

Adopted 7/22/10

CITY OF MACEDONIA, OHIO
ORDINANCE NO. 64 - 2010

AN EMERGENCY ORDINANCE AMENDING SECTIONS 181.03(a), 181.04, and 181.06(a) OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA, OHIO, IN ORDER TO INCREASE THE CITY INCOME TAX RATE BY ONE-QUARTER PERCENT (1/4%) TO SECURE FUNDS FOR THE DAY-TO-DAY SERVICES TO THE RESIDENTS BY THE POLICE, FIRE AND SERVICE DEPARTMENTS FOR A THREE-YEAR PERIOD ONLY.

WHEREAS, the Administration and City Council recognize it as necessary to seek voter approval of a City income tax increase of one-quarter percent (1/4%) to secure funds for the day-to-day services to the residents by the police, fire and service departments, inclusive of twenty-four (24) hour emergency police and fire for a three-year period only.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Macedonia, County of Summit and State of Ohio, that:

Section 1. That Section 181.03(a) of the Codified Ordinances of the City of Macedonia, Ohio, be and the same is, hereby amended as follows:

181.03 IMPOSITION OF TAX.

(a) Rate. Subject to the provisions of Section 181.14, an annual tax for the purposes specified in Section 181.01 shall be imposed on and after July 1, 1997 through December 31, 2010-June 30, 2017, at the rate of two percent (2%); on and after January 1, 2011 through December 31, 2013 at the rate of two and one-quarter percent (2 ¼ %); on and after January 1, 2014 at the rate of two percent (2%); and on and after July 1, 2017, at the rate of one and three-quarters percent (1-3/4%) per annum upon the following:

Section 2. That Section 181.04 of the Codified Ordinances of the City of Macedonia, Ohio, be and the same is, hereby amended as follows:

181.04. EFFECTIVE PERIOD.

The two percent (2%) 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, 1997, through December 31, 2010-June 30, 2017, and on and after January 1, 2011 through December 31, 2013 at the rate of two and one-quarter percent (2 ¼ %); and on and after January 1, 2014 at the rate of two percent (2%); and on and after July 1, 2017 and thereafter shall be decreased to one and three-quarters percent (1-3/4%) until such tax is amended or repealed by Council.

Section 3. That Section 181.06(a) of the Codified Ordinances of the City of Macedonia, Ohio, be, and the same is, hereby amended as follows:

181.06 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, wage, commission or other compensation, the tax of two percent (2%) on and after July 1, 1997 through June 30, 2017 December 31, 2010; and on and after January 1, 2011 through December 31, 2013 the tax of two and one-quarter percent (2 ¼ %); and on after January 1, 2014 the tax of two percent (2%); and on and after July 1, 2017 the tax of, and thereafter, one and three-quarters percent (1-3/4%) of the gross salaries, wages, commissions or other compensation due by the employer to the employee or the tips or gratuities reported to the employer by each employee for social security or federal income tax purposes and shall make a return and pay to the

following month. The return 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 payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

Section 4. That Section 181.14(a) of the Codified Ordinances of the City of Macedonia, Ohio, be, and the same is hereby amended as followed:

(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 one hundred percent (100%) 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. Such credit shall not exceed two percent (2%), or the rate of tax currently in effect in the City, whichever is less, for the amount so paid by or on behalf of the resident in such other municipality. For the purposes of this section, taxable income shall include the distributive share of net profits of a resident partner or owner of an unincorporated business entity.

Section 5. That the form of ballot to be cast at the election on the question of such tax levy shall be as authorized by the Secretary of State and/or the Board of Elections, but substantially as follows:

PROPOSED INCREASE IN CITY INCOME TAX RATE
CITY OF MACEDONIA

A majority affirmative vote is necessary for passage.

Shall Ordinance No. _____, amending Codified Ordinance Sections 181.03(a), 181.04, and 181.06(a) to increase the city income tax rate by one-quarter percent (1/4 %) to secure funds for day-to-day services to the residents by the police, fire and service departments for three years only be adopted?

_____ YES

_____ NO

Section 6. That PROVIDED THIS Ordinance is approved by a majority of the electorate of the City of Macedonia at election on November 2, 2010, Ordinances 1-1997 and 2-1997 shall be repealed, in so far as same are inconsistent herewith. The rest and remainder of Chapter 181 shall remain in full force and effect.

Section 7. That effective 12:01 a.m., January 1, 2011, the above sections of Chapter 181 of the Codified Ordinances of the City of Macedonia, Ohio, are hereby amended as set forth herein, and thenceforth all sections of Chapter 181 of the Codified Ordinances of Macedonia shall incorporate and shall be interpreted to include the changes made herein; provided that this Ordinance is approved by a majority of the electorate of the City of Macedonia at the Election scheduled November 2, 2010.

Section 8. 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 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.

Section 9. WHEREFORE, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Macedonia and the inhabitants thereof, for the reason that it provides for the daily operation of municipal departments, and provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: July 22, 2010

EFFECTIVE: July 23, 2010

POSTED: July 26, 2010

MAYOR:

Donald Kuchte
Donald Kuchte

ATTEST:

Josephine Arceci
Josephine Arceci, Clerk of Council

CHAPTER 181
Income Tax

- 181.01 Purpose.
- 181.02 Definitions.
- 181.03 Imposition of tax.
- 181.04 Effective period.
- 181.05 Return and payment of tax.
- 181.06 Collection at source.
- 181.07 Declarations.
- 181.08 Duties of the Administrator.
- 181.09 Investigative powers of the Administrator; penalty for divulging confidential information.
- 181.10 Interest and penalties.
- 181.11 Collection of unpaid taxes and refunds of overpayments.
- 181.12 Board of Review.
- 181.13 Allocation of funds.
- 181.14 Reduced tax credit to residents.
- 181.15 Collection of tax after termination of chapter.
- 181.16 Extension for members of Armed Forces.
- 181.17 Contract provisions.
- 181.18 Tenants reports.
- 181.19 Registration of contractors.
- 181.99 Penalty.

CROSS REFERENCES

Payroll deductions - see Ohio R.C. 9.42
Municipal income taxes - see Ohio R.C. Ch. 718

181.01 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 the City there is hereby levied a tax on all income, including but not limited to salaries, wages, commissions and other compensation, and on net profits as hereinafter provided.

(Ord. 94-2002. Passed 1-9-03.)

181.02 DEFINITIONS.

As used in this chapter, 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.

(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. Pass-through entities must

compute "Adjusted Federal Taxable Income" as if the pass-through entity was a "C" corporation. This definition does not apply to any taxpayer required to file a return under Ohio Revised Code (ORC) Section 5745.03 or to the net profit from a sole proprietorship. This definition is effective for tax years beginning on or after January 1, 2004.

(b) "Administrator" means the individual designated by the chapter, whether appointed or elected, to administer and enforce the provisions of this chapter.

(c) "Association" means a partnership, limited partnership, or any 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 181.12.

(e) "Business" means an enterprise, activity, profession, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed.

(f) "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.

(g) "Employee" means one who works for wages, salary, commission or other type of compensation in the service of an employer.

(h) "Employer" means 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.

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

(j) "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 the information required on City 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 procedures for processing forms.

(k) "Gross receipts" means the total income from any source whatsoever.

(l) "Net profits" for taxable years prior to 2004, means a net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary, reasonable 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 chapter, federal, State, and other taxes based on income exclusive of the amount of State franchise tax computed on the net worth basis; 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 chapter. For taxable years 2004 and later, see "Adjusted Federal Income Tax Taxable Income".

- (m) "Nonresident" means an individual domiciled outside the City.
- (n) "Nonresident unincorporated business entity" means an unincorporated business entity not having an office or place of business within the City.
- (o) "Person" means every natural person, partnership, fiduciary, association, or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
- (p) "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.
- (q) "Qualifying wage" means wages as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, but including subsequent adjustments from required additions and deductions. "Qualifying wage" represents employees' income from which municipal tax shall be deducted by the employer, and any wages not considered a part of "qualifying wage" shall not be taxed by the City. This definition is effective January 1, 2004, for taxable years 2004 and later.
- (r) "Resident" means an individual domiciled in the City.
- (s) "Resident unincorporated business entity" means an unincorporated business entity having an office or place of business within the City.
- (t) "Taxable year" means the calendar year, or the fiscal year, upon the basis of which net profits are to be computed under this chapter and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.
- (u) "Taxpayer" means a person, whether an individual, partnership, association or any corporation or other entity, required hereunder to file a return or pay a tax.
- (v) "Taxable income" means 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 this chapter, and shall also include the following:
- (1) "Business income" means income arising from transactions, activities, and sources in the regular course of a trade or business and includes income from tangible and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of a trade or business operation.
 - (2) "Non-business income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, or lottery winnings, prizes and awards.
 - (3) "Compensation" means any form of remuneration including, but not limited to wages, salaries, commissions, or other types of compensation in service of an employer, paid to an employee or individual for personal services.

(4) "Games of chance" as defined by Internal Revenue Service Code.

(5) "Games of chance winnings" means those monetary prizes received by an individual or an estate after playing a game of chance, these winnings are considered non-business income and are not considered to be intangible income.

(w) "Intangible income" means income of any of the following types: income yield interest, 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 Ohio R.C. Section 5701, patents, copyrights, trademarks, 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.

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

(Ord. 14-2005. Passed 1-27-05.)

181.03 IMPOSITION OF TAX.

(a) Rate. Subject to the provisions of Section 181.14, an annual tax for the purposes specified in Section 181.01 shall be imposed on and after July 1, 1997 through June 30, 2017, at the rate of two percent (2%) and on and after July 1, 2017, at the rate of one and three-quarters percent (1-3/4%) per annum upon the following:

(1) On all taxable income received during the effective period of this chapter by residents of the Municipality, including but not limited to bonuses, incentives and profit sharing payments, vacation pay, payments received under a wage continuation plan from an employer or third party during periods of disability or sickness, and contributions made by or on behalf of an employee to a tax deferred annuity plan, (401K, 403B, IRA, KEOGH and other similar plans).

(2) On all taxable income received during the effective period of this chapter by non-residents for work done or services performed or rendered in this Municipality, including but not limited to bonuses incentive and profit sharing payments, vacation pay, payments received under a wage continuation plan from an employer or third party during periods of disability or sickness, and contributions made by or on behalf of an employee to a tax deferred annuity plan (401K, 403B, IRA, KEOGH and other similar plans).

(3) A. On the portion attributable to the City of the net profits earned during the effective period of this chapter 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 the City.

B. On the portion of the distributive share of the net profits earned during the effective period of this chapter of a resident partner or owner of a resident unincorporated business entity not attributable to the City and not levied against such unincorporated business entity by the City.

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

B. On the portion of the distributive share of the net profits earned during the effective period of this chapter of a resident partner or owner of a nonresident unincorporated business entity not attributable to the City and not levied against such unincorporated business entity by the City.

(5) On the portion attributable to the City of net profits earned during the effective period of this chapter of all corporations derived from sales made, 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.

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

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

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

D. In determining the taxable income from rentals, the deductible expenses shall be of the same nature, extent and amount as are allowed by the Internal Revenue Service for Federal Income tax purposes.

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

F. Nonresidents of this City are subject to such taxation only if the real property is situated within the City limits.

(b) Attribution of Net Profits. The portion of the net profits attributable to the city of a taxpayer conducting a business, profession or other activity both within and without the boundaries of the City shall be determined as provided in Ohio R.C. 718.02 and in accordance with the rules and regulations adopted by the Administrator pursuant to this chapter.

(c) Operating Loss Carry-Forward.

(1) The portion of a net operating loss sustained in any taxable year subsequent to July 1, 1980 allocable to the city may be applied against the portion of the profit of succeeding year(s) allocable to the City, until exhausted but in no event for more than five taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.

(2) 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 except that no portion of net operating loss may be used to reduce taxable income from wages, salaries and other compensation paid by an employer or employees.

(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) Any affiliated group which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code may file a consolidated return with the City. However, once the affiliated group has elected to file a consolidated return or a separate return with the City, the affiliated group may not change their method of filing in any subsequent tax year without written approval from the City.

(2) Filing of consolidated Income Tax returns will be accepted from any corporation subject to Macedonia Net Profit Tax, provided that the affiliated group incorporated in the consolidated filing, filed a consolidated Federal Income Tax return for the same period, pursuant to Section 1501 of the Internal Revenue Code.

(3) In the case of a corporation that carries on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within 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 net profits are not properly allocated to the City by reason of transactions with stockholders 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 the City.

(e) Exception. The tax provided for herein shall not be levied upon income from intangible personal property, financial institutional income, social security benefits, public assistance benefit payments from a general welfare fund, accident and health benefits, 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 Ohio R.C. 718.01 to the extent that such net profits are exempted from municipal income taxes under such section. Parsonage allowance, to the extent of the rental allowance or

rental value of a house provided as a part of an ordained minister's compensation. The ordained minister must be duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination, and must have authority to perform all sacraments of the church.
(Ord. 94-2002. Passed 1-9-03; Ord. 14-2005. Passed 1-27-05.)

181.04 EFFECTIVE PERIOD.

The two percent (2%) 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, 1997, through June 30, 2017, and thereafter shall be decreased to one and three-quarters percent (1-3/4%) until such tax is amended or repealed by Council.
(Ord. 1997-1. Passed 2-13-97; Ord. 1997-2. Passed 2-13-97.)

181.05 RETURN AND PAYMENT OF TAX.

(a) Each taxpayer, except as herein provided, shall, whether or not a tax be due thereon, make and file a return on or before April 30, of the year following the effective date of this chapter, and on or before April 30, of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four months from the end of such fiscal year or period. The return of an employer or employers showing the tax deducted by the employer or employer(s) from the salaries, wages, or compensation of a nonresident employee and paid by him or them to the Tax Administrator shall be accepted as the return required of a nonresident employee whose sole income subject to the tax imposed herein is such salary, wages, or compensation. All residents of the City subject to the tax imposed herein shall on or before April 30, of each year following the date of this section make and file a return with the Tax Administrator as provided in this section.

(b) The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from the Administrator, or by generic form, once completed and filed, contains all of the information required to be submitted 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 ordinary, reasonable and necessary expenses incurred in the acquisition of such gross income earned during the preceding year and subject to such tax;

(2) The amount of the tax imposed by this chapter 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 on the request of the taxpayer for a period not to exceed six months, or one month

beyond any extension granted by the Internal Revenue Service for the filing of the Federal income tax return. Such extensions may only be granted upon receipt of an application for extension on a form provided by the Administrator or a copy of the approved application for extension granted to the taxpayer by the Internal Revenue Service. Such extension request must be filed by the date that the annual return is due and it must be accompanied by the payment of at least eighty percent (80%) of the amount of estimated tax shown to be due thereon. The Administrator may deny a taxpayer's request for extension if the taxpayer owes any delinquent income tax or penalty, interest, assessment, or other charge for the late payment or nonpayment of income tax, or has failed to file any required income tax return, report or other related document for a prior tax period. If the estimated tax is not paid at this time, such tax will be subject to interest and penalty from the date it was normally due as provided in Section 181.10.

(d) (1) 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 where any portion of the tax so due shall have been deducted at the source pursuant to the provisions of Section 181.06, or where any portion of such tax shall have been paid by the taxpayer pursuant to the provisions of Section 181.07, or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with Section 181.04 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 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 two dollars (\$2.00) shall be collected or refunded.

(e) (1) Amended returns. Where necessary an amended return must be filed in order to report additional income and pay an additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 181.11 and 181.14. Such amended returns shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.

(2) Within three months from final determination of any federal tax liability affecting the taxpayer's tax liability to the City, such taxpayer shall make and file an amended return showing income subject to the income tax of the City 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. 94-2002. Passed 1-9-03.)

181.06 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, wage, commission or other compensation, the tax of two percent (2%) on and after July 1, 1997 through June 30, 2017, and thereafter, one and three-quarters percent (1-3/4%) of the gross salaries, wages, commissions or other compensation due by the employer to the employee or the tips or gratuities reported to the employer by each employee for social security or federal income tax purposes and shall make a return and pay to the Administrator the amount of taxes so deducted on a monthly basis, due on the last day of the following month. The return 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 payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

(Ord. 14-2005. Passed 1-27-05.)

(b) 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.

(c) On or before March 1 of each year beginning with the year of 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. All payments not subject to withholding shall be reported on a form required by the Administrator.

(d) The Administrator for good cause may require immediate returns and payments to be submitted to his or her office.

(e) The failure of any employer residing either within or outside this City, to collect the amounts prescribed herein, shall not relieve the employee from the payment of the tax in compliance with this chapter.

(f) All taxes due shall be paid to the City before the last day of the following month, providing the tax due is in the amount of one hundred dollars (\$100.00) or more. Otherwise, payment of taxes shall be as follows:

- (1) For three months ending March 31, on or before April 30;
- (2) For three months ending June 30, on or before July 31;
- (3) For three months ending September 30, on or before October 31;
- (4) For three months ending December 31, on or before January 31.

(g) Upon determination and finding by the Tax Administrator that monthly or quarterly payments would result in a delay that may jeopardize collection of tax withheld, he or she may order that payment of the tax be made weekly, and such payment shall be made within seven days following the close of the period for which the jeopardy payment is made. Such an order shall be delivered to the taxpayer personally or by certified mail and remains in effect until the Tax Administrator notifies the employer to the contrary.

(h) The officer or employee having control or supervision of or charged with the responsibility of filing the report and making payment, is personally liable for failure to file the report or pay the tax due as required by this chapter. The dissolution of a corporation does not discharge an officer's or employee's liability for a prior failure of the corporation to file returns or pay tax due.

(i) Exclusion: Compensation paid to an individual for personal services performed within the City, if the individual does not reside in the City, performs such personal service in the City on twelve (12) or fewer days in the calendar year, and, if the individual is an employee, the principal place of business or the individual's employer is located outside the City. This section does not apply to professional entertainers, or professional athletes or to promoters of professional entertainment or sports events and their employees.

(1) A non-resident employer, agent of an employer, that is not located in the City, need not deduct and withhold taxes from the taxable income of an individual unless the total amount of tax required to be deducted and withheld for all employees exceeds one hundred fifty dollars (\$150.00) for a calendar year.

(2) If the dollar amount referred to in the above paragraph is met, the City may require the employer or agent, to deduct and withhold taxes in each ensuing year even if the amount required to be deducted and withheld in each of these ensuing years is one hundred dollars (\$100.00) or less, for a period of three (3) years.

(Ord. 92-2002. Passed 1-9-03.)

181.07 DECLARATIONS.

(a) Every person who anticipates any taxable income which is not subject to Section 181.06, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 181.03 shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity together with the 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 City in accordance with Section 181.06, 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 chapter, or within four 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 within four 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 the City's income tax to be withheld from any portion of such income. In accordance with the provisions of Section 181.14, 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.

(3) A declaration of estimated tax which is less than eighty percent (80%) of the tax as shown on the final return shall not be considered filed in good faith. The difference shall be subject to penalties and interest as provided for in this chapter.

(d) Such declaration or estimated tax to be paid the City shall be accompanied by a payment of at least twenty-two and one-half percent (22.5%) 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 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 date.

(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 City shall be paid therewith in accordance with the provisions of Section 181.05.

(Ord. 94-2002. Passed 1-9-03.)

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

(g) Effective January 1, 2003, 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 (1/4) of the Declaration amount and at least a similar amount shall be paid on or before July 31st and October 31st of the taxable year, and January 31st of the following year.

(h) Effective January 1, 2003, such declaration of estimated tax to be paid to the City by corporations and associations shall be accompanied by a payment of at least one-fourth of the Declaration amount and at least a similar amount shall be paid on or before June 15th, September 15th, and December 15th. In the case of a fiscal year taxpayer the second, third, and fourth quarterly

estimated payments shall be due on the fifteenth day of the sixth, ninth, and twelfth months of the taxable year, respectively.

(Ord. 14-2005. Passed 1-27-05.)

181.08 DUTIES OF THE ADMINISTRATOR.

(a) (1) 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.

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

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

(1) 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 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 the chapter.

(2) 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 181.11 and 181.99 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 owed, due to excessive deductions, misallocation of income, or otherwise, the Administrator may determine the amount of tax appearing to be owed this City from the taxpayer by reallocation of income, disallowance of a proportionate amount of the claimed deductions, or otherwise, and shall send to the taxpayer a written statement showing the amount of tax so determined, together with the method of determination and the interest and penalties thereon, if any. The burden shall rest on the taxpayer, by timely production of his books and records, or otherwise, to substantiate his return, and absent such proof, the determination of the Administrator shall be final, subject to the provisions of Section 181.12.

(d) Subject to the consent of the Board of Review, or pursuant to regulation approved by the Board, the Administrator shall have the power to compromise any interest or penalty or both, imposed by Section 181.10.

(e) The Administrator shall have the authority to enter into agreements on behalf of the City with any other municipal corporation for the purpose of administering the income tax laws of the municipal corporation as its agent and providing a central collection facility on behalf of that municipality. (Ord. 90-1993. Passed 2-10-94.)

181.09 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 chapter, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer, or supposed taxpayer is hereby directed and required to furnish upon written request by the Administrator, or his duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations as are hereby authorized.

(b) The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person under oath, concerning any income which was or should have been reported 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.

(c) The refusal to produce books, papers, records and federal income tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax or by any officer, agent or employee of a person subject to the tax or required to withhold tax or the failure of any person to comply with the provisions of this section or with an order or subpoena of the Administrator authorized hereby shall be deemed a violation of this chapter, punishable as provided in Section 181.99.

(d) Any information gained as a result of any returns, investigations, verifications or hearings before the Administrator, required by this chapter or authorized by these rules and regulations shall be confidential and no disclosure thereof shall be made except for official purposes or as ordered by a court of competent jurisdiction. Any person divulging such information shall be guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) or imprisonment for not more than six months, or both. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the City 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 years from the date his return is filed, or the withholding taxes are paid.

(f) The Tax Administrator is hereby authorized to enter into agreements with the United States Commissioner of the Internal Revenue Service, an Internal Revenue Service Director, the State of Ohio Tax Commissioner, and the heads of other State and local taxing authorities providing for the disclosure and exchange by the Tax Administrator and each of the aforementioned officials, for tax collection purposes, of returns or return information under his or her jurisdiction. The Tax Administrator is further hereby authorized to pay the costs of services, materials or information received pursuant to such agreements and to charge such officials for services, materials or information rendered. (Ord. 90-1993. Passed 2-10-94.)

181.10 INTEREST AND PENALTIES.

(a) Late Filing Penalty.

(1) Individual and net-profit returns.

- A. \$25.00 first offense.
- B. \$50.00 second consecutive offense.
- C. \$75.00 third consecutive offense.
- D. \$100.00 fourth consecutive and subsequent.

(2) Withholding.

- A. \$25.00 per occurrence.

Note: Return must be filed whether or not tax is withheld.

(b) Interest and Penalties.

(1) Individual and net-profits.

- A. 1.5% per month interest or fraction thereof.
- B. 1.5% per month penalty or fraction thereof.

(2) Withholding.

- A. 1.5% per month interest or fraction thereof.
- B. 10.0% per month penalty 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 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/or interest, the Board may nevertheless abate penalty or interest or both.

(e) Any person required to withhold the tax who knowingly fails to withhold the tax or pay over the tax, or knowingly attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, not withheld, or not paid over. No other penalty under this section shall be applied to any offense to which this penalty is applied.
(Ord. 90-1993. Passed 2-10-94.)

181.11 COLLECTION OF UNPAID TAXES AND REFUNDS OF OVERPAYMENTS.

(a) All taxes imposed by this chapter 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 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 refund is made. Claims for refund of municipal income taxes must be brought within the time limitation provided in subsection (a) hereof.

(c) Amounts of less than two dollars (\$2.00) shall not be collected or refunded.

(d) If any person liable to pay any tax neglects or refuses to pay the tax after demand, the amount (including any interest, additional amount, to the tax or assessable penalty, together with any costs that may accrue in addition thereto) shall be a lien in favor of the City upon all property and rights to property, specifically fixed by law, the lien imposed by this section shall arise at the time the assessment is made and shall continue until the liability for the amount so assessed (or a judgment against the taxpayer arising out of the liability) is satisfied or becomes unenforceable by reason of lapse of time. The Tax Administrator may, on those forms as he may prescribed therefor, cause any lien established herein to be filed of record in the county offices in which the person liable therefor resides, or owns real property, or both.

(e) Subject to those regulations as the Tax Administrator may prescribe, he may issue a certificate of release of any lien imposed with respect to any City tax and cause the certificate of release to be filed of record under the following circumstances.

(1) The Tax Administrator finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied or has become legally unenforceable.

(2) There is furnished to the Tax Administrator and accepted by him a bond that is conditioned upon the payment of the amount assessed, together with all interest in respect thereof, within the time prescribed by law (including any extension of time) and is in accordance with those requirements relating to terms, conditions, and form of the bond and sureties thereon as may be specified by the regulations.

(f) Refunds made to a nonresident employee may be reported to their local tax authority.
(Ord. 90-1993. Passed 2-10-94.)

181.12 BOARD OF REVIEW.

(a) A Board of Review, consisting of a chairman and two other individuals to be appointed by the Mayor, subject to confirmation of Council, is hereby created. A majority of the members of the Board shall constitute a quorum. The Board shall be governed by the Procedural rules, attached to Appendix A of Ordinance 36-1980 and incorporated herein by reference as if fully rewritten. The Board shall adopt its own procedural rules, not inconsistent with this chapter or those Procedural Rules set forth in Appendix A of Ordinance 36-1980, as are necessary in the conduct of its business and shall keep a record of its transactions. Any hearing by the Board may be conducted privately. The provisions of Section 181.09 with reference to the confidential character of information required to be disclosed by the chapter 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 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.

(Ord. 94-2002. Passed 1-9-03.)

(c) Any person dissatisfied with any ruling or decision of the Administrator which is made under the authority conferred by this chapter may appeal, in writing, therefrom to the Board of Review within thirty days from the announcement of such ruling or decision by the Administrator, provided the taxpayer making the appeal has filed with the City the required return or other documents concerning the obligation at issue. The appeal, in writing, shall state why the decision should be deemed incorrect or unlawful. The Board shall schedule a hearing within forty- five (45) days, after receiving the appeal, 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,

certified public account, or other representative. The Board may affirm, reverse or modify the Administrator's decision or any part of that decision. The Board 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 45 days from the date of appeal. The Board's ruling must be made within 30 days from the date of the closing of the record, shall be in writing and filed with the Administrator, and within 15 days of its decision shall send notice of its decision by ordinary mail to the taxpayer making the appeal.
(Ord. 14-2005. Passed 1-27-05.)

181.13 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be paid into the Income Tax fund and applied to the following purposes:

(a) Administration. Such part thereof as is necessary to defray all costs of collecting the tax levied by this chapter and the cost of administering and enforcing the provisions hereof shall be first allocated to the Income Tax Administration Fund.

(b) Other Purposes. The net proceeds of the income tax levied at the rate of two percent (2%) or the applicable rate at the time the tax is imposed pursuant to Section 181.03 remaining after meeting the expenses provided in subsection (a) hereof shall be applied in conformance with such Section 181.03. In each fiscal year, fifty percent (50%) of all net income tax proceeds, after meeting the expenses as provided in subsection (a) hereof, shall be allocated to current operating expenses, eight and one-half percent (8 ½%) to general improvements, twelve and one-half percent (12-1/2%) to park and recreation, capital improvements, maintenance and operating expenses, twenty-nine percent (29%) to police, fire and service department operating expenses. Sums going to capital improvements shall include the payment of principal and interest on general indebtedness incurred for such capital improvements or as otherwise provided by the Code.

(Ord. 18-2005. Passed 3-24-05.)

181.14 REDUCED TAX CREDIT TO RESIDENTS.

(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 one hundred percent (100%) 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 purposes 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) Method of applying for credit:

(1) No credit will be given unless the taxpayer claims such on his final return or other form prescribed by the Administrator, and presents such evidence

of the payment of a similar tax to another municipality, as the Administrator may require.

(2) A statement satisfactory to the Administrator from the taxing authority of the municipality to which the taxes are paid that a City resident or his employer is paying the tax shall be considered as fulfilling the requirement of this section.

(3) Each W-2 must be calculated separately.

(4) If W-2 has more than one locality in which tax was withheld, each locality must be calculated separately.

(5) 2106 expenses will be allowed only if Federal Form Schedule A is attached, and complies with Internal Revenue Service Regulations.

(6) Time out of City claims are to be filed on the City form and must be completed in its entirety. Time out of City will only be credited when the duration exceeds twelve (12) days, in a calendar year, in another municipality, or proof of filing taxes to that municipality is supplied. Vacation, holiday, sick days, seminars or conventions are not considered time out of City. (Ord. 94-2002. Passed 1-9-03.)

181.15 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

(a) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed by Council, and insofar as the collection of taxes levied under this chapter from and after July 1, 1980, and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all such taxes levied 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 181.11 and 181.99.

(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 Section 181.05 and 181.06 as though the same were continuing.
(Ord. 90-1993. Passed 2-10-94.)

181.16 EXTENSION FOR MEMBERS OF ARMED FORCES.

Those individuals serving in the United States Armed Forces in a combat zone or in support of the Armed Forces in a combat zone shall be granted an extension of time in which to file their Municipal income tax returns, pay any Municipal income tax due and/or file a claim for credit or refund of Municipal income tax. Such extension shall be for the period of service plus 180 days thereafter.

(Ord. 90-1993. Passed 2-10-94.)

181.17 CONTRACT PROVISIONS.

(a) No contract on behalf of the City for works or improvements of the City shall be binding or valid unless such contract contains the following provisions:

(1) Said contractor hereby further agrees to withhold all City income taxes due or payable under Chapter 181 of the Codified Ordinances for wages, salaries, fees and commissions paid to its employees and further agrees that any of its subcontractors shall be required to agree to withhold any such City income taxes due for service performed under this contract.

(b) Furthermore, any person, firm or agency that has a contract or agreement with the City shall be subject to City income tax whether a resident or nonresident in the City.

(c) In addition to the tax withheld for employees, the net profits on the contract shall be subject to City income tax.

(Ord. 90-1993. Passed 2-10-94.)

181.18 TENANTS REPORTS.

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

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

(c) Beginning July 1, 1994, and thereafter, within thirty days after a tenant vacates a rental or leased residential/commercial property located within the City, the property owner of such vacated rental or leased property shall file with the Administrator a report showing the date vacated and identifying such vacating tenant.

(d) For the purposes of this section, "tenant" means:

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

(2) If there is an oral lease or rental agreement, the person or persons with whom the owner enters into the oral lease or rental agreement.

(Ord. 90-1993. Passed 2-10-94.)

181.19 REGISTRATION OF CONTRACTORS.

(a) No person, firm, partnership, association, corporation or other entity shall perform any construction work within the City without first obtaining a tax

account number and a Certificate of Tax Registration from the City Income Tax Department.

(b) A Certificate of Tax Registration shall be denied to any person, firm, partnership, association, corporation or other entity who is not current in the filing of required tax documents; who is not current in the required payment of taxes; or who has not complied with the provisions of Chapter 181.

(c) No license or permit required by the Building Code of the City shall be issued to any person, firm, partnership, association, corporation or other entity that does not possess a valid Certificate of Tax Registration.

(d) Failure to possess a valid Certificate of Tax Registration shall be cause for issuance of an order of suspension of work by the Building Department prior to commencement of and/or during the performance of the construction work. Proof of possession of a valid Certificate of Tax Registration shall be necessary to commence or resume suspended construction work.

(e) A Certificate of Tax Registration may be canceled or revoked by the Income Tax Department for the failure of a person, firm, partnership, association, corporation or other entity to remain current in the required filing of tax documents; for failing to remain current in the required payment of taxes; and for failure to comply with the provisions of Chapter 181.

(f) The word "construction" as used in this section means any construction, reconstruction, rehabilitation, remodeling, improvements, enlargement, alteration, repair, painting, decorating or landscaping performed within the corporate limits of the City.
(Ord. 90-1993. Passed 2-10-94.)

181.99 PENALTY.

(a) Whoever:

- (1) Fails, neglects, or refuses, to make any return or declaration required by this chapter; or
- (2) Makes any incomplete, false or fraudulent return; or
- (3) Willfully fails, neglects or refuses to pay the tax, penalties or interest imposed by this chapter; or
- (4) Willfully fails, neglects or refuses to withhold the tax from his employee or to remit such withholding to the Administrator; or
- (5) Refuses 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) Fails 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) Refuses to disclose to the Administrator any information with respect to the income or net profits of a taxpayer; or
- (8) Fails to comply with the provisions of this chapter or any order or subpoena of the Administrator authorized hereby; or
- (9) Gives to an employer false information as to his true name, correct social security number and residence address, or fails to promptly notify an employer of any change in residence address and date thereof; or
- (10) Fails to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and the City's income tax withheld, or knowingly gives the Administrator false information; or
- (11) Attempts to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter; shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both for each offense.

(b) Prosecutions for an offense made punishable under this section or any other provision of this chapter shall be commenced within three 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 percent (25%) or more of income required to be reported, prosecutions may be commenced within six 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.

- (d) Whosoever violates the provisions of Section 181.18 shall:
 - (1) For a first offense: Pay a fine of not more than fifty dollars (\$50.00).
 - (2) For a second offense: Pay a fine of not more than one hundred dollars (\$100.00).
 - (3) For a third and all subsequent offenses: Pay a fine of not more than two hundred dollars (\$200.00).(Ord. 90-1993. Passed 2-10-94.)