if known.
- B. The portion of the net profits attributable to Middle Point, Ohio, of a taxpayer conducting a business, profession or other activity both within and without the boundaries of Middle Point, Ohio, shall be determined as provided in Section 718.02 of the Revised Code of Ohio and in accordance with the rules and regulations adopted by the Administrator pursuant to this Ordinance.
- C. Operating Loss Carry Forward.
1. The portion of a net operating loss sustained in any taxable year subsequent to January 1, 1981, allocable to Middle Point, Ohio, may be applied against the portion of the profit of succeeding year(s) allocable to Middle Point, Ohio, until exhausted but in no event for more than five (5) taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.
 2. The portion of a net operating loss sustained shall be allocated to Middle Point, Ohio, in the same manner as provided herein for allocating net profits to Middle Point, Ohio.
 3. The Administrator shall provide by Rules and Regulations the manner in which such net operating loss carry-forward shall be determined.
- D. Consolidated Returns.
1. Filing of consolidated returns may be permitted or required in accordance with Rules and Regulations prescribed by the Administrator.
 2. 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 Middle Point, Ohio, 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 Middle Point, Ohio. If the Administrator finds net profits are not properly allocated to Middle Point, Ohio, by reason of transactions with stock holders

or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity 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 Middle Point, Ohio.

- E. EXCEPTION. The tax provided for herein shall not be levied upon the military pay or allowances of members of the armed forces of The United States, or upon the net profits of any civic, charitable, religious, fraternal or other organization specified in Section 718.01 of the Revised Code of Ohio, to the extent that such net profits are exempted from municipal income taxes under said Section. Students, age eighteen (18) and under, working part time shall not be considered taxable.

Section 4. EFFECTIVE PERIOD.

Said 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 paid from and after January 1, 1981.

Section 5. RETURN AND PAYMENT OF TAX.

- A. Each Middle Point resident taxpayer, shall, whether a tax be due thereon and whether taxes have been deducted or withheld from a taxpayer pursuant to Section 6, "Collection at the Source", made and file a return on or before April 30 of the year following the effective date of this Ordinance, and on or before April 30 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four (4) months from the end of such fiscal year or period. The Administrator is hereby authorized to provide by regulation that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, wages, commissions or other compensation of an employee, and paid by him or them to the Administrator shall be accepted as the return required of any employee whose sole income, subject to tax under this Ordinance, is such salary, wages, commissions, or other compensation.

- ① See Amendment*
- B. The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator setting forth:
1. The aggregate amounts of salaries, wages, commissions and other compensation earned and gross income from business, profession or other activity, less allowable expenses incurred in the acquisition of such gross income earned during the preceding year and subject to said tax; from January 1, 1981, and until repealed.
 2. The amount of the tax imposed by this Ordinance on such earnings and profits; and
 3. Such other pertinent statements, information returns, or other information as the Administrator may require

C. The Administrator may extend the time for filing of the annual return upon the request of the taxpayer for a period of not to exceed six (6) months, or one (1) month beyond any extension requested of or granted by the Internal Revenue Service for the filing of the Federal Income Tax Return. The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due. No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.

D. 1. The taxpayer making a return shall, at the time of the filing thereof, pay to the Administrator the amount of taxes shown as due thereon; provided, however, that where any portion of the tax so due shall have been deducted at the source pursuant to the provisions of Section 6 of this Ordinance, or where any portion of said tax shall have been paid by the taxpayer pursuant to the provisions of Section 7 of this Ordinance, or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with Section 15 hereof, 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 return.

2. A taxpayer who has overpaid the amount of tax to which the Village of Middle Point, Ohio, is entitled under the provisions of this Ordinance 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.

E. AMENDED RETURNS:

1. Where necessary an amended return must be filed in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Section 11 and 15. 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.

2. Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's Middle Point, Ohio, tax liability, such taxpayer shall make and file an amended Middle Point, Ohio, return showing income subject to the Village of Middle Point Ohio, 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.

Section 6. COLLECTION AT SOURCE.

A. In accordance with Rules and Regulations promulgated by the Administrator, each employer within or doing business with said Village shall deduct at the time of the payment of such salary, wage, commission or other compensation, the tax of one (1) per cent of the gross salaries, wages, commission or other compensation due by the said employer to said employee and shall, on or before the last day of the month following the close of each calendar quarter make a return and pay to the Administrator the amount of taxes so deducted. Said returns shall be on a form or

forms prescribed by 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.

- B. Such employer in collecting said tax shall be deemed to hold the same, until payment is made by such employer to said Village, as a Trustee for the benefit of said Village, and any such tax collected by such employer from his employees, shall, until the same is paid to said Village, be deemed a trust fund in the hands of such employer.
- C. On or before January 31 of each year beginning with the year, 1981, each employer shall file a withholding return setting forth the names and addresses of all employees from whose compensation the tax was withheld during the preceding calendar year and the amount of tax withheld from his employees and such other information as may be required by the Administrator.

Section 7. DECLARATIONS.

- A. Every person who anticipates any taxable income which is not subject to Section 6 hereof, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 3 hereof shall file a declaration setting forth such estimated income or the estimate profit or loss from such business activity together with estimated tax due thereon, if any; provided, however, if a person's income is wholly from wages from which the tax will be withheld and remitted to the Village of Middle Point, Ohio, in accordance with Section 6 hereof, such person need not file a declaration.
- B.
 - 1. Such declaration shall be filed on or before April 30 of each year during the life of this Ordinance, or within four (4) months of the date the taxpayer becomes subject to tax for the first time.
 - 2. Those taxpayers reporting on a fiscal year basis shall file a declaration with four (4) months after the beginning of each fiscal year or period.
- C.
 - 1. Such declaration shall be filed upon a form furnished by, or obtainable from the Administrator, provided, however, credit shall be taken for Middle Point, Ohio tax to be withheld from any portion of such income. In accordance with the provisions of Section 15 hereof, credit may be taken for tax to be paid to or to be withheld and remitted to another taxing municipality.
 - 2. The original declaration (or any subsequent amendment thereof) may be increased or decreased on or before any subsequent quarterly payment date and provided for herein.
- D. Such declaration of estimated tax to be paid said Village 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 the last day of the sixth, ninth and twelfth months after the beginning of the taxable year. Provided, however, that in case an

All Amendment

amended declaration has been filed, the unapid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.

- E. On or before the last 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 Village of Middle Point, Ohio, shall be paid therewith in accordance with the provisions of Section 5 hereof.

Section 8. DUTIES OF THE ADMINISTRATOR.

- A. 1. It shall be the duty of the Administrator 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.
- 2. It shall be the duty of the Administrator to enforce payment of all taxes owing said Village, 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.
- B. Said Administrator is hereby charged with the enforcement of the provisions of this Ordinance, 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 Ordinance, including provisions for the re-examination and correction of returns.

The Administrator is authorized to arrange for the payment of unapid taxes, interest and penalties on a schedule of installment payments, when the taxpayer has proved 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 Ordinance.

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 Section 11 and 12 of the Ordinance shall apply.

- C. 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 said Village 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.
- D. Subject to the consent of the Board of Review or pursuant to regulation approved by said Board, the Administrator shall have the power to compromise any interest or penalty, or both, imposed by Section 10 of this Ordinance.

Section 9. INVESTIGATIVE POWERS OF THE ADMINISTRATOR - PENALTY FOR DIVULGING CONFIDENTIAL INFORMATION.

- A. The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and federal income tax returns of any employer or of any taxpayer or person subject to, or whom the Administrator believes is subject to the provisions of this Ordinance, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this Ordinance. Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish upon written request by the Administrator, or his duly authorized agent or employee, the means, facilities, and opportunity for making such examinations and investigations as are hereby authorized.
- B. The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and federal income tax returns and this 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.
- C. The refusal to produce books, papers, records and federal income tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax or by any officer, agent or employee of a person subject to the tax or required to withhold tax or the failure of any person to comply with the provisions of this Section or with an order or subpoena of the Administrator authorized hereby shall be deemed a violation of this Ordinance, punishable as provided in Section 12 hereof.
- D. Any information gained as the result of any returns, investigations, hearing or verifications required or authorized by this Ordinance shall be confidential, except for official purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this Ordinance, 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 penalty, any employee of Middle Point, Ohio, who violates the provisions of this Section relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

- E. Every taxpayer shall retain all records necessary to compute his tax liability for a period of five (5) years from the date his return is filed, or the withholding taxes are paid.

Section 10. INTEREST AND PENALTIES.

- A. All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this Ordinance and remaining unpaid after they become due shall bear interest at the rate of one-half (1/2) of one per cent per month or fraction thereof. *see Amendment*
- B. In addition to interest as provided in Paragraph A hereof, penalties based on the unpaid tax are hereby imposed as follows:
1. For failure to pay taxes due - other than taxes withheld; one-half (1/2) per cent per month or fraction thereof.
 2. For failure to remit taxes withheld from employees; three (3) per cent per month or fraction thereof.
- C. 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 thereon within the time prescribed by the Administrator; and provided further, that, 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 (3) months after final determination of the federal tax liability.

- D. Upon recommendation of the Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest, or both.

Section 11. COLLECTION OF UNPAID TAXES AND REFUNDS OF OVERPAYMENTS.

- A. All taxes imposed by this Ordinance shall be collectible together with any interest and penalties thereon, by a civil action at law. All additional assessments shall be made and all civil actions to recover municipal income taxes and penalties and interest thereon shall be brought within three (3) years after the tax was due or the return was filed, whichever is later.
- B. Taxes erroneously paid shall not be refunded unless a claim for a refund is made. Claims for refund of municipal income taxes must be brought within the time limitation provided in Division A of this Section.
- C. Amounts of less than One Dollar (\$1.00) shall not be collected or refunded.

Section 12. VIOLATIONS - PENALTIES.

- A. Any person who shall:
1. Fail, neglect or refuse to make any return or declaration required by this Ordinance; or
 2. Make any incomplete, false or fraudulent return, or

3. Fail, neglect or refuse to pay the tax, penalties or interest imposed by this Ordinance; or
 4. Fail, neglect or refuse to withhold the tax from his employees or remit such withholding to the Administrator; or
 5. Refuse to permit the Administrator or any duly authorized agent or employee to examine his books, records, papers and federal income tax returns relating to the income or net profits of a taxpayer; or
 6. 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; or
 7. Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer; or
 8. Fail to comply with the provisions of this Ordinance or any order or subpoena of the Administrator authorized hereby; or
 9. 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; or
 10. Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and Middle Point, Ohio, tax withheld, or to knowingly give the Administrator false information; or
 11. Attempt to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this Ordinance, 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, or
 12. Fail to file a return when no tax is due the Village shall be subject to a fifteen (\$15.00) fine.
- B. Prosecutions for an offense made punishable under this Section or any other provision of this Ordinance shall be commenced within three (3) years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five (25) per cent or more of income required to be reported, prosecutions may be commenced within six (6) years after the commission of the offense.
- C. The failure of any employer or person to receive or procure a return, declaration or other required form shall not excuse him from making any information return, return or declaration, from filing such form, or from paying the tax.

Section 13. BOARD OF REVIEW.

- A. A Board of Review, consisting of a chairman and two other individuals each to be appointed by the Mayor of said Village with the approval of Council, is hereby created. 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 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 on appeal.
- B. All Rules and Regulations and amendments or changes thereto, which are adopted by the Administrator under the authority conferred by this Ordinance, must be approved by the Board of Review before the same becomes 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 allocations.
- C. Any person dissatisfied with any ruling or decision of the Administrator 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 Administrator, and the Board shall, on hearing, having jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

Section 14. ALLOCATION OF FUNDS.

The allocation of funds is to be determined by the Council of said Village.

Section 15. CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY.

- A. Where a resident of Middle Point, Ohio, is subject to a municipal income tax in another municipality, he shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.
- B. Every individual taxpayer who resides in Middle Point, Ohio, 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 the same income taxable under this Ordinance 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 income earned in such other municipality or municipalities where such tax is paid.
- C. A claim for refund or credit under this Section shall be made in such manner as the Administrator may be regulation provide.

Section 16. SAVING CLAUSE.

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 clause, sentence, 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 Middle Point, Ohio, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

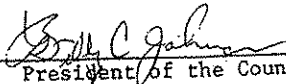
- Section 17. A. This Ordinance shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this Ordinance are concerned, it shall continue effective until all of said taxes levied in the aforesaid period are fully paid, and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this Ordinance shall have been fully terminated, subject to the limitations contained in Sections 11 and 12 hereof.
- B. Annual returns due for all or any part of the last effective year of this Ordinance shall be due on the date provided in Sections 5 and 6 of this Ordinance as though the same were continuing.

Section 18. EFFECTIVE DATE

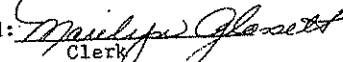
This Ordinance shall take effect and be in force from and after the earliest period allowed by law, and shall continue in effect for an indefinite period.

Section 19. PUBLISHING.

That the publishing of this Ordinance be by posting in this Village by the Clerk in the following five (5) public places, to-wit: United National Bank, Eaton's Place, Whistle Stop Inn, Kreisel's Grocery, and The Hen House.


President of the Council

Passed: 10-14-80

Attested: 
Clerk

Approved by me this 14th day of October, 1980.


Arthur N. Eversole, Mayor