

ORDINANCE NO. 88-4

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 improvement of municipal services and facilities and capital improvements on all salaries, wages, commissions and other compensations earned by residents of the Village of Hopedale; on all salaries, wages, commissions and other compensation earned by nonresidents of the Village of Hopedale; for work done or services performed or rendered in the village of Hopedale; on the net profits earned on all businesses, professions or other activities conducted by residents of this municipality; on the net profits earned on all businesses, professions or other activities conducted in the village of Hopedale by nonresidents, and on the net profits earned by all corporations doing business in the Village of Hopedale as a result of work done or services performed or rendered in the village of Hopedale; 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 Hopedale; providing for the administration, collection and enforcement of said tax; declaring violation thereof to be a misdemeanor and imposing penalties therefor.

BE IT ORDAINED by the Council of the village of Hopedale that:

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 the village of Hopedale there shall be, and it 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 to administer and enforce the provisions of the ordinance.

Association -A partnership, 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, 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 31st.

Gross receipts The total income from any source whatsoever.

New Profits 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 ordinance, federal, state, and other taxes based on income exclusive of the amount of Ohio 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 ordinance.

Non-resident an individual domiciled outside the Village of Hopedale.

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

Resident unincorporated business entity .An unincorporated business entity having an office or place of business within the Village of Hopedale.

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 this 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.

Forms of words .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, 1989, at the rate of one per cent (1%) per annum upon the following:

1. On all salaries, wages, commissions and other compensation earned by residents of the Village of Hopedale.

2. On all salaries, wages, commissions and other compensation earned by nonresidents for work done or services performed or rendered in the Village of Hopedale.

3. (a) On the portion attributable to the Village of Hopedale of the net profits earned by all resident unincorporated businesses, professions or other entitles, derived from sales made, work done, services performed or rendered and business or other activities conducted in the Village of Hopedale.

(b) On the portion of the distributive share of the net profits earned by a resident partner or owner of a resident unincorporated business entity not attributable to the Village of Hopedale and not levied against such unincorporated business entity by the Village of Hopedale.

4. (a) On the portion attributable to the Village of Hopedale of the net profits earned by 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 Village of Hopedale, whether or not such unincorporated business entity has an office or place of business in the Village of Hopedale.

(b) On the portion of the distributive share of the net profits earned by a resident partner or owner of a nonresident unincorporated business entity not attributable to the Village of Hopedale and not levied against such unincorporated business entity by the village of Hopedale.

5. On the portion attributable to the Village of Hopedale, of the net profits earned by all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the Village of Hopedale, whether or not such corporations have an office or place of business in the Village of Hopedale.

B. The portion of the net profits attributable to the Village of Hopedale of a taxpayer conducting a business, profession or other activity both within and without the boundaries of the Village of Hopedale shall be determined as provided in RC 718.02 and in accordance with the rules or regulations adopted by the Administrator pursuant to this ordinance.

C. Operating loss carry forward

1. The portion of a net operating loss sustained effective July 1, 1987, allocable to the Village of Hopedale may be applied against the portion of the profit of succeeding year(s) allocable to the Village of Hopedale, until exhausted but in no event for more than Seven (7) 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 the Village of Hopedale in the same manner as provided herein for allocating net profits to the Village of Hopedale.

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, required, or denied in accordance with rules and regulations prescribed by the Administrator.

2. In the case of a corporation that carries on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity with the Village of Hopedale 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 Village of Hopedale. If the Administrator finds net profits are not properly allocated to the Village of Hopedale 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 Village of Hopedale.

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 RC 718.01 to the extent that such net profits are exempted from municipal income taxes under said section.

SECTION 4. EFFECTIVE PERIOD

The tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities earned on and after January 1, 1989.

SECTION 5. 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 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 salaries, wages, commissions or other compensation of an employee, and paid by him or them to the Administrator shall be accepted unless otherwise specified as the return required of any employee whose sole income, subject to tax under this ordinance, in such salary, wages, commissions, or other compensation.

(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 ordinary, reasonable, and necessary expenses incurred in the acquisition of such gross income earned during the preceding year and subject to said tax;

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 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 this municipality 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 or less than one dollar (\$1.00) shall be collected or refunded.

D. 1. Amended returns: 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 Sections 11 and 15. 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 (3) months from the final determination of any federal tax liability affecting the taxpayer's tax liability to the Village of Hopedale, such taxpayer shall make and file an amended return showing income subject to the income tax of the Village of Hopedale 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.

A. In accordance with rules and regulations prescribed by the Administrator, each employer within or doing business within the Village of Hopedale shall deduct at the time of the payment of such salary, wage, commission or other compensation, the tax of one per cent (1%) per annum of the gross salaries, wages, commissions or other compensation taxable under the provisions of Section 3 of this ordinance and due by the employer to the employee or the trips or gratuities reported to the employer by each employee for social security or federal income tax purposes and shall on or before the last day of the month following the close of each calendar quarter make a return and pay the Administrator the amount of taxes so deducted. The 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 the tax shall be deemed to hold the same, until payment is made by such employer to

the Village of Hopedale, as a trustee for the benefit of the Village of Hopedale, and any such tax collected by such employer from his employees, shall, until the same is paid to the Village of Hopedale, be deemed a trust fund in the hands of such employer.

C. On or before January 31 of each year beginning with the year 1987, 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 office.

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 estimated tax due thereof, 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 Hopedale 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, or with 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 within four (4) months after the beginning of such fiscal year or period.

C. I. Such declaration shall be filed upon a form furnished by, or obtainable from, the Administrator, provided, however, credit shall be taken for the Village of Hopedale's income 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 or estimated tax to be paid the Village of Hopedale 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 thirteenth months after the beginning of the taxable year. Provided, however, that in cause 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.

E. On or before the last day of the fourth month of the year following that for which such declaration or amended declaration as filed, an annual return shall be filed and any balance which may be due the Village of Hopedale 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 in 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 the Village of Hopedale, 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 to 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 unpaid taxes, interest and penalties on a

schedule of installment payments, when the taxpayer has provided 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 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 Sections 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 the Village of Hopedale 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 the 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 employers, 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 ordinance, punishable as provided in Section 12 hereof.

D. Any information gained as a result of any returns, investigations, verifications or hearings before the Administrator, required by the ordinance 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 (6) months, or both. Each disclosure shall constitute a separate offense.

In addition to the above penalty, any employee of the Village of Hopedale 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 of one percent (1/2%) per month or fraction thereof.

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 and one-half percent (1 1/2%) per month or fraction thereof.

2. For failure to remit taxes withheld from employees; five percent (5%) 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/or 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 be refunded when 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 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. Willfully fail, neglect or refuse to pay the tax, penalties or interest imposed by this ordinance; or

4. Willfully 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 the Village of Hopedale's income tax withheld, or to knowingly give the Administrator false information; or

11. Attempt to do anything whatsoever 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.

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 percent (25%) 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 to be appointed by the Mayor with the concurrence of a majority of the members 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 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.

C. Any person dissatisfied with any ruling or decision of the Administrator which is made under the authority conferred by this ordinance may appear therefrom to the Board of such 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

All sums collected by this ordinance shall be allocated to the general fund of the Village of Hopedale.

SECTION 15. CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY

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

B. Every individual taxpayer who resides in the Village of Hopedale who receives net profits, salaries, wages,

commissions or other personal service compensation for work done or services performed or rendered outside of the Village of Hopedale is 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 by 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 the Village of Hopedale 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. COLLECTION OF TAX AFTER TERMINATION OF ORDINANCE.

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 hereunder 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.

This Ordinance constitutes an emergency measure necessary for the immediate preservation of the public

peace, property, health and safety of the citizens of the Village of Hopedale for the reason that there is an immediate need to provide for adequate revenues for the provision of necessary services for the benefit of the citizens of the Village of Hopedale. and upon two-thirds affirmative vote of the members of Council, this ordinance shall go into effect upon the signature of the Mayor. Otherwise, this Ordinance shall become effective at the earliest time permitted by law.

	<u>1st reading</u>	<u>2nd reading</u>	<u>3rd reading</u>
Yeas 4	4	4	5
Nays 0	0	0	0
Abstain 0	0	0	0

Dated: 12/20/88

Approved:
Michael A Pelegreen, Sr.
Mayor

Attest:

Nancy C Jones
Clerk-Treasurer

ORDINANCE NO. 01-03

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 88-4 (INCOME TAX ORDINANCE) TO COMPLY WITH CHANGES IN HB 477 AND DECLARING AN EMERGENCY

Whereas, the Ohio Legislature has passed a bill amending certain provisions relative to the Village's Income Tax Ordinance,

NOW THEREFORE, be it Ordained that the Village Income Tax Ordinance No. 88-4 shall be amended as follows;

Section I.

See Exhibit A attached hereto and made a part hereof.

Section II.

- 1) Section 3-A-1 shall be amended by adding the following: "Lottery" winnings of \$5000.00 or more shall be subject to taxation.
- 2) Section 1 shall be amended by adding the following: "This information can and may be shared with other municipal tax administration for the purpose of tax administration".

Be it further ORDAINED that the foregoing ordinance was adopted and all actions and deliberations of the Village of Hopedale, Harrison County, Ohio relating thereto were conducted in open meetings to the public in compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

This Ordinance hereby is declared an emergency measure necessary for the immediate preservation and protection of the health, welfare and safety of the citizens of the Village of Hopedale, Ohio, and to allow certain sections of Ordinance 88-4 (Income tax ordinance) to comply with changes in HB 477. Upon two-thirds affirmative vote of the members of Council, this Ordinance shall become effective upon signature by the Mayor. Otherwise, this Ordinance shall become effective at the earliest date provided by law.

IT IS SO ORDAINED:

Dated: 11/14/01

Mayor

APPROVED:

Michael Pelegreen,

ATTEST:

Beth Davenport, Clerk-Treasurer

1st Reading ...9/12/01	5 yea	0 nay
2nd Reading...10/10/01	5 yea	0 nay
3rd Reading...11/14/01	4 yea	0 nay

EXHIBIT A

Section 5

A. 1. Business losses are not deductible form W-2 wages

Gross wages or the block with the largest amount listed on W-2 forms which include salaries, tips and other compensation. Such as payments made by an employer to an employee as vacation wages or a wage continuation during disability or sickness are taxable.

Every person that is a resident of the Village of Hopedale that has an income subject to tax is required to file a return, irrespective of whether such withholdings have been withheld and reported on W-2 form(s). Self-employed Hopedale residents and non-residents with business located within the Village of Hopedale earning an income Subject to the tax are required to file a return and pay any tax due.

(7) ON AND AFTER JANUARY 1, 2003, ITEMS EXCLUDED

FROM FEDERAL GROSS INCOME PURSUANT TO SECTION 107 OF THE INTERNAL REVENUE CODE;

(8) ON AND AFTER JANUARY 1,2001, COMPENSATION PAID TO AN INDIVIDUAL FOR PERSONAL SERVICES PERFORMED WITHIN THE MUNICIPAL CORPORATION, IF THE INDIVIDUAL DOES NOT RESIDE IN THE MUNICIPAL CORPORATION, PERFORMS SUCH PERSONAL SERVICES IN THE MUNICIPAL CORPORATION ON TWELVE OR FEWER DAYS IN THE CALENDAR YEAR, AND, IF THE INDIVIDUAL IS AN EMPLOYEE, THE PRINCIPAL PLACE OF BUSINESS OF THE INDIVIDUAL'S EMPLOYER IS LOCATED OUTSIDE THE MUNICIPAL CORPORATION. DIVISION (E)(8) OF THIS SECTION DOES NOT APPLY TO PROFESSIONAL ENTERTAINERS OR PROFESSIONAL ATHLETES OR TO PROMOTERS OF PROFESSIONAL ENTERTAINMENT OR SPORTS EVENTS AND THEIR EMPLOYEES, AS REASONABLY DEFINED BY THE MUNICIPAL CORPORATION.

Sec. 718.03. AS USED IN THIS SECTION, "OTHER PAYER" MEANS ANY PERSON THAT PAYS AN INDIVIDUAL ANY ITEM INCLUDED IN THE TAXABLE INCOME OF THE INDIVIDUAL, OTHER THAN THE INDIVIDUAL'S EMPLOYER OR THAT EMPLOYER'S AGENT.

(A) BEGINNING JANUARY 1,2001, A MUNICIPAL CORPORATION SHALL NOT REQUIRE ANY NONRESIDENT EMPLOYER, AGENT OF SUCH AN EMPLOYER, OR OTHER PAYER THAT IS NOT SITUATED IN THE MUNICIPAL CORPORATION TO DEDUCT AND WITHHOLD TAXES FROM THE TAXABLE INCOME OF AN INDIVIDUAL UNLESS THE TOTAL AMOUNT OF TAX REQUIRED TO BE DEDUCTED AND WITHHELD FOR THE MUNICIPAL CORPORATION ON ACCOUNT OF ALL OF THE EMPLOYER'S EMPLOYEES OR ALL OF THE OTHER PAYER'S PAYEES EXCEEDS ONE HUNDRED FIFTY DOLLARS FOR A CALENDAR YEAR BEGINNING ON OR AFTER THAT DATE.

IF THE TOTAL AMOUNT OF TAX REQUIRED TO BE DEDUCTED AND WITHHELD ON ACCOUNT OF ALL OF THE NONRESIDENT EMPLOYER'S EMPLOYEES OR ALL OF THE OTHER PAYER'S PAYEES EXCEEDS ONE HUNDRED FIFTY

DOLLARS FOR A CALENDAR YEAR BEGINNING ON OR AFTER JANUARY 1, 2001, THE MUNICIPAL CORPORATION MAY REQUIRE THE EMPLOYER, AGENT, OR OTHER PAYER

TO DEDUCT AND WITHHOLD TAXES IN EACH ENSUING YEAR EVEN IF THE AMOUNT REQUIRED TO BE DEDUCTED AND WITHHELD IN EACH OF THOSE ENSUING YEARS IS ONE HUNDRED FIFTY DOLLARS OR LESS, EXCEPT AS OTHERWISE PROVIDED IN DIVISION (B) OF THIS SECTION

(B) IF A NONRESIDENT EMPLOYER, AGENT OF SUCH AN EMPLOYER, OR OTHER PAYER THAT IS NOT SITUATED IN THE MUNICIPAL CORPORATION IS REQUIRED TO DEDUCT AND WITHHOLD TAXES FOR AN ENSUING YEAR UNDER DIVISION (A) OF THIS SECTION, AND THE TOTAL AMOUNT OF TAX REQUIRED TO BE DEDUCTED AND WITHHELD UNDER THAT DIVISION IN EACH OF THREE CONSECUTIVE ENSUING YEARS IS ONE HUNDRED FIFTY DOLLARS OR LESS, THE MUNICIPAL CORPORATION SHALL NOT REQUIRE THE EMPLOYER, AGENT, OR OTHER PAYER TO DEDUCT AND WITHHOLD TAXES IN ANY YEAR FOLLOWING THE LAST OF THOSE CONSECUTIVE YEARS UNLESS THE AMOUNT REQUIRED TO BE DEDUCTED AND WITHHELD IN ANY SUCH FOLLOWING YEAR EXCEEDS ONE HUNDRED FIFTY DOLLARS.

Sec. 718.05. (A) AS USED IN THIS SECTION:

(1) "GENERIC FORM" MEANS AN ELECTRONIC OR PAPER FORM DESIGNED FOR REPORTING ESTIMATED MUNICIPAL INCOME TAXES AND ANNUAL MUNICIPAL INCOME TAX LIABILITY THAT IS NOT PRESCRIBED BY A PARTICULAR MUNICIPAL CORPORATION FOR THE REPORTING OF THAT MUNICIPAL CORPORATION'S TAX ON INCOME.

(2) "RETURN PREPARER" MEANS ANY PERSON OTHER THAN A TAXPAYER THAT IS AUTHORIZED BY A TAXPAYER TO COMPLETE OR FILE AN INCOME TAX RETURN, REPORT, OR OTHER DOCUMENT FOR OR ON BEHALF OF THE TAXPAYER.

(B) A MUNICIPAL CORPORATION SHALL NOT REQUIRE A TAXPAYER TO FILE AN ANNUAL INCOME TAX RETURN OR REPORT PRIOR TO THE FILING DATE FOR THE CORRESPONDING TAX REPORTING PERIOD AS PRESCRIBED FOR SUCH A TAXPAYER UNDER THE INTERNAL REVENUE CODE.

(E) A MUNICIPAL CORPORATION SHALL NOT IMPOSE ANY PENALTY, INTEREST, INTEREST PENALTY, OR OTHER SIMILAR ASSESSMENT OR CHARGE AGAINST A TAXPAYER FOR THE LATE PAYMENT OR NONPAYMENT OF ESTIMATED TAX LIABILITY IN EITHER OF THE FOLLOWING CIRCUMSTANCES:

(1) THE TAXPAYER IS AN INDIVIDUAL WHO RESIDES IN THE MUNICIPAL CORPORATION BUT WAS NOT DOMICILED THERE ON THE FIRST DAY OF JANUARY OF THE CURRENT CALENDAR YEAR;

(2) THE TAXPAYER HAS REMITTED, PURSUANT TO DIVISION (B) OR (D) OF THIS SECTION, AN AMOUNT AT LEAST EQUAL TO ONE HUNDRED PER CENT OF THE TAXPAYER'S TAX LIABILITY FOR THE PRECEDING YEAR AS SHOWN ON THE RETURN FILED BY THE TAXPAYER FOR THE PRECEDING YEAR, PROVIDED THAT THE RETURN FOR THE PRECEDING YEAR REFLECTED A TWELVE-MONTH PERIOD AND THE TAXPAYER FILED A RETURN FOR THE PRECEDING YEAR.

Sec. 718.11. AS USED IN THIS SECTION, "TAX ADMINISTRATOR" MEANS THE INDIVIDUAL CHARGED WITH DIRECT RESPONSIBILITY FOR ADMINISTRATION OF A TAX LEVIED BY A MUNICIPAL CORPORATION ON INCOME.

NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE LEGISLATIVE AUTHORITY OF EACH MUNICIPAL CORPORATION THAT IMPOSES A TAX ON INCOME ON THAT EFFECTIVE DATE SHALL ESTABLISH BY ORDINANCE A BOARD TO HEAR APPEALS AS PROVIDED IN THIS SECTION. THE LEGISLATIVE AUTHORITY OF ANY MUNICIPAL CORPORATION THAT DOES NOT IMPOSE A TAX ON INCOME ON THE EFFECTIVE DATE OF THIS SECTION BUT THAT IMPOSES SUCH A TAX AFTER THAT DATE SHALL ESTABLISH SUCH A BOARD BY ORDINANCE NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE TAX TAKES EFFECT.

WHENEVER A TAX ADMINISTRATOR ISSUES A DECISION REGARDING A MUNICIPAL INCOME TAX OBLIGATION THAT IS SUBJECT TO APPEAL AS PROVIDED IN THIS SECTION OR IN AN ORDINANCE OR REGULATION OF THE MUNICIPAL CORPORATION, THE TAX ADMINISTRATOR SHALL NOTIFY THE TAXPAYER AT THE SAME TIME OF THE TAXPAYER'S RIGHT TO APPEAL THE DECISION AND

OF THE MANNER IN WHICH THE TAXPAYER MAY APPEAL THE DECISION.

ANY PERSON WHO IS AGGRIEVED BY A DECISION BY THE TAX ADMINISTRATOR AND WHO HAS FILED WITH THE MUNICIPAL CORPORATION THE REQUIRED RETURNS OR OTHER DOCUMENTS PERTAINING TO THE MUNICIPAL INCOME TAX OBLIGATION AT ISSUE IN THE DECISION MAY APPEAL THE DECISION TO THE BOARD CREATED PURSUANT TO THIS SECTION BY FILING A REQUEST WITH THE BOARD. THE REQUEST SHALL BE IN WRITING, SHALL STATE WHY THE DECISION SHOULD BE DEEMED INCORRECT OR UNLAWFUL, AND SHALL BE FILED WITHIN THIRTY DAYS AFTER THE TAX ADMINISTRATOR ISSUES THE DECISION COMPLAINED OF.

THE BOARD SHALL SCHEDULE A HEARING WITHIN FORTY-FIVE DAYS AFTER RECEIVING THE REQUEST, UNLESS THE TAXPAYER WAIVES A HEARING. IF THE TAXPAYER DOES NOT WAIVE THE HEARING, THE TAXPAYER MAY APPEAR BEFORE THE BOARD AND MAY BE REPRESENTED BY AN ATTORNEY AT LAW, CERTIFIED PUBLIC ACCOUNTANT, OR OTHER REPRESENTATIVE.

THE BOARD MAY AFFIRM, REVERSE, OR MODIFY THE TAX ADMINISTRATOR'S DECISION OR ANY PART OF THAT DECISION. THE BOARD SHALL ISSUE A DECISION ON THE APPEAL WITHIN NINETY DAYS AFTER THE BOARD'S FINAL HEARING ON THE APPEAL, AND SEND NOTICE OF ITS DECISION BY ORDINARY MAIL TO THE PETITIONER WITHIN FIFTEEN DAYS AFTER ISSUING THE DECISION.

EACH BOARD OF APPEAL CREATED PURSUANT TO THIS SECTION SHALL ADOPT RULES GOVERNING ITS PROCEDURES AND SHALL KEEP A RECORD OF ITS TRANSACTIONS. SUCH RECORDS ARE NOT PUBLIC RECORDS AVAILABLE FOR INSPECTION UNDER SECTION 149.43 of the Revised Code. HEARINGS REQUESTED BY A TAXPAYER BEFORE A BOARD OF APPEAL CREATED PURSUANT TO THIS SECTION ARE NOT MEETINGS OF A PUBLIC BODY SUBJECT TO SECTION 121.22 of the Revised

Code.

Sec. 718.14. (A) AS USED IN THIS SECTION:

(1) "S CORPORATION" MEANS A CORPORATION THAT HAS MADE AN ELECTION UNDER SUBCHAPTER § OF CHAPTER I OF SUBTITLE A OF THE INTERNAL REVENUE CODE FOR ITS TAXABLE YEAR.

(2) "LIMITED LIABILITY COMPANY" MEANS A LIMITED LIABILITY COMPANY FORMED UNDER CHAPTER 1705. of the Revised Code OR UNDER THE LAWS OF ANOTHER STATE.

(3) "PASS-THROUGH ENTITY" MEANS A PARTNERSHIP, § CORPORATION, LIMITED LIABILITY COMPANY, OR ANY OTHER CLASS OF ENTITY THE INCOME OR PROFITS FROM WHICH ARE GIVEN PASS THROUGH TREATMENT UNDER THE INTERNAL REVENUE CODE.

(4) "INCOME FROM A PASS-THROUGH ENTITY" MEANS PARTNERSHIP INCOME OF PARTNERS, DISTRIBUTIVE SHARES OF SHAREHOLDERS OF AN S CORPORATION, MEMBERSHIP INTERESTS OF MEMBERS OF A LIMITED LIABILITY COMPANY, OR OTHER DISTRIBUTIVE OR PROPORTIONATE OWNERSHIP SHARES OF OTHER PASS-THROUGH ENTITIES.

(5) "OWNER" MEANS A PARTNER OF A PARTNERSHIP, A SHAREHOLDER OF AN § CORPORATION, A MEMBER OF A LIMITED LIABILITY COMPANY, OR OTHER PERSON WITH AN OWNERSHIP INTEREST IN A PASS-THROUGH ENTITY.

(B) ON AND AFTER JANUARY 1, 2003, ANY MUNICIPAL CORPORATION THAT IMPOSES A TAX THAT APPLIES TO INCOME FROM A PASS-THROUGH ENTITY SHALL GRANT A CREDIT TO TAXPAYERS THAT ARE DOMICILED IN THE MUNICIPAL CORPORATION FOR TAXES PAID TO ANOTHER MUNICIPAL CORPORATION BY A PASS-THROUGH ENTITY THAT DOES NOT CONDUCT BUSINESS IN THE MUNICIPAL CORPORATION. THE AMOUNT OF THE CREDIT SHALL EQUAL THE LESSER OF THE FOLLOWING AMOUNTS, SUBJECT TO DIVISION (C) OF THIS SECTION:

(1) THE AMOUNT, IF ANY, OF TAX PAID BY THE PASS-THROUGH ENTITY TO ANOTHER MUNICIPAL

CORPORATION IN THIS STATE, APPORTIONED RATABLY ACCORDING TO THE OWNERSHIP INTEREST OF THE TAXPAYER IN PROPORTION TO THE OWNERSHIP INTEREST OF ALL OWNERS OF THE ENTITY;

(2) THE AMOUNT OF TAX THAT WOULD BE IMPOSED ON THE PASS-THROUGH ENTITY BY THE MUNICIPAL CORPORATION IN WHICH THE TAXPAYER IS DOMICILED IF THE PASS-THROUGH ENTITY CONDUCTED BUSINESS IN THE MUNICIPAL CORPORATION, APPORTIONED RATABLY ACCORDING TO THE OWNERSHIP INTEREST OF THE TAXPAYER IN PROPORTION TO THE OWNERSHIP INTEREST OF ALL OWNERS OF THE ENTITY.

(C) IF A MUNICIPAL CORPORATION GRANTS A CREDIT FOR A PERCENTAGE, LESS THAN ONE HUNDRED PER CENT, OF THE AMOUNT OF INCOME TAXES PAID ON COMPENSATION BY AN INDIVIDUAL WHO RESIDES OR IS DOMICILED IN THE MUNICIPAL CORPORATION TO ANOTHER MUNICIPAL CORPORATION, THE AMOUNT OF CREDIT OTHERWISE REQUIRED BY DIVISION (B) OF THIS SECTION SHALL BE MULTIPLIED BY THAT PERCENTAGE.

(C) ANY AMOUNT DEDUCTED AND WITHHELD FOR TAXES FROM THE COMPENSATION OF AN INDIVIDUAL SHALL BE CONSIDERED AS ESTIMATED TAXES PAID IN EQUAL AMOUNTS ON EACH OF THE PAYMENT DATES PRESCRIBED BY DIVISION (B) OF THIS SECTION.

(D) BEGINNING JANUARY 1, 2003, A MUNICIPAL CORPORATION REQUIRING TAXPAYERS THAT ARE NOT INDIVIDUALS TO REMIT PAYMENTS OF ESTIMATED TAXES MAY REQUIRE SUCH TAXPAYERS TO REMIT SUCH PAYMENTS ONLY AS PRESCRIBED BY DIVISIONS (D)(1) TO (4) OF THIS SECTION, SUBJECT TO DIVISION (E)(2) OF THIS SECTION;

(1) NOT MORE THAN TWENTY-TWO AND ONE-HALF PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE CURRENT YEAR SHALL BE REQUIRED TO HAVE BEEN REMITTED ON OR BEFORE THE DAY ON WHICH THE ANNUAL TAX RETURN FOR THE PRIOR YEAR IS REQUIRED TO BE FILED DISREGARDING ANY EXTENSION OR, IN THE CASE OF A FISCAL YEAR TAXPAYER, THE FIFTEENTH DAY

OF THE FOURTH MONTH OF THE TAXPAYER'S TAXABLE YEAR;

(2) NOT MORE THAN FORTY-FIVE PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE CURRENT YEAR SHALL BE REQUIRED TO HAVE BEEN REMITTED ON OR BEFORE THE FIFTEENTH DAY OF JUNE OR, IN THE CASE OF A FISCAL YEAR TAXPAYER, THE FIFTEENTH DAY OF THE SIXTH MONTH OF THE TAXPAYER'S TAXABLE YEAR,

(3) NOT MORE THAN SIXTY-SEVEN AND ONE-HALF PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE CURRENT YEAR SHALL BE REQUIRED TO HAVE BEEN REMITTED ON OR BEFORE THE FIFTEENTH DAY OF SEPTEMBER OR, IN THE CASE OF A FISCAL YEAR TAXPAYER, THE FIFTEENTH DAY OF THE NINTH MONTH OF THE TAXPAYER'S TAXABLE YEAR,

(4) NOT MORE THAN NINETY PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE CURRENT YEAR SHALL BE REQUIRED TO HAVE BEEN REMITTED ON OR BEFORE THE FIFTEENTH DAY OF DECEMBER OR, IN THE CASE OF A FISCAL YEAR TAXPAYER, THE FIFTEENTH DAY OF THE TWELFTH MONTH OF THE TAXPAYER'S TAXABLE YEAR.

Sec. 718.08. (A) AS USED IN THIS SECTION:

(1) "ESTIMATED TAX LIABILITY" MEANS THE AMOUNT THAT A TAXPAYER ESTIMATES TO BE THE TAXPAYER'S LIABILITY FOR A MUNICIPAL CORPORATION'S INCOME TAX FOR A YEAR PRIOR TO APPLYING ANY CREDITS, ESTIMATED TAX PAYMENTS, OR WITHHELD TAXES FOR THE YEAR.

(2) "FISCAL YEAR TAXPAYER" MEANS A TAXPAYER THAT REPORTS MUNICIPAL INCOME TAX ON THE BASIS OF A TWELVE-MONTH PERIOD THAT DOES NOT COINCIDE WITH THE CALENDAR YEAR.

(B) BEGINNING JANUARY 1, 2003, A MUNICIPAL CORPORATION THAT REQUIRES TAXPAYERS WHO ARE

INDIVIDUALS TO REMIT PAYMENT OF ESTIMATED TAXES MAY REQUIRE SUCH TAXPAYERS TO REMIT SUCH PAYMENTS ONLY AS PRESCRIBED BY DIVISIONS (B) (1) TO (4) OF THIS SECTION, SUBJECT TO DIVISIONS (C) AND (E) (1) AND (2) OF THIS SECTION:

(1) NOT MORE THAN TWENTY-TWO AND ONE-HALF PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE CURRENT YEAR SHALL BE REQUIRED TO HAVE BEEN REMYITED ON OR BEFORE THE THIRTIETH DAY OF APRIL OR THE DAY ON WHICH THE ANNUAL TAX RETURN FOR THE PRIOR YEAR IS REQUIRED TO BE FILED DISREGARDING ANY EXTENSION, AS PRESCRIBED BY ORDINANCE OR RULE OF THE MUNICIPAL CORPORATION;

(2) NOT MORE THAN FORTY-FIVE PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE CURRENT YEAR SHALL BE REQUIRED TO HAVE BEEN REMITTED ON OR BEFORE THE THIRTY-FIRST DAY OF JULY;

(3) NOT MORE THAN SIXTY-SEVEN AND ONE-HALF PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE CURRENT YEAR SHALL BE REQUIRED TO HAVE BEEN REMITTED ON OR BEFORE THE THIRTY-FIRST DAY OF OCTOBER;

(4) NOT MORE THAN NINETY PER CENT OF THE TAXPAYER'S ESTIMATED TAX LIABILITY FOR THE PREVIOUS YEAR SHALL BE REQUIRED TO HAVE BEEN REMITTED ON OR BEFORE THE THIRTY-FIRST DAY OF JANUARY.

(C) ON AND AFTER JANUARY 1,2001, ANY MUNICIPAL CORPORATION THAT REQUIRES TAXPAYERS TO FILE INCOME TAX RETURNS, REPORTS, OR OTHER DOCUMENTS SHALL ACCEPT FOR FILING A GENERIC FORM OF SUCH A RETURN, REPORT, OR DOCUMENT IF THE GENERIC FORM, ONCE COMPLETED AND FLED, CONTAINS ALL OF THE INFORMATION REQUIRED TO BE SUBMITTED WITH THE MUNICIPAL CORPORATJO~S PRESCRIBED RETURNS, REPORTS, OR DOCUMENTS, AND IF THE TAXPAYER OR RETURN PREPARER FILING THE

GENERIC FORM OTHERWISE COMPLIES WITH RULES OR ORDINANCES OF THE MUNICIPAL CORPORATION GOVERNING THE FILING OF RETURNS, REPORTS, OR DOCUMENTS.

(D) BEGINNING ~!ANUARY 1,2001, ANY TAXPAYER THAT HAS REQUESTED AN EXTENSION FOR FILING A FEDERAL INCOME TAX RETURN MAY REQUEST AN EXTENSION FOR THE FLING OF A MUNICIPAL INCOME TAX RETURN. THE TAXPAYER SHALL MAKE THE REQUEST BY FILING A COPY OF THE TAXPAYER'S REQUEST FOR A FEDERAL FILING EXTENSION WITH THE INDIVIDUAL OR OFFICE CHARGED WITH THE ADMINISTRATION OF THE MUNICIPAL INCOME TAX. THE REQUEST FOR EXTENSION SHALL BE FILED NOT LATER THAN THE LAST DAY FOR FILING THE MUNICIPAL INCOME TAX RETURN AS PRESCRIBED BY ORDINANCE OR RULE OF THE MUNICIPAL CORPORATION. A MUNICIPAL CORPORATION SHALL GRANT SUCH A REQUEST FOR EXTENSION FOR A PERIOD NOT LESS THAN THE PERIOD OF THE FEDERAL EXTENSION REQUEST. A MUNICIPAL CORPORATION MAY DENY A TAXPAYER'S REQUEST FOR EXTENSION ONLY IF THE TAXPAYER FAILS TO TIMELY FILE THE REQUEST, FAILS TO FILE A COPY OF THE REQUEST FOR THE FEDERAL EXTENSION, OWES THE MUNICIPAL CORPORATION ANY DELINQUENT INCOME TAX OR ANY 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. THE GRANTING OF AN EXTENSION FOR FILING A MUNICIPAL CORPORATION INCOME TAX RETURN DOES NOT EXTEND THE LAST DATE FOR PAYINGTHE TAX WITHOUT PENALTY UNLESS THE MUNICIPAL CORPORATION GRANTS AN EXTENSION OF THAT DATE.

Sec. 718.06. ON AND AFTER JANUARY 1, 2003, ANY MUNICIPAL CORPORATION THAT IMPOSES A TAX ON THE INCOME OR NET PROFITS OF CORPORATIONS SHALL ACCEPT FOR FILING A CONSOLIDATED INCOME TAX RETURN FROM ANY AFFILIATED GROUP OF CORPORATIONS SUBJECT TO THE MUNICIPAL CORPORATIONS TAX IF THAT AFFILIATED GROUP FILED

FOR THE SAME TAX REPORTING PERIOD A
CONSOLIDATED RETURN FOR FEDERAL INCOME TAX
PURPOSES PURSUANT TO SECTION 1501 OF THE INTERNAL
REVENUE CODE.

Sec. 718.07. AS USED IN THIS SECTION, "INTERNET" MEANS
THE INTERNATIONAL COMPUTER NETWORK OF BOTH
FEDERAL AND NONFEDERAL INTEROPERABLE PACKET
SWITCHED DATA NETWORKS, INCLUDING THE
GRAPHICAL SUBNETWORK KNOWN AS THE WORLD WIDE
WEB.

ON AND AFTER JANUARY 1, 2002, EACH MUNICIPAL
CORPORATION THAT IMPOSES A TAX ON INCOME SHALL
MAKE ELECTRONIC VERSIONS OF ANY RULES OR
ORDINANCES GOVERNING THE TAX AVAILABLE TO THE
PUBLIC THROUGH THE INTERNET, INCLUDING, BUT NOT
LIMITED TO, ORDINANCES OR RULES GOVERNING THE
RATE OF TAX; PAYMENT AND WITHHOLDING OF TAXES;
FILING ANY PRESCRIBED RETURNS, REPORTS, OR OTHER
DOCUMENTS; DATES FOR FILING OR PAYING TAXES,
INCLUDING ESTIMATED TAXES; PENALTIES, INTEREST,
ASSESSMENT, AND OTHER COLLECTION REMEDIES;
RIGHTS OF TAXPAYERS TO APPEAL; AND PROCEDURES
FOR FILING APPEALS. ON AND AFTER THAT DATE, ANY
MUNICIPAL CORPORATION THAT REQUIRES TAXPAYERS
TO FILE INCOME TAX RETURNS, REPORTS, OR OTHER
DOCUMENTS SHALL MAKE BLANKS OF SUCH RETURNS,
REPORTS, OR DOCUMENTS, AND ANY INSTRUCTIONS
PERTAINING THERETO, AVAILABLE TO THE PUBLIC
ELECTRONICALLY THROUGH THE INTERNET.
ELECTRONIC VERSIONS OF RULES, ORDINANCES, BLANKS,
AND INSTRUCTIONS SHALL BE MADE AVAILABLE EITHER
BY POSTING THEM ON THE ELECTRONIC SITE
ESTABLISHED BY THE TAX COMMISSIONER UNDER
SECTION 5703.49 of the Revised Code OR BY POSTING THEM
ON AN ELECTRONIC SITE ESTABLISHED BY THE
MUNICIPAL CORPORATION THAT IS ACCESSIBLE
THROUGH THE INTERNET. IF A MUNICIPAL CORPORATION
ESTABLISHES SUCH AN ELECTRONIC SITE, THE
MUNICIPAL CORPORATION SHALL INCORPORATE AN
ELECTRONIC LINK BETWEEN THAT SITE AND THE SITE
ESTABLISHED PURSUANT TO SECTION 5703.49 of the

Revised Code, AND SHALL PROVIDE TO THE TAX COMMISSIONER THE UNIFORM RESOURCE LOCATOR OF THE SITE ESTABLISHED PURSUANT TO THIS DIVISION.

(D) ON AND AFTER JANUARY 1, 2003, ANY MUNICIPAL CORPORATION THAT IMPOSES A TAX ON INCOME OF OR FROM A PASS-THROUGH ENTITY SHALL SPECIFY BY ORDINANCE OR RULE WHETHER THE TAX APPLIES TO INCOME OF THE PASS-THROUGH ENTITY IN THE HANDS OF THE ENTITY OR TO INCOME FROM THE PASS-THROUGH ENTITY IN THE HANDS OF THE OWNERS OF THE ENTITY. A MUNICIPAL CORPORATION MAY SPECIFY A DIFFERENT ORDINANCE OR RULE UNDER THIS DIVISION FOR EACH OF THE CLASSES OF PASS-THROUGH ENTITY ENUMERATED IN DIVISION (A)(3) OF THIS SECTION.

Sec. 5703.49. AS USED IN THIS SECTION, "INTERNET" MEANS THE INTERNATIONAL COMPUTER NETWORK OF BOTH FEDERAL AND NONFEDERAL INTEROPERABLE PACKET SWITCHED DATA NETWORKS, INCLUDING THE GRAPHICAL SUBNETWORK KNOWN AS THE WORLD WIDE WEB.

ON OR BEFORE DECEMBER 31, 2001, THE TAX COMMISSIONER SHALL ESTABLISH AN ELECTRONIC SITE ACCESSIBLE THROUGH THE INTERNET. THE TAX COMMISSIONER SHALL PROVIDE ACCESS ON THE SITE FOR EACH MUNICIPAL CORPORATION THAT HAS NOT ESTABLISHED ITS OWN ELECTRONIC SITE TO POST DOCUMENTS OR INFORMATION REQUIRED UNDER SECTION 718.07 OF THE REVISED CODE. THE TAX COMMISSIONER SHALL PROVIDE ELECTRONIC LINKS FOR EACH MUNICIPAL CORPORATION THAT ESTABLISHES A SITE UNDER THAT SECTION AND FOR WHICH A UNIFORM RESOURCE LOCATOR HAS BEEN PROVIDED TO THE TAX COMMISSIONER. THE TAX COMMISSIONER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE POSTED INFORMATION, AND IS NOT LIABLE FOR ANY INACCURATE OR OUTDATED INFORMATION PROVIDED BY A MUNICIPAL CORPORATION. THE TAX COMMISSIONER MAY ADOPT RULES GOVERNING THE FORMAT AND MEANS OF SUBMITTING SUCH DOCUMENTS OR INFORMATION AND OTHER MATTERS NECESSARY TO

IMPLEMENT THIS SECTION. THE TAX COMMISSIONER
MAY CHARGE MUNICIPAL CORPORATIONS A FEE TO
DEFRAY THE COST OF ESTABLISHING AND MAINTAINING
THE ELECTRONIC SITE ESTABLISHED UNDER THIS
SECTION.