

## HAMILTON-INDIAN SPRINGS JOINT ECONOMIC DEVELOPMENT DISTRICT

### Income Tax

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**1.01 Purpose.** To provide funds for the purposes of general operations, maintenance, payment for services and facilities and capital improvements, there is hereby levied a tax on salaries, wages, commissions and other compensation and on net profits as hereinafter provided.

**1.02 Definitions.** As used in this chapter, words in this section shall have the meaning ascribed to them in this section, except as and if the context clearly indicates or requires a different meaning; the singular shall include the plural and the masculine shall include the feminine and the neuter.

- (a) “**Commissioner of Taxation**” means the individual designated by the Board of Directors of the Hamilton-Indian Springs Joint Economic Development District, whether appointed directly or designated under contract with the City of Hamilton!, to administer and enforce the provisions of this chapter.
- (b) “**Association**” means a partnership, limited partnership or any other form of unincorporated enterprise, owned by two or more persons.
- (c) “**Board of Review**” means the Board created by and constituted as provided in Section 1.13.
- (d) “**Business**” means an enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity.
- (e) “**Corporation**” means a corporation or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory, foreign country or dependency.
- (f) “**Employee**” means one who works for wages, salary, commission or other type of compensation in the service of an employer.
- (g) “**Employer**” means an individual, partnership, association, corporation, governmental body, unit or agency, or any other entity, whether or not organized for profit, who or that employs one or more persons on a salary, wage, commission or other compensation basis.

- (h) “**Fiscal year**” means an accounting period of twelve months or less ending on any day other than December 31.
- (i) “**Floater**” means an employee who does not work at a place of business of his employer and who regularly works in two or more taxing jurisdictions during the year.
- (j) “**Gross receipts**” means the total income from any source whatsoever.
- (k) “**Itinerant**” means any nonresident employed in the District for a period of less than four weeks in any calendar year or who works in the District an average of less than six hours per week.
- (l) “**Net profits**” means the net gain from the operation of a business, profession or enterprise after provision for all ordinary and necessary expenses either paid or accrued in accordance with the accounting system used by the taxpayer for Federal income tax purposes.
- (m) “**Nonresident**” means an individual domiciled outside the District.
- (n) “**Nonresident unincorporated business entity**” means an unincorporated business entity not having an office or place of business within the District.
- (o) “**Person**” means every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term “person” as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
- (p) “**Place of business**” means any bona fide office (other than a mere statutory office), factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity individually or through one or more of his regular employees regularly in attendance.
- (q) “**Principal place of business**” means in the case of an employer having headquarters activities at a place of business within a taxing jurisdiction, the place of business at which the headquarters is situated. In the case of any employer not having its headquarters activities at a place of business within a taxing jurisdiction, the term means the largest place of business located in a taxing jurisdiction.
- (r) “**Resident**” means an individual domiciled in the District.
- (s) “**Resident unincorporated business entity**” means an unincorporated business entity having an office or place of business within the District.
- (t) “**Taxable income**” means wages, salaries and other compensation paid by an employer or employers before any deductions and/or the net profits from the operation of a business, profession or other enterprise or activity adjusted in accordance with the provisions of this chapter.
- (u) “**Taxable year**” means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net profits are to be computed under this chapter and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.
- (v) “**Taxing municipality**” means a municipality levying a tax on income earned by nonresidents working within such municipality and on income earned by its residents.

- (w) **“Taxpayer”** means a person, whether an individual, partnership, association or any corporation or other entity, required hereunder to file a return or pay a tax.

**1.03 Imposition of Tax.**

- (a) **Rate of Income Taxable.** An annual tax for the purpose specified in Section 1.01 shall be imposed on and after 1997 at the rate of two percent (2%) per annum upon the following:
  - (1) On all salaries, wages, commissions and other compensation earned by any person for work done, or services performed or rendered, in the District;
  - (2) On the portion attributable to the District of the net profits earned by all resident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered, and business or other activities conducted in the District.
  - (3) On the portion attributable to the District on the net profits by all nonresident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the District, whether or not such unincorporated business entity has an office or place of business in the District.
  - (4) On the portion attributable to the District of the net profits earned by all corporations derived from work done or services performed or rendered and business or other activities conducted in the District, whether or not such corporations have an office or place of business in the District.
- (b) **Businesses Both In And Outside The City Boundaries.** The portion of the net profits attributable to the District of a taxpayer conducting a business, profession or other activity both within and without the boundaries of the District shall be determined as provided in Ohio R.C. 718.02 and in accordance with the rules and regulations adopted by the Commissioners of Taxation pursuant to this chapter.
- (c) **Operating Loss Carry-Forward.**
  - (1) The portion of a net operating loss sustained in any taxable year subsequent to 1997, allocated to the District may be applied against the portion of the profit of succeeding year(s) allocated to the District, for a maximum period of five taxable years, but 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 District in the same manner as provided herein for allocating net profits to the District.
  - (3) The Commissioner of Taxation shall provide by rules and regulations the manner in which such net operating loss carry-forward shall be determined.
  - (4) The net operating loss sustained by a business or profession is not deductible from employee earnings, but may be carried forward as provided in subsection (c)(1).
- (d) **Consolidated Returns.**
  - (1) Filing of consolidated returns may be permitted or required in accordance with rules and regulations prescribed by the Commissioner of Taxation.

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

(e) **Exclusions.** The provisions of this chapter shall not be construed as levying a tax upon the following:

- (1) Poor relief, unemployment ce benefits, old age pensions or similar payments including disability benefits received from local, state or federal governments or charitable, religious or educational organizations.
- (2) Proceeds of insurance, annuities, workers' compensation insurance, social security benefits, pensions, compensation for damages for personal injury and like reimbursements, not including damages for loss of profits.
- (3) Dues, contributions and similar payments received by charitable, religious, educational organizations, or labor unions, trade or professional associations, lodges and similar organization.
- (4) Gains from involuntary conversion, cancellation of indebtedness, interest on federal obligations and income of a decedent's estate during the period of administration (except such income from the operation of a business).
- (5) Alimony received.
- (6) Compensation for damage to property by way of insurance or otherwise.
- (7) Interest and dividends from intangible property.
- (8) Military pay and allowances received as a member of the armed forces of the United States. In the case of members of the National Guard, Air National Guard, Organized Reserves and Air Reserves, this exclusion shall apply only to their drill and flight pay.
- (9) Income of any charitable, educational, fraternal or other type of nonprofit association or organization enumerated in Ohio R.C. 718.01 to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.
- (10) Any association or organization falling in the category listed in the preceding paragraph receiving income from non-exempt real estate, tangible or intangible personal property, or business activities of a type ordinarily conducted for profit by taxpayers operating for profit shall not be excluded hereunder.
- (11) In the event any association or organization receives taxable income as provided

in the preceding paragraph from real or personal property ownership or income producing business located both within and without the corporate limits of the District, it shall calculate its income allocable to the District under the method or methods provided above.

- (12) If exempt for federal income tax purposes, fellowship and scholarship grants are excluded from District income tax.
- (13) Unemployment benefits.

(f) **Inclusions.** The following items, which are not intended to constitute an all-inclusive list but rather shall be considered examples of taxable income, are subject to the tax imposed by this Chapter:

- (1) Salaries, wages, bonuses, and incentive payments earned by an individual, whether directly or through an agreement and whether in case or in property for services rendered during the = period as:
  - (i) an officer, director, or employee of a corporation (including charitable and other nonprofit organizations), joint stock association or joint stock company;
  - (ii) an employee (as distinguished from a partner or member) of a partnership, limited partnership or any form of unincorporated enterprise owned by two or more persons;
  - (iii) an employee (as distinguished from a proprietor) of a business, trade or profession conducted by an individual owner;
  - (iv) an officer or employee (whether elected, appointed or commissioned) of the United States government or any of its agencies; of the State of Ohio or any of its agencies or political subdivisions; or of any foreign country or dependency as provided in Section 191.03 hereof;
  - (v) an employee of any other entity or person, whether based upon hourly, daily, weekly, semi-monthly, monthly, annually, unit of production or piece-work rates; and whether paid by an individual, partnership, association, corporation (including charitable and other nonprofit corporations), governmental administration, agency, authority, board, body, branch, bureau, department, division, subdivision, section, or unit, or any other entity;
- (2) Commissions earned by an individual directly or through an agent and whether in cash or in property for services rendered, regardless of how computed, or by whom or wheresoever paid.
  - (i) If amounts received as a drawing account exceed the commissions earned and the excess is not subject to the demand of the employer for repayment, the tax is payable on the amounts received as a drawing account.
  - (ii) Amounts received from an employer for expenses and not as compensation, and used as such by the individual receiving them are not deemed to be compensation if the employer deducts such expenses or advances as such from his/her gross income for the purpose of determining his/her net profits taxable under Federal law and the

employee is not required to include such receipts as income on his/her Federal tax return.

(iii) If commissions are included in the net earnings of the trade, business, profession, enterprise or activity, carried on by an unincorporated entity of which the individual receiving such commission is owner or part-owner and if it were subject to the tax under subparagraph (a)(3) or (a)(4) of Section 191.03, it shall not be taxed under subparagraph (a)(1) of Section 191.03. In such case such net earnings shall be taxed under subparagraph (a)(3) of Section 191.03.

- (3) Strike pay.
- (4) Non-employee compensation.
- (5) Fees, unless such fees are properly includable as part of the net profits of a trade, business or enterprise regularly carried on by an unincorporated entity owned or partly owned by said individual and such net profits are subject to the tax under subparagraph (a)(2) of section 191.03.
- (6) Other compensation including tips, bonuses, severance pay, gifts and prizes connected with employment.
- (7) Employer paid premiums for group term life insurance to the extent taxable for Federal income tax purposes.
- (8) Sick pay whether paid by the employer to the employee or through third party.
- (9) Disability pay whether paid by the employer to the employee or through a third party.
- (10) Contributions made by or on behalf of employees to tax deferred annuity plans (401(k) Plans and other deferred compensation plans).
- (11) Employee contributions to a retirement plan "picked-up" by the employer.
- (12) The value of employer-sponsored plans which permit the participant to reduce his taxable income for Federal tax purposes (such as Section 125 cafeteria plans and the like).
- (13) Fellowships, scholarships, stipends and grants to the extent that they are taxable for Federal Income Tax purposes.
- (14) Payments made to employees as vacation wages.
- (15) Incentive payments, no matter how described, including but not limited to payments to induce early retirement.
- (16) Payments made to employees under a wage continuation plan during periods of disability or sickness.
- (17) Supplemental unemployment pay (sub pay).
- (18) Value added of commuting automobile mileage.
- (19) Trusts not made pursuant to employee's retirement.

- (20) Where compensation is paid or received in property, its fair market value at the time of receipt shall be subject to the tax and to withholding. Board, lodging and similar items received by an employee in lieu of additional cash compensation shall be included. in earnings at their fair market value.
  - (i) In the case of the domestics and other employees who are required to live at their place of employment or assignment, board and lodging shall not be considered as wages or compensation earned.
  - (ii) Housing for clergy shall not be considered as wages or compensation earned.
- (21) All other earned compensation.
- (22) Stock options.

**1.04 Effective Period.** The City income 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 from and after 1997.

**1.05 Return And Payment of Tax.**

- (a) Each taxpayer, except as herein provided, shall, whether or not a tax be due thereon, make and file a return on or before April 30 of the year following the effective date of this chapter and on or before April 30 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four months from the end of such fiscal year or period. The Commissioner of Taxation is hereby authorized to provide by regulation that the return of an employer or employers, showing the amount of tax deducted by the employer or employers from the salaries, wages, commissions or other compensation of an employee, and paid by him or them to the Commissioner of Taxation shall be accepted as the return required of any employee whose sole income, subject to tax under this chapter, is such salary, wages, commissions or other compensation.
- (b) The return shall be filed with the Commissioner of Taxation on a form or forms furnished by or obtainable upon request from such Commissioner of Taxation setting forth:
  - (1) The aggregable amounts of salaries, wages, commissions and other compensation earned by him, and/or gross income from business, profession or other activity, less allowable expenses incurred in the acquisition of such gross income earned during the preceding year and subject to the tax;
  - (2) The amount of the tax imposed by this chapter on such earnings and profits; and
  - (3) Such other pertinent statements, information returns, or other information as the Commissioner of Taxation may require.
- (c) The Commissioner of Taxation 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 three (3) months beyond any extension requested of or granted by the Internal Revenue Service for the filing of the Federal Income Tax return. The Commissioner of Taxation may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due. No penalty or interest shall be assessed in cases where an extension of time for filing a return is granted, provided that on or before the date when the return was originally due, the taxpayer has paid an amount equal to or greater than the tax owed the District when a return is filed. In the event a taxpayer has

paid an amount by the original due date which is less than the amount due when a return is filed, a penalty and interest may be charged in accordance with Section 19 1. 10 hereof.

- (d) The taxpayer making a return shall, at the time of the filing thereof, pay to the Commissioner of Taxation the amount of taxes shown as due thereon. However, where any portion of the tax so due shall have been deducted at the source p t to the provisions of Section 1.06 or where any portion of the tax has been paid by the taxpayer pursuant to the provisions of Section 1.07, or where an income tax has been paid to another municipality or joint economic development district or zone, credit for the amount so paid in accordance with Section 1. 14 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.

A taxpayer who has overpaid the amount of tax to which the District is entitled under the provisions of this chapter may have such overpayment applied against any subsequent liability hereunder or, at the taxpayer's election indicated on the return, such overpayment or part thereof shall be refunded, provided that no additional taxes or refunds of less than one dollar (\$1.00) shall be collected or refunded.

- (e) Amended Returns. 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 1.11 and 1.14. Such amended returns shall be on a form obtainable on request from the Commissioner of Taxation. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.

Within three months from the final determination of any federal tax liability affecting the taxpayer's District tax liability, such taxpayer shall make and file an amended District return showing income subject to the District income tax 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.

**1.06 Collection At Source.**

- (a)(1) In accordance with miles and regulations prescribed by the Commissioner of Taxation, each employer within or doing business within the District shall deduct at the time of the payment of such salary, wage, commission or other compensation, a tax at the rate provided in Section 1.03 hereof on the gross salaries, wages, commissions or other compensation due by the employer to the employee and shall, on or before the fifteenth day of the month following such withholding, make a return and pay to the Commissioner of Taxation the amount of taxes so deducted; except in the case where the employer's weekly withholding tax exceeded four thousand dollars (\$4,000), the taxes so deducted shall be due by the last day of the week following such withholding. The return shall be on a form or forms prescribed by or acceptable to the Commissioner of Taxation and shall be subject to the rules and regulations prescribed by the Commissioner. 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.
- (a)(2) So long as the taxes withheld by an employer for the District during the measurement period are less than One Hundred Dollars (\$100) per month, payments may be made quarterly on or before the fifteenth (15th) day of the month following the end of the quarter, subject to the approval of the Commissioner of Taxation. The Commissioner may revoke the approval of quarterly filing and payments when ever he has reason to believe that the conditions for granting such authorization have changed, were judged incorrectly, were not met, or when it is in the best interest of the District to do so. Notice of the withdrawal shall be made in writing and, in such case, the employer must begin to

file in accordance with this Section.

- (b) Such employer in collecting the tax shall be deemed to hold the same, until payment is made by such employer to the District or its agent, as a trustee for the benefit of the District and any such tax collected by such employer from his employees shall, until the tax is paid to the District or its agent, be deemed a trust fund in the hands of such employer.
- (c) It shall be the personal responsibility, jointly and severally, of the president and treasurer of each corporation which is required to withhold the tax from the wages of its employees to cause all such taxes so withheld to be paid to the District in accordance with the provisions of this section.

**1.07 Declarations.**

- (a) Every taxpayer who anticipates any taxable income which is not subject to Section 191.06 or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 191.03, shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity together with the estimated tax due thereon, if any. Provided, however, if a person's income is wholly from wages from which the tax will be withheld and remitted to this municipality in accordance with Sections 191.03, 191.06, 191.14 hereof, such person need not file a declaration.
- (b) Such declaration shall be filed on or before April 30 of each year during the life of this chapter, or within four months of the date the taxpayer becomes subject to tax for the first time.

Those taxpayers having a fiscal year or period differing from the calendar year shall file a declaration within four months after the start of each fiscal year or period.

- (c) Such declaration shall be filed upon a form furnished by, or obtainable from the Commissioner of Taxation, and credit shall be taken for the District tax to be withheld from any portion of such income. In accordance with the provisions of Section 1.14, credit may be taken for tax to be withheld and remitted to another tax municipality or joint economic development district or zone.

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.

- (d) Such declaration of estimated tax to be paid the District shall be accompanied by a payment of at least one-fourth of the estimated annual tax and at least a similar amount shall be paid on or before the last day of the sixth, ninth, and twelfth months after the beginning of the taxable year. However, in case an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.
- (e) On or before the last day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the District shall be paid therewith in accordance with the provisions of Section 1.05.

**1.08 Duties Of The Tax Commissioner.**

- (a) It shall be the duty of the Commissioner of Taxation to receive the imposed by this chapter in the manner prescribed herein from the taxpayers to keep an accurate record thereof, and to report all moneys so received.

It shall be the duty of the Commissioner of Taxation to enforce payment of all taxes owing the District, to keep accurate 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.

- (b) The Commissioner of Taxation is hereby charged with the enforcement of the provisions of this chapter, and is hereby empowered, subject to the approval of the Board of Review, to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this chapter, including provisions for the re-examination and correction of returns. Such rules and regulations shall conform to the rules and regulations adopted under the City of Hamilton! income tax.

- (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 Commissioner of Taxation may determine the amount of tax appearing to be due the District 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.

**1.09 Investigative Powers Of The Tax Commissioner; Information Is Confidential.**

- (a) The Commissioner of Taxation 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 the tax for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer or supposed taxpayer 4 hereby directed and required to furnish upon written request by the Commissioner of Taxation, or his duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations as are hereby authorized.
- (b) The Commissioner of Taxation is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and federal income tax returns and 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 Commissioner of Taxation authorized hereby shall be deemed a violation of this section, punishable as provided in Section 1.99.
- (d) Any information gained as the result of any returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official purposes, or except in accordance with proper judicial order.
- (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.

**1.10 Interest and Penalties.**

- (a) All taxes imposed and moneys withheld by employers under the provisions of this chapter and remaining unpaid after they have become due shall bear interest, in addition to the amount of the unpaid tax or withholdings, at the rate of one percent (1 %) per month or fraction thereof.
- (b) In addition to the interest as provided in subsection (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 percent (1%) per month or fraction thereof.
  - (2) For failure to remit taxes withheld from employees: three percent (3%) per month or fraction thereof.

- (3) Where the taxpayer has failed to file a declaration on which he has estimated and paid a tax equal to or greater than the tax paid for the previous year, or where he has filed a previous return and has failed to file a declaration on which he has estimated and paid tax equal to or greater than ninety percent (90%) of the actual tax for the year, or has failed to file a return and pay the total tax on or before the end of the month following the end of the taxable year: ten percent (10%) of the difference between ninety percent (90%) of the actual for the year and the amount paid through withholding or declaration.
- (4) Except in the case of fraud, the penalty shall not exceed fifty percent of the unpaid tax.
- (5) Where the taxpayer has failed to file a return in accordance with Section 1.05 hereof: Twenty-Five Dollars (\$25.00).
- (c) Exceptions. A penalty shall not be assessed on an additional assessment made by the Commissioner of Taxation when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Commissioner of Taxation; and in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing an amended return is filed and the additional tax is paid within three months after final determination of the federal tax liability.
- (d) Upon recommendation of the Commissioner of Taxation, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Commissioner of Taxation to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest, or both.

**1.11 Collection Of Unpaid Taxes And Refunds Of Overpayments.**

- (a) All taxes imposed by this chapter together with any interest and penalties thereon, shall be collectible, by suit, as other debts of like amount are recoverable. The District may employ the services of a-Collection Agency for the purposes of making such collections.
- (b) Taxes erroneously paid shall not be refunded unless a claim for refund is made within the time prescribed in Ohio R.C. 718.06.
- (c) Amounts of less than one dollar (\$1.00) shall not be collected or returned.

**1.12 Violations.**

- (a) The following shall be considered violations of this chapter:
  - (1) Failing, neglecting or refusing to make any return or declaration required by this chapter; or
  - (2) Making any incomplete, false or fraudulent return; or
  - (3) Willfully failing, neglecting or refusing to pay the tax, penalties or interest imposed by this chapter; or
  - (4) Willfully failing, neglecting or refusing to withhold the tax from his employees or remit such withholding to the Commissioner of Taxation; or
  - (5) Refusing to permit the Commissioner of Taxation 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) Failing to appear before the Commissioner of Taxation 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 Commissioner of Taxation; or
  - (7) Refusing to disclose to the Commissioner of Taxation any information with respect to the income or net profits of a taxpayer; or
  - (8) Willfully giving to an employer by an employee false information as to his true name, correct social security number and residence address, or the failure of such employee to promptly notify an employer of any change in residence address and the date thereof; or
  - (9) Failure on the part of any employer to maintain proper records of employees' residence addresses, total wages paid and District tax withheld, or to knowingly give the Commissioner of Taxation false information; or
  - (10) Commission of any fraudulent act to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.
  - (11) Failure, as president and/or treasurer of a corporation, to cause the tax withheld from wages of the employees of such corporation pursuant to this chapter to be paid to the city in accordance with the provisions of Section 1.06 hereof.
- (b) All prosecutions under this section must be commenced within the time specified in Ohio R.C. 718.06.
  - (c) The failure of any employer or taxpayer or person to receive or procure a return, declaration or other required form shall not excuse him from making any information return, return or declaration, from filing such form or from paying the tax.

**1.13 Board Of Review.**

- (a) The Board of Review of the City of Hamilton is hereby designated to act as the Board of Review of the District under this section. 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 1.09 with reference to the confidential character of information required to be disclosed by the chapter shall apply to such matters as may be heard before the Board on appeal.

All rules and regulations and amendments or changes thereto which are adopted by the Commissioner of Taxation under the authority conferred by this chapter, must be approved by the Board of Review before the same become effective. After such approval, such rules, regulations, amendments and changes shall be filed with the Secretary of the District and shall be open to public inspection. The Board shall hear and pass on appeals from any ruling or decision of the Commissioner of Taxation, and, at the request of the taxpayer or Commissioner of Taxation, is empowered to substitute alternate methods of allocation.

- (c) Any person dissatisfied with any ruling or decision of the Commissioner of Taxation which is made under the authority conferred by this chapter may appeal therefrom to the Board of Review within thirty days from the announcement of such ruling or decision by the Commissioner of Taxation, and the Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision or any part thereof.

**1.14 Credit For Tax Paid To Another Municipality.**

- (a) Where a resident of the District is subject to a municipal income tax in another municipality, he shall not pay a total municipal income tax on the other income greater than the tax imposed at the higher rate.
- (b) Every individual taxpayer who resides in the District who receives net profits, salaries, wages, commissions or other personal service compensation for work done or services performed or rendered outside of the District, if it appears that he has paid a municipal income tax on the same income taxable under this chapter to another jurisdiction, shall be allowed a credit against the tax imposed by this chapter of the amount so paid by him or in his behalf to such other jurisdiction. The credit shall not exceed the tax assessed by this chapter on such income earned in such other jurisdiction where such tax is paid.
- (c) A claim for refund or credit under this section shall be made in such manner as the Commissioner of Taxation may by regulation provide.

**1.15 Penalty.**

- (a) Any person who violates any provision in Section 1.12 shall be fined not more than five hundred dollars (\$500) or imprisoned not more than six months or both, for each offense.
- (b) Any person divulging information in violation of Section 1.09 shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than six months, or both. Each disclosure shall constitute a separate offense.

In addition, any employee of the District who violates Section 1.09 relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.