

CHAPTER 183
Income Tax

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183.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADJUSTED FEDERAL TAXABLE INCOME. A “C” corporation’s federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, but including subsequent adjustments from required additions and deductions. Pass-through entities must compute “Adjusted Federal Taxable Income” as if the pass-through entity was a “C” corporation. This definition does not apply to any taxpayer required to file a return under Ohio R.C. 5745.03 or to the net profit from a sole proprietorship. This definition is effective for tax years beginning on or after January 1, 2004.

ASSOCIATION. A partnership, limited partnership, limited liability company, or any other form of unincorporated enterprise.

BOARD OF REVIEW. The Board created by and constituted as provided for in Section 183.14.

BUSINESS. An enterprise, activity, profession, or undertaking of any nature conducted for profit or ordinarily conducted for profit; whether by an individual, partnership, limited partnership, fiduciary, trust, corporation, association, or any other entity, including but not limited to, the renting or leasing of real or personal property.

CITY. The City of Loveland, Ohio.

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 including Chapter S Corporations as defined in the Federal Tax Code, 26 U.S.C. 1361.

DOMICILE. The permanent legal residence or place of business of a taxpayer. An individual may have more than one residence but not more than one domicile.

EMPLOYEE. One who works for income, wages, salary, commissions or other type of compensation in the service and under the control of an employer.

EMPLOYER. An individual, partnership, limited partnership, association, corporation, governmental body, unit, or agency, or any other entity who or that employs one or more persons on a salary, wage, commission, or other compensation basis but not including an individual who employs domestic help for such individual's private residence.

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

FISCAL YEAR TAXPAYER. A taxpayer that reports municipal income tax on the basis of a twelve-month period that does not coincide with the calendar year.

FORM 2106. Internal Revenue Service Form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

GENERIC FORM. An electronic or paper form designed for reporting estimated municipal income taxes and/or annual municipal income tax liability, and/or separate requests for refunds that contain all the information required on Loveland's regular tax return and estimated payment forms, and are in a similar format that will allow processing of the generic forms without altering the City's procedures for processing forms.

GROSS RECEIPTS. Total income derived from sales, work done, or service rendered.

INCOME. All monies, subject to limitations imposed by Ohio R.C. Chapter 718, derived from any source whatsoever, including but not limited to:

- (a) All income, qualifying wages, commissions, other compensation and other income for whatever source received by residents of the City.

- (b) All income, qualifying wages, commissions, other compensation and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in the City.
- (c) The portion attributable to the City of the net profits of all unincorporated businesses, associations, professions, corporations, or other entities, from sales made, work done, services performed or rendered, and business or other activities conducted in the City.

INDIVIDUAL. A natural person.

INTERNAL REVENUE CODE. The Internal Revenue Code of 1986, 100 stat. 2085, 26 U.S.C. 1, as amended.

JOINT ECONOMIC DEVELOPMENT DISTRICT. A district created under Ohio R.C. 715.70 and 715.83, as amended from time to time.

LIMITED LIABILITY COMPANY. A limited liability company formed under Ohio R.C. Chapter 1705 or under the laws of another state.

NET PROFITS. For taxable years prior to 2004, the net gain from the operation of a business, profession, or enterprise after provision for all ordinary, reasonable and necessary expenses incurred in the conduct thereof, including allowance for depreciation, depletion, amortization, either paid or accrued in accordance with recognized principles of accounting applicable to the method of accounting regularly employed; and without deduction of federal and state taxes based on income exclusive of amount of Ohio franchise tax computed on the net worth basis; and without deducting taxes imposed by this chapter; and in the case of an association, without deduction of salaries paid to partners and other owners; and otherwise adjusted to the requirements of this chapter. (For taxable years 2004 and later, see ADJUSTED FEDERAL TAXABLE INCOME.)

NONRESIDENT. A person, as defined by this chapter, domiciled outside the City.

NONRESIDENT UNINCORPORATED BUSINESS ENTITY. An unincorporated business entity not having an office or place of business within the City.

OTHER ENTITY. Any person or unincorporated body not previously named or defined and includes fiduciaries located within the City.

OTHER PAYER. 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.

OWNER. A partner of a partnership, a shareholder of an S corporation, a member of a limited liability company, or other person with an ownership interest in a pass-through entity.

PASS-THROUGH ENTITY. A partnership, S 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.

PERSON. Every individual, association, business, corporation or other entity. Whenever used in any clause prescribing and imposing a penalty, the term person, as applied to any association or any other unincorporated entity, shall include the partners or members thereof, and as applied to a corporation, the officers thereof, in their individual capacity.

PLACE OF BUSINESS. Any bona fide office (other than a mere statutory office), factory, warehouse, apartment building or other space which is occupied or used by a person in carrying on any business activity individually or through one or more employees, or where one or more employees are regularly in attendance.

PRINCIPAL PLACE OF BUSINESS. In the case of an employer having headquarters activities at a place of business within a taxing municipality, 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 municipality, the term means the largest place of business located in a taxing municipality.

QUALIFYING WAGE. Wages as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, but including subsequent adjustments from required additions and deductions. "Qualifying wage" represents employees' income from which municipal tax shall be deducted by the employer, and any wages not considered a part of "qualifying wage" shall not be taxed by the City. This definition is effective January 1, 2004.

RESIDENT. An individual domiciled in the City.

RESIDENT UNINCORPORATED BUSINESS ENTITY. An unincorporated business entity having an office or place of business within the City.

RETURN PREPARER. 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.

S CORPORATION. A corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

TAXABLE INCOME. (See INCOME.)

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

TAX ADMINISTRATOR. The City employee charged with the responsibility of administering the City Income Tax laws under the Director of Finance including the Tax Administrator's designee or duly authorized agent.

TAXING MUNICIPALITY. A municipality or Joint Economic Development District levying a tax on income earned by nonresidents working within such municipality or Joint Economic Development District, and income received by its residents.

TAXPAYER. A person required to file a return or to pay a tax hereunder.

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

(Ord. 2000-64. Passed 11-28-00; Ord. 2002-73. Passed 12-7-02; Ord. 2004-84. Passed 12-17-04; Ord. 2006-50. Passed 6-27-06.)

183.02 PURPOSE; IMPOSITION OF TAX.

To provide funds for the purpose of general municipal operations, maintenance of equipment, new equipment, the extension, enlargement, and improvement of municipal services and facilities, and capital improvements of the City, and/or other legal municipal purpose, there hereby is levied a tax at the rate of one percent (1%) on the following:

- (a) On all income salaries, wages, including severance, sick, wage continuation plans, and vacation pay, and supplemental unemployment pay, commissions and other compensation earned by resident individuals of the City.
- (b) On all income, salaries, wages, including severance, sick, wage continuation plans, and vacation pay, and supplemental unemployment pay, commissions, and other compensation earned by nonresident individuals of the City for work done or services performed or rendered in the City.
- (c) On the net profits attributable to the City of all resident unincorporated businesses, pass through entities, professions or other activities derived from sales made, work done or services rendered or performed and business or other activities conducted in the City.
- (d) On the net profits attributable to the City earned by all nonresident unincorporated businesses, pass through entities, professions, or other activities derived from sales made, work done or services performed or rendered and business or other activities conducted in the City.
- (e) On the net profits earned by all corporations derived from sales made, work done or services performed or rendered and business or other activities conducted in the City whether or not such corporations have a place of business in the City.
- (f) (1) The City shall not tax the compensation paid to a nonresident individual for personal services performed by such individual in the City on twelve or fewer days in a calendar year unless one of the following applies:
 - A. The individual is an employee of another person; the principal place of business of the individual's employer is located in another municipal corporation in the state of Ohio that imposes a tax applying to compensation paid to the individual for services performed on those days; and the individual is not liable to that other municipal corporation for tax on the compensation paid for such services.

- B. The individual is a professional entertainer or professional athlete, the promoter of a professional entertainment or sports event, or an employee of such a promoter, all as may be reasonably defined by the City.
- (2) For purposes of the 12-day calculation, any portion of a day worked in Loveland shall be counted as one day worked in Loveland.
 - (3) Beginning with the thirteenth day, the employer of said individual shall begin withholding Loveland income tax from remuneration paid by the employer to the individual, and shall remit the withheld income tax to Loveland in accordance with Sections 183.05 and 183.06. Since the individual can no longer be considered to have been an occasional entrant, the employer is further required to remit taxes on income earned in Loveland by the individual for the first twelve (12) days. If the individual is self-employed or an independent contractor, it shall be the responsibility of the individual to remit the appropriate income tax to Loveland.
- (g) A business loss shall not be used by a taxpayer to offset income taxes owing to the City as a result of his employment.
- (h) Any amount or value realized on a sale, exchange or other disposition of tangible personal property or real property used in a business in excess of the original cost shall be treated as taxable income under this chapter to the extent of depreciation allowed or allowable.
- (i) Net profits (i.e., “adjusted federal taxable income”) shall be calculated by adjusting the corporation’s federal taxable income before net operating losses and special deductions in the following manner:
- (1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.
 - (2) Deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code, except to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.
 - (3) Add an amount equal to five percent of intangible income deducted under subsection (i)(1) hereof, but excluding that portion of intangible income directly related to the sale, exchange or other disposition of property described in Section 1221 of the Internal Revenue Code.
 - (4) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code.
 - (5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income.
 - (6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income.

- (7) If the taxpayer is not a c-corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a c-corporation, except that guaranteed payments and other similar amounts paid or accrued to a partner, former partner, member or former member shall not be allowed as a deductible expense, and amounts paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.
(Ord. 2002-73. Passed 12-7-02; Ord. 2004-84. Passed 12-17-04.)

183.03 BUSINESS ALLOCATION PERCENTAGE FORMULA AND OPERATING LOSS CARRY-FORWARD.

- (a) Net profit from a business conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of income taxation in the same proportion as the average ratio of:
- (1) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business during the same period, wherever located. As used in this paragraph, real property shall include 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 employees in the business for services performed in the City to wages, salaries, and other compensation paid during the same period to all employees in the business, wherever their services are performed, but excluding compensation described in Section 183.02(f). As used in the preceding sentence, employees shall not include any subcontractor or independent contractor. Wages, salaries and other compensation shall be included to the extent that they represent qualifying wages.
 - (3) Gross receipts of the business from sales made and service performed during the taxable period in the City to gross receipts of the business during the same period from sales and services, wherever made or performed.
 - (4) If foregoing apportionment formula does not produce an equitable result, another basis may be substituted under uniform regulations so as to produce an equitable result. (Ord. 2004-84. Passed 12-17-04.)
- (b) As used in subsection (a) hereof, sales made in the City means:
- (1) All sales of tangible personal property delivered to a location within the City, regardless of where title passes, if shipped or delivered from a stock of goods located within the City;
 - (2) All sales of tangible personal property delivered to a location within the City, regardless of where title passes, even though transported from a point outside the City, if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion;
 - (3) All sales of tangible personal property shipped from a location within the City to purchasers outside the City, 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 location where delivery is made. (Ord. 2000-64. Passed 11-28-00.)

- (c) (1) If an individual is engaged in two or more taxable business activities to be included in the same return, the net loss of one unincorporated business activity may be used to offset the profits of another (except any portion of a loss or profit separately reportable for municipal tax purposes to another taxing entity) for purposes of arriving at overall net profits or net operating loss. Net operating losses from the operation of a business or profession are not deductible from employee earnings but may be carried forward as set forth herein.
- (2) The portion of a net operation loss sustained in any taxable year allocated to the City which has been detailed in a return submitted to the Tax Administrator may be applied against the portion of the profit of succeeding year(s) allocated to the City, until exhausted, but in no event for more than five taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year. The portion of a net operating loss sustained shall be allocated to the City in the same manner as provided herein for allocating net profits to the City.
- (d) (1) A consolidated return may be filed by a group of corporations who are affiliated through stock ownership if that affiliated group filed for the same tax period a consolidated return for Federal income tax purpose pursuant to Section 1501 of the Internal Revenue Code. A consolidated return must include all companies that are so affiliated. Once a consolidated return has been filed for any taxable year, consolidated returns shall continue to be filed in subsequent years unless the applicable requirements of the City for discontinuing the filing of consolidated returns have been met.
- (2) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City, constituting a portion only of its total business, the Tax Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City. If the Tax Administrator finds net profits are not properly allocated to the City by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory, or activity or by some other method, he shall make such allocation as he deems appropriate to produce a fair and proper allocation of net profits to the City.
(Ord. 2004-84. Passed 12-17-04.)

183.04 RESERVED.

183.05 RETURN AND PAYMENT OF TAX; MANDATORY FILING.

- (a) (1) Every resident 18 years of age or older or every person subject to Section 183.02, shall, whether or not a tax be due thereon, make and file a return on or before April 15th of each year with the Tax Administrator on a form obtainable from the Tax Administrator or on any acceptable generic form, setting forth the aggregate amount of income, salary, wages, commissions, or other compensation, and gross receipts from a business, less allowable expenses incurred in the acquisition of such gross receipts earned during the preceding year or period and subject to the tax; together with other pertinent information as the Tax Administrator may require. However when the final return is made for a fiscal year or other period different from the calendar year, the return shall be filed by the 15th day of the fourth month from the end of such fiscal year or period. No return shall have been considered filed unless it clearly sets forth the income and expenses subject to the City income tax and all required forms and documentation have been attached.
- An individual who is retired and has no income subject to tax in the City shall file an annual return for the year in which the retirement occurred and for the following year, indicating on the later filing that no tax is due the City as the result of retirement, and also indicating the date of retirement. Thereafter, such retired individual shall be exempt from the mandatory filing requirements of the City Code, except that the individual must begin again to file annual returns if subsequently the individual receives income subject to tax in the City. (Ord. 2006-50. Passed 6-27-06.)
- (2) A husband and wife may file either separate returns or a joint return for City purposes, even though one of the spouses has neither taxable income nor deductions included on the City return regardless of whether their Federal and State returns were filed separately or jointly. If a joint City return is made, the tax shall be computed on the aggregate taxable income and the liability with respect to the tax shall be joint and several.
- (b) The return shall also show the amount of tax imposed on such earnings and profits. The taxpayer making the return shall, at the time of the filing thereof, pay to the City the amount of taxes shown as due thereon. However, where any portion of the tax shall have been paid by such taxpayer pursuant to the provisions of Section 183.06 or 183.07, credit for the amount so paid 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 final return.
- (c) The return of an employer or employers showing the amount of tax deducted by said employer or employers from the salaries, wages, commissions or other compensation of any nonresident employee, and paid by him or them to the City, shall be accepted as the return required of any nonresident employee whose sole income subject to the tax is such salary, wage, commission or other compensation.
- (d) The City shall accept a generic form if the generic form once completed and filed, contains all of the information required to be submitted with the City's prescribed returns, reports or documents, and if the taxpayer or return preparer filing the generic form otherwise complies with the rules or ordinances of the City governing the filing of returns, reports or documents.

(e) 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 183.08 and 183.12. Such amended returns shall be on a form obtainable, upon request, from the Tax Administrator. A taxpayer may not change the method of accounting (i.e., cash or accrual) or appointment 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 City tax liability, the taxpayer shall make and file an amended City return showing income subject to the City tax, based on the final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.

(f) The officer or employee of such employer having control or supervision or charged with the responsibility of filing the return and making the payment, shall be personally liable for failure to file the return or pay the tax, penalties, or interest due as required herein. The dissolution, bankruptcy or reorganization of any such employer does not discharge an officer's or employee's liability for a prior failure of such business to file a return or pay taxes, penalties or interest due.

(g) Any business, profession, association or corporation reporting a net loss is subject to the filing requirements of this chapter.

(h) Amounts of less than two dollars (\$2.00) shall not be collected or refunded upon the filing of the annual return.

(i) Failure to file any required return or documentation in a timely manner as prescribed by this section shall subject the taxpayer to a late filing penalty as prescribed in Sections 183.11 and 183.97.

(Ord. 2004-84. Passed 12-17-04.)

183.06 COLLECTION AT SOURCE.

(a) Each employer located, or doing business within the City who employs one or more persons on an income, salary, wage, commission, or other compensation basis, excluding exempted incomes set forth in Section 183.16, and subject to the provisions of subsection (b) hereof, shall deduct, at the time such income, salary, wage, commission, or other compensation is paid, allocated or set aside, the tax of 1% of the gross income, salaries, wages, commissions, or other compensation due from the employer to the employee, and shall make a return to the Tax Administrator and pay to the City the amount of taxes so deducted on or before the last day of the month following such withholding. Tax shall be withheld only from qualifying wages as defined in Section 183.01, with the following adjustments:

- (1) Deduct any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.
- (2) Add any amount not included in wages solely because the employee was employed by the employer prior to April 1, 1986, and thereby exempt from the Medicare tax. The wages shall be taxed as if they were subject to the Medicare tax.

- (3) Add any amount not included in wages because the amount arises from the sale, exchange or other disposition of a stock option, the exercise of a stock option, or the sale, exchange or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax. This subsection applies only to those amounts constituting ordinary income. Further, an employer is not required to make any withholding with respect to an individual's disqualifying disposition of an incentive stock option, if, at the time of the disqualifying disposition, the individual is not an employee of the corporation with respect to whose stock the option has been issued.
- (4) Add any amount not included in wages if the amount is an amount described in section 401(k) or 457 of the Internal Revenue Code. This subsection applies only to employee contributions and employee deferrals.
- (5) Add any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(b) If the taxes withheld by an employer for the City during the previous tax year averaged less than three hundred dollars (\$300.00) per month, payments may be made quarterly on or before the last day of the month following the end of each quarter, subject to the approval of the Tax Administrator. The Tax Administrator may revoke the approval of quarterly filing and payments whenever the Tax Administrator has reason to believe that the conditions for granting such authorization have changed. Notice of such revocation shall be made in writing and provided to the employer by the Tax Administrator and, in such case, the employer must begin to file in accordance with the provisions of this section including subsection (a). If the taxes withheld by an employer for the City during the previous tax year averaged three hundred dollars (\$300.00) per month or more, payments must be made on a monthly basis and shall be made on or before the last day of the month following the end of the month for which taxes were withheld.

(c) The payment of taxes withheld shall be on a form obtainable from the Tax Administrator, or on any acceptable generic form. Such employer, in collecting the tax, shall be deemed to hold the same as trustee for the benefit of the City until payment is made by such employer to the City, and any such tax collected by such employer from his employees shall, until the same is paid to the City, be deemed a trust fund in the hands of such employer. 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.

(d) All officers of a corporation or the employees having control or supervision or charged with the responsibility of filing the return and making payment, shall be personally liable for failure to file the return or pay the tax due as required herein. The dissolution, bankruptcy, or reorganization of any such employer does not discharge any officer's or employee's liability for a prior failure of such business, to file a return or pay taxes due.

(e) On or before February 28 of each year, each employer shall file a withholding tax reconciliation for the preceding calendar year, showing the sum total of all compensation paid to all employees, the portion of which, (if any), was not subject to withholding, along with an explanation for same, and the portion of which was subject to withholding, together with the amount of such withholdings remitted. Such return shall include information concerning each employee from whom Loveland tax was withheld, or should have been withheld, setting forth the name, address and social security number of each such employee, the total amount of compensation paid during the year, the amount of Loveland tax withheld and such other information as may be required by the rules and regulations established by the Tax Administrator. In lieu of submitting forms W-2 for each employee, an alternative method of reporting must be approved by the Tax Administrator, or his duly authorized agent.

(f) A nonresident employer, agent of such an employer, or other payer that is not located in the City of Loveland and is exempt from withholding pursuant to this section shall report all taxable income paid to its employees or agents working in the City on an annual basis. This report shall be due on or before February 28 of each year, and shall include a calculation of the total compensation earned in the City by all employees during the preceding calendar year.

(g) In addition to the wage reporting requirements of this section, any person who compensates a nonemployee individual, contractor or subcontractor shall report such payment. The information required shall include the name, address and social security number or federal identification number, the amount of compensation paid to each such nonemployee, individual, contractor or subcontractor. Federal form 1099 MISC may be submitted in lieu of such listing. This information shall be filed annually with the City, on or before February 28.

(h) Subcontractors shall be responsible for all income tax withholding requirements under this chapter.
(Ord. 2004-84. Passed 12-17-04.)

(i) No person shall be required to withhold the tax on the wages or other compensation paid domestic servants employed exclusively in or about such person's residence. However, such domestic servants shall file their own returns and pay any tax required.
(Ord. 2000-64. Passed 11-28-00.)

(j) Failure to file any required return or documentation in a timely manner as prescribed by this section shall subject the nonfiling person to a late filing penalty as prescribed in Sections 183.11 and 183.97.
(Ord. 2002-73. Passed 12-7-02.)

183.07 DECLARATIONS AND ESTIMATED TAXES.

(a) Every taxpayer who anticipates any taxable income which is not subject to the provisions of Section 183.06 shall file a declaration of the estimated tax liability for the taxable period. Such declaration shall be filed on or before April 30 of each calendar year for the duration of the taxes referred to herein. The taxpayer shall be responsible for the calculation of the estimated tax liability on such declaration. Taxpayers reporting on a fiscal year basis shall file a declaration prior to the end of the fourth month after the beginning of the fiscal year.

(b) Such declaration shall be filed on a form obtainable from the Tax Administrator, or on any acceptable generic form, which form may simply state that the figures used in making such declaration are the figures used in making the declaration of the estimate for the federal income tax (if a federal estimate is required), provided that it is understood that such figures may be modified according to the provisions of this chapter so that the declaration required by this section shall set forth only such income as is taxable under the provisions of this chapter.

(c) For all declarations and estimated tax payments due for all tax obligations for tax year 2002 and all tax years prior to 2002, the declaration, to be filed on or before April 30, or on or before the end of the fourth month following the end of a fiscal year, shall be accompanied by 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 seventh, tenth and thirteenth month after the beginning of the taxpayer's taxable year provided that such estimate may be amended at the time of making any quarterly payment, and further provided that on or before April 30 of the year following that for which the declaration was filed, or on or before the end of the fourth month following the end of a fiscal year, a final return shall be filed and any balance which may be due the City shall be paid therewith.

(d) Effective January 1, 2003 such declaration shall be filed on or before April 15, or on or before the 15th day of the fourth month following the end of a fiscal year accompanied by payment as set forth below:

- (1) Prior to the application of any credits, estimated tax payments, or withheld taxes, individual taxpayers are required to remit estimated tax payments on a quarterly basis with payments not to exceed twenty-two and one half percent (22.5%) of the estimated annual tax liability for the current year, on or before April 15 disregarding any extension granted pursuant to Section 183.17, forty-five percent (45%) by July 31, sixty-seven and one half percent (67.5%) by October 31 and ninety percent (90%) by January 31. Any amount deducted and withheld for taxes from the compensation of an individual shall be considered as estimated taxes paid in equal amount of each of the payments set forth in this section.
- (2) Prior to the application of any credits, or estimated tax payments, nonindividual taxpayers are required to remit estimated tax payments with payments of at least (22.5%) of the estimated annual tax liability for the current year on or before the day on which the annual tax return for the prior year is required to be filed disregarding any extension granted pursuant to Section 183.17 or in the case of a fiscal year taxpayer, the fifteenth day of the fourth month of the taxpayer's taxable year; forty-five per cent (45%) by June 15, in the case of a fiscal year taxpayer, the fifteenth day of the sixth month of the taxpayer's taxable year; sixty-seven and one-half per cent (67.5%) by September 15 or, in the case of a fiscal year taxpayer, the fifteenth day of the ninth month of the taxpayer's taxable year; ninety per cent (90%) by December 15 or, in the case of a fiscal year taxpayer, the fifteenth day of the twelfth month of the taxpayer's taxable year.

(e) The failure of any person to pay estimated tax in the manner set forth in this section shall subject such person to a penalty as prescribed in Section 183.11 except that effective as of January 1, 2003 no penalty, interest, or other similar assessment or charge shall be levied against a taxpayer for the late payment or nonpayment of estimated tax liability if one of the following applies:

- (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; or
- (2) The taxpayer has timely remitted, pursuant to this section, an amount at least equal to one hundred percent (100%) 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; or
- (3) The tax due at the time of filing is less than one hundred dollars (\$100) and all required payments were made timely pursuant to this section.
- (4) The taxpayer, pursuant to this chapter, has timely remitted ninety percent (90%) of the actual tax liability due to the City for the taxpayer's current tax year.

(f) Regardless of any declarations or estimated tax payments remitted, the taxpayer shall file a final return and any balance which may be due the City shall be paid pursuant to the provisions of this chapter. Should it appear that such taxpayer has paid more than the amount of tax to which the City is entitled, a refund of the amount so overpaid shall be made, or the same may be applied toward the declaration of estimated tax due for the ensuing year. Claims for refunds shall be made on forms obtainable from the Tax Administrator, or on any acceptable generic form.

(Ord. 2002-73. Passed 12-7-02; Ord. 2004-84. Passed 12-17-04.)

183.08 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(a) Every individual taxpayer who resides in the City and receives net profits, income, salaries, wages, commissions, or other personal service compensation for work done or services performed or rendered outside of the City, if he has paid a municipal income tax on such net profits, income, salaries, wages, commissions, or other compensation to another municipality or Joint Economic Development District, 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 municipality or Joint Economic Development District. The credit shall not exceed the tax assessed by this chapter on such net profits, income, salaries, wages, commission or compensation earned in such other municipality or municipalities or Joint Economic Development District where such tax is paid.

(b) No credit shall be given for county or school district taxes paid.

(c) Income tax that has been deposited with the City, but should have been deposited with another municipality, is allowable by the City as a refund but is subject to the three-year limitation on refunds. Income tax that should have been deposited with the City, but was deposited with another municipality, shall be subject to recovery by the City. The City will allow a nonrefundable credit for any amount owed the City that is in excess of the amount to be refunded by the other municipality, as long as the tax rate of the other municipality is the same or higher than the City tax rate. If the City tax rate is higher, the tax representing the net difference of the rates is also subject to collection by the City.

(d) The City shall grant a credit against the tax imposed by this chapter to every taxpayer who works in a joint economic development district created under Section 715.70 through 715.83 of the Ohio Revised Code. The credit shall not exceed the tax assessed by this chapter on such income earned or received in such joint economic development district where such tax is paid. (Ord. 2004-84. Passed 12-17-04.)

183.09 ADMINISTRATION; DUTIES OF THE TAX ADMINISTRATOR.

(a) It shall be the duty of Tax Administrator to collect and receive the tax imposed by this chapter in the manner prescribed herein from the taxpayers; to keep an accurate record thereof and report all monies so received. All cashiers handling tax monies shall be accountable to the Tax Administrator, and shall give a daily accounting to the Tax Administrator. (Ord. 2002-73. Passed 12-7-02.)

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

(c) The Tax Administrator shall enforce the provisions of this chapter and is hereby empowered to adopt, promulgate and to enforce rules and regulations relating to any manner or thing pertaining to the collection of City income taxes. Such rules and regulations are subject to the approval of the Board of Review. The Tax Administrator shall administer and enforce the provisions of this chapter, including provisions for the examination and correction of returns and payments. Taxpayers are hereby required to comply with said rules and regulations.

(d) In any case where a taxpayer has failed to file a return or has filed a return which does not accurately reflect the proper amount of tax due, the Tax Administrator may determine the amount of tax appearing to be due the City 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. If the taxpayer fails to respond to the assessment within 30 days, the tax, penalties, and interest assessed shall become due and payable and collectible as are other unpaid taxes. (Ord. 2004-84. Passed 12-17-04.)

(e) Subject to the consent of the Board of Review or pursuant to rules and regulations approved by the Board of Review, the Tax Administrator shall have the power to compromise any interest or penalty, or both, imposed by this chapter. (Ord. 2006-50. Passed 6-27-06.)

183.10 INVESTIGATIVE POWERS OF THE TAX ADMINISTRATOR.

(a) The Tax Administrator, or the Tax Administrator's designee or duly authorized agent, is authorized to examine the books, papers, and records of any employer, or of any taxpayer or person subject to the tax, for the purpose of determining whether or not the filing of a return is required, verifying the accuracy of any return made, or, if no return is made, to ascertain the tax due.

Every such employer, supposed employer, taxpayer or supposed taxpayer is directed and required to furnish to the Tax Administrator or the Tax Administrator's designee or duly authorized agent within ten calendar days following a written request by the Tax Administrator or the Tax Administrator's designee or duly authorized agent, the books, papers, and records as requested and the means, facilities and opportunity for making such examination in the investigation as are hereby authorized by Chapter 183.

The Tax Administrator, or the Tax Administrator's designee or duly authorized agent shall have the power to issue subpoenas to enforce compliance with Section 183.10.

(b) The Tax Administrator, or the Tax Administrator's designee or duly authorized agent is authorized to examine any person, employer or employee concerning any income which was or should have been reported for taxation. For this purpose, the Tax Administrator or the Tax Administrator's designee or duly authorized agent, may compel by subpoena the production of books, papers and records and the attendance of all persons before the Tax Administrator or the Tax Administrator's designee or duly authorized agent, whether as parties or witnesses, whenever the Tax Administrator or the Tax Administrator's designee or duly authorized agent believes such persons have knowledge of such income.
(Ord. 2006-50. Passed 6-27-06.)

(c) The refusal to allow such examination on the part of any employer, employee, or person subject to or presumed to be subject to the tax shall be deemed in violation of this chapter.

(d) Tax returns and all audit papers and information connected therewith are confidential and shall be carefully preserved so that they shall not be available for inspection by anyone other than the proper agents of the City for official purposes.

(e) Any information gained as the result of filing any tax returns or any investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official purposes and except in accordance with proper judicial order. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to individual taxpayers, nor prohibit the access to income tax data by the City Administration for economic development planning and analysis, and budgeting and fiscal analysis.

No employee of the Finance Department shall disclose to the general public or to any other Municipal Department data concerning individual earnings or profits earned by an individual or by a business entity. No statistical or administrative data shall be disseminated or disclosed to members of the general public. Any person divulging such information shall on conviction thereof, be deemed guilty of a misdemeanor, and shall be subject to a fine or penalty of not more than \$500.00 or imprisoned for not more than six months, or both. Each disclosure shall constitute a separate offense. In addition to the above penalties, any City employee who violates the provisions of this section relative to disclosures of confidential information shall be immediately dismissed from the service of the City.
(Ord. 2004-84. Passed 12-17-04.)

183.11 INTEREST AND PENALTIES.

(a) All taxes imposed by this chapter, including taxes withheld from wages by an employer and remaining unpaid after they have become due, shall bear interest on the amount of the unpaid tax at the rate of one percent (1%) per month, or twenty-five dollars (\$25.00), whichever is greater. In addition to interest as provided in subsection (a) hereof, penalties are hereby imposed as follows:

- (1) If any of Section 183.11(a)(1)A. through 183.11(a)(1)D. apply to the taxpayer, and the tax due at the time of filing the final return is greater than \$100.00, the penalty levied shall be 10% of the amount of tax due in excess of \$100.00.
 - A. The taxpayer has failed to timely comply with the provisions of Section 183.07 setting forth the requirements for the filing of declarations and remitting estimated tax payments; or
 - B. The taxpayer has failed to file a final return and pay the total tax due on or before the end of the month following the end of the taxpayer's calendar or fiscal year; or

- C. The taxpayer has failed to timely remit one hundred percent (100%) of the taxpayer's actual tax liability for the previous tax year; or
 - D. The taxpayer has failed to timely remit ninety percent (90%) of the taxpayer's actual tax liability for the current tax year.
- (2) For failure to file complete tax returns, informational reports, or any filing as required by this chapter on a timely basis, \$25.00 for the first instance and \$50.00 for each subsequent instance.
 - (3) Where an employer required by Section 183.06 to withhold the tax fails to withhold and/or remit such tax to the Tax Administrator, a penalty of \$25.00 for each period of delinquency shall be assessed.
 - (4) A penalty shall not be assessed on any additional tax assessment made by the Tax Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed, and provided further that in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit providing an amended return is filed and the additional tax is paid within three months after the final determination of the federal tax liability.

(b) (EDITOR'S NOTE: Former subsection (b) was repealed by Ordinance 2006-50, passed June 27, 2006.)

183.12 COLLECTION OF UNPAID TAXES.

(a) All taxes imposed by this chapter shall be collectible, together with any interest and penalties thereon, and any court costs and legal fees associated therewith, by suit, as other debts of like amount are recoverable.

(b) Taxes erroneously paid shall not be refunded unless a claim for 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. However, the following shall apply regarding refunds of tax withheld from non-qualified deferred compensation plans (NDCP):

- (1) A taxpayer may be eligible for a refund if the taxpayer has suffered a loss from NDCP. The loss will be considered sustained only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to the NDCP. Full loss is sustained if no distribution of money and property will be made by the NDCP.
- (2) A taxpayer who receives income as a result of payments from a NDCP, and that income is less than the amount of income deferred to the NDCP and upon which municipal tax was withheld, then a refund will be issued on the amount representing the difference between the deferred income that was taxes and the income received from the NDCP. If different tax rates applied to the tax years in which deferrals, a weighted average of the different tax rates will be used to compute the refund amount.
- (3) Refunds shall be allowed only if the loss is attributable to the bankruptcy of the employer who established the NDCP, or the employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified compensation.
(Ord. 2004-84. Passed 12-17-04.)

183.13 ALLOCATION OF FUNDS.

- (a) The funds collected under the provisions of this chapter shall be deposited in the Income Tax Fund and shall be applied for the following purposes and in the following order:
- (1) Such part thereof as shall be necessary to defray all costs of collecting the taxes levied by this chapter and enforcing the provisions thereof.
 - (2) Such part thereof as Council may appropriate for the purpose of paying the cost of general municipal operations.
- (b) A Catastrophic Reserve Account within the Income Tax Fund is hereby approved and established by Council.
- (1) The Catastrophic Reserve Account shall be maintained at twenty percent (20%) of operating expenditures and is based on a percentage of operating expenditures in the General Fund, Street maintenance fund, Parks and Recreation fund, Special projects fund and Income tax operations.
 - (2) Spending from the Catastrophic Reserve Account shall be allowed only if approved by a resolution passed by majority vote of Council.
(Ord. 2000-64. Passed 11-28-00.)

183.14 BOARD OF REVIEW.

- (a) A Board of Review, consisting of three electors of the City, all appointed by the Mayor and approved by Council, is hereby created. Members of the Board of Review shall serve for staggered four-year terms. No member shall be appointed to the Board of Review who holds any other public office or appointment. The members of the Board of Review shall receive one dollar (\$1.00) per year for their services.
(Ord. 2002-73. Passed 12-7-02.)
- (b) A majority of the members of the Board of Review shall constitute a quorum. The Board of Review shall review and approve the rules and regulations established by the Tax Administrator and adopt its own procedural rules and shall keep a record of its transactions. Such records are not public records available for inspection under Ohio R.C. 149.43. All rules and regulations, and amendments or changes thereto which are adopted by the Tax Administrator under the authority conferred by this chapter shall be approved by the Board of Review before the same become effective. The Board of Review shall hear and pass on appeal from any ruling or decision of the Tax Administrator, is empowered to substitute alternate methods of allocation. The Board of Review, after a hearing, may affirm, reverse or modify the ruling or decision of the Tax Administrator or any part thereof.
(Ord. 2006-50. Passed 6-27-06.)
- (c) All hearings of the Board of Review shall be conducted privately, and the provisions of Section 183.10, with reference to the confidential character of information required to be disclosed by this chapter, shall apply to such matters as they are heard before the Board of Review on appeal. Hearings requested by a taxpayer before the Board of Review are not meetings of a public body subject to Ohio R.C. 121.22.
(Ord. 2000-64. Passed 11-28-00.)
- (d) Whenever the Tax Administrator receives a written request for review and makes a ruling or decision regarding the application of the income tax ordinance of the City, the assessment of a penalty and/or interest, the Tax Administrator shall notify the taxpayer in writing of such ruling or decision, and of the taxpayer's right to appeal such ruling or decision, and the manner in which the taxpayer may appeal such written ruling or decision.

(e) Any taxpayer who is aggrieved by any written ruling or decision of the Tax Administrator which is made under the authority conferred by this chapter, may appeal such written ruling or decision of the Tax Administrator to the Board of Review by filing a written request with the Board of Review. The request shall be in writing, shall state with particularity the grounds for appeal, and such written appeal shall be filed within thirty days after the Tax Administrator has issued the written ruling or decision.
(Ord. 2006-50. Passed 6-27-06.)

(f) The imposition of penalty and interest as prescribed in the Codified Ordinances of the City is not a sole basis for an appeal.

(g) The Board of Review shall schedule a hearing within forty-five (45) 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.
(Ord. 2000-64. Passed 11-28-00.)

(h) The Board of Review may affirm, reverse or modify the Tax Administrator's written ruling or decision or any part of that ruling or decision and may abate any interest or penalties, or both. The Board of Review shall issue a written decision on the appeal within ninety days after the Board of Review's final hearing on the appeal, and send notice of its written decision by ordinary mail to the individual who has filed the appeal within fifteen days after issuing its decision. (Ord. 2006-50. Passed 6-27-06.)

(i) Any person dissatisfied with any ruling or decision of the Board of Review may appeal therefrom to a court of competent jurisdiction by filing a notice of appeal in accordance with the provisions of Ohio R.C. Chapters 2505 and 2506. For matter relating to tax years beginning on or after January 1, 2004, any ruling or decision of the Board of Appeal may be appealed to a court of competent jurisdiction or to the State Board of Tax Appeals.
(Ord. 2004-84. Passed 12-17-04.)

183.15 SAVINGS CLAUSE.

This chapter shall not apply to any person, firm, corporation, or to any property as to whom or which it is beyond the power of the City to impose the tax herein provided. If any sentence, clause, section, or part of this chapter, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal, or invalid, such finding of unconstitutionality, illegality, or invalidity shall affect only such sentence, clause, section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the Council of the City that this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.
(Ord. 2000-64. Passed 11-28-00.)

183.16 EXEMPTIONS.

The provisions of this chapter shall not be construed as levying a tax on the following:

- (a) Military pay or allowance of members of the armed forces of the United States and of members of their reserve components, including the National Guard.
- (b) Welfare benefits, pensions (by IRS definition) paid as a result of retirement, Social Security benefits, state unemployment compensation (but not including supplemental unemployment compensation), and permanent disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.
- (c) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations, or labor unions, lodges, and similar organizations.
- (d) Receipts by bona fide charitable, religious and educational organizations and associations, when those receipts are from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide charitable, religious, and educational organizations and associations.
- (e) Any association, organization, corporation, club, or trust which is exempt from federal taxes on income by reason of its charitable, religious, educational, literary, scientific, or other purposes to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities. Any association or organization corporation, club, or trust as listed herein which receives 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. In the event any association or organization, corporation, club, or trust receives taxable income as provided in this section from real or personal property ownership or income producing business located both within and without the corporate limits of the City, the association or organization, corporation, club, or trust shall calculate its income allocable to the City as set forth in Section 183.03. (Ord. 2002-73. Passed 12-7-02.)
- (f) Income from intangibles such as interest, dividends and royalties; and income of a decedent's estate during the period of administration (except such income from the operation of a business).
- (g) Compensation paid under Ohio R.C. 3501.28 or 3501.36 to a person serving as a precinct official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually. Such compensation in excess of one thousand dollars (\$1,000) may be subjected to taxation. The payer of such compensation is not required to withhold City tax from that compensation.
- (h) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Ohio R.C. Chapter 306 for operating a transit bus or other motor vehicle for the authority or commission in or through the City, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the City, or the headquarters of the authority or commission is located within the City.
- (i) Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as part of an ordained minister's compensation. The minister must be duly ordained, commissioned or licensed by a religious body constituting a church or church denomination, and have authority to perform all sacraments of the church.

- (j) Proceeds of insurance paid by reason of death of the insured, pensions, including industrial pensions, disability benefits paid for total and permanent disability, annuities or gratuities not in the nature of compensation for services rendered from whatever source derived.
- (k) Compensation for personal injuries or for damages to property by way of insurance or otherwise, but this exclusion does not apply to compensation paid for lost salaries or wages, or to compensation paid resulting from punitive damages.
- (l) Expenses shown on Federal Form 2106, if filed for the same year with the federal return. Form 2106 is subject to review and audit by the Loveland Income Tax Office. The deduction allowable for City purposes is not subject to the minimum threshold of 2% of gross income required by federal income tax regulations; however, expenses are deductible only from the income directly related to such expenses.
- (m) The income of a public utility when that public utility is subject to the tax levied under Ohio R.C. 5727.24 or 5727.30, except starting January 1, 2002, the income of an electric company or combined company, and starting January 1, 2004, the income of a telephone company, both as defined in Ohio R.C. 5727.01, may be taxed by a municipal corporation subject to Ohio R.C. Chapter 5745.
- (n) Income, salaries, wages, commissions and 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.
- (o) Income, salaries, wages, commissions and other compensations and net profits, the taxation of which is prohibited by the Constitution of the State of Ohio, or any act of the Ohio General Assembly limiting the power of a municipality to impose net income taxes. (Ord. 2004-84. Passed 12-17-04.)

183.17 EXTENSIONS.

- (a) Any taxpayer requesting an extension for filing a federal income tax return may request an extension for the filing of a City of Loveland tax return. The taxpayer shall make the request by filing a copy of the taxpayer's request for a federal filing extension with the Tax Administrator. Any taxpayer not required to file a federal income tax return may request an extension for filing a City of Loveland return in writing.
- (b) The request for extension shall be filed not later than the last day for filing the City of Loveland tax return as prescribed by ordinance or rule of this municipal corporation.
- (c) A valid extension request shall extend the due date for filing a return a maximum of six (6) months from the original due date of such return.
- (d) The City may deny a taxpayer's request for extension if the taxpayer:
 - (1) Fails to file a timely request;
 - (2) Fails to file a copy of the federal extension request or make a written request;

- (3) Owes the City of Loveland any delinquent income tax or any penalty, interest, assessment or other charge for the late payment or nonpayment of income tax;
- (4) Has failed to file any required income tax return, report, or other related document for a prior tax period.

(e) The granting of an extension for filing a City income tax return does not extend the last date for payment of the tax; hence, penalty and interest may apply to any unpaid tax during the period of extension at the rate set forth in Section 183.11. No penalty shall be assessed in those cases in which the return is filed and the final tax paid within the extension period, provided all other filing and payment requirements of this chapter have been met. Any extension by the Tax Administrator shall be granted with the understanding that declaration filing and payment requirements have been fulfilled; however, if upon further examination it then becomes evident that declaration filing and payment requirements have not been fulfilled, penalty and interest may be assessed in full and in the same manner as though no extension had been granted.

(f) Failure to file any required documentation in a timely manner as prescribed by this section shall subject the taxpayer to a late filing penalty as prescribed in Section 183.11. (Ord. 2000-64. Passed 11-28-00.)

183.18 INFORMATIONAL REPORTS BY LANDLORDS, CONDOMINIUM ASSOCIATIONS AND OTHER ORGANIZATIONS.

The owner, manager or any person in control who rents or leases real estate in the City to other persons for any purpose is hereby directed and required to furnish to the Tax Administrator, or his duly authorized employee or agent, a roster of the names, addresses and other information as requested, of those residing in or occupying such real estate. In addition, every condominium association or other organization of owners is required to furnish the Tax Administrator a roster of the names and addresses of their association or organization members which own condominium units within the City. The president or chief executive officer of such association or other organization shall be responsible for providing the roster required by this section. The roster shall be filed upon request by the Tax Administrator or his duly authorized agent. (Ord. 2000-64. Passed 11-28-00.)

183.97 VIOLATIONS AND PENALTY.

- (a) The following shall be considered violations of this chapter:
- (1) Failing, neglecting, or refusing to make any tax return, informational return or declaration required by this chapter; or
 - (2) Making any incomplete tax return; or informational return; or
 - (3) Making any false or fraudulent tax return; or informational return; or
 - (4) Failing, neglecting, or refusing to pay the tax, penalties, or interest imposed by this chapter; or
 - (5) Failing, neglecting, or refusing to withhold the tax from employees or to remit such withholding to the Tax Administrator; or
 - (6) Refusing to permit the Tax Administrator or any duly authorized agent or employee to examine books, records, and papers relating to the income or net profits of a taxpayer; or

- (7) Failing to appear before the Tax Administrator and to produce books, records, and papers relating to the income or net profits, of a taxpayer under order or subpoena of the Tax Administrator; or
- (8) Refusing to disclose to the Tax Administrator any information with respect to the income or net profits of a taxpayer; or
- (9) Failing to comply with the provisions of this chapter or any order or subpoena of the Tax Administrator authorized hereby; or
- (10) Failing, as an individual charged with the responsibility to withhold and remit from the wages of employees the tax to be paid to the City in accordance with the provisions of this chapter; or
- (11) Attempting to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties, or interest imposed by this chapter.
- (12) Willfully give 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 date thereof.
- (13) Failure on the part of any employer to maintain proper records of employees' residence addresses, total wages paid and Municipal tax withheld, or to knowingly give the Tax Commissioner false information.
- (14) 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 or declaration, from filing such form, or from paying the tax.

(b) Whoever violates subsection (a)(1) through (a)(2) hereof as a first time offender shall be guilty of a misdemeanor of the fourth degree for each separate violation and any subsequent violation of subsection (a)(1) through (a)(2) shall be a misdemeanor in the first degree for each separate violation. Except as otherwise provided herein, whoever violates subsection (a)(3) through (a)(14) or any other provision of this chapter not enumerated in subsection (a) hereof shall be guilty of a misdemeanor in the first degree.
(Ord. 2002-73. Passed 12-7-02.)

183.98 LIMITATIONS.

(a) Civil actions to recover income taxes, penalties, and interest on the income taxes herein levied shall be brought within three years after the tax was due or the return was filed, whichever is later.

(b) Prosecutions for an offense made punishable under Section 183.97 shall be commenced within three years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of income required to be reported, prosecutions may be commenced within six years after the commission of the offense.

(c) Claims for refund of income taxes levied by this chapter must be brought within the time limitation provided in subsection (a) above.
(Ord. 2000-64. Passed 11-28-00.)

(d) Interest shall be allowed and paid on any overpayment by a taxpayer of any municipal income tax obligation from the date of the overpayment until the date of the refund of the overpayment, except that if the overpayment is refunded within ninety days after the final filing date of the annual return or ninety days after the complete return is filed, whichever is later, no interest shall be allowed on the refunded overpayment. For purposes of computing the payment of interest on overpayments, no amount of tax for any taxable year shall be treated as having been paid before the date on which the tax return for that year was due without regard to any extension of time for filing that return. The interest shall be paid at the rate of interest prescribed by Section 5703.47 of the Revised Code.
(Ord. 2004-84. Passed 12-17-04.)