

VILLAGE OF DOYLESTOWN, OHIO
INCOME TAX ORDINANCE

ORDINANCE # 88-27

AN ORDINANCE AMENDING AND/OR SUPPLEMENTING THE VILLAGE OF DOYLESTOWN INCOME TAX ORDINANCE 11-69A APPROVED NOVEMBER 11, 1969 AND AMENDING ORDINANCES 12-72A; 9-1973; 12-74A; 8-76A; 10-78A; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF DOYLESTOWN, COUNTY OF WAYNE, STATE OF OHIO:

SECTION ONE:

That the Sections in the Doylestown Income Tax Ordinances previously enacted are hereby amended to read as follows:

"Income Tax"

- "99.01 Purpose
- "99.02 Definitions
- "99.03 Imposition of tax
- "99.04 Determination of income subject to tax
- "99.05 Consolidated returns
- "99.06 Exceptions
- "99.07 Effective period
- "99.08 Return and payment
- "99.09 Collection at source
- "99.10 Declarations
- "99.11 Village Clerk/Deputy Tax Clerk
- "99.12 Investigations
- "99.13 Interest and penalties
- "99.14 Collection of unpaid taxes; refunds
- "99.15 Violations
- "99.16 Board of Review
- "99.17 Allocation of funds
- "99.18 Credit for tax paid to another municipality

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"99.01 PURPOSE

"To provide funds for capital improvements and general municipal operations of the village, there is levied a tax on salaries, income, wages, commissions and other compensation, and on net profits as hereinafter provided.

"99.02 DEFINITIONS

"For purposes of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Association." A partnership, limited partnership, Chapter S Corporation as defined in the federal tax code, 26 U.S.C. 1361 or any other form of unincorporated enterprise, owned by two or more persons.

"Board of Review." The Board created and constituted as provided in 99.16.

"Business." An enterprise, activity, profession, public utility, public service, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or other entity.

"Clerk." The Village Clerk/Treasurer or the Deputy Tax Clerk, his/her duly authorized representative.

"Corporation." A corporation or joint stock association organized under the laws of the United States, the State of Ohio or any other state, territory, foreign country or dependency, but not including Chapter S Corporations.

"Employee." One who receives wages, salary, commission or other type of compensation from an employer.

"Employer." An individual, partnership, association, corporation, governmental body, unit, agency or other entity, whether or not organized for profit, that provides one or more persons a salary, wage, commission, or other compensation as set forth in Section 99.03.

"Fiscal Year." An accounting period of 12 months or less ending any day other than December 31.

"Gross Receipts." The total income from any source whatsoever.

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"Income." Shall include all monies derived from any source whatsoever less any excludable income, which excludable income includes dividends, interest, social security, old age pension, poor relief or any other income excluded in accordance with state law.

"Net Profit." The net gain from the operation of a business, profession, or enterprise after provision for all ordinary and necessary expenses except the tax imposed by this Ordinance and federal and other taxes based on income, either paid or accrued in accordance with the accounting system used by the taxpayer for federal income tax purposes, adjusted to the requirements of this Ordinance, and the rules and regulations promulgated by the Clerk pursuant to 99.11 excluding dividends and excluding income received from affiliated or subsidiary companies which own no property and do no business within the United States.

"Nonresident." An individual domiciled outside the village.

"Nonresident Unincorporated Business Entity." An unincorporated business entity not having an office or place of business within the village.

"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, means the partners or members thereof, and as applied to corporations, the officers thereof.

"Place of Business." Any bona fide office (other than a mere statutory office), factory, warehouse or other space which is regularly occupied and used by the taxpayer in carrying on any business activity, whether in person or through one or more employees regularly in attendance.

"Resident." An individual domiciled in the village.

"Resident Unincorporated Business Entity." An unincorporated business entity having an office or place of business within the village.

"Taxable Year." The calendar year, or the fiscal year on the basis of which the 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, corporation or entity, required by this Ordinance to file a return and/or pay a tax.

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"Village Clerk." The person administrating the village income tax.

"99.03 IMPOSITION OF TAX

"(A) An annual tax for the purposes specified in 99.01 is imposed on and after November 11, 1969, at the rates indicated during the years indicated: 1% per year during each of the calendar years 1969 to 1977, inclusively; 1.5% per year during each calendar year thereafter, per annum, on the following taxable income:

"(1) All salaries, income, wages, commissions and other compensation from whatever source, before any deduction, received by residents of the village as adjusted in accordance with the provisions of this Ordinance, except the tax shall not be levied on expenses reported on Federal Form 2106, subject to audit and approval by the Village Income Tax Department.

"(2) All salaries, income, wages, commissions, and other compensation from whatever source, before any deduction, received by nonresidents for work done or services performed or rendered or activities conducted in the village as adjusted in accordance with the terms of this Ordinance, except that the tax shall not be levied upon expenses reported on Federal Form 2106, subject to audit and approval by the Village Income Tax Department.

"(3) The portion attributable to the village of the net profits of all resident unincorporated businesses, associations, professions or other entities, from sales made, work done, services, performed or rendered and business or other activities conducted in the village.

"(4) The portion of the distributive share of the net profits of a resident partner or owner of a resident unincorporated business entity or association not attributable to the village and not levied against such unincorporated business entity.

"(5) The portion attributable to the village of the net profits of all nonresident unincorporated businesses, professions, associations or other entities derived from sales made, work done, or services performed or rendered and business or other activities conducted in the village, whether or not such unincorporated business entity has an office or place of business in the village.

"(6) The portion of the distributive share of the net profits of a resident partner or owner of a nonresident unincorporated business entity or association not attributable to the village and not levied against such unincorporated business entity.

"(7) The portion attributable to the village of the net profits of all corporations derived from sales made, work done, services performed or rendered, and business or other activities conducted in the village, whether or not such corporations have an office or place of business in the

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village.

"(B) The portion of the net profits attributable to the village of a taxpayer conducting a business, profession or other activity both within and without the boundaries of the village shall be determined as provided in 99.04 and in accordance with the regulations adopted by the Board of Review pursuant to this Ordinance.

"(C) The Clerk shall have the authority to enter into an equitable agreement with municipal corporations for the distribution of the tax imposed on the salaries, income, wages, commissions, or other compensations received by residents or nonresidents of the village employed within and outside the boundaries of the village.

"99.04 DETERMINATION OF INCOME SUBJECT TO TAX.

"(A) In the taxation of income which is subject to this municipal income tax, if the books and records of a taxpayer conducting a business or profession both within or without the boundaries of the village disclose with reasonable accuracy what a portion of its net profit is attributable to that part of the business or profession conducted within the boundaries of the village, then only such portion shall be considered as having a taxable situs in the village for purpose of this tax. In the absence of such reports, net profit from a business or profession conducted both within and without the boundaries of the village shall be considered as having a taxable situs in the village for purposes of this tax in the same proportion as the average ratio of:

"(1) The average net book value of the real and tangible personal property owned or used by the taxpayer in the business or profession in the village during the taxable period to the average net book value of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period wherever situated. Real property includes property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

"(2) Wages, salaries, and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the village to wages, salaries, and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed;

"(3) Gross receipts of the business or profession from sales made and services performed during the taxable period in the village to gross receipts of the business or profession during the same period from sales and services wherever made or performed. In the event that the

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foregoing allocation formula does not produce an equitable result, another basis may, under uniform regulations, be substituted so as to produce such result.

"(B) As used in (A) above, "SALES MADE IN THE CITY" means:

"(1) All sales of tangible personal property which is delivered within the village regardless of where title passes if shipped or delivered from stock of goods within the village;

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

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

"(C) At the time a contractor or subcontractor applies for a Building Permit, he or she must supply a Doylestown Tax Identification number to the Building Inspector as evidence of registration with the village tax department.

"(D) In determining income subject to taxation, business losses may not be used to offset any income reported on federal form W-2 or form 1099 pursuant to 26 U.S.C. 6051.

"(E) If an individual is receiving disability income from a program in which that individual, or any individual of which that individual is a dependant, was the exclusive contributor, said disability income will not be subject to taxation.

"99.05 CONSOLIDATED RETURNS

"(A) Filing consolidated returns may be permitted or required in accordance with regulations prescribed by the Clerk.

"(B) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory, or activity within the village constituting a portion only of its total business, the Clerk shall require such additional information as he/she may deem necessary to ascertain whether net profits are not properly allocated to the village. If the Clerk finds net

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profits are not properly allocated to the village by reason of transactions with stockholders or with other corporations related by stock ownership or interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity, or by some other method, he shall make allocation as he deems appropriate to produce a fair and proper allocation of net profits to the village.

"99.06 EXCEPTIONS

The tax provided for herein shall not be levied on:

"(A) Pay or allowance of active members of the Armed Forces of the United States, or income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property, or tax exempt activities;

"(B) Poor relief, unemployment insurance benefits, old age pensions, or similar payments, including disability benefits received from local, state, or federal governments or charitable, religious, or educational organizations;

"(C) Proceeds of insurance paid by reason of death of the insured; pensions, disability benefits that meet the requirements of Section 99.04 (D), annuities, or gratuities not in the nature of compensation for services rendered from whatever source derived;

"(D) Receipts from seasonal or casual entertainment, amusements, fund raising, sports events, and health and welfare activities when conducted by bona fide charitable, religious, or educational organizations and associations;

"(E) All individuals under 18 years of age;

"(F) Gains from involuntary conversion, cancellation of indebtedness, interest on federal obligations, items of income already taxed by the state from which the village is specifically prohibited from taxing, and income of a decedent's estate during the period of administration (except such income from the operation of a business);

"(G) Salaries, income, wages, commissions, other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce; and

"(H) Salaries, income, wages, commissions, other compensation and net profits, the taxation of which is prohibited by the Constitution of the State or any act of the

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Ohio General Assembly limiting the power of the village to impose income taxes.

"99.07 EFFECTIVE PERIOD

The tax imposed by this Ordinance shall be levied, collected, and paid with respect to the salaries, income, wages, commissions, and other compensation, and with respect to the net profits of businesses, professions, other activities, received on and after November 11, 1969.

"99.08 RETURN AND PAYMENT

"(A) Village Council hereby directs that each taxpayer, except as herein provided, shall, whether or not a tax is due thereon, make and file a return on or before April 15 of the year following the effective date of Ordinance 11-69A, passed November 11, 1969, and on or before April 15 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filled within four months from the end of such fiscal year or period. This method of filing termed "universal filing" shall be in effect until such time as Council provides otherwise, subject to the exception set forth in (H), herein.

"(B) The return shall be filed with the Clerk on a form or forms furnished by or obtainable upon request from the Clerk setting forth:

"(1) The aggregate amounts of salaries, income, wages, commissions, and other compensation received and gross income from a business, profession, or other activity, less allowable 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 Ordinance on such compensation and profits; and

"(3) Such other pertinent statements, information returns or other information as the Clerk may require.

"(C) The Clerk may extend the time for filing of the annual return upon the request of the taxpayer for a period not to exceed six months, or one month beyond any extension requested of or granted by the Internal Revenue Service for the filing of the federal income tax return. The Clerk 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 extended.

"(D) The taxpayer making a return shall, at the time of the filling thereof, pay to the Clerk the amount of tax

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shown as due thereon; provided, where any portion of the tax so due has been deducted at the source pursuant to the provisions of 99.09 or where any portion of such tax has been paid by the taxpayer pursuant to the provisions of 99.10, or where an income tax has been paid to another municipality, credit for the amount so paid in accordance with and pursuant to 99.09, 99.10 and 99.18 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 the return.

"(E) A taxpayer who has overpaid the amount of tax to which the village is entitled under the provisions of this Ordinance may have the overpayment applied against any subsequent liability hereunder or, at his election indicated on the return, such overpayment or part thereof, shall be refunded, provided no additional taxes or refunds of less than \$1 shall be collected or refunded.

"(F) Where necessary an amended return shall 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 of 99.14 and 99.18. Such amended returns shall be on a form obtainable, upon request, for the Clerk. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filling the original return.

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

"(H) Retirees having no taxable income for municipal income tax purposes shall be exempt from these filing requirements and any subsequent penalties upon the filing of a registration form with the Clerk in the manner proscribed. Such registration shall be in effect until that time in which the retiree registrant receives taxable income for municipal income tax purposes, at which time the retiree shall be required to comply with the provisions of this Ordinance, including filling requirements.

"99.09 COLLECTION AT SOURCE

"(A) Each employer shall, at the time of payment of any salary, income, wage, commission, or other compensation paid on and after November 11, 1969, deduct the tax at its then applicable percentage of the gross salaries, income, wages, commissions, or other compensation due by the employees who are subject to the provisions of this Ordinance. In making such deduction at the time of payment, the

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employer shall compute the tax to the nearest full cent. Each employer shall, on or before the fifteenth day of each month, make a return in such detail as the Clerk may prescribe, and pay to the Clerk the tax withheld during the preceding month. However, the Clerk may, when authorized by rule of general application adopted by the Board of Review, approve the filing and payment of the tax withheld, on a quarterly basis. In such case, the employer shall on or before the last day of each month following the calendar quarters ending March 31, June 30, September 30, and December 31, make a return and pay to the Clerk the tax withheld during the preceding calendar quarter.

"(B) The employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

"(C) The employer, in collecting the tax, shall be deemed to hold it until payment is made by the employer to the village, as a trustee for the benefit of the village and any tax collected by the employer from his employees shall, until it is paid to the village, be deemed a trust fund in the hands of the employer.

"(D) On or before January 31 of each year beginning with 1970, each employer shall file a withholding return in a form prescribed by and obtainable, upon request, from the Clerk, 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 rule and regulations adopted by the Clerk.

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

99.10 DECLARATIONS

"(A) Every person who anticipates any taxable income which is not subject to collection at the source as provided by 99.09, or who engages in any business, profession, enterprise, or activity subject to the tax imposed by 99.03, 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.

"(B) The declaration shall be filed on or before April 15 of each year during the life of this Ordinance, or within four months of the date the taxpayer becomes subject to tax for the first time, whichever time is earlier.

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"(C) Taxpayers reporting on a fiscal year basis shall file a declaration within four months after the beginning of each fiscal year or period.

"(D) Such declaration shall be filled on a form furnished by, or obtainable from the Clerk. However, credit shall be taken for the village tax to be withheld from any portion of that income. In accordance with the provisions of 99.18, credit may be taken for tax to be paid to or to be withheld and remitted to another taxing municipality.

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

"(F) The declaration of estimated tax to be paid the village shall be accompanied by a payment of a least one-fourth of the estimated annual tax, if such tax due is fifty dollars (\$50.00) or more, and at least a similar amount shall be paid on or before the last day of the seventh, tenth, and thirteenth months after the beginning of the taxable year. If the estimated annual tax due is less than fifty dollars quarterly payments need not be made. However, in case any amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.

"(G) On or before the last day of the fourth month of the year following for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the village shall be paid therewith in accordance with the provisions of 99.09.

"99.11 CLERK

"(A) It shall be the duty of the Clerk to collect and receive the tax imposed by this Ordinance, in the manner prescribed herein, to keep an accurate record thereof and to report all moneys so received.

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

"(C) The Clerk is charged with the enforcement of the provisions of this Ordinance, and is empowered, subject to the approval of the Board of Review, to adopt, promulgate and enforce rules 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 reexamination and correction of returns.

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"(D) In any case where a taxpayer of employer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Clerk may determine the amount of tax appearing to be due the village from the taxpayer and shall send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any. Such assessment shall be collected in accordance with the rules and regulations as set forth by the Clerk and approved by the Board of Review.

"(E) When an application for deferred payment of tax due is filed by a taxpayer, partial payments of unpaid taxes may be authorized for a period not to exceed six months when, the taxpayer is unable, due to hardship conditions, to pay the full amount of the tax when due, and when such deferred payments are the best means of accomplishing the intent of this Ordinance. The Clerk may authorize an extension of time for not more than six months in addition to the initial six month extension for the payment of such taxes due upon written application of the taxpayer. Denial of such an extension by the Clerk may be appealed to the Board of Review as set forth in 99.16 of this Ordinance. Any additional extensions shall only be granted by the Board of Review.

"99.12 INVESTIGATIONS

"(A) The Clerk, or any authorized employee, is authorized to examine the books, papers, records, and federal income tax returns of any employer or of any taxpayer or person subject to, or believed to be subject to, the provisions of this Ordinance, for the purpose of verifying the accuracy of any return made or, if no return has been made, to ascertain the tax due under this Ordinance. Every employer, supposed employer, taxpayer, or supposed taxpayer is directed and required to furnish, within ten days following a written request by the Clerk or his duly authorized agent or employee, the means, facilities, and opportunity for making such examinations and investigations as are authorized.

"(B) The Clerk is authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person under oath concerning any income which was or should have been returned for taxation or any transaction tending to affect such income and for this purpose may compel the production of books, papers, records, and federal income tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to the inquiry.

"(C) The refusal to produce books, papers, records,

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and federal income tax returns, or the refusal to submit to examination by any employer or person subject or presumed to be subject to the tax by any officer, agent, or employee of a person subject to the tax or required to withhold tax or the failure of any person to comply with any order or subpoena of the Clerk authorized shall be deemed a violation of this Ordinance, punishable as provided in 99.99.

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

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

"99.13 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 1% per month or fraction thereof.

"(B) In addition to interest as provided in (A) above, penalties based on the unpaid tax are imposed as follows:

(1) For failure to pay taxes due, other than taxes withheld, 1% per month or fraction thereof, or twenty-five dollars (\$25.00), whichever is greater.

(2) For failure to remit taxes withheld from employees, 3% per month or fraction thereof, or fifty dollars (\$50.00), whichever is greater.

(3) For failure to file income tax returns, twenty-five dollars (\$25.00) for the first instance and fifty dollars (\$50.00) for each subsequent instance.

"(C) A penalty shall not be assessed on an additional tax assessment made by the Clerk when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Clerk. In the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, provided that an amended return is filed and the additional tax is paid within three months after final determination of the federal tax liability.

"(D) At the Clerk's discretion, the Clerk may abate up to five thousand dollars (\$5,000.00) of penalty or interest, or both. At the request of the Clerk the Board of Review may abate penalty or interest, or both, in any amount or on an appeal from the refusal of the Clerk to recommend abatement

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of penalty and interest, the Board may nevertheless abate penalty or interest or both.

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

"99.14 COLLECTION OF UNPAID TAXES; REFUNDS

"(A) All taxes imposed by this Ordinance, shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable. Except in the case of fraud, omission of 25% or more of income subject to this tax, or failure to file a return, an additional assessment shall not be made after three years from the time the return was due or filed, whichever is later. However, in those cases in which the Commissioner of Internal Revenue and the taxpayer have executed a waiver of the federal statute of limitations, the period within which an additional assessment may be made by the Clerk shall be one year from the time the final determination of the federal tax liability./

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

"(C) Additional amounts of less than one dollar (\$1.00) shall not be collected or refunded.

"(D) In the event an employer has withheld too much tax, or withheld village tax in error, the excess shall be refunded by the employer to the employee.

"99.15 VIOLATIONS

- "(A) No person shall:
- "(1) Fail, neglect, or refuse to make any return or declaration required by this Ordinance;
 - "(2) Make any incomplete, false, or fraudulent return;
 - "(3) Fail, neglect, or refuse to pay the tax, penalties, or interest imposed by this Ordinance;
 - "(4) Fail, neglect, or refuse to withhold the tax from his employees or remit such withholdings to the Clerk;
 - "(5) Refuse to permit the Clerk or any duly

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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;

"(6) Fail to appear before the Clerk and to produce his books, records, papers, or federal income tax returns relating to the income or net profits of a taxpayer on order or subpoena of the Clerk;

"(7) Refuse to disclose to the Clerk any information with respect to the income or net profits of a taxpayer;

"(8) Fail to comply with the provisions of this Ordinance or any order or subpoena of the Clerk authorized;

"(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;

"(10) Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and city tax withheld, or knowingly give the Clerk false information; or

"(11) Evade or attempt to evade in any manner the payment of the whole or any part of the tax, penalties or interest imposed by this Ordinance.

"(B) All prosecutions under this section shall be commenced within the period stipulated in R. C. Section 718.06.

"(C) The failure of any employer, taxpayer 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 filling such form, or from paying the tax.

"99.16 BOARD OF REVIEW

"(A) A Board of Review of five members is created consisting of the Mayor, the Village Clerk/Treasurer, the Solicitor and two Doylestown residents not otherwise employed by the village or holding elective office, who shall be appointed by the Mayor with the consent of Council for initial terms of one year and two years respectively, and thereafter for two-year terms. Such public members shall not be adherents to the same political party and they shall be paid such per diem compensation as Council shall fix. All rules and regulations and amendments or changes thereto, which are adopted by the Clerk under the authority conferred by this Ordinance, must be approved by the Board before the same become effective. After such approval, such rules, regulations, amendments, and changes shall be filed with the Village Clerk and shall be open to public inspection.

"(B) Any person dissatisfied with any ruling or decision of the Clerk, which is made under the authority

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conferred by this Ordinance, may appeal therefrom to the Board within 15 days from the announcement of such ruling or decision by the Clerk and the Board shall, on hearing, have jurisdiction to affirm, reverse, or modify any ruling or decision or any part thereof. Such hearing shall be scheduled within 30 days from the date of appeal. The Board's ruling must be made within 15 days from the date of the hearing. Any person dissatisfied with any ruling or decision of the Board may appeal therefrom to a court of competent jurisdiction within 60 days from the announcement of such ruling or decision.

"(C) The Board shall elect, from its members, a Chairman, a Vice-Chairman and a Secretary. A majority of the members shall constitute a quorum. Any member other than a public member may appoint a deputy to act for him at meeting of the Board. The Board shall adopt its own procedural rules and shall keep a record of its transactions. All hearings on appeal by the Board shall be conducted privately, unless a public hearing is requested by the taxpayer, and the provisions of Section 99.12 with reference to the confidential character of information required to be disclosed by this Ordinance shall apply to such matters as may be heard before the Board on appeal.

"99.17 ALLOCATION OF FUNDS

The funds collected under the provisions of this Ordinance 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 Ordinance 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 1-1/2% or the applicable rate at the time the tax is imposed remaining after meeting the expenses as provided in division (A) shall be applied in conformance as follows: In each fiscal year 60% of all net income tax proceeds, after meeting expenses as provided in division (A), shall be allocated to current operating expenses and 40% to capital improvements, which shall include the payment of principal and of interest on general indebtedness incurred for capital improvements.

99.18 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY

"(A) Where a resident of the village 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.

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"(B) Every individual taxpayer who resides in the village but receives net profits, salaries, income, wages, commissions, other personal service compensation, or a distributive share of net profits from a resident or nonresident unincorporated business entity or association of which he is a partner or owner, for work done or services performed or rendered outside of the village, if it is made to appear that he or such business entity has paid as municipal income tax on or with respect to the same income taxable under this Ordinance to another municipality, shall be allowed a credit against the tax imposed by this Ordinance in the amount so paid by him, in his behalf or by such business entity, to the other municipality. In no event, however shall any municipal income tax to the extent paid to another municipality and allowed as a credit hereunder be deductible in computing the net profit of such taxpayer or such business entity. In addition, the credit shall not exceed the tax assessed by this Ordinance on income earned in such other municipality or municipalities where the tax is paid.

"(C) A claim for refund or credit under this section shall be made in such a manner as the Clerk may, by regulation, provide.

SECTION TWO:

All Ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed.

SECTION THREE:

That this ordinance is hereby declared to be an emergency measure for the reason that it is in the interest of welfare of the citizens of Doylestown and should go into effect as soon as possible, and provided this Ordinance receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed December 20, 1988

Lauretta Musgrave
Village Clerk/Treasurer

Gene E. Daniel
Mayor