PUBLIC NOTICE

AGENDA

ADMINISTRATIVE SERVICES COMMITTEE MEETING

Chair: Kristopher Parrish

Committee Members: Lisa Evans and Kim Chamberland

Tuesday, November 28, 2023, at 5:00 p.m.
Council Chambers, 745 Center Street, Milford, Ohio 45150

Call to Order

Proceedings: Approval of the November 6, 2023, Administrative Services Committee Minutes

Agenda Items:

- Discussion: 2024 Clermont County Engineers Paving Agreement
- Discussion: Landscape Bids
- Discussion: CLG/Xavier University Tuition Assistance Program
- Discussion: Codification Updates
- Discussion: Amending Chapter 182 of the City of Milford Income Tax Code
- Discussion: Replace an Engine in one of The Police Department Cruisers
- And all other matters that may properly come before the Committee.

Adjourn

Administrative Services Committee
Meeting Minutes
November 6, 2023

Mr. Parrish called the meeting to order at 5:00 p.m.

Present: Kristopher Parrish Lisa Evans and Kim Chamberland

Staff: City Manager-Michael Doss, Water Department Supervisor, Joe Casteel and Executive Assistant Jackie Bain

Visitors: None

Proceedings: Approve the proceedings from the September 28, 2023, Administrative Services Committee Minutes Ms. Evans made a motion to approve. Seconded by Ms. Chamberland All yes.

DISCUSSION: EMERGENCY GENERATOR GRANT QUOTES

Mr. Doss discussed how we were successful in receiving a grant for the emergency generator project. This should be covered under this 100% grant. Mr. Casteel received four quotes for the materials that will be used for the Generator, the booster and the automatic transfer switch that will be installed. Ohio CAT, Buckeye Power Sales, Generator Systems and Cummins. After reviewing the quote information with the committee Mr. Casteel stated that he recommends that we work with Buckeye Power Sales since they are the company that has serviced and supplied all of the back-up generators and transfer switch for the city. Mr. Doss mentioned that we do need to have a portion of their bid taken out of the agreement regarding the indemnification component.

THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR PREPARE AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUCKEYE POWER SALES FOR THE PURCHASE OF AN EMERGENCY GENERATOR IN THE AMOUNT OF $35,328.00 CONTINGENT UPON THE INDEMNIFICATION COMPONENT INFORMATION BEING REMOVED FROM THE AGREEMENT

DISCUSSION: DINSMORE BILLINGS FOR LAWSUIT

Mr. Doss discussed information received from our insurance provider, Sheila Osei at Zurich, advising us of the Menkhaus lawsuit/Airbnb lawsuit. Zurich was going to provide through our insurance, our defense fund, in the amount of $25,000, which they have. They have met that threshold. Any other expenses that are incurred by the city regarding this lawsuit will have to be paid by the city. We have received bills for Dinsmore and Shohl services regarding this lawsuit that exceeds $25,000. It is currently at $14,000. We are asking for the committee to authorize the city to make payment to Dinsmore and Shohl $14,000 to cover any additional expenses related to Menkhaus lawsuit.

THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR PREPARE AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO DINSMORE AND SHOHL IN THE AMOUNT OF $14,000 TO COVER CURRENT OUTSTANDING EXPENSES DUE TO THE MENKHAUS LAWSUIT

DISCUSSION: CLERMONT COUNTY ENGINEER PAVING PROGRAM INVOICE

Mr. Doss discussed with the committee how the city participated in the Clermont County Road Resurfacing Program/Ordinance 23-205 at a cost of $ 211,664.69. We received the final invoice from Clermont County and the final cost is actually $237,021.14 which is an additional amount due of $25,356.65. There was additional cost that incurred due to full depth pavement repair in some locations, that had to adhere to ODOT standards. Also, sanitary man hole adjustments, along with additional work on Cleveland Avenue with the speed humps.

THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CHECK IN THE AMOUNT OF $25,356.65 TO THE CLERMONT COUNTY TREASURER FOR THE BALANCE DUE FOR THE 2023 RESURFACING PROGRAM

DISCUSSION: TERRACON BUSTR CHANGE ORDER

Mr. Doss reviewed contract information with Terracon for a two-tier evaluation analysis on our City Parking lot previously the Sauer's Marathon parking lot/which used to be a gas station. The evaluation was done by Terracon and provided to Bureau of Underground Storage Tank Regulations (BUSTR). BUSTR has requested that we revise our action levels to correct 2012 action levels to be evaluated. The proposed service agreement outlines the additional services that will be provided by Terracon to address the follow-up in the tier two evaluation by BUSTR.

THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT OF $14,750 TO TERRACON FOR THE CHANGE ORDER OF LISTED SCOPE OF SERVICES AND FEES PER THE SUPPLEMENT TO AGREEMENT FOR SERVICES

DISCUSSION: FIVE POINTS LANDING FINAL CHANGE ORDER CLOSE OUT

Mr. Doss discussed payments made for the Five Points Landing Project. A spreadsheet was reviewed by the committee. Some of the authorized change orders that occurred were under $7,500. Ultimately, when added up to the amount of $17,788.68 which is included in the final amount on the DER change order summary.

THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE AUTHORIZING THE FINAL CHANGE ORDER WITH DER FOR FIVE POINTS LANDING IN THE AMOUNT OF $17,788.68

There being no further business, the meeting adjourned at 5:26 pm with a motion from Ms. Chamberland, Seconded by Ms. Evans

Respectfully submitted, Jackie Bain, Executive Assistant

"These minutes have been approved and adopted by Mr. Parrish, Ms. Chamberland and Ms. Evans on November 8, 2023."

AGREEMENT FOR RESURFACING OF CITY ROADS

This Agreement, is entered into by and between the Board of County Commissioners of Clermont County, Ohio whose address is 101 East Main Street, Batavia, Ohio 45103 (hereinafter referred to as "County") and the City of Milford whose address is 745 Center Street, Milford, Ohio 45150 (hereinafter referred to as "City") to provide as follows:

WHEREAS, the City has determined to undertake resurface and improvements and/or repair of certain roads within the City roadway system, the exact location of said roadways being set forth in Exhibit A incorporated herein by reference; and

WHEREAS, the City has determined to proceed with resurfacing and restoration of said roadway by majority vote of said Council which vote is journalized in the City records as Resolution No. _____ of said City; and

WHEREAS, pursuant to the authority of Section 307.15 and 5535.08 ORC, the City and the County desire to enter into an agreement whereby the County will undertake the public bidding procedure to obtain bids for such improvement and/or repair and resurfacing in accordance with the statutory requirements for such acquisition of public improvements by the City in order to obtain more favorable pricing for said repairs; and

WHEREAS, the City has by resolution approving the execution of this agreement acknowledged that this procedure will result in a savings to the City and will more likely result in lower cost for roadway repair and resurfacing than if the City undertook to obtain such repairs independently;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and the coordination of roadway resurfacing and/or improvements within Clermont County:

1. The City has by majority vote declared the resurfacing and/or repair of certain roads listed on the City's inventory of roadways to be necessary for public convenience and welfare and therefore have determined to proceed with such resurfacing and/or repair having determined that a cooperative bidding process with the County will most likely result in a lower cost for said repairs to the City by taking advantage of the larger volume of repair and resurfacing available through a combination public bidding process which process will be consistent with the statutory requirements for public bidding by the City.

2. The parties therefore authorize the County Engineer pursuant to Section 307.15 and 5535.08 ORC to proceed with the preparation of the necessary surveys, plans, profiles, cross sections, estimates and specifications as are required for the improvement and find that the County Engineer has consented to perform such services and to assist the parties in a combined public bidding process.

3. The City hereby specifically authorizes the County under the supervision of the County Engineer to undertake to bid for the improvements contemplated in Exhibit A on behalf of said City; to exercise the power of the City with respect to the preparation of bid specifications, public advertisement and receipt of bids; review

and determine the lowest and best bidder and to undertake contracts with the lowest and best bidder on behalf of the City for the improvements contemplated.

4. The County Engineer shall supervise the bidding process, the award of bids and award of contract and shall supervise the execution of the contract and installation of the repairs or resurfacing of the roadways and shall have full power to undertake inspection and approval of all work, authorization of final payment under the contract and release of the contractor and its surety. The Engineer shall further have the authority pursuant to this agreement to undertake necessary change orders that arise as a result of unanticipated conditions or changes in conditions that could not have been reasonably anticipated at the time of the preparation of specifications and the authorization of payment pursuant to such change orders; provided, however, that no change order shall exceed 10% of the original contract price without specific authorization of the City.

5. Upon completion of the bidding process and receipt of public bids, County shall cause the City to be notified of the bids and the anticipated cost along with a request for Purchase Order based upon said bids to the City for the City's portion of the repair or resurfacing. City shall have ten (10) days from said notice to provide the County a Purchase Order committing the necessary funds for the Project. If anticipated cost is less than amount in paragraph 6, the City shall have the right, by majority vote, to request the County to resurface and/or repair an additional road(s). City shall have ten (10) days from said notice to notify the County that it wishes to withdrawn from the process and the County shall cause the bidder to be notified that the portion of the bids received for the work to be done in Exhibit A is withdrawn and the County shall thereafter enter into no contract with the successful bidder for completion of said work and the parties shall have no further liability to the other arising from this transaction. Upon completion of the work, any unexpended funds paid by the City to the County will be refunded to the City.

6. The City agrees to pay the County upon invoice from the County Engineer the amounts anticipated for such improvement of the City roads as set forth after the bids have been opened, said amount is estimated to be $280,000.00, said invoices shall specify the contract, the location of the work performed and any other information relevant to the determination by the City of the cost that are being invoiced. All such invoices shall be due within thirty (30) days of mailing to the City and all invoices not paid in full within thirty (30) days shall bear interest at the rate of 10% per annum.

7. The parties agree that in the event of failure of the City to pay the County pursuant to the terms of this agreement, the County shall have the authority to suspend or terminate all work with respect to the City roads in question until such time as payments from the City are brought current.

8. City agrees to indemnify and hold harmless the County from any losses or expenses not to exceed $280,000.00 arising from the failure of the City to pay the County and incidental to the failure of said payments to be made in timely manner.

9. County shall throughout the term of the construction contracts, require as condition of the contract that the contractor maintain full liability insurance and shall cause the contractor to list the City and the County as an additional insured under any said policies. Said insurance shall include coverage for vandalism and theft, general liability and workers' compensation claims.

10. The term of this agreement shall be for a period of two (2) years from date of execution and the agreement may from time-to-time may be extended in one (1) year increments upon agreement of the parties, said extension to be undertaken in writing by the City to notify the County of the intent to extend the agreement. The expiration of this agreement shall in no way effect the obligation of the parties under existing construction contracts that have been entered into but not yet completed pursuant to this contract during the original term of the agreement in the event that the contract is not extended.

11. This agreement may be terminated upon sixty (60) days written notice to the other party, which notice shall be served in the case of the City upon the County Administrator and in the case of the County upon the City Administrator or if none then upon the City Council. This contract will terminate on the 61st day following the mailing of such notice. However, termination under this provision shall not relieve the parties of responsibility or liability for expenses undertaken by contract prior to said notice.

12. The Engineer shall cause the final plans and specifications to be maintained on file with the City as well as the County when said plans and specifications are released for public bid.

13. Miscellaneous provisions of this agreement are as follows:

    a. Time is expressly declared to be the essence of this agreement.

    b. This agreement shall ensure to the benefit of the parties hereto, their successors and assigns and shall be binding upon them in accordance with Ohio law.

    c. This contract shall be construed in accordance with Ohio law without reference to conflict of laws provisions and any action under this agreement or to enforce this agreement shall be venued in Clermont County, Ohio.

    d. This agreement constitutes the entire agreement between the parties and supersedes any previous understandings whether written or oral and shall only be modified by agreement in writing past pursuant to legislation of the respective boards of the parties.

IN WITNESS WHEREOF, the parties have hereunto executed this agreement pursuant to authority of their respective governing boards with the intent to be legally bound thereby in

conformity with all requirements of Ohio Public Contract law this _____ day of _____, 2023.

ATTEST:

_____
Clerk/Treasurer

CITY OF MILFORD:

_____

_____

_____

ATTEST:

_____
Gael Fawley, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO:

_____
Bonnie J. Batchler, President

_____
Claire B. Corcoran, Vice President

_____
David L. Painter, Member

Reviewed and Approved by:

_____
Jeremy P. Evans, Clermont County Engineer

This agreement was prepared and approved as to form by the Office of the Prosecuting Attorney of Clermont County, Ohio

By:_____
Joseph Mooney
Assistant Prosecuting Attorney

Exhibit A

2023 Resurfacing Program- City of Milford

Road Name:	From	To:	Length(mi.):	Width(feet):	Est. Cost:
MIAMI AVENUE	FOREST AVENUE	HELEN STREET	0.062	20	$11,873.20
MILL STREET	CLEVELAND AVENUE	MAIN STREET	0.14	25	$40,065.10
SOUTH MILFORD ROAD	CLEVELAND AVENUE	Clermont County Line	0.795	21	$202,808.00

FDR: Full Depth Repar (No resurfacing) City of Milford

City of Milford Total Cost	**$254,746.30**
Contingency	$ 25,253.70
Agreement Total	**$280,000.00**

2024 LA General Landscaping	1 Year	3 Years
Louiso Lawncare	$95,523.00	$255,717.00
Wolfe Landscape/Outside Influence	$113,544.21	$313,132.63

Five Points Landing Park Landscape

Evans Landscape	$95,000.00
Community Green Group	$105,932.85
Wolfe Landscape/Outside Influence	$108,000.00
Ohio Site Solutions	$108,500.00
Louiso Lawncare	$114,632.25

XAVIER UNIVERSITY

You have professional goals.

We want to help make them happen.

Are you looking to learn new skills and advance in your career? Xavier University's educational partnership with the Center for Local Government (CLG) offers eligible employees of participating CLG member organizations discounted tuition rates on more than 40 educational and professional development programs, both in-person and online.

Participating CLG member organizations to date include:

- City of Norwood
- Hamilton County

Undergraduate Degrees

Xavier's Adult and Professional Education Program offers a combination of online and evening classes for adults looking to obtain their bachelor's degree.

- **100% online programs**
- **Accelerated 8-week classes**
- **Degrees with relevant leadership and business skills**

Accelerated Degree Programs →

APEX Admission →

Graduate Degrees

Xavier offers more than 30 graduate programs across multiple disciplines including health service administration, nursing, business and education.

- **100% online degrees available**
- **Access to Xavier's award-winning MBA program**

Graduate Programs →

Online Graduate Programs →

Graduate Admission →

Employee Certificates, Programs and Training

Xavier Leadership Center offers one-day and certificate programs that give employees a competitive edge in their professional development journey.

- **Open-enrollment programs on Xavier's campus in communication skills, business acumen and process improvement**

Xavier Leadership Center →

XLC Program Registration →

Xavier University
Corporate Partnerships

XAVIER UNIVERSITY

Undergraduate Degrees:

Bachelor of Arts in Organizational Leadership

Minors

- Business
- Communication Studies
- Cybersecurity Systems
- Gender and Diversity Studies
- Health Services Administration
- Information Systems
- Psychology

Bachelor of Liberal Arts

Employee Certificates, Programs and Training:

- Public Sector Leadership Certificate
- Manager Essentials Certificate
- Women's Business Leadership Certificate
- Project Management Certificate
- Plus various single and multi-day programs to develop business acumen, increase communication skills, and improve business processes.

Graduate Degrees:

Master of Business Administration

- MBA Programs
- Executive MBA
- MS in Accountancy
- Customer Analytics

Master of Education

- Adolescence to Young Adult (Secondary Education)
- Educational Administration
- Montessori Education
- Montessori Education (Online)
- Multicultural Literature for Children
- Primary Education (Elementary Education)
- Reading
- Special Education
- Special Education (Online)
- Teaching of English to Speakers of Other Languages (TESOL)

Master of Health Services Adminstration

- Executive Master of Health Services Administration (Online)
- Master of Health Services Administration
- Dual Degree with M.B.A.

Master of Arts

- Clinical Mental Health Counseling
- English Education
- History Education
- School Counseling
- Theology

Master of Science

- Athletic Training
- Criminal Justice (Online)
- Sport Administration (Online)

Master of Science in Nursing

- MSN
- Family Nurse Practitioner (Track and post-graduate certificate, Online)
- Administration Track (Online)
- Education Track (Online)
- Forensics Track (Online)
- Dual Degree: MSN/ MSCJ (Online)
- Direct Entry Second Degree (MIDAS) Program

Michael Doss

From:	twhite c4lg.org <twhite@c4lg.org>
Sent:	Tuesday, November 14, 2023 10:39 AM
To:	twhite c4lg.org
Cc:	lstuckey c4lg.org; csmith c4lg.org; Whitaker, Susan; Lacey, Russell; Rhiney, Sean; Kraner, Brenda; Kochlefl, Mary; Michelle Debevec
Subject:	[External] Major Announcement: CLG Member Employees Now Eligible for Tuition Discounts on Undergrad, Grad, and Leadership Center Programs at Xavier University
Attachments:	2023_CorporatePartnerships_Flyer_LocalGvt_V3.pdf; Xavier-CLG Participant MOU.docx

The Center for Local Government has entered into an Memorandum of Understanding (MOU) with Xavier University so that employees of CLG member communities can receive tuition discounts on the following programs:

- 25% discounted tuition on the Accelerated Degree Completion Program
- 15% discount on all Masters Degree programs, including the Xavier Executive MBA.
- 15% discount on all Xavier Leadership Center programs

Norwood, Hamilton County, and Cincinnati are taking advantage of these discounts currently.

How to Take Advantage of this Agreement

In order for your jurisdiction's employees to participate in this program, you will need to sign the attached MOU with Xavier that we put together. The reason for this MOU is because Xavier and CLG need to track participation in the program, and it will be up to the participating governments to verify that people applying for tuition discounts are employees. After an MOU is signed, CLG and Xavier will assist in educating your employees about this opportunity. Your community will also be included on a participant list, which will let employees know they are eligible for tuition discounts. Please contact me for additional details.

How to Learn More

We are going to hold two information sessions so that you can ask detailed questions about the program. The first will be on Tuesday December 5th from 3pm until 4pm at the City of Blue Ash North Fire Station (10647 Kenwood Rd., Blue Ash, OH 45242). The second information session will be held on Friday January 8th from 9am – 10am at The City of Mason (6000 Mason-Montgomery Rd. 45040).

Please let me know if you are interested in participating in either of the information programs, have any immediate interest in signing an MOU to participate, or if you have general questions. Thank you.

T.J. White
Executive Director
Center for Local Government
513-741-7999 (p)
513-741-8671 (f)

"Effective Governance through Collaboration"

XAVIER UNIVERSITY – PARTICIPATING CENTER FOR LOCAL GOVERNMENT (CLG) MEMBER JURISDICTION MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU"), effective the date signed below ("Effective Date") is entered into by and between Xavier University, having its primary address at 3800 Victory Parkway, Cincinnati, OH 45207, and _____, a Center for Local Government (CLG) member jurisdiction, having its primary business address at:

_____

_____

The parties agree as follows:

1. _____ (CLG Member jurisdiction) intends on notifying eligible employees (hereafter referred to as "students") of the discounted rates described herein to attend one of Xavier University's discounted educational programs. In the event the jurisdiction offers tuition reimbursement, it will be incumbent upon the student to seek reimbursement directly from their employer. The student will be required to pay their Xavier University bill in full.

2. Xavier University shall offer the following discounts to _____ (CLG member jurisdiction) employee students (collectively, the "Discount Program"):

    a. The Adult and Professional Education Center at Xavier ("APEX") program shall offer a 25% discount on the tuition for the Accelerated Degree Completion ("ADC") Program. The published instructional fee rate can be found at https://www.xavier.edu/tuition-fees/index.
    b. The Graduate School shall offer a 15% discount on the tuition for all Master's degree programs. The published instructional fee rates vary by program and degree level, and can be found at https://www.xavier.edu/tuition-fees/graduate-current.
    c. The Xavier Leadership Center shall offer a 15% discount on all programs. The published fee rates vary by program and can be found at https://xavierleadershipcenter.com. Note that fees for students participating in a Xavier Leadership Center class due to enrollment in the Center for Local Government Leadership Academy are governed by a contract between Xavier University and the Center for Local Government.

3. The student will be required to submit separate identification and paperwork as part of the enrollment process at Xavier University to very employment status in order for the Discount Program to be applicable. This employee verification will take place at the beginning of each semester. The student must be an employee at the time the verification is due to receive the discounted tuition from Xavier. A sample verification form is attached hereto as Exhibit A. If a student terminates their employment with _____ (CLG member jurisdiction) while taking advantage of the Discount Program, the student must inform Xavier University of the date of such termination, and the student will not receive the tuition discount for any future semesters. If the student obtains employment at a different CLG member jurisdiction, Hamilton County, or the City of Cincinnati, they may apply to the Discount Program again. The Discount Program does NOT automatically transfer.

4. _____ (CLG member jurisdiction) shall agree to notify all eligible employees within the organization of the Discount Program. _____ (CLG member jurisdiction) shall agree to promote this Discount Program internally on a regular basis. This promotion may include provision of promotional materials regarding the Discount Program from Xavier University; identification of Xavier University as the provider of the Discount Program; and or promotion within internal communications. _____ (CLG member jurisdiction) will allow Xavier University to list its name and logo on its website in the context of this relationship. Neither party has the right to use the names, trademarks, or other symbols of the other party unless provided for in this MOU or the parties obtain prior written consent.

5. The Discount Program cannot be combined with any other discounted tuition rate for Xavier University, including any corporate, national organization membership, or local organization membership discount. Individual scholarships and tuition reimbursement offered by _____ (CLG member jurisdiction) may be combined with this Discount Program.

6. The term of this MOU shall be upon the date of execution (___ ___, 20__) until two years after execution (___ ___, 20__). Either party may terminate this MOU with 90 days' written notice. In the event any _____ (CLG member jurisdiction) are enrolled in Xavier University's eligible programs when a party gives notice of termination, the parties agree to work together to mutually notify the affected students that the Discount Program will cease at the end of the semester.

7. All notices required under this MOU shall be personally served or sent by U.S. mail, postage prepaid, unless another delivery method is specified, and addressed to the parties as follows:

To Xavier	To _____ (CLG member jurisdiction)
3800 Victory Pkwy	_____
Cincinnati, OH 45207	_____, Ohio 45___
Attn: Provost Office	Attn: _____

IN WITNESS WHEREOF, each of the parties has caused this MOU to be executed by its duly authorized officers or representatives.

_____ **(CLG member jurisdiction)**	**XAVIER UNIVERSITY**
By: _____	By: _____
Print: _____	Print: _____
Title: _____	Title: _____
Date: _____	Date: _____

Exhibit A: Employment Verification Form

_____

(Name of CLG Member Jurisdiction)

_____

(Address of CLG Member Jurisdiction)

To Whom it May Concern:

This confirms that the employee named below is an employee of _____ as of the date signed, for the purpose of participation in the discounted tuition program through our Educational Partnership with Xavier University:

_____

(Employee name)

Confirmed by:

_____

(Printed Name and Title)

_____

(Signature)

_____

(Date)

Jackie Bain

From: whdrane1@aol.com
Sent: Wednesday, October 25, 2023 9:38 AM
To: Jackie Bain
Subject: [External] Walter Drane Co - update cost

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Jackie,
I have finished my review of the legislation and researched the relevant State Law amendments. Along with the local legislation there are quite a few new State Law changes since your last update - they affect 45 sections in the Traffic and General Offenses Codes. As a result, I anticipate this new update will be 216 pages.
The cost breakdown is as follows:

Editorial Fee $800.00
151 changes pages @ $22 = $3322.00
65 backup pages @ $10 = $650.00
(A backup page is the reverse side of a changed page that still needs to be processed)
174 pages in the Traffic/General Offenses Code supplements @ $1.26 = $219.24
Total = $4991.24

Shipping and handling will be approximately $22 - $24.

I can have my staff begin working on the update at the end of this week.

Thank you,
Marie

Marie Skory-Ingalls, Managing Senior Editor
The Walter H. Drane Company
A member of the International Code Council Family of Solutions

October 2023

Ohio House Bill 33, the state's biennium budget bill, made several changes to Ohio municipal income tax which need to be adopted by municipalities as amendments to their existing income tax ordinances.

Model Language

The document at this **link** provides you with:

- A summary of the changes that need to be made.
- The section titles and numbers of your existing ordinances that need to be amended (we have provided the section numbers for both the RITA model income tax ordinance and the Ohio Municipal League's model income tax ordinance).
- The language to be used in making these amendments (language changes are shown in red and underlined text, with highlighted instructions included in each section as needed).

Next Steps

- Consider the requirements for adopting legislation in your community and begin the legislative process with enough time to have the required amendments adopted and in effect on January 1, 2024.
- **Do not repeal your existing income tax ordinance or sections thereof.** Amend your current ordinance to include the changes. All current provisions of your ordinance need to be operative for future tax years or to provide guidance for tax years prior to these changes.
- Provide RITA a copy of your adopted amendments at **taxord@ritaohio.com** before December 31, 2023 so that we may post these updates on your municipality's page on our website.

If you have any questions, please direct those to Member Services at **memberservices@ritaohio.com**

Thank you!

Regional Income Tax Agency | 10107 Brecksville Road, Brecksville, OH 44141

Unsubscribe pwirthlin@milfordohio.org

Update Profile | Constant Contact Data Notice

Sent by communications@ritaohio.com powered by

Last revised: 11/10/2023

CHAPTER 182
Income Tax Effective January 1, 2016

182.082 Refundable credit for qualifying loss nonqualified deferred compensation plan.

182.083 Credit for tax beyond statute of limitations for obtaining a refund.

182.09 Annual return.

182.091 Annual return filing; payment of tax.

182.092 Return and payment of tax; individuals serving in a combat zone.

182.093 Filing via use of Ohio Business Gateway; types of filings authorized.

182.094 Extension of time to file.

182.095 Amended returns.

182.096 Requests for refunds.

182.097 Taxpayers election to be subject to the Ohio Revised Code Sections 718.80 to 718.95.

182.10 Penalty, interest, fees, and charges.

182.11 Audits.

182.12 Rounding of amounts.

182.13 Authority and powers of the Tax Administrator.

182.131 Authority of Tax Administrator; administrative powers of the Tax Administrator.

182.132 Authority of Tax Administrator; compromise of claim and payment over time.

182.133 Authority of Tax Administrator; right to examine.

182.134 Authority of Tax Administrator; requiring identification information.

182.14 Tax information confidentiality.

182.15 Fraud.

182.16 Request for opinion of the Tax Administrator.

182.17 Service of assessment; appeal based on presumption of delivery.

182.18 Local Board of Tax Review; appeal to Local Board of Tax Review.

182.19 Actions to recover; statute of time limitations; amounts.

182.20 Adoption of RITA rules and regulations.

182.21 Authority to create rules and regulations.

182.22 Mandatory registration.

CROSS REFERENCES

Payroll deductions - see Ohio R.C. 9.42

Municipal income taxes - see Ohio R.C. Ch. 718

State income tax - see Ohio R.C. Ch. 5747

182.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE

182.011 AUTHORITY TO LEVY TAX:

(A) The tax on income and the withholding tax established by this Chapter 182 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax on income and the withholding tax established by this Chapter 182 is levied in accordance with, and is intended to be consistent with the provisions and limitations of Ohio Revised Code 718. This Chapter is deemed to incorporate the provisions of the ORC 718.

(B) The tax is an annual tax levied by the City of Milford on the Municipal Taxable Income of every person residing in or earning or receiving income in the municipal corporation, and shall be measured by the municipal taxable income. The Municipality shall tax income at a uniform rate of one percent (.01). The tax is levied on Municipal Taxable Income as defined herein.

(C) The income tax at the rate of one percent (.01) shall be levied, collected, and paid with respect to the qualifying wages, commissions, and other compensation earned or deemed to be received on or after January 1, 2018, and with respect to the net profits of business, professions, or other activities earned on or after January 1, 2018. The income tax rate of one percent (.01) shall be levied, collected and paid with respect to: all prizes, awards, sweepstakes, or other income associated with any lottery winnings, gambling and sports winnings, or other similar games of chance; and all prizes, awards and winnings paid to residents of the Municipality by the state lottery commissions.

(Ord. 18-1379. Passed 6-19-18.)

182.012 PURPOSE OF TAX; RATE OF TAX:

(A) PURPOSE: The purpose of the income tax shall be to provide funds for the purposes of general municipal operations, parks and recreation, maintenance, new equipment, extension and enlargement of municipal services and facilities, and capital improvements, the City of Milford, Ohio hereby levies an annual municipal income tax at the rate on one percent (.01) on income, salaries, qualifying wages, commissions and other compensation, and on net profits as provided in Ordinance 89-1277, passed 11-21-89, and including subsequent amendments and replacements thereto (Ord 04-346, Passed 1-6-2004) and as hereinafter provided.

(B) (1) RATE OF TAX: The annual tax is levied at a rate of one percent (.01). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the City of Milford Ohio, and shall be measured by municipal taxable income. The tax is levied on Municipal Taxable Income, as defined herein. The tax is levied on income, salaries, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 182.04 and 182.06 of this Chapter and as other sections as they may apply.
(Ord. 18-1379. Passed 6-19-18.)

182.013 ALLOCATION OF FUNDS

(B) (2) Beginning January 1, 1992, the prior year's expenditures for the Income Tax Department shall be used as the amount to be credited to the General Fund in the current year prior to the income tax collections being allocated.

City Council will annually determine the percentage of funds collected that shall be allocated to other City funds as specified by the annual appropriation ordinance.

(Ord. 18-1379. Passed 6-19-18.)

182.014 STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX.

Whereas, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of self-government", and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

(A) Significant and wide-ranging amendments to ORC 718 were enacted by Am Sub HB 5, passed by the 130th General Assembly, and signed by Governor Kasich on December 19, 2014, and H.B. 5 required municipal corporations to conform to and adopt the provisions of

ORC 718 in order to have the authority to impose, enforce, administer and collect a municipal income tax.

(B) As mandated by H.B. 5, municipal income tax Ordinance 2015-1199, effective January 1, 2016, comprehensively amends the languages and code as set forth in Chapter 181 and creates a newly enacted Chapter 182 in accordance with the provisions of Ohio Revised Code 718 to allow the Municipality to continue the income tax and withholding tax administration and collection efforts on behalf of the Municipality.

(C) Significant and wide-ranging amendments to the Ohio Revised Code 718 were enacted by Am Sub H.B. 49, passed by the 132nd General Assembly, and signed by Governor Kasich on June 30, 2017, and H.B. 49 required municipal corporations to conform to adopt the provisions of Ohio Revised Code 718 in order to have the authority to impose, enforce, administer and collect a municipal income tax.

(D) As mandated by H.B. 49, municipal income tax Ordinance # 2018-1379, effective January 1, 2018, comprehensively amends Chapter 182 in accordance with the provisions of ORC 718 to allow the Municipality to continue income tax and withholding tax administration and collection efforts on behalf of the Municipality. Under the Ohio Revised Code, section 718.80 to 718.95, businesses may elect to be subject to ORC 718.80 to 718.95 which will designate the State of Ohio Tax Commissioner as the administrator of the municipal net profit tax(es).

(E) The passage of Ordinance # 2018-1379, to amend Chapter 182 , does not waive any of the rights of the City, including, but not limited to, the City reserving the right under its home rule powers to challenge Ohio House Bill 49, including the amendments to Chapter 718 of the Ohio Revised Code.

(F) This chapter may be amended by the Municipality to the extent permitted by the Ohio Revised Code and the Ohio Constitution.

(Ord. 18-1379. Passed 6-19-18.)

182.02 EFFECTIVE DATE.

(A) Ordinance 2015-1199, effective January 1, 2016, and corresponding changes to Ohio Revised Code 718, apply to municipal taxable years beginning on or after January 1, 2016. All provisions of this Chapter 182 apply to taxable years beginning 2016 and succeeding taxable years.

(B) Ordinance 2015-1199 does not repeal the existing sections of Chapter 181 for any taxable year prior to 2016, but rather amends Chapter 181 effective January 1, 2016. For municipal taxable years beginning before January 1, 2016, the Municipality shall continue to administer, audit, and enforce the income tax of the Municipality under ORC 718 and ordinances and resolutions of the Municipality as that chapter and those ordinances and resolutions existed before January 1, 2016.

(Ord. 18-1379. Passed 6-19-18.)

182.03 DEFINITIONS.

Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Ohio Revised Code, unless a different meaning is clearly required. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Ohio Revised Code.

For purposes of this Section, the singular shall include the plural, and the masculine shall include the feminine and the gender-neutral,

As used in this chapter:

(1) "ADJUSTED FEDERAL TAXABLE INCOME", for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (32)(D) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) (A) 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.

(1) (B) Add an amount equal to five percent (5%) of intangible income deducted under division (1)(A) of this section, 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;

(1) (C) 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;

(1) (D) (i) Except as provided in division (1)(D)(ii) of this section, 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;

(1) (D) (ii) Division (1)(D)(i) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.

(1) (E) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income; taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of Section 182.063 .

(1) (F) 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;

(1) (G) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the Ohio Revised Code;

(1) (H) (i) Except as limited by divisions (1)(H)(ii), (iii), and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.

The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(1) (H) (ii) No person shall use the deduction allowed by division (1)(H) of this section to offset qualifying wages.

(1) (H) (iii) (a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (1)(H)(i) of this section.

(1) (H) (iii) (b) For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by (1)(H)(i) of this section.

(1) (H) (iv) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to (1)(H) of this section.

(1) (H) (v) Nothing in division (1)(H)(iii)(a) of this section precludes a person from carrying forward, use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (1)(H)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (1)(H)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (1)(H)(iii)(a) of this section shall apply to the amount carried forward.

(1) (I) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of Section 182.063 .

(1) (J) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated

group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of Section 182.063 .

If the taxpayer is not a C corporation, is not a disregarded entity that has made an election described in division (65)(B) of this section, is not a publicly traded partnership that has made the election described in division (32)(D) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(2) (A) "ASSESSMENT" means any of the following:

(2) (A) (i) A written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commence the person's time limitation for making an appeal to the Local Board of Tax Review pursuant to Section 182.18 and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) (B) "ASSESSMENT" does not include informal notice(s) denying a request for refund issued under division (B)(3) of Section 182.096 , a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (2)(A) of this section.

(3) "ASSOCIATION" means a partnership, limited partnership, limited liability company, or any other form of unincorporated enterprise, including S Corporations as defined in the federal tax code, 26 U.S.C. 1361, owned by one (1) or more persons.

(4) "AUDIT" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(5) "BOARD OF TAX REVIEW" or other named local board means the entity constituted or created to hear appeals of municipal income tax matters under Section 182.18 of this

Chapter or under Section 718.11 of the Ohio Revised Code. This is the same as "Local Board of Tax Review".

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

(7) "CALENDAR QUARTER" means the three-month period ending on the last day of March, June, September, or December.

(8) "CASINO OPERATOR" and "CASINO FACILITY" have the same meanings as in Section 3772.01 of the Ohio Revised Code,

(9) "CERTIFIED MAIL", "EXPRESS MAIL", "UNITED STATES MAIL", "POSTAL SERVICE", and similar terms include any delivery service authorized pursuant to section 5703.056 of the Ohio Revised Code.

(10) "COMPENSATION" means any form of remuneration paid to an employee for personal services.

(11) "CORPORATION" means a corporation (but including S Corporations as defined in the federal tax code, 26 U.S.C 1361), or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory, or foreign entity for federal tax purposes. "Corporation" also includes a "combined company", an "electric company" and a "telephone company", all as defined in Ohio Revised Code Section 5727.01. The term "corporation" does not include a limited liability company that is treated as a partnership for federal tax purposes.

(12) "DISREGARDED ENTITY" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(13) "DOMICILE" means the true, fixed, and permanent legal home/residence of a taxpayer and to which, whenever absent, the taxpayer intends to return. A taxpayer may have more than one residence but not more than one domicile.

(14) "EMPLOYEE" means an individual, who is an employee for federal income tax purposes, working for income, wages, salary, commission or other type of compensation in the service of and under control of an employer.

(15) "EMPLOYER" means an individual, partnership, association, corporation, governmental body, unit or agency, or any other entity, whether or not organized for profit, who is an employer for federal income tax purposes, employing one or more persons on an income, salary, wage, commission or other compensation basis whether or not the entity is private or public. No rights, duties, or obligations are imposed with respect to any such body not otherwise authorized by law.

A person who employs domestic help for such person's private residence shall not be considered an employer of the domestic for municipal income tax withholding purposes,

and shall not be required to withhold and or remit municipal income tax on behalf of the domestic help. The domestic help will be responsible for compliance with this Chapter for taxable income earned within the Municipality.

(16) "EXEMPT INCOME" means all of the following:

(16) (A) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;

(16) (B) Intangible income. However, a municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(16) (C) Pensions. Proceeds from welfare benefits, Social security benefits, railroad retirement benefits, unemployment compensation, pensions, qualified retirement plans as defined by the Internal Revenue Service benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (16)(C) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in Section 3402(o)(2) of the Internal Revenue Code.

(16) (D) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities and only to the extent that the said income is exempt from federal income tax.

(16) (E) Precinct Official. Compensation paid under Section 3501.28 or 3501.36 of the Ohio Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand ($ 1,000.00) dollars for the taxable year. Such compensation in excess of one thousand ($ 1,000.00) dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(16) (F) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(16) (G) Alimony and child support received.

(16) (H) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation / awards from punitive damages;

(16) (I) Public Utility. Income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the Ohio Revised Code. Division (16)(I) of this section does not apply for purposes of Chapter 5745 of the Ohio Revised Code.

(16) (J) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(16) (K) Parsonage Allowance. Compensation or allowances excluded from federal gross income under Section 107 of the Internal Revenue Code to the extent of the rental allowance or rental value of a house provided as a 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 must have authority to perform all sacraments of the church.

As for churches and other religious organizations, the income from property owned by churches and other religious organizations and not incidental to their activities is taxable to the extent such income is not derived from tax exempt real estate, tax exempt tangible or intangible property or tax exempt activities.

(16) (L) Employee compensation that is not qualifying wages as defined in division (48) of this section. Fellowship grants are not taxable to the extent of tuition, room and board. However, stipends received for work done and services performed are taxable.

(16) (M) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(16) (N) An S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the internal Revenue Code.

(16) (O) For tax years 2024 and after, the income of individuals under 18 years of age. ~~NO EXEMPTION BASED ON AGE FOR TAXABLE INCOME EARNED~~

(16) (P) (i) Except as provided in divisions (16)(P)(ii), (iii), and (iv) of this section, qualifying wages described in division (B)(1) or (E) of Section 182.052 to the extent the qualifying wages are not subject to withholding for the Municipality under either of those divisions.

(16) (P) (ii) The exemption provided in division (16)(P)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(16) (P) (iii) The exemption provided in division (16)(P)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of Section 182.052 .

(16) (P) (iv) The exemption provided in division (16)(P)(i) of this section does not apply to qualifying wages if both of the following conditions apply:

(16) (P) (iv) (a) For qualifying wages described in division (B)(1) of Section 182.052 , the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of Section 182.052 , the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(16) (P) (iv) (b) The employee receives a refund of the tax described in division (16)(P)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.

(16) (Q) (i) Except as provided in division (16)(Q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the Municipality on not more than twenty (20) days in a taxable year.

(16) (Q) (ii) The exemption provided in division (16)(Q)(ii) of this section does not apply under either of the following circumstances:

(16) (Q) (ii) (a) The individual's base of operation is located in the municipal corporation.

(16) (Q) (ii) (b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (16)(Q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 182.052 (A).

(16) (Q) (iii) Compensation to which division (16)(Q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(16) (Q) (iv) For purposes of division (16)(Q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(16) (R) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which

services are performed is annexed to a municipal corporation pursuant to Section 709.023 of the Ohio Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(16) (S) Income salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the constitution or laws of the United States 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.

Any item of income that is exempt income of a pass-through entity under division (16) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(16) (T) Transit Authority. Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306 of the Ohio Revised Code 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 regular 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.

(16) (U) Income, salaries, wages, commissions and other compensation 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 the municipality to impose net income taxes. (Ord. 04-346. Passed 1-6-04)

The burden of proof of exemption from City income tax is on the prospective taxpayer.

(17) "FISCAL YEAR" means an accounting period of 12 months or less ending on any day other than December 31. Only fiscal years accepted by the Internal Revenue Service for federal income tax purposes may be used for municipal tax purposes.

(18) "FORM 2106" means Internal Revenue Service form 2106 filed by a taxpayer pursuant to the internal Revenue Code.

(19) "FUNDAMENTAL CHANGE" means any substantial alteration by an employer, including liquidation, dissolution, bankruptcy, and reorganizations such as a merger, consolidation, acquisition, transfer, or change in identity, form or organization.

(20) "GENERIC TAX RETURN OR FORM" means an electronic or paper form that is not prescribed by a particular municipal corporation, and that is designed for reporting all required information pertaining to taxes withheld by an employer, agent of an employer, or other payer; estimated municipal income taxes, and annual municipal income tax liability; or separate requests for refunds in a similar format that doesn't alter the Municipality's procedures for processing forms.

(21) "GROSS RECEIPTS" means the total revenue derived from sales, work done, or service rendered.

(22) "INCOME" means the following:

(22) (A) (i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in (32)(D) of this division.

(22) (A) (ii) For the purposes of division (22)(A)(i) of this section:

(22) (A) (ii) (a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (22)(A)(iv) of this section;

(22) (A) (ii) (b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(22) (A) (iii) Division (22)(A)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (16)(N) or (22)(E) of this section.

(22) (A) (iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(22) (B) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident. The portion attributable to this municipality 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 municipality.

(22) (C) For taxpayers that are not individuals, net profit of the taxpayer;

(22) (D) Lottery, sweepstakes, gambling, and sports winnings, winnings from games of chance and prizes and awards shall also be taxable, and generally, under no circumstance shall deductions be allowed against these winnings. However, if the taxpayer is a

professional gambler for federal income tax purposes, then the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(22) (E) Intentionally left blank.

(23) "INTANGIBLE INCOME" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(24) "INTERNAL REVENUE CODE" has the same meaning as in Section 5747.01 of the Ohio Revised Code which relates to the "Internal Revenue Code of 1986," 100 Sta. 2085, 26 U.S.C.A. 1, as amended.

(25) "INTERNET" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including graphical subnetwork known as the world-wide web.

(26) "JOINT ECONOMIC DEVELOPMENT DISTRICT", also known as a JEDD, is a contractual arrangement in Ohio, created under the Ohio Revised Code Sections 715.70 through 715.83, as amended from time to time. The "Joint Economic Development District" is where a municipality with a tax ordinance and a township agree to work together to develop township land for commercial or industrial purposes. The contract specifies details such as how taxes are levied as outlined in the municipality's Income Tax Ordinance, how the collected taxes are shared, and the annexation prohibitions. The JEDD contract is approved when it passes a vote in both communities.

(27) "LIMITED LIABILITY COMPANY" means a limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.

(28) "MUNICIPAL CORPORATION" means, in general terms, a status conferred upon a local government unit, by state law giving the unit certain autonomous operating authority such as the power of taxation, power of eminent domain, police power and regulatory power, and includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Ohio Revised Code.

(29) (A) "MUNICIPAL TAXABLE INCOME" means the following:

(29) (A) (i) For a person other than an individual, income apportioned or sitused to the Municipality under Section 182.062 of this Chapter, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the Municipality,

(29) (A) (ii) (a) For an individual who is a resident of a Municipality, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (29)(B) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(29) (A) (ii) (b) For an individual who is a nonresident of a Municipality, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under Section 182.062 , then reduced as provided in division (29)(B) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Municipality.

(29) (B) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (29)(A)(ii)(a) or (29)(B) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by Section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes, but to the extent the expenses do not relate to exempt income. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation and are not related to exempt income.

(30) "MUNICIPALITY" means the same as the City of Milford. If the terms are capitalized in the ordinance they are referring to the City of Milford. Also, "Municipality" means the same as any Milford Joint Economic Development District (JEDD I, II, Ill, IV, V, etc.) that levies an income tax under section 718.691, 715.70, 715.71, or 715.74 of the Ohio Revised Code, If not capitalized, they refer to a municipal corporation, joint economic development district, or joint economic development zone other than the City of Milford.

(31) "NET OPERATING LOSS" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(32) (A) "NET PROFIT" for a person other than an individual means adjusted federal taxable income.

(32) (B) "NET PROFIT" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (1)(H) of this section.

(32) (C) For the purposes of this Chapter, and notwithstanding division (32)(A) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(32) (D) (i) For purposes of this Chapter, "publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(32) (D) (ii) For the purposes of this Chapter, and not withstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division (32)(D) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.

(32) (D) (iii) A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits by the City of Milford, in one or more municipal corporations in this state may elect to be treated as a C corporation for the City of Milford municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return for the City of Milford filed in each such municipal corporation. The City of Milford will treat the publicly traded partnership as a C corporation if the election is so made. Once the election is made, the election is binding for a five-year period beginning with the first taxable year of the initial election. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a C corporation for municipal purposes under division (32)(D)(iv) of this section.

(32) (D) (iv) An election to discontinue filing as a C corporation must be made in the first year following the last year of a five-year election period in effect under division (32)(D)(iii) of this section. The election to discontinue filing as a C corporation is binding for a five-year period beginning with the first taxable year of the election and continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a partnership for municipal purposes. An election to discontinue filing as a partnership must be made in the first year following the last year of a five-year election period.

(32) (D) (v) The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (32)(D) of this section applies to all municipal corporations in which an individual owner of the partnership resides.

(32) (D) (vi) The individual owners of the partnership not filing as a C Corporation shall be required to file with their municipal corporation of residence, and report partnership distribution of net profit.

(33) "NONQUALIFIED DEFERRED COMPENSATION PLAN" means a compensation plan described in Sections 3121(V)(2)(C) of the Internal Revenue Code. Any amount attributable to a nonqualified deferred compensation plan is part of qualifying wages.

(34) "NONRESIDENT" means an individual that is not a resident when domiciled outside of the Municipality.

(35) "OHIO BUSINESS GATEWAY" means the online computer network system, created under section 125.30 of the Ohio Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(36) "OTHER PAYER" means any person, other than an individual's employer or the employer's agent, who pays an individual any amount included in the federal gross taxable income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

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

(38) "OWNER'S PROPORTIONATE SHARE" means the ratio of (a) the owner's income from the pass-through entity that is subject to taxation by the municipal corporation, to (b) the total income from that entity of all owners whose income from the entity is subject to taxation by the Municipal Corporation with respect to each owner of a pass- through entity.

(39) "PASS-THROUGH ENTITY" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(40) "PASSIVE ACTIVITY" means a business or trade in which a taxpayer does not materially participate, within the meaning of Section 469 or the Internal Revenue Code.

(41) "PENSION" means any amount paid to an employee or former employee as a result of retirement from employment from an IRS qualified retirement plan and which is generally, although not exclusively, reported to the recipient by the payor on an IRS Form 1099-R or similar form or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

(42) "PERSON" includes individuals, firms, companies, joint stock companies, business trusts, estates, property owners, trusts, partnerships, limited liability partnerships, limited liability companies, associations, fiduciary, corporation, C corporations, S corporations, governmental entities, and any other entity mentioned in this Chapter. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to any association, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

(43) "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.

(44) "POSTAL SERVICE" means the United States postal service, or private delivery service delivering documents and packages within an agreed upon delivery schedule, or any other carrier service delivering the item.

(45) "POSTMARK DATE", "DATE OF POSTMARK", and similar terms include the date recorded and marked in the manner described in division (B)(3) of Section 5703.056 of the Ohio Revised Code or by a delivery service and recorded electronically to a database kept in the regular course if its business and marked on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery

(46) (A) "PRE-2017 NET OPERATING LOSS CARRYFORWARD" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(46) (B) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(47) "PUBLICLY TRADED PARTNERSHIP" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(48) "QUALIFYING WAGES" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(48) (A) Deduct the following amounts:

(48) (A) (i) 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.

(48) (A) (ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(48) (A) (iii) Intentionally left blank.

(48) (A) (iv) Intentionally left blank.

(48) (A) (v) Any amount included in wages that is exempt income.

(48) (B) Add the following amounts:

(48) (B) (i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(48) (B) (ii) 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 adopted before January 1, 2016.

Division (48)(B)(ii) of this section applies only to those amounts constituting ordinary income.

(48) (B) (iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (48)(B)(ii) of this section applies only to employee contributions and employee deferrals.

(48) (B) (iv) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(48) (B) (v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a)(8) of the Internal Revenue Code.

(48) (B) (vi) Any amount not included in wages if all of the following apply:

(48) (B) (vi) (a) For the taxable year the amount is employee compensation that is earned outside the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

(48) (B) (vi) (b) For no preceding taxable year did the amount constitute wages as defined in Section 3121(a) of the Internal Revenue Code;

(48) (B) (vi) (c) For no succeeding taxable year will the amount constitute wages; and

(48) (B) (vi) (d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (48)(B) of this section or Ohio Revised Code Section 718.034, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.

(49) "REAL PROPERTY", as the term is used in this Ordinance, and the RULES and Regulations, shall include commercial property, residential property, farm property, and all types of real estate.

(50) "REGIONAL INCOME TAX AGENCY (RITA)" means the organization formed under the Regional Council of Governments to provide a central collection service for municipal income taxes and is contracted by the Municipality.

(51) "RELATED ENTITY" means any of the following:

(51) (A) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(51) (B) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(51) (C) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the cqrporation to the party or from the party to the corporation under division (51)(D) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent (50%) of the value of the corporation's outstanding stock;

(51) (D) The attribution rules described in Section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (51)(A) to (51)(C) of this section have been met.

(52) "RELATED MEMBER" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in Section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty percent (20%)" shall be substituted for "five percent (5%)" wherever "five percent (5%)" appears in Section 1563(e) of the Internal Revenue Code.

(53) "RESIDENT" means a person whether an individual, partnership, association, corporation, or other entity, who is domiciled or having a place of business in the municipal corporation as determined under Section 718.012 of the Ohio Revised Code 3(E).

(54) "S CORPORATION" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(55) "SCHEDULE C" means Internal Revenue Service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(56) "SCHEDULE E" means Internal Revenue Service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(57) "SCHEDULE F" means Internal Revenue Service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(58) "SINGLE MEMBER LIMITED LIABILITY COMPANY" means a limited liability company that has one direct member.

(59) "SMALL EMPLOYER" means any employer that had total revenue of less than five hundred thousand ($500,000.00) dollars during the preceding taxable year. For purposes

of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(60) "TAX ADMINISTRATOR" means the individual designated by the chapter, charged with direct responsibility for administration and enforcement of an income tax levied by a municipal corporation in accordance with this Chapter. The City of Milford Finance Director is the Tax Administrator for the Municipality. "Tax Administrator" does not include the State of Ohio Tax Commissioner. Tax Administrator may include the following:

(60) (A) A municipal corporation acting as the agent of another municipal corporation;

(60) (B) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;

(60) (C) The Central Collection Agency (CCA) or the Regional Income Tax Agency (RITA) or their successors in interest, or another entity organized to perform functions similar to those performed by the Central Collection Agency and the Regional Income Tax Agency by the powers granted per the contract with the Municipality.

(61) "TAX COMMISSIONER" means the tax commissioner appointed under Section 121.03 of the Ohio Revised Code.

(62) "TAX RETURN PREPARER" means any individual other than the taxpayer that is authorized by a taxpayer to complete or file an income tax return, report, or other document for or on the behalf of the taxpayer described in Section 718.05 Ohio Revised Code, section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(63) "TAXABLE YEAR" means the calendar year, or the fiscal 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. the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(64) "TAXING MUNICIPALITY" means any municipal corporation levying a municipal income tax on income.

(65) (A) "TAXPAYER" means a person subject to a tax levied on income by a municipal corporation in accordance with this Chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (65)(B)(i) of this section, a disregarded entity.

(65) (B) (i) A "Single Member Limited Liability Company" that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(65) (B) (i) (a) The Limited Liability Company's single member is also a limited liability company.

(65) (B) (i) (b) The Limited Liability Company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(65) (B) (i) (c) Not later than December 31, 2004, the Limited Liability Company and its single member each made an election to be treated as a separate taxpayer under division (L of Ohio Revised Code Section 718.01 as that section existed on December 31, 2004.

(65) (B) (i) (d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(65) (B) (i) (e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(65) (B) (i) (e) (i) For purposes of division (65)(B)(i)(e) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand ($400,000.00) dollars.

(66) "TAXPAYERS' RIGHTS AND RESPONSIBILITIES" means the rights provided to taxpayers in Sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011 and 5717.03 of the Ohio Revised Code and any corresponding ordinances of the Municipality, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718 of the Ohio Revised Code and resolutions, ordinances, and rules and regulations adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(67) "UNEARNED INCOME", for the purposes of the City of Milford, means bank interest reported on Form 1099-INT, stock dividends reported on Form 1099-DIV, Social Security reported on Form SSA-1099, Pension Distributions reported on Form 1099-R, Railroad Retirement reported on Form RRB-1099, Unemployment Compensation received from the State and reported on Form 1099-G, or other exempt income as prescribed in (16) of this section under this Chapter. These may differ from the Federal and State filing requirements.

(68) "VIDEO LOTTERY TERMINAL", also known as a VLT, has the same meaning as in section 3770.21 of the Ohio Revised Code.

(69) "VIDEO LOTTERY TERMINAL SALES AGENT" means a lottery sales agent licensed under Chapter 3770 of the Ohio Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Ohio Revised Code. (ord. 18-1379. Passed 6-19-18.)

182.04 INCOME SUBJECT TO TAX FOR INDIVIDUALS.

182.041 DETERMINING MUNICIPAL TAXABLE INCOME FOR INDIVIDUALS.

(A) For residents of the City of Milford, the income tax levied herein shall be on all income, salaries, qualifying wages, including sick pay and vacation pay, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income found in division (22) of Section 182.03 of this Chapter.

Lottery, sweepstakes, gambling, and sports winnings, winnings from games of chance and prizes and awards shall also be taxable, and in no circumstance shall deductions be allowed against these winnings. However, deductions shall be allowed against gambling and sport winnings, if the taxpayer is considered a professional gambler for federal income tax purposes deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

For nonresidents, on all income, salaries, qualifying wages, including sick pay and vacation pay, commissions, and other compensation from whatever source earned or received during the effective period of this chapter by the nonresident for work done, services performed or rendered, or activities conducted in the City municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(B) For residents and nonresidents, income can be reduced to "Municipal Taxable Income" as defined in Section 182.03 (29). Exemptions which may apply are specified in Section 182.03 (16).

(Ord. 18-1379. Passed 6-19-18.)

182.042 DOMICILE.

(A) As used in this section:

(A) (1) "Domicile" means the true, fixed and permanent home of the taxpayer to which whenever absent, the taxpayer intends to return.

(A) (2) An individual is presumed to be domiciled in the City of Milford for all or part of a taxable year if the individual was domiciled in the City of Milford on the last day of the immediately preceding taxable year or if the Tax Administrator reasonably concludes that the individual is domiciled in the City of Milford for all or part of the taxable year.

(A) (3) An individual may rebut the presumption of domicile described in division (A)(1) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the City of Milford for all or part of the taxable year

(B) For the purpose of determining whether an individual is domiciled in the City of Milford for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(B) (1) The individual's domicile in other taxable years;

(B) (2) The location at which the individual is registered to vote; (B)(3) The address on the individual's driver's license;

(B) (4) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(B) (5) The location and value of abodes owned or leased by the individual;

(B) (6) Declarations, written or oral, made by the individual regarding the individual's residency;

(B) (7) The primary location at which the individual is employed.

(B) (8) The location of educational institutions attended by the individual's dependents as defined in section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation or state where the educational institution is located;

(B) (9) The number of contact periods the individual has with the City of Milford. For the purposes of this division, an individual has one "contact period" with the City of Milford if the individual is away overnight from the individual's abode located outside of the City of Milford and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the City of Milford. For purposes of this section, the State's contact period test or bright-line test and resulting determination have no bearing on municipal residency or domicile.

(C) All additional applicable factors are provided in the Rules and Regulations.

(Ord. 18-1379. Passed 6-19-18.)

182.043 EXEMPTION FOR MEMBER OR EMPLOYEE OF GENERAL ASSEMBLY AND CERTAIN JUDGES.

(A) Only the municipal corporation of residence shall be permitted to levy a tax on the income of any member or employee of the Ohio General Assembly, including the Lieutenant Governor, whose income is received as a result of services rendered as such member or employee and is paid from appropriated funds of this state.

(B) Only the municipal corporation of residence and the city of Columbus shall levy a tax on the income of the Chief Justice or a Justice of the Supreme Court received as a result of services rendered as the Chief Justice or Justice. Only the municipal corporation of residence shall levy a tax on the income of a judge sitting by assignment of the Chief Justice or on the income of a district court of appeals judge sitting in multiple locations within the district, received as a result of services rendered as a judge.

(Ord. 18-1379. Passed 6-19-18.)

182.05 COLLECTION AT SOURCE.

182.051 COLLECTION AT SOURCE; WITHHOLDING TAXES FROM QUALIFYING WAGES.

(A) Each employer, agent of an employer, or other payer located or doing business in the City of Milford shall withhold an income tax from the qualifying wages earned and/or received by each employee in City of Milford. The amount of income tax withheld is equal to the qualifying wages earned by the employee in the Municipality multiplied by the applicable rate of one percent (.01) of the Municipality's income tax, except for qualifying wages for which withholding is not required under Section 182.052 of this Chapter or division (D) or (F) of this section.

(A) (1) An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(A) (2) In addition to withholding the amounts required under division (A)(1) of this section, an employer, agent of an employer, or other payer may also deduct and withhold, on the request of an employee, taxes for the municipal corporation in which the employee is a resident.

(B) (1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the Tax Administrator to accompany such payment, according to the following schedule:

(B) (1) (a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the municipal corporation

in the preceding calendar year exceeded two thousand three hundred ninety-nine ($2,399.00) dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred ($ 200.00) dollars.

Payments under division (B)(1)(a) of this section shall be made to the Tax Administrator not later than fifteen days (15) after the last day of each month for which the tax was withheld.

(B) (1) (b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes, required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the fifteenth last day of the month following the last day of each calendar quarter, subject to the approval of the Administrator. The Administrator may revoke the approval of quarterly filing and payments whenever the Administrator believes that the reasons or conditions for granting such authorization have changed, were judged incorrectly, were not met, or when it is in the best interest of the City to do so. A Notice of Withdrawal shall be made in writing and, in such case, the employer must begin to file in accordance with this section.

(B) (1) (c) Notwithstanding the provisions of Section (B)(1)(a) or (B)(1)(b) of this section, taxes may be deducted, and the withholding remitted semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld on behalf of the City of Milford in the preceding calendar year exceeded $11,999.00 or if any month of the preceding calendar year exceed $ 1,000.00. Payment under division (B)(1)(c) of this section shall be made to the Tax Administrator not later than one of the following:

(B) (1) (c) (i) If the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen (15) days of a month, the third banking day after the fifteenth day of that month;

(B) (1) (c) (ii) If the taxes were deducted and withheld or required to be deducted and withheld after the fifteen (15) day of a month and before the first day of the immediately following month, the third banking day after the first day of the immediately following month.

(B) (2) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the City of Milford. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

(B) (3) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the Tax Administrator. A return filed by

an employer, agent, or other payer under this division shall be accepted by the Tax Administrator and the Municipality as the return required of an non-resident employee whose sole income subject to the tax under this Chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer, unless the Municipality requires all resident individual taxpayers to file a tax return under Section 182.091 of this Chapter,

(B) (4) An employer, agent of an employer, or other payer is not required to withhold the municipal income tax 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 either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity,

(B) (5) (a) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(B) (5) (b) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(B) (6) Compensation deferred before June 26, 2003, is not subject to any municipal corporation income tax or municipal income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(B) (7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the Tax Administrator.

The return or payment of taxes withheld shall be on a form or forms accepted by or prescribed by the Administrator, RITA, or an acceptable generic form.

(B) (8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return for the preceding calendar year with the Tax Administrator listing:

(B) (8) (a) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the Municipality during the preceding calendar year;

(B) (8) (b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(B) (8) (c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(B) (8) (d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

In lieu of submitting Forms W-2 for each employee, an alternative method must be approved by the Administrator, or his duly authorized agent.

(B) (8) (e) Other information as may be required by the Tax Administrator or his duly authorized agent. Such required Information shall include the following:

(B) (8) (e) (i) All employers that provide any contractual service within the municipality, and who employ subcontractors in conjunction with that service, shall provide the Municipality with the names and addresses of the subcontractors. The subcontractors shall be responsible for all income tax withholding and filing requirements under this ordinance.

(B) (8) (e) (ii) All individuals, businesses, employers, brokers, or others who engage persons, either on a fee or commission basis or as an independent contractor and not employers (those who are not subject to withholding) must provide the City Income Tax Department with copies of all Forms 1099 Miscellaneous Forms and/or a list of names, addresses, social security numbers and total amount of earnings, payments, bonuses, commissions and or fees paid to each person when the annual reconciliation form is filed.

(B) (9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to withhold the tax, to file a report, or pay the tax, penalties, or interest due as required herein by this section. The dissolution bankruptcy, or reorganization of any such an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of such business or employer, agent of an employer, or other payer to withhold the tax, file returns or pay any taxes, penalties, or interest due.

(B) (10) An employer is required to deduct and withhold municipal income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(B) (11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Chapter, to be tax required to be withheld and remitted for the purposes of this section. (Ord. 18-1379. Passed 6-19-18.)

182.052 COLLECTION AT SOURCE; OCCASIONAL ENTRANT - WITHHOLDING.

(A) The following terms as used in this section:

(A) (1) "Employer" includes a person that is a related member to or of an employer.

(A) (2) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(A) (3) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(A) (4) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(A) (5) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(A) (6) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than twenty (20) days during the calendar year. "Worksite location" does not include the home of an employee.

(A) (7) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (B)(1)(a) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (B)(2) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(B) (1) Subject to divisions (C), (E), (F), and (G) of this section, an employer is not required to withhold the municipal income tax on qualifying wages paid to an employee for the performance of personal services in a municipal corporation that imposes such a tax if the employee performed such services in the municipal corporation on twenty (20) or fewer days in a calendar year, unless one of the following conditions applies:

(B) (1) (a) The employee's principal place of work is located in the Municipality.

(B) (1) (b) The employee performed services at one or more presumed worksite locations in the Municipality. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in this state at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than twenty (20) days in a calendar year. Services can "reasonably be expected by the employer to last more than twenty (20) days" if either of the following applies at the time the services commence:

(B) (1) (b) (i) The nature of the services is such that it will require more than twenty (20) days of the services to complete the services;

(B) (1) (b) (ii) The agreement between the employer and its customer to perform services at a location requires the employer to perform actual services at the location for more than twenty (20) days.

(B) (1) (c) The employee is a resident of the Municipality and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 182.051 .

(B) (1) (d) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure within the Municipality.

(B) (2) For the purposes of division (B)(1) of this section, an employee shall be considered to have spent a day performing services in a municipal corporation only if the employee spent more time performing services for or on behalf of the employer in that municipal corporation than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(B) (2) (a) Traveling to the location at which the employee will first perform services for the employer for the day;

(B) (2) (b) Traveling from a location at which the employee was performing services for the employer to any other location;

(B) (2) (c) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold,

assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(B) (2) (d) Transporting or delivering property described in division (B)(2)(c) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(B) (2) (e) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(C) If the principal place of work of an employee is located in another Ohio a municipal corporation that imposes an income tax in accordance with this chapter, the exception from withholding requirements described in division (B)(1) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to the municipal corporation in which the employee's principal place of work is located.

(D) (1) Except as provided in division (D)(2) of this section, if, during a calendar year, the number of days an employee spends performing personal services in a municipal corporation exceeds the twenty (20) day threshold as described in Division (B)(1) of this section, the employer shall withhold and remit tax to that municipal corporation for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in that municipal corporation.

(D) (2) An employer required to begin withholding tax for a municipal corporation under division (D)(1) of this section may elect to withhold tax for that municipal corporation for the first twenty (20) days on which the employer paid qualifying wages to the employee for personal services performed in that municipal corporation.

(D) (3) If an employer makes the election described in division (D)(2) of this section, the taxes withheld and paid by such an employer during those first twenty (20) days to the municipal corporation in which the employee's principal place of work is located are refundable to the employee.

(E) If an employer's fixed location is the Municipality and the employer qualifies as a small employer as defined in Section 182.03 of this Chapter, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the Municipality, regardless of the number of days in a calendar year in which the employee worked outside the corporate boundaries of the Municipality.

To determine whether an employer qualifies as a small employer for a taxable year, a Tax Administrator may require the employer to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(F) Divisions (B)(1) and (D) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 182.051 of this Chapter.

(G) In the case of a person performing personal services at a petroleum refinery located in a municipal corporation that imposes a tax on income, an employer is not required to withhold municipal income tax on the qualifying wages of such a person if the person performs those services on twelve or fewer days in a calendar year, unless the place of work of the employer is located in another municipal corporation in this state that imposes a tax applying to compensation paid to a person for services performed on those days and the person is not liable to that other municipal corporation for tax on the compensation paid for such services. For the purposes of this division, a petroleum refinery is a facility with a standard industrial facility classification of 2911, petroleum refining.

Notwithstanding division (D) of this section, if, during a calendar year, the number of days an individual performs personal services at a petroleum refinery exceeds twelve, the employer shall withhold tax for the municipal corporation for the first twelve days for which the employer paid qualifying wages to the individual and for all subsequent days in the calendar year on which the individual performed services at the refinery.
(Ord. 18-1379. Passed 6-19-18.)

182.053 COLLECTION AT SOURCE; CASINO AND VLT.

(A) The Municipality shall require a casino facility or a casino operator, as defined in Section 6(C)(9) of Article XV, Ohio Constitution, and section 3772.01 of the Ohio Revised Code, respectively, or a lottery sales agent conducting video lottery terminals sales on behalf of the state to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section.

(B) If a person's winnings at a casino facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator shall deduct and withhold municipal income tax from the person's winnings at the rate of the tax imposed by the municipal corporation in which the casino facility is located.

(C) Amounts deducted and withheld by a casino operator are held in trust for the benefit of the municipal corporation to which the tax is owed.

(C) (1) On or before the tenth day of each month, the casino operator shall file a return electronically with the Tax Administrator of the Municipality, providing the name, address, and social security number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming that resulted in such winnings, and any other information required by the Tax Administrator. With this return, the casino operator shall remit electronically to the Municipality all amounts deducted and withheld during the preceding month.

(C) (2) Annually, on or before the thirty-first day of January, a casino operator shall file an annual return electronically with the Tax Administrator of the municipal corporation in

which the casino facility is located, indicating the total amount deducted and withheld during the preceding calendar year. The casino operator shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(C) (3) Annually, on or before the thirty-first day of January, a casino operator shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted from the person's winnings during the preceding year. The casino operator shall provide to the Tax Administrator a copy of each information return issued under this division. The administrator may require that such copies be transmitted electronically.

(C) (4) A casino operator that fails to file a return and remit the amounts deducted and withheld shall be personally liable for the amount withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(C) (5) If a casino operator sells the casino facility or otherwise quits the casino business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld along with any penalties and interest thereon until the predecessor casino operator produces either of the following:

(C) (5) (a) A receipt from the Tax Administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(C) (5) (b) A certificate from the Tax Administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(C) (6) The failure of a casino operator to deduct and withhold the required amount from a person's winnings does not relieve that person from liability for the municipal income tax with respect to those winnings.

(D) If a person's prize award from a video lottery terminal is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's prize award at the rate of the tax imposed by the municipal corporation in which the video lottery terminal facility is located.

(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.

(E) (1) The video lottery sales agent shall issue to a person from whose prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.

(E) (2) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the Tax Administrator of the Municipality providing the names, addresses, and social security numbers of the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the prize award from which each such amount was withheld, and any other information required by the Tax Administrator. With the return, the video lottery sales agent shall remit electronically to the Tax Administrator all amounts deducted and withheld during the preceding month.

(E) (3) A video lottery sales agent shall maintain a record of all receipts issued under division (E) of this section and shall make those records available to the Tax Administrator upon request. Such records shall be maintained in accordance with section 5747.17 of the Ohio Revised Code and any rules adopted pursuant thereto.

(E) (4) Annually, on or before the thirty-first day of January, each video lottery terminal sales agent shall file an annual return electronically with the Tax Administrator of the municipal corporation in which the facility is located indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(E) (5) Annually, on or before the thirty-first day of January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted and withheld from the person's prize award by the video lottery sales agent during the preceding year. A video lottery sales agent shall provide to the Tax Administrator of the municipal corporation a copy of each information return issued under this division. The Tax Administrator may require that such copies be transmitted electronically.

(E) (6) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(F) If a video lottery sales agent ceases to operate video lottery terminals, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor of the video lottery sales agent that purchases the video lottery terminals from the agent shall withhold an amount from the purchase money that is

sufficient to cover the amounts deducted and withheld and any penalties and interest thereon until the predecessor video lottery sales agent operator produces either of the following:

(F) (1) A receipt from the Tax Administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(F) (2) A certificate from the Tax Administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(G) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve that person from liability for the municipal income tax with respect to that prize award.

(H) If a casino operator or lottery sales agent files a return late, fails to file a return, remits amounts deducted and withheld late, or fails to remit amounts deducted and withheld as required under this section, the Tax Administrator of a municipal corporation may impose the following applicable penalty:

(H) (1) For the late remittance of, or failure to remit, tax deducted and withheld under this section, a penalty equal to fifty per cent of the tax deducted and withheld;

(H) (2) For the failure to file, or the late filing of, a monthly or annual return, a penalty of five hundred dollars ($500.00) for each return not filed or filed late. Interest shall accrue on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Ohio Revised Code.

(I) Amounts deducted and withheld on behalf of a municipal corporation shall be allowed as a credit against payment of the tax imposed by the municipal corporation and shall be treated as taxes paid for purposes of Section 182.07 of this Chapter. This division applies only to the person for whom the amount is deducted and withheld.

(J) The Tax Administrator shall prescribe the forms of the receipts and returns required under this section.

(Ord. 18-1379. Passed 6-19-18.)

182.06 INCOME SUBJECT TO NET PROFIT TAX

182.061 DETERMINING MUNICIPAL TAXABLE INCOME FOR TAXPAYERS WHO ARE NOT INDIVIDUALS.

"Municipal Taxable Income" for a taxpayer who is not an individual for the Municipality is calculated as follows:

(A) "Income" reduced by "Exempted Income" to the extent otherwise included in income, multiplied by apportionment, further reduced by any "Pre-2017 Net Operating Loss Carryforward" equals "Municipal Taxable Income".

(A) (1) "Income" for a taxpayer that is not an individual means the "Net Profit" of the taxpayer.

(A) (1) (a) "Net Profit" for a person other than an individual is defined in Section 182.03 (32).

(A) (1) (b) "Adjusted Federal Taxable Income" is defined in Section 182.03 (1) of this Chapter

(A) (2) "Exempt Income" is defined in Section 182.03 (16) of this Chapter.

(A) (3) "Apportionment" means the apportionment as determined by Section 182.062 of this Chapter.

(A) (4) "Pre-2017 Net Operating Loss Carryforward" is defined in Section 182.03 (46) of this Chapter.

(Ord. 18-1379. Passed 6-19-18.)

182.062 BUSINESSES NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT.

Businesses - Income Subject To Tax

This division applies to any taxpayer engaged in a business or profession in the City of Milford, unless the taxpayer is an individual who resides in the City of Milford or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745 of the Ohio Revised Code.

(A) Except as otherwise provided in division (I)(1) of this section, net profit from a business or profession conducted both within and without the boundaries of the City of Milford shall be considered as having a taxable situs in the City of Milford for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(A) (1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City of Milford 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 or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or 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;

(A) (2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City of Milford to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 182.052- of this Chapter;

(A) (3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City of Milford to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed,

(B) (1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in the City of Milford, the taxpayer may request, or the Tax Administrator of the City of Milford may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(B) (1) (a) Separate accounting;

(B) (1) (b) The exclusion of one or more of the factors;

(B) (1) (c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(B) (1) (d) A modification of one or more of the factors.

(B) (2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Division (A) of Section 182.19- of this Chapter.

(B) (3) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Division (A) of Section 182.19 of this Chapter.

(B) (4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(C) (1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(C) (1) (a) The employer;

(C) (1) (b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(C) (1) (c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(C) (2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(C) (3) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (C)(2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:

(D) (1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation only if, regardless of where title passes, the property meets either of the following criteria:

(D) (1) (a) The property is shipped to or delivered within the City of Milford from a stock of goods located within the City of Milford.

(D) (1) (b) The property is delivered within the City of Milford from a location outside the City of Milford, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within and the sales result from such solicitation or promotion.

(D) (2) Gross receipts from the sale of services shall be sitused to the City of Milford to the extent that such services are performed in the City of Milford.

(D) (3) To the extent included in income, gross receipts from the sale of real property located in the City of Milford shall be sitused to the City of Milford.

(D) (4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation.

(D) (5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the City of Milford based upon the extent to which the tangible personal property is used in the City of Milford.

(E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the City of Milford's tax only if the property generating the net profit is located in the City of Milford or if the individual taxpayer receives the net profit is a resident of the City of Milford.

The City of Milford shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit sitused under this division to the municipal corporation in which the property is located.

(F) (1) Except as provided in Division (F)(2) of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City of Milford, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City of Milford to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year. Fees paid a realtor for arranging a loan are taxable.

(F) (2) An individual who is a resident of the City of Milford shall report the individual's net profit from all real estate activity on the individual's annual return for the City of Milford. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City of Milford's income tax ordinance under Section 182.081 of this Chapter.

(F) (3) When calculating the ratios described in division (A) of this section for the purposes of that division, or division (B)(1) of this section, the owner of a disregarded entity shall include in the owner' s ratios the property, payroll, and gross receipts of such disregarded entity.

(F) (4) Intentionally left blank.

(F) (5) Intentionally left blank.

(G) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not exempted from taxation under divisions (16L) and (48) of Section 182.03 of this Chapter, by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.
(Ord. 18-1379. Passed 6-19-18.)

(H) (1) Intentionally left blank.

(H) (2) Intentionally left blank.

(I) (1) As used in this division:

(I) (1) (a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(I) (1) (a) (i) The taxpayer has assigned the individual to a qualifying reporting location.

(I) (1) (a) (ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(I) (1) (b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(I) (1) (c) "Reporting location" means either of the following:

(I) (1) (c) (i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(I) (1) (c) (ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 182.051 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(I) (1) (d) "Qualifying reporting location" means one of the following:

(I) (1) (d) (i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular basis or periodic basis during the taxable year;

(I) (1) (d) (ii) If no reporting location exists in this state for an employee or owner under division (I) (1) (d) (i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(I) (1) (d) (iii) If no reporting location exists in this state for an employee or owner under division (I) (1) (d) (i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(I) (2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (A)-(H) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(I) (3) For the purpose of calculating the ratios described in division (A) of this section, all of the following shall apply to a taxpayer that has made the election described in division (I) (2):

(I) (3) (a) For the purpose of division (A) (1) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.

(I) (3) (b) For the purpose of division (A) (2) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for

services performed at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.

(I) (3) (c) For the purpose of division (A) (3) of this section, and notwithstanding division (D) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.

(I) (4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (B) (1) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(I) (5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 182.051 of this Chapter.

182.063 CONSOLIDATED FEDERAL INCOME TAX RETURN.

(A) As used in this section:

(A) (1) "Affiliated group of corporations" means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(A) (2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(A) (3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section.

(A) (4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Ohio Revised Code.

(A) (5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Ohio Revised Code.

(B) (1) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to the City of Milford's income tax in that taxable year, and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year.

(B) (1) (a) The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law.

(B) (1) (b) The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division (B)(2) of this section; or

(B) (1) (c) A taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

(B) (2) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division (B)(1) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.

(B) (3) An election made under division (B)(1) or (B)(2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(B) (4) When a taxpayer makes the election allowed under section 718.80 of the Revised Code, a valid election made by a taxpayer under division (B)(1) or (B)(2) of this section is binding upon the State of Ohio tax commissioner for the remainder of the five-year period.

(B) (5) When an election is made under section 718.80 of the Revised Code is terminated, a valid election made under section 718.86 of the Revised Code is binding upon the Municipal Tax Administrator for the remainder of the five-year period.

(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated Milford income tax return for that taxable year if the Tax Administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to the City of Milford. A taxpayer that is required to file a consolidated City of Milford income tax return for a taxable year shall file a consolidated City of Milford income tax return for all subsequent taxable years, unless the taxpayer requests and receives written permission from the Tax Administrator to file a separate return or a taxpayer has experienced a change in circumstances.

(D) A taxpayer shall prepare a consolidated City of Milford income tax return in the same manner as is required under the United States Department of Treasury regulations

that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(E) (1) Except as otherwise provided in divisions (E)(2), (E)(3), and (E)(4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in Section 183.03 (1) of this Chapter, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(E) (2) No corporation filing a consolidated City of Milford income tax return shall make any adjustment otherwise required under Division (1) of Section 182.03 of this Chapter to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(E) (3) If the net profit or loss of a pass-through entity having at least eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated City of Milford income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(E) (3) (a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (A) through (H) of Section 182.062 of this Chapter, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the City of Milford. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(E) (3) (b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (A) through (H) of Section 182.062 of this Chapter, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the City of Milford. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(E) (4) If the net profit or loss of a pass-through entity having less than eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(E) (4) (a) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in divisions (A) through (H) of Section 182.062 of this Chapter, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the City of Milford;

(E) (4) (b) The pass-through entity shall be subject to the City of Milford income taxation as a separate taxpayer in accordance with this Chapter on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(F) Corporations filing a consolidated City of Milford income tax return shall make the computations required under divisions (A) through (H) of Section 182.062 of this Chapter by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(G) Each corporation filing a consolidated City of Milford income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by the City of Milford in accordance with this Chapter on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

(H) Corporations and their affiliates that made an election or entered into an agreement with the City of Milford before January 1, 2016, to file a consolidated or combined tax return with the City of Milford may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

(Ord. 18-1379. Passed 6-19-18.)

182.064 TAX CREDIT FOR BUSINESSES THAT FOSTER NEW JOBS IN OHIO.

The Municipality, by Ordinance, may grant a refundable or nonrefundable credit against its tax on income to a taxpayer to foster job creation in the Municipality. If a credit is granted under this section, it shall be measured as a percentage of the new income tax revenue the Municipality derives from new employees of the taxpayer and shall be for a term not exceeding fifteen years. Before the Municipality passes an ordinance granting a credit, the Municipality and the taxpayer shall enter into an agreement specifying all the conditions of the credit.

(Ord. 18-1379. Passed 6-19-18.)

182.065 TAX CREDITS TO FOSTER JOB RETENTION.

The Municipality, by Ordinance, may grant a refundable or nonrefundable credit against its tax on income to a taxpayer for the purpose of fostering job retention in the Municipality. If a credit is granted under this section, it shall be measured as a percentage of the income tax revenue the Municipality derives from the retained employees of the taxpayer, and shall be for a term not exceeding fifteen years. Before the Municipality passes an ordinance allowing such a credit, the Municipality and the taxpayer shall enter into an agreement specifying all the conditions of the credit.

(Ord. 18-1379. Passed 6-19-18.)

182.07 DECLARATION OF ESTIMATED TAXES PAYMENTS.

(A) As used in this section:

(A) (1) (a) "Estimated Taxes" or "Estimated tax liability" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for a municipal corporation's income tax for the current taxable year.

(A) (2) "Tax Liability" means the total taxes due to a municipal corporation for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year

(B) (1) Every taxpayer, who anticipates any taxable income from which the full amount of City tax will not be withheld and/or who engages in any business, profession, enterprise or activity subject to the tax imposed by this Chapter 182 , shall make a declaration of estimated taxes for the current taxable year setting forth such estimated income or estimated profit or loss from such business activity together with the estimated tax due thereon, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least two hundred ($ 200.00) dollars.

Such declarations shall be filed upon a form furnished by, or obtainable from the Administrator, RITA, or on an acceptable generic form.

For the purposes of this section:

(B) (1) (a) Taxes withheld for the City of Milford from qualifying wages shall be considered as paid to the municipal corporation in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case they shall be considered as paid on the dates on which the amounts were actually withheld.

(B) (1) (b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted, As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(B) (1) (c) A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.

(B) (1) (d) Taxes withheld by a casino operator or by a lottery sales agent under section 718.031 of the Ohio Revised Code are deemed to be paid to the municipal corporation for which the taxes were withheld on the date the taxes are withheld from the taxpayer's winnings.

(B) (2) Taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the Tax Administrator.

(B) (3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G) of Section 182.091 or on or before the fifteenth (15th) day of the fourth month of the first taxable year after the taxpayer becomes subject to tax for the first time.

(B) (4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth month after the beginning of each fiscal year or period.

(B) (5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C) (1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the Regional Income Tax Agency or the municipal corporation, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(C) (1) (a) On or before the fifteenth (15th) day of the fourth month after the beginning of the taxable year, twenty-two and one-half percent (22.5%) of the tax liability for the taxable year;

(C) (1) (b) On or before the fifteenth (15th) day of the sixth month after the beginning of the taxable year, forty-five percent (45%) of the tax liability for the taxable year;

(C) (1) (c) On or before the fifteenth (15th) day of the ninth month after the beginning of the taxable year, sixty-seven and one-half percent (67.5%) of the tax liability for the taxable year;

(C) (1) (d) For an individual, on or before the fifteenth (15th) day of the first month of the following taxable year, ninety percent (90%) of the tax liability for the taxable year.

For a person other than an individual, on or before the fifteenth (15th) day of the twelfth month of the taxable year, ninety percent (90%) of the tax liability for the taxable year.

(C) (2) A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. When an amended declaration has been filed, the unpaid balance shown due on an amended declaration shall be paid in equal installments on or before the remaining due dates. The amended declaration must be filed on the next applicable due date as outlined in (C)(1)(a) through (d) of the section.

(C) (3) On or before the fifteenth day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return on accordance with Section 182.091 of this Chapter.

(C) (3) (a) For taxpayers who are individuals, or who are not individuals and are reporting and filing on a calendar year basis, the annual tax return is due on the same date as the filing of the federal tax return, unless extended pursuant to division (G) of section 5747.08 of the Revised Code.

(C) (3) (b) For taxpayers who are not individuals, and are reporting and filing on a fiscal year basis or any period other than a calendar year, the annual return is due on the fifteenth day of the fourth month following the end of the taxable year or period.

(C) (4) An amended declaration is required whenever the taxpayer's estimated tax liability changes during the taxable year. A change in estimated tax liability may either increase or decrease the estimated tax liability for the taxable year.

UNDERPAYMENT

(D) (1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 182.10 of this Chapter upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(D) (1) (a) For the first payment of estimated taxes each year, twenty-two and one-half percent (22.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(D) (1) (b) For the second payment of estimated taxes each year, forty-five percent (45%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(D) (1) (c) For the third payment of estimated taxes each year, sixty-seven and one-half percent (67.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(D) (1) (d) For the fourth payment of estimated taxes each year, ninety percent (90%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(D) (2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(E) (1) The amount of estimated taxes that were paid equals at least ninety percent (90%) of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(E) (2) The amount of estimated taxes that were paid equals at least one hundred percent (100%) of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under Section 182.091 for that year.

(E) (3) The taxpayer is an individual who resides in the Municipality but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F) The Tax Administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(Ord. 18-1379. Passed 6-19-18.)

182.08 CREDIT FOR TAX PAID.

182.081 NO CREDIT IS PROVIDED TO RESIDENTS FOR TAX PAID TO OTHER MUNICIPALITIES, JOINT ECONOMIC DEVELOPMENT DISTRICTS (JEDDs), JOINT ECONOMIC DEVELOPMENT ZONES (JEDZs) OR ENTERPRISE ZONE (ENTPZ).

182.082 REFUNDABLE CREDIT FOR QUALIFYING LOSS NONQUALIFIED DEFERRED COMPENSATION PLAN.

(A) As used in this division:

(A) (1) (a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(A) (1) (b) "Qualifying Loss" means the amount of compensation attributable to a taxpayer's nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(A) (2) (a) Except as provided in division (A)(2)(b) of this section, "qualifying loss" means the excess, if any, of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan over the total amount of income the taxpayer has recognized for federal income tax purposes for all taxable years on a cumulative basis as compensation with respect to the taxpayer's receipt of money and property attributable to distributions in connection with the nonqualified deferred compensation plan.

(A) (2) (b) If, for one or more taxable years, the taxpayer has not paid to one or more municipal corporations income tax imposed on the entire amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan, then the "qualifying loss" is the product of the amount resulting from the calculation described in division (A)(2)(a) of this section computed without regard to division (A)(2)(b) of this section and a fraction the numerator of which is the portion of such compensation on which the taxpayer has paid income tax to one or more municipal corporations and the denominator of which is the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(A) (2) (c) With respect to a nonqualified deferred compensation plan, the taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(A) (3) "Qualifying tax rate" means the applicable tax rate for the taxable year for the which the taxpayer paid income tax to the City of Milford with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the City of Milford each year with respect to the nonqualified deferred compensation plan.

(B) "Refundable credit" means the amount of City of Milford income tax that was paid on the non-distributed portion, if any, of a nonqualified deferred compensation plan.

(B) (1) Except as provided in division (D) of this section, a refundable credit shall be allowed against the income tax imposed by a municipal corporation for each qualifying loss sustained by a taxpayer during the taxable year. The amount of the credit shall be equal to the product of the qualifying loss and the qualifying tax rate.

(B) (2) A taxpayer shall claim the credit allowed under this section from each municipal corporation to which the taxpayer paid municipal income tax with respect to the nonqualified deferred compensation plan in one or more taxable years.

(B) (3) If, in addition to the City of Milford, a taxpayer has paid tax to more than one other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall

be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(B) (4) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the City of Milford for all taxable years with respect to the nonqualified deferred compensation plan.

(C) (1) For purposes of this section, municipal corporation income tax that has been withheld with respect to a nonqualified deferred compensation plan shall be considered to have been paid by the taxpayer with respect to the nonqualified deferred compensation plan.

(C) (2) Any municipal income tax that has been refunded or otherwise credited for the benefit of the taxpayer with respect to a nonqualified deferred compensation plan shall not be considered to have been paid to the municipal corporation by the taxpayer.

(D) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(D) (1) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(D) (2) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

(Ord. 18-1379. Passed 6-19-18.)

182.083 CREDIT FOR TAX BEYOND STATUTE OF LIMITATIONS FOR OBTAINING A REFUND.

(A) Income tax that has been deposited or paid to the Municipality, but should have been deposited or paid to another municipal corporation, is allowable by the Municipality as a refund, but is subject to the three year limitation on refunds as provided in Section 182.096 of this Chapter.

(B) Income tax that was deposited or paid with another municipality but should have been deposited or paid to the City of Milford is subject to collection and recovery by the City of Milford. If the City of Milford's tax on that income is imposed after the time period allowed for a refund of the tax or withholding paid to the other municipality, the City of Milford shall allow a nonrefundable credit against the tax or withholding the City of Milford claims is due with respect to such income or wages, equal to the tax or withholding paid to the first municipality with respect to such income or wages.

If the City of Milford's tax on that income is imposed after the time period allowed for a refund of the tax or withholding paid to the other municipality, the City of Milford shall allow a nonrefundable credit against the tax or withholding the City of Milford claims is due

with respect to such income or wages, equal to the tax or withholding paid to the first municipality with respect to such income or wages.

To the extent a refund of such tax or withholding is barred by the limitation on refunds as provided in Section 182.096 , the Municipality will allow a non-refundable credit equal to the tax or withholding paid to the other municipality against the income tax the Municipality claims is due.

(C) If the City of Milford's tax rate is less than the tax rate in the other municipality, then the nonrefundable credit shall be calculated using the City of Milford's tax rate.

However, if the City of Milford's tax rate is greater than the tax rate in the other municipality, the tax due in excess of the nonrefundable credit is to be paid to the City of Milford, along with any penalty and interest that accrued during the period of nonpayment.

(D) Nothing in this section permits any credit carryforward when the overpayment is beyond the three-year limitation for refunding of same as provided in Section 182.096 of this Chapter.

(Ord. 18-1379. Passed 6-19-18.)

182.09 ANNUAL RETURN.

182.091 ANNUAL RETURN FILING; PAYMENT OF TAX.

(A) ~~An annual City of Milford return with respect to the income tax levied on Municipal Taxable Income by the City of Milford shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is subject to the tax, regardless of age and whether or not income tax is due.~~An annual City of Milford income tax return shall be completed and filed by every taxpayer for each taxable year for which the taxpayer is subject to the tax, whether or not the tax is due thereon.

(A) (1) The Tax Administrator may accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer located in the City of Milford under Section 182.051 (B)(3) of this Chapter when the nonresident individual taxpayer's sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due the City of Milford.

(A) (2) Retirees having no Municipal Taxable Income for the City of Milford income tax purposes may file with the Tax Administrator a written exemption from these filing requirements on a form prescribed by the Tax Administrator. The written exemption shall indicate the date of retirement and the entity from which retired. The exemption shall be in effect until such time as the retiree receives Municipal Taxable Income taxable to the City of Milford, at which time the retiree shall be required to comply with all applicable provisions of this ordinance/chapter.

(A) (3) All resident individual taxpayers, regardless of age, who have earned taxable income, shall file an annual municipal income tax return with the Municipality.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent. Taxes owed by decedent may be collected from the estate and the mere fact that an estate is not probated does not cancel a tax obligation. This includes any prior tax obligations, balances, interest, and penalties.

(C) If an individual is unable to complete and file a return or notice required by the City of Milford in accordance with this chapter, then the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual shall complete and file the return or notice required of that individual. Appropriate documentation, including any legally binding authorizations, and contact information including name, address, and phone number of the duly authorized agent, guardian, conservator, fiduciary, or other person, shall be provided to support that they are authorized to file a return or notice on behalf of the taxpayer.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust. The fiduciary shall provide the appropriate documentation of any legally binding authorizations, and contact information including name, address, and phone number of the fiduciary to support that they are authorized to file a return or notice on behalf of the taxpayer.

(E) City of Milford shall permit spouses the ability to file a joint return.

(F) (1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(F) (2) The Tax Administrator shall require a taxpayer who is an individual is required to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form(s) W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service federal income tax return IRS Form 1040, 1040A or 1040EZ; or, in the case of a return or request required by a qualified municipal corporation, Ohio IT 1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(F) (3) The Tax Administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for

refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

(F) (4) A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway or a portal provided by Municipality. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate Tax Administrator.

(F) (5) After a taxpayer files a tax return, the Tax Administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the City of Milford to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

(F) (6) Any other documentation, including schedules, other municipal income tax returns, or other supporting documentation necessary to verify credits, income, losses, or other pertinent factors on the return shall also be included to avoid delay in processing, or disallowance by the Tax Administrator of undocumented credits or losses.

(G) (1) (a) Except as otherwise provided in this Chapter/Ordinance, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the Ohio Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Regional Income Tax Agency / City of Milford.

(G) (1) (b) Except as otherwise provided in this chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth (15th) day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Regional Income Tax Agency/City of Milford.

(G) (1) (c) In the case of individual income tax return to be filed by an individual, and net profit income tax return is required to be filed by a taxpayer who is not an individual, no remittance is required if the amount shown to be due is ten dollars ($ 10.00) or less.

(G) (2) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the Municipality, in accordance with this Chapter, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(G) (3) With respect to taxpayers to whom Section 182.092 of this Chapter applies, to the extent that any provision in this division conflicts with any provision in Section 182.092 of this Chapter, the provisions in Section 182.092 of this Chapter prevails.

(H) (1) For taxable years beginning after 2015, the City of Milford shall not require a taxpayer to remit tax with respect to net profits if the net amount due is ten ($ 10.00) dollars or less.

(H) (2) Any taxpayer not required to remit tax to the City of Milford for a taxable year pursuant to division (H)(1) of this section shall file with the City of Milford an annual net profit return under division (F)(3) and (F)(4) of this section, unless the provisions of division (H)(3) apply.

(H) (3) (a) A person may notify the Tax Administrator that the person does not expect to be a taxpayer subject to the City of Milford income tax ordinance for a taxable year if both the following apply:

(H) (3) (a) (i) The person was required to file a tax return with the City of Milford for the immediately preceding taxable year because the person performed services at a worksite location (as defined in Section 182.052 (C)(1)(g)) within the City of Milford.

(H) (3) (a) (ii) The person no longer provides services in the City of Milford and does not expect to be subject to the City of Milford income tax for the taxable year.

(H) (3) (b) The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within the City of Milford. The affidavit shall also include the following statement: "The affiant has no plans to perform any services within the City of Milford, make any sales in the City of Milford, or otherwise become subject to the tax levied by the City of Milford during the taxable year. If the affiant does become subject to the tax levied by the City of Milford for the taxable year, the affiant agrees to be considered a taxpayer and to properly comply as a taxpayer with the City of Milford income tax ordinance and rules and regulations." The person shall sign the affidavit under penalty of perjury.

(H) (3) (c) If a person submits an affidavit described in division (H)(3)(b) the Tax Administrator shall not require the person to file and tax return for the taxable year unless the Tax Administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change.

(H) (3) (d) Nothing in division (H)(3) of this section prohibits the Tax Administrator from performing an audit of the person.

(I) This division shall not apply to payments required to be made under division (B)(1)(b) or (B)(1)(c) of Section 182.051 of this Chapter.

(I) (1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date to the Tax Administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(I) (2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

For purposes of this section, "submitted the payment" means the date which the taxpayer has designated for the delivery of payment, which may or may not be the same date as the date the payment was initiated by the taxpayer.

(J) The tax amounts withheld for the City of Milford by an employer, the agent of an employer, or other payer as described in Section 182.051 shall be allowed to the recipient of the compensation or the taxpayer as credits against payment of the tax imposed on the recipient by the City of Milford, unless the amounts withheld were not remitted to the City of Milford and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the Tax Administrator to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the Tax Administrator with information that is missing from the return, to contact the Tax Administrator for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the Tax Administrator and has shown to the preparer or other person.

Authorization by the taxpayer of another person to communicate with the Tax Administrator about matters pertaining to the return does not preclude the Tax Administrator from contacting the taxpayer regarding such matters.

(L) The Tax Administrator of the Municipality shall accept for filing a generic form of any income tax return, report, or document required by the City of Milford in accordance with this Chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinances, resolutions, or rules adopted by the City of Milford or the Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this chapter and of the City of

Milford's ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

(M) When income tax returns, reports, or other documents require the signature of a tax return preparer, the Tax Administrator shall accept a facsimile of such a signature in lieu of a manual signature.

(N) (1) As used in this division, "worksite location" has the same meaning as in Section (C) of 182.052 of this chapter.

(N) (2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:

(N) (2) (a) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within the municipal corporation, and the person has filed all appropriate and required returns and remitted all applicable income tax and withholding payments as provided by this chapter. The tax administrator is not required to accept an affidavit from a taxpayer who has not complied with the provisions of this chapter.

(N) (2) (b) The person no longer provides services in the municipal corporation, and does not expect to be subject to the municipal corporation's income tax for the taxable year.

(N) (3) The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within the municipal corporation. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the municipal corporation, make any sales in the municipal corporation, or otherwise become subject to the tax levied by the municipal corporation during the taxable year. If the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation, if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." The person shall sign the affidavit under penalty of perjury.

(N) (4) If a person submits an affidavit described in division (N)(2) of this section, the tax administrator shall not require the person to file any tax return for the taxable year unless the tax administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change, or the taxpayer has engaged in activity which results in work being performed, services provided, sales made, or other activity that results in municipal taxable income reportable to the Municipality in the taxable year. It shall be the responsibility of the taxpayer to comply with the provisions of this chapter relating to the reporting and filing of municipal taxable income on an annual municipal income tax return, even if an affidavit has been filed with the tax administrator for the taxable year. Nothing in division (N) of this section prohibits the tax administrator from

performing an audit of the person.
(Ord. 18-1379. Passed 6-19-18.)

182.092 RETURN AND PAYMENT OF TAX; INDIVIDUALS SERVING IN A COMBAT ZONE.

(A) Each member of the national guard of any state and each member of a reserve component of the armed forces of the United States called to active duty pursuant to an executive order issued by the President of the United States or an act of the Congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces, may apply to the Tax Administrator of the City of Milford for both an extension of time for filing of the return and an extension of time for payment of taxes required by the City of Milford in accordance with this chapter during the period of the member's or civilian's duty service, and for one hundred eighty (180) days thereafter. The application shall be filed on or before the one hundred eightieth (180) day after the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

(B) (1) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the one hundred eighty-first (181st) day after the applicant's active duty or service terminates. Except as provided in division (B)(3) of this section, the Tax Administrator may prescribe such contract terms as the Tax Administrator considers appropriate.

(B) (2) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be required to pay any tax otherwise due to the City of Milford before the one hundred eighty-first (181st) day after the applicant's active duty or service terminates.

(B) (3) Taxes paid pursuant to a contract entered into under division (B)(1) of this section are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(C) (1) Nothing in this division denies to any person described in this division the application of divisions (A) and (B) of this section,

(C) (2) (a) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by the City of Milford in accordance with this Chapter. The length of any extension granted under division (C)(2)(a) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this section, "qualifying taxpayer" means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active

duty pursuant to either an executive order issued by the President of the United States or an act of the Congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.

(C) (2) (b) Taxes in which the payment is extended in accordance with division (C)(2)(a) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division (C)(2)(a) of this section in calculating the penalty or interest due on any unpaid tax.

(D) For each taxable year to which division (A), (B), or (C) of this section applies to a taxpayer, the provisions of divisions (B)(2) and (B)(3) or (C) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year.

(Ord. 18-1379. Passed 6-19-18.)

182.093 FILING VIA USE OF OHIO BUSINESS GATEWAY; TYPES OF FILINGS AUTHORIZED.

(A) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file the City of Milford's income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(B) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(C) Nothing in this section affects the due dates for filing employer withholding tax returns or deposit of any required tax.

(D) The use of the Ohio Business Gateway by municipal corporations, taxpayers, or other persons does not affect the legal rights of municipalities or taxpayers as otherwise permitted by law. The State of Ohio shall not be a party to the administration of municipal income taxes or to an appeal of a municipal income tax matter, except as otherwise specifically provided by law.

(E) Nothing in this section shall be construed as limiting or removing the authority of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

(F) This division is not subject to Ohio Revised Code Sections 718.80 to 718.95. See division 182.097 for election subject to Revised Code Sections 718.80 to 718.95.

(Ord. 18-1379. Passed 6-19-18.)

182.094 EXTENSION OF TIME TO FILE.

A request for an extension of time to file should be made early with the Internal Revenue Service. If the Internal Revenue Service denies your request, then your return can be filed on time.

You may not be eligible for the automatic six month extension of time to file if you are under a court order to file by the regular due date or you requested the Internal Revenue Service to figure your tax.

If filing a joint return, then either you or your spouse can qualify for the automatic extension. If you and your spouse file separate returns, then the automatic extension applies only to the spouse who qualifies for it. Under Article XV Section 11 of the Ohio Constitution Individuals, who are not allowed to use the filing status of "married filing jointly" or "married filing separately" when filing an income tax return, the automatic extension applies only to the individual who qualifies for it.

(A) Any taxpayer that has duly requested and qualified for an automatic six-month extension for filing the taxpayer's federal income tax return from the Internal Revenue Service shall automatically receive an extension for the filing of the City of Milford's income tax return. The extended due date of the City of Milford's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. For tax years ending on or after January 1, 2023, the extended due date of the City of Milford's income tax return for a taxpayer that is not an individual shall be the 15th day of the eleventh month after the last day of the taxable year to which the return relates.

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(A) (1) (a) A copy of the federal extension request shall be included with the filing of the City of Milford's income tax return.

(B) Any taxpayer that qualifies for an automatic federal extension for a period other than the six-months for filing the taxpayer's federal income tax return shall automatically receive an extension for filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as that of the extended federal income tax return.

(C) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may submit a written request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's City of Milford income tax return. If the request is received by the Tax Administrator on or before the date that the City of Milford income tax return is due as prescribed by ordinance or rule of this municipal corporation, and if the taxpayer qualifies for the extension, the Tax Administrator shall grant the taxpayer's requested extension.

(D) An extension of time to file under this Chapter is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(E) If an extension is granted and a declaration of estimated tax is required, payments are expected in a timely and quarterly manner as prescribed in this Chapter.

(F) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the City of Milford in accordance with this chapter, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(G) If the State Tax Commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the Ohio Revised Code, a taxpayer shall automatically receive an extension for the filing of the City of Milford's income tax return. The extended due date of the City of Milford's income tax return shall be the same as the extended due date of the state income tax return.

(H) If a taxpayer received an extension for the filing of a municipal income tax return under division (A), (F), or (G), of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If a taxpayer administrator violates (H) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to one hundred fifty ($150.00) dollars.

Division (H) of this section does not apply to an extension received under (A) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (A) of this section or failed to file for an extension under division (C) of this section

~~(Ord. 18-1379. Passed 6-19-18.)~~

182.095 AMENDED RETURNS.

(A) Where necessary an amended return shall be filled in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and for limitations contained in this Chapter.

A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return.

(A) (1) A taxpayer shall file an amended return with the Tax Administrator on such form as the Tax Administrator requires if any of the facts, figures, computations, or attachments required in the taxpayer's annual return to determine the tax due levied by the Municipality in accordance with this Chapter must be altered.

(A) (2) Within sixty (60) days after the final determination of any federal or state tax liability affecting the taxpayer's municipal tax liability, that taxpayer shall make and file an

amended municipal return showing income subject to the municipal income tax based upon such final determination of federal or state tax liability, and pay any additional municipal income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is ten ($10.00) dollars or less.

(A) (3) If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the Tax Administrator before filing the amended return.

(B) (1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. If the combined tax shown to be due is ten ($10.00) dollars or less, such amount need not accompany the amended return. Except as provided under division (B)(2) of this section, the amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return unless:

(B) (1) (i) To determine the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; or,

(B) (1) (ii) If the applicable statute of limitations for civil actions or prosecutions under Section 182.19 of this Chapter has not expired for a previously filed return.

(B) (2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened.

(C) (1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (A)(2) of this Section 182.19 of this Chapter for filing the amended return, even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the amount of the refund is less than ten ($10.00) dollars, no refund need be paid by the Municipality to the taxpayer.

Except as set forth in division (C)(2) of this section, a request filed under this division shall claim refund of overpayments resulting from alterations only to those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return, unless it is also filed within the time prescribed in Section 182.096 of this Chapter.

Except as set forth in division (C)(2) of this section, the request shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return.

(C) (2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened.
(Ord. 18-1379. Passed 6-19-18.)

182.096 REQUESTS FOR REFUNDS.

A taxpayer who has overpaid the amount of tax to which the City is entitled under the provisions of the chapter may have such overpayment applied against and subsequent liability hereunder, or, at the taxpayer's election indicated on the return, such overpayment shall be refunded provided that no additional taxes are owed.

(A) Upon receipt of a request for a refund, the Tax Administrator of the Municipality, in accordance with this section, shall refund to employers, agents of employers, other payers, or taxpayers, with respect to any income or withholding tax levied by the Municipality:

(A) (1) Overpayments that exceed more than ten dollars ($ 10.01);

(A) (2) Amounts paid erroneously if the refund requested exceeds more than ten ($ 10.01) dollars.

(B) (1) Except as otherwise provided in this Chapter, returns setting forth a request for refund shall be filed with the Tax Administrator, within three years after the tax was due or paid, whichever is later. Any documentation that substantiates the taxpayer's claim for a refund must be included with the return filing.

Failure to remit all documentation including schedules, other municipal income tax returns, or other supporting documentation necessary to verify credits, income, losses or other pertinent factors on the return, will cause delay in processing, and / or the disallowance of undocumented credits or losses.

(B) (2) On filing of the refund request, the Tax Administrator shall determine the amount of refund due and certify such amount to the appropriate municipal corporation official for payment. Except as provided in division (B)(3) of this section, the administrator shall issue an assessment to any taxpayer whose request for refund is fully or partially denied. The assessment shall state the amount of the refund that was denied, the reasons for the denial, and instructions for appealing the assessment.

(B) (3) If a Tax Administrator denies in whole or in part a refund request included within the taxpayer's originally filed annual income tax return, the Tax Administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under Section 182.18 of this Chapter.

(C) A request for a refund that is received after the last day for filing specified in division (B) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

(C) (1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request,

(C) (2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that

postmark is not later than the last day for filing the request, and the request is received within seven (7) days of such last day.

(C) (3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven (7) days of the last day for making the request.

(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 any overpayment is refunded within ninety (90) days after the final filing date of the annual return or ninety (90) days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in division (A)(4) of Section 182.10 of this Chapter.

(F) As used in this section, "Withholding tax" has the same meaning as in Section 182.10

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(Ord. 18-1379. Passed 6-19-18.)

182.097 TAXPAYERS ELECTION TO BE SUBJECT TO THE OHIO REVISED CODE SECTIONS 718.80 TO 718.95.

This section applies to any taxpayer, not an individual, engaged in a business or profession in the Municipality and electing to be subject to Sections 718.80 through 718.95 of the Ohio Revised Code, applicable for tax years beginning on or after January 1, 2018, pursuant to the language enacted by the Ohio Legislature during the 132nd General Assembly in the form of Am. Sub House Bill 49, which required municipal corporations to conform to and adopt the provisions of Ohio Revised Code Chapter 718 in order to retain the authority to impose, enforce, administer and collect a municipal income tax.

(A) (1) An eligible taxpayer, as defined in division (D) of this section, may elect to be subject to Sections 718.80 to 718.95 of the Revised Code in lieu of the provisions of this Chapter by making the initial election with the State of Ohio Tax Commissioner. A taxpayer shall make the initial on or before the first day of the third month after the beginning of the taxpayer's taxable year by notifying the State of Ohio Tax Commissioner and each municipal corporation in which the taxpayer conducted business during the previous tax year, on a form prescribed by the State of Ohio Tax Commissioner.

(A) (2) (a) The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each subsequent taxable year until the taxpayer notifies the State of Ohio Tax Commissioner and each municipal corporation in which the taxpayer conducted business during the previous taxable year of its termination of the election.

(A) (2) (b) A notification of termination shall be made, on a form prescribed by the State of Ohio Commissioner, on or before the first day of the third month of any taxable year.

(A) (2) (c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 718.80 to 718.95 of the Revised Code, and is instead subject to the provisions set forth in the remainder of Revised Code chapter 718 in addition to the remainder of this Ordinance.

(B) Upon the taxpayer's election, both of the following shall apply:

(B) (1) The State of Ohio Tax Commissioner shall serve as the sole administrator of each municipal income tax for which the taxpayer is liable for the term of the election;

(B) (2) The State of Ohio Tax Commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code and any applicable provision of Chapter 5703 of the Revised Code.

(C) Municipal code Section 182.097 -is effective for taxable years beginning on or after January 1, 2018.

(D) "Taxpayer" has the same meaning as in section 718.01 of the Revised Code, except that "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745 of the Revised Code. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.

(E) The City of Milford reserves the right to exclude from this election to be subject the Ohio Revised Code Sections 718.80 to 718.95 any business or profession which has a business incentive agreement with the Municipality. If a business or profession has a business incentive agreement with the Municipality and decides to elect to be subject to the Ohio Revised Code Sections 718.80 to 718.95, then the business or profession is required to submit the same information given to the State to the Milford Income Tax Department for business incentive agreement compliance.
(Ord. 18-1379. Passed 6-19-18.)

182.10 PENALTY, INTEREST, FEES, AND CHARGES.

(A) As used in this section:

(A) (1) "Applicable law" means this Chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the Municipality provided such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax.

(A) (2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.

(A) (3) "Income tax", "estimated income tax", and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.

(A) (4) "Interest rate" as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section,

(A) (5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a Tax Administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(A) (6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(A) (7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(A) (8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(A) (9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B) (1) This section applies to the following;

(B) (1) (a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(B) (1) (b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the Municipality on or after January 1, 2016 for taxable years beginning on or after January 1, 2016.

(B) (2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules and regulations, as adopted from time to time before January 1, 2016, of the Municipality to which the return is to be filed or the payment is to be made.

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the City of Milford any return required to be filed, the following penalties and interest shall apply:

(C) (1) Interest shall be imposed at the rate defined as "interest rate" as described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax. This imposition of interest shall be assessed per month, or fraction of a month.

(C) (2) (a) With respect to unpaid income tax and unpaid estimated income tax, the Municipality may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(C) (2) (b) With respect to any unpaid withholding tax, the Municipality may impose a penalty not exceeding fifty percent (50%) of the amount not timely paid.

(C) (3) (a) For tax years ending on or before December 31, 2022, w~~W~~ith respect to returns other than estimated income tax returns, the ~~Municipality~~ City of Milford may impose a monthly penalty of twenty-five ($ 25.00) dollars for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed of one hundred fifty ($ 150.00) dollars for each failure to timely file a return.

(C) (3) (b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, the City of Milford may impose a penalty not exceeding twenty-five ($25.00) dollars for each failure to timely file each return, regardless of the liability shown thereon, except that the City of Milford shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(D) With respect to income taxes, estimated income taxes, withholding taxes, and returns, nothing in this section requires the City of Milford to refund or credit any penalty, amount of interest, charges, or additional fees that the City of Milford has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of the City of Milford to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate. Such abatement or partial abatement shall be properly documented and maintained on the record of the taxpayer who received benefit of such abatement or partial abatement.

(F) By the 31St day of October of each year, the City of Milford shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The Municipality shall impose on the taxpayer, employer, any agent of the employer, or any other payer the Municipality's post-judgment collection costs and fees, including attorney's fees.

As specified in Section 182.96 , the City of Milford reserves the right to use a collection agency, legal firm, or applicable court of law in an effort to collect delinquent taxes and the associated penalties and interest. The delinquent taxpayer may also be charged for any

additional fees that the third party collection company imposes for their services as set forth in their contract with the City.

(Ord. 18-1379. Passed 6-19-18.)

182.11 AUDITS.

(A) At or before the commencement of an audit, the Tax Administrator shall provide to the taxpayer a written description of the roles of the Tax Administrator and of the taxpayer during the audit and a statement of the taxpayer's rights, including any right to obtain a refund of an overpayment of a tax. At or before the commencement of an audit, the Tax Administrator shall inform the taxpayer when the audit is considered to have commenced.

(B) Except in cases involving suspected criminal activity, the Tax Administrator shall conduct an audit of a taxpayer during regular business hours and after providing reasonable notice to the taxpayer. A taxpayer who is unable to comply with a proposed time for an audit on the grounds that the proposed time would cause inconvenience or hardship must offer reasonable alternative dates for the audit.

(C) At all stages of an audit by the Tax Administrator, a taxpayer is entitled to be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner. The Tax Administrator shall prescribe a form by which a taxpayer may designate such a person to assist or represent the taxpayer in the conduct of any proceedings resulting from actions by the Tax Administrator. If a taxpayer has not submitted such a form, the Tax Administrator may accept other evidence, as the Tax Administrator considers appropriate, that a person is the authorized representative of a taxpayer.

A taxpayer may refuse to answer any questions asked by the person conducting an audit until the taxpayer has an opportunity to consult with the taxpayer's attorney, accountant, bookkeeper, or other tax practitioner.

This division does not authorize the practice of law by a person who is not an attorney.

(D) A taxpayer may record, electronically or otherwise, the audit examination.

(E) The failure of the Tax Administrator to comply with a provision of this section shall neither excuse a taxpayer from payment of any taxes owed by the taxpayer nor cure any procedural defect in a taxpayer's case.

(F) If the Tax Administrator fails to substantially comply with the provisions of this section, the Tax Administrator, upon application by the taxpayer, shall excuse the taxpayer from penalties and interest arising from the audit.

(Ord. 18-1379. Passed 6-19-18.)

182.12 ROUNDING OF AMOUNTS.

A person may round to the nearest whole dollar all amounts the person is required to enter on any return, report, voucher, or other document required under this Chapter. Any fractional part of a dollar that equals or exceeds fifty cents ($ .50) shall be rounded to the next whole dollar, and any fractional part of a dollar that is less than fifty cents ($ .49) shall be dropped, rounding down to the nearest whole dollar. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document.

(Ord. 18-1379. Passed 6-19-18.)

182.13 AUTHORITY AND POWERS OF THE TAX ADMINISTRATOR.

182.131 AUTHORITY OF TAX ADMINISTRATOR; ADMINISTRATIVE POWERS OF THE TAX ADMINISTRATOR.

Nothing in this chapter shall limit the authority of the Tax Administrator to perform any of the following duties or functions, unless the performance of such duties or functions is expressly limited by a provision of the Ohio Revised Code or charter or ordinance of the municipal corporation including:

(A) Exercise all powers whatsoever of an inquisitorial nature as provided by law, including, the right to inspect books, accounts, records, memorandums, and federal and state income tax returns, to examine persons under oath, to issue orders or subpoenas for the production of books, accounts, papers, records, documents, and testimony, to take depositions, to apply to a court for attachment proceedings as for contempt, to approve vouchers for the fees of officers and witnesses, and to administer oaths; provided that the powers referred to in this division of this section shall be exercised by the Tax Administrator only in connection with the performance of the duties respectively assigned to the Tax Administrator under a municipal corporation income tax ordinance or resolution adopted in accordance with this chapter;

(B) Appoint agents and prescribe their powers and duties;

(C) Confer and meet with officers of other municipal corporations and states and officers of the United States on any matters pertaining to their respective official duties as provided by law;

(D) Exercise the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes, including penalties and interest thereon, illegally or erroneously imposed or collected, or for any reason overpaid. In addition, the Tax Administrator may investigate any claim of overpayment and, if the Tax Administrator finds that there has been an overpayment, make a written statement of the Tax Administrator's findings, and if the Tax Administrator finds that there has been an

overpayment, approve and issue a refund payable to the taxpayer, the taxpayer's assigns, or legal representative as provided in this Chapter;

(E) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(F) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 182.062 of this Chapter;

(G) (1) Make all tax findings, determinations, computations, and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, re-determine, or correct any tax findings, determinations, computations, assessments or orders the Tax Administrator has made.

(G) (2) The Tax Administrator shall not review, re-determine, or correct any tax finding, determination, computation, assessment or order which the Tax Administrator has made, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;

(H) Destroy any or all returns or other tax documents in the manner authorized by law;

(I) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 182.051 of this Chapter.

(Ord. 18-1379. Passed 6-19-18.)

182.132 AUTHORITY OF TAX ADMINISTRATOR; COMPROMISE OF CLAIM AND PAYMENT OVER TIME.

(A) As used in this section, "claim" means a claim for an amount payable to the Municipality that arises pursuant to the municipal income tax imposed in accordance with this Chapter.

(B) Nothing in this Chapter prohibits a Tax Administrator from doing either of the following if such action is in the best interests of the Municipality;

(B) (1) Compromise a claim;

(B) (2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments upon such terms and conditions as the Tax Administrator may require.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall be to the benefit of only the parties to the compromise or agreement, and shall not extinguish or otherwise affect the liability of any other person.

(E) (1) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.

(E) (2) The Tax Administrator shall have sole discretion to determine whether or not penalty, interest, charges or applicable fees will be assessed through the duration of any compromise or payment-over-time agreement.

(F) The Tax Administrator may require that the taxpayer provide detailed financial documentation and information, in order to determine whether or not a payment-over-time agreement will be authorized. The taxpayer's failure to provide the necessary and required information by the Tax Administrator shall preclude consideration of a payment over-time agreement. (Ord. 18-1379. Passed 6-19-18.)

182.133 AUTHORITY OF TAX ADMINISTRATOR; RIGHT TO EXAMINE.

(A) A Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this Chapter for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this Chapter. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer, employer, or other person that is subject to, or that a Tax Administrator believes is subject to, the provisions of this Chapter shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator of a municipal corporation may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the Municipality or for the withholding of such tax.

(C) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income

tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal or state income tax returns under this section shall fail to comply.

(Ord. 18-1379. Passed 6-19-18.)

182.134 AUTHORITY OF TAX ADMINISTRATOR; REQUIRING IDENTIFICATION INFORMATION.

(A) (1) Nothing in this Chapter prohibits the Tax Administrator from requiring any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator, A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information.

(B) (1) If the Tax Administrator makes a request for identifying information and the Tax Administrator does not receive valid identifying information within thirty days (30) days of making the request, nothing in this Chapter prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to Section 182.10 of this Chapter in addition to any applicable penalty described in Section 182.99.

(B) (2) If a person required by the Tax Administrator to provide identifying information does not notify the Tax Administrator of a change with respect to that information as required under division (A) of this section within thirty (30) days after filing the next tax document requiring such identifying information, nothing in this Chapter prohibits the Tax Administrator from imposing a penalty pursuant to Section 182.10 of this Chapter

(B) (3) The penalties provided for under divisions (B)(1) and (B)(2) of this section may be billed and imposed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in Section 182.99 for a violation of Section 182.15 and any other penalties that may be imposed by the Tax Administrator by law.
(Ord. 18-1379. Passed 6-19-18.)

182.14 TAX INFORMATION CONFIDENTIALITY.

(A) Confidential Nature of Information Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by Ohio Revised Code 718 or by the charter or this chapter or ordinance of the Municipality is confidential, and no

person shall access or disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the Municipality as authorized by the Ohio Revised Code 718 or the charter or Chapter or ordinance authorizing the levy. The Tax Administrator of the Municipality or a designee thereof may furnish copies of returns filed or otherwise received under this Chapter and other related tax information to the Internal Revenue Service, the State Tax Commissioner, and Tax Administrators of other municipal corporations.

(B) This section does not prohibit the Municipality from publishing or disclosing statistics in a form that does not disclose information with respect to particular taxpayers.

(Ord. 18-1379. Passed 6-19-18.)

182.15 FRAUD.

No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by the municipal corporation ordinance or state law to be filed with a the Tax Administrator, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the municipal corporation or the Tax Administrator.

(Ord. 18-1379. Passed 6-19-18.)

182.16 REQUEST FOR OPINION OF THE TAX ADMINISTRATOR.

(A) An "opinion of the Tax Administrator" means an opinion issued under this section with respect to prospective municipal income tax liability. It does not include ordinary correspondence of the Tax Administrator.

(B) A taxpayer may submit a written request for an opinion of the Tax Administrator in accordance with the Rules and Regulations as to whether or how certain income, source of income, or a certain activity or transaction will be taxed. The written response of the Tax Administrator shall be an "opinion of the Tax Administrator" and shall bind the Tax Administrator, in accordance with divisions (C), (G), and (H) of this section, provided all of the following conditions are satisfied:

(B) (1) The taxpayer's request fully and accurately describes the specific facts or circumstances relevant to a determination of the taxability of the income, source of income, activity, or transaction, and, if an activity or transaction, all parties involved in the activity or transaction are clearly identified by name, location, or other pertinent facts,

(B) (2) The request relates to a tax imposed by the Municipality in accordance with this Chapter.

(B) (3) The Tax Administrator's response is signed by the Tax Administrator and designated as an "opinion of the Tax Administrator."

(C) An opinion of the Tax Administrator shall remain in effect and shall protect the taxpayer for whom the opinion was prepared and who reasonably relies on it from liability for any taxes, penalty, or interest otherwise chargeable on the activity or transaction specifically held by the Tax Administrator's opinion to be taxable in a particular manner or not to be subject to taxation for any taxable years that may be specified in the opinion, or until the earliest of the following dates:

(C) (1) The effective date of a written revocation by the Tax Administrator sent to the taxpayer by certified mail, return receipt requested. The effective date of the revocation shall be the taxpayer's date of receipt or one year after the issuance of the opinion, whichever is later;

(C) (2) The effective date of any amendment or enactment of a relevant section of the Ohio Revised Code, uncodified state law, or the Municipality's income tax ordinance that would substantially change the analysis and conclusion of the opinion of the Tax Administrator;

(C) (3) The date on which a court issues an opinion establishing or changing relevant case law with respect to the Ohio Revised Code, uncodified state law, or the Municipality's income tax ordinance;

(C) (4) If the opinion of the Tax Administrator was based on the interpretation of federal law, the effective date of any change in the relevant federal statutes or regulations, or the date on which a court issues an opinion establishing or changing relevant case law with respect to federal statutes or regulations;

(C) (5) The effective date of any change in the taxpayer's material facts or circumstances; (C)(6) The effective date of the expiration of the opinion, if specified in the opinion.

(D) (1) A taxpayer is not relieved of tax liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.

(D) (2) If the taxpayer knowingly has misrepresented the pertinent facts or omitted material facts with intent to defraud the Municipality in order to obtain a more favorable opinion, the taxpayer may be in violation of Section 182.15 of this Chapter.

(E) If a Tax Administrator provides written advice under this section, the opinion shall include a statement that:

(E) (1) The tax consequences stated in the opinion may be subject to change for any of the reasons stated in division (C) of this section;

(E) (2) It is the duty of the taxpayer to be aware of such changes.

(F) A Tax Administrator may refuse to offer an opinion on any request received under this section. Such refusal is not subject to appeal.

(G) This section binds a Tax Administrator only with respect to opinions of the Tax Administrator issued on or after January 1, 2016.

(H) An opinion of the Tax Administrator binds the Tax Administrator only with respect to the taxpayer for whom the opinion was prepared and does not bind the Tax Administrator of any other municipal corporation.

(I) A Tax Administrator shall make available the text of all opinions issued under this section, except those opinions prepared for a taxpayer who has requested that the text of the opinion remain confidential. In no event shall the text of an opinion be made available until the Tax Administrator has removed all information that identifies the taxpayer and any other parties involved in the activity or transaction.

(J) An opinion of the Tax Administrator issued under this section or a refusal to offer an opinion under subsection (F) is not subject to appeal.

(Ord. 18-1379. Passed 6-19-18.)

182.17 SERVICE OF ASSESSMENT; APPEAL BASED ON PRESUMPTION OF DELIVERY.

(A) As used in this section:

(A) (1) "Last known address" means the address the Tax Administrator has at the time a document is originally sent by certified mail, or any address the Tax Administrator can ascertain using reasonable means such as the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the Ohio Revised Code.

"Undeliverable address" means an address to which the postal service or an authorized delivery service under Section 5703.056 of the Ohio Revised Code is not able to deliver an assessment of the Tax Administrator, except when the reason for non-delivery is because the addressee fails to acknowledge or accept the assessment.

(B) Subject to division (C) of this section, a copy of each assessment shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under Section 5703.056 of the Ohio Revised Code.

With the permission of the person affected by an assessment, the Tax Administrator may deliver the assessment through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail.

Such alternative delivery method must be authorized by the person subject to the assessment.

(C) (1) (a) If certified mail is returned because of an undeliverable address, a Tax Administrator shall utilize reasonable means to ascertain a new last known address,

including the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the Ohio Revised Code. If the Tax Administrator is unable to ascertain a new last known address, the assessment shall be sent by ordinary mail and considered served. If the ordinary mail is subsequently returned because of an undeliverable address, the assessment remains appealable within 60 days after the assessment's postmark.

(C) (1) (b) Once the Tax Administrator or other municipal official, or the designee of either, serves an assessment on the person to whom the assessment is directed, the person may protest the ruling of that assessment by filing an appeal with the local board of tax review within sixty (60) days after the receipt of service. The delivery of an assessment of the Tax Administrator under division (C)(1)(a) of this section is prima facie evidence that delivery is complete and that the assessment is served.

(C) (2) If mailing of an assessment by a Tax Administrator by certified mail is returned for some cause other than an undeliverable address, the Tax Administrator shall resend the assessment by ordinary mail. The assessment shall show the date the Tax Administrator sends the assessment and include the following statement:

"This assessment is deemed to be served on the addressee under applicable law ten days from the date this assessment was mailed by the Tax Administrator as shown on the assessment, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima facie evidence that delivery of the assessment was completed ten days after the Tax Administrator sent the assessment by ordinary mail and that the assessment was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the Tax Administrator shall proceed under division (C)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (D) of this section.

(D) (1) A person disputing the presumption of delivery and service under this section bears the burden of proving by a preponderance of the evidence that the address to which the assessment was sent was not an address with which the person was associated at the time the Tax Administrator originally mailed the assessment by certified mail. For the purposes of this section, a person is associated with an address at the time the Tax Administrator originally mailed the assessment if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the assessment was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the assessment was mailed, owned or controlled at least twenty per cent (20%), as determined by voting rights, of the addressee's business.

(D) (2) If a person elects to appeal an assessment on the basis described in division (D)(1) of this section, and if that assessment is subject to collection and is not otherwise appealable, the person must do so within sixty (60) days after the initial contact by the Tax Administrator or other City of Milford municipal official, or the designee of either, with the person. Nothing in this division prevents the Tax Administrator or other official from entering into a compromise with the person if the person does not actually file such an appeal with the Local Board of Tax Review.

(E) Nothing in this section prohibits the Tax Administrator or the Tax Administrator's designee from delivering an assessment by a Tax Administrator by personal service.

(F) Collection actions taken upon any assessment being appealed under division (C)(1)(b) of this section, including those on which a claim has been delivered for collection, shall be stayed upon the pendency of an appeal under this section.

Additional regulations as detailed in the Rules and Regulations shall apply.

(Ord. 18-1379. Passed 6-19-18.)

182.18 LOCAL BOARD BOARD OF TAX REVIEW; APPEAL TO LOCAL BOARD OF TAX REVIEW.

(A) (1) The legislative authority of the Municipality shall maintain a Local Board of Tax Review to hear appeals as provided in Ohio Revised Code Chapter 718.

(A) (1) The Local Board of Tax Review shall consist of three members consisting of a chairperson, and two other individuals is hereby created.

The three members of the Local Board of Tax Review may be domiciled in the Municipality, but the appointing authority may consider membership from individuals who are not domiciled within the Municipality.

One member shall be appointed by the City Manager with the approval and consent of Council. The board member, who is appointed by the City Manager, shall serve as Chairperson and serves at the discretion of the administrative official. This member May be an employee of the Municipality, but may not be the Director of Finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

Two members shall be appointed by the legislative authority of the Municipality, but such appointees may not be employees, elected officials, or contractors with the Municipality at any time during their term or in the five years immediately preceding the date of appointment.

(A) (2) The term for members of the Local Board of Tax Review appointed by the legislative authority of the Municipality shall be two years. There is no limit on the number of terms that a member may serve if the member is reappointed by the legislative

authority. The board member, appointed by the City Manager, shall serve at the discretion of the administrative official.

(A) (3) Members of the Board of Tax Review appointed by the legislative authority may be removed by the legislative authority by majority vote for malfeasance, misfeasance, or nonfeasance in office as set forth in Section 718.11(A)(4) of the Ohio Revised Code. To remove such a member, the legislative authority must give the member a copy of the charges against the member and afford the member an opportunity to be publicly heard in person or by counsel in the member's own defense upon not less than ten days' notice. The decision by the legislative authority on the charges is final and not appealable.

(A) (4) A member of the Board of Tax Review who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(A) (5) A vacancy in an unexpired term shall be filled in the same manner as the original appointment within sixty (60) days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board of Tax Review shall impair the power and authority of the remaining members to exercise all the powers of the Board of Tax Review.

(A) (6) If a member is temporarily unable to serve on the Board of Tax Review due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the Board of Tax Review in the member's place. The appointment of such an individual shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

(A) (7) No member of the Local Board of Tax Review shall receive compensation, fee, or reimbursement of expenses for service on the board.

(A) (8) A member of a Local Board of Tax Review shall not be appointed to or serve on another such board simultaneously.

(B) Whenever a Tax Administrator issues an assessment, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the assessment, the manner in which the taxpayer may appeal the assessment, and the address to which the appeal should be directed.

(C) Any person who has been issued an assessment may appeal the assessment to the Board of Tax Review by filing a request with the Board of Tax Review. The request shall be in writing, shall specify the reason or reasons why the assessment should be deemed incorrect or unlawful, and shall be filed within sixty (60) days after the taxpayer receives the assessment. The imposition of penalty and interest as prescribed in the codified ordinances of the City of Milford is not the sole basis for an appeal.

(D) The Board of Tax Review shall schedule a hearing to be held within sixty (60) days after receiving an appeal of an assessment under division (C) of this section, unless the taxpayer requests additional time to prepare or waives a hearing.

If the taxpayer does not waive the hearing, the taxpayer may appear before the Board of Tax Review and/or may be represented by an attorney at law, certified public accountant, or other representative. The Board of Tax Review may allow a hearing to be continued as jointly agreed to by the parties. In such a case, the hearing must be completed within one hundred twenty (120) days after the first day of the hearing unless the parties agree otherwise.

(E) The Board of Tax Review may affirm, reverse, or modify the Tax Administrator's assessment or any part of that assessment. The Board of Tax Review shall issue a final determination on the appeal within ninety (90) days after the Board of Tax Review's final hearing on the appeal, and send a copy of its final determination by ordinary mail to all of the parties to the appeal within fifteen (15) days after issuing the final determination. The taxpayer or the Tax Administrator may appeal the Board of Tax Review's final determination as provided in Section 5717.011 of the Ohio Revised Code.

(F) The Board of Tax Review created pursuant to this section shall adopt rules governing its procedures, including a schedule of related costs, and shall keep a record of its transactions. The rules governing the Local Board of Tax Review procedures shall be in writing, and may be amended as needed by the Local Board of Tax Review. A majority of the members of the Board shall constitute a quorum. Such records are not public records available for inspection under Section 149.43 of the Ohio Revised Code. For this reason, any documentation, copies of returns or reports, final determinations, or working papers for each case must be maintained in a secure location under the control of the Tax Administrator. No member of the Local Board of Tax Review may remove such documentation, copies of returns or reports, final determinations, or working papers from the hearing. Hearings requested by a taxpayer before a Local Board of Tax Review created pursuant to this section are not meetings of a public body subject to Section 121.22 of the Ohio Revised Code. For this reason, such hearings shall not be open to the public, and only those parties to the case may be present during the hearing.

(G) Law Director Duties, The City Law Director shall serve as legal advisory to the Board.

(Ord. 18-1379. Passed 6-19-18.)

182.19 ACTIONS TO RECOVER; STATUTE OF TIME LIMITATIONS; AMOUNTS.

In those cases in which the Commissioner of the Internal Revenue Service and the taxpayer have executed a waiver of the Federal Statute of Limitations, the period within which the additional assessment may be made by the Administrator shall be one year from the time of the final determination of the Federal or State tax liability.

(A) (1) (a) All additional assessments shall be made and all civil actions to recover municipal income taxes and penalties and interest on municipal income taxes shall be brought within the later of:

(A) (1) (a) (i) Three years after the tax was due or the return was filed, whichever is later; or

(A) (1) (a) (ii) One year after the conclusion of the qualifying deferral period, if any.

(A) (1) (b) The time limit described in division (A)(1)(a) of this section may be extended at any time if both the Tax Administrator and the employer, agent of the employer, other payer, or taxpayer consent in writing to the extension. Any extension shall also extend for the same period of time the time limit described in division (C) of this section.

(A) (2) As used in this section, "qualifying deferral period" means a period of time beginning and ending as follows:

(A) (2) (a) Beginning on the date a person who is aggrieved by an assessment files with a Local Board of Tax Review the request described in Section 182.18 . That date shall not be affected by any subsequent decision, finding, or holding by any administrative body or court that the Local Board of Tax Review with which the , aggrieved person filed the request did not have jurisdiction to affirm, reverse, or modify the assessment or any part of that assessment.

(A) (2) (b) Ending the later of the sixtieth (60) day after the date on which the final determination of the Local Board of Tax Review becomes final or, if any party appeals from the determination of the Local Board of Tax Review, the sixtieth (60) day after the date on which the final determination of the Local Board of Tax Review is either ultimately affirmed in whole or in part or ultimately reversed and no further appeal of either that affirmation, in whole or in part, or that reversal is available or taken.

(B) Prosecutions for an offense made punishable under a resolution or ordinance imposing an income tax 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, all additional assessments and all prosecutions to recover Municipal income taxes, penalties, and interest thereon, may be commenced within six years after the tax was due or the return was filed or the commission of the offense, whichever is later.

(C) A claim for a refund of municipal income taxes shall be brought within the time limitation provided in Section 182.096 .

(D) (1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the Municipality does not prejudice any claim for refund upon final determination of the appeal.

(D) (2) If upon final determination of the appeal an error in the assessment is corrected by the Tax Administrator, upon an appeal so filed or pursuant to a final determination of the Local Board of Tax Review, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the resultant amount due is less than the amount paid, there shall be issued to the appellant or to the appellant's assigns or legal representative a refund will be paid in the amount of the overpayment as provided by Section 182.096 , with interest on that amount as provided by division (E) of Section 182.096 .

REFUND AMOUNTS: Amounts less than ten ($10.00) dollars shall not be collected or refunded. Amounts exceeding more than ten dollars ($ 10.01) will be refunded.

(E) No civil action to recover municipal income tax or related penalties or interest shall be brought during either of the following time periods:

(E) (1) The period during which a taxpayer has a right to appeal the imposition of that tax or interest or those penalties;

(E) (2) The period during which an appeal related to the imposition of that tax or interest or those penalties is pending.

(Ord. 18-1379. Passed 6-9-18.)

182.20 ADOPTION OF RITA RULES AND REGULATIONS.

The City of Milford hereby adopts the Regional Income Tax Agency (RITA) Rules & Regulations, including amendments that may be made from time to time, for use as the City of Milford's Income Tax Rules and Regulations. In the event of a conflict with any provision(s) of the City of Milford Income Tax Ordinance and the RITA Rules & Regulations, the Ordinance will supersede. Until, and if, the contractual relationship between the City of Milford and RITA ceases, Section 182.20 will supersede all other provisions within Ordinance 15-1199 regarding promulgation of rules and regulations by the Tax Administrator.

(A) Pursuant to Section 718.30 of the Revised Code, the legislative authority of the Municipality has the authority, by Ordinance or Resolution, to adopt rules to administer the income tax imposed by the Municipality.

(B) All rules adopted under this section shall be published and posted on the internet as described in Section 718.07 of the Ohio Revised Code.

(Ord. 18-1379. Passed 6-19-18.)

182.21 AUTHORITY TO CREATE RULES AND REGULATIONS.

(A) Nothing in this chapter prohibits the legislative authority of the municipal corporation, or a Tax Administrator pursuant to authority granted to the administrator by

resolution or ordinance, to adopt rules to administer an income tax imposed by the municipal corporation in accordance with this chapter or Section 718.30 of the Ohio Revised Code. Such rules shall not conflict with or be inconsistent with any provision of this chapter. Taxpayers are hereby required to comply not only with the requirements of this chapter, but also to comply with the Rules and Regulations.

(B) All rules adopted under this section shall be published and posted on the Internet as described in section 718.07 of the Ohio Revised Code.

(Ord. 18-1379. Passed 6-19-18.)

182.22 MANDATORY REGISTRATION.

The registration shall be on a form obtainable from the Tax Administrator or the Regional Income Tax Agency.

(A) Each resident person, resident business, or other such entity mentioned in this Chapter, in the City is responsible to register on the applicable form with the Tax Administrator of the City or the Regional Income Tax Agency within thirty (30) days of residence in the City.

(B) All individuals, employers, businesses, postal employee, agent, barber, beautician, broker, consultant, contractor/subcontractor, cosmetologist, nail technician, profession or other such entity mentioned in this Chapter who do work or receive income regularly in the City and may be subject to the Municipal income tax, are responsible to register on the applicable form with the Tax Administrator of the City or the Regional Income Tax Agency within thirty (30) days after they become taxable and shall present the Administrator a list of all subcontractors or others who may do work for them within the City.

(C) All property owners of real property as defined in Section 182.30 of this Chapter, are required to register on the applicable form with the Tax Administrator of the City or the Regional Income Tax Agency within thirty (30) days.

(D) Any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter, who is identified by a particular name and may be identified or known by another name such as an A.K.A (also known as) or D.B.A. (doing business as), is required to indicate both names on the mandatory registration.

(E) Any other resident(s), business partner(s), holding companies, investment groups or other entity, at an address located within the city limits of Milford, is required to ne indicated on the mandatory registration form.

(F) Mandatory registration with the Tax Administrator does not preclude the responsibility of any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter from contacting or complying with any other City department or other agency.

(G) Contacting or complying with any other department or agency does not exclude the responsibility of any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter from contacting the Tax Administrator of the City or the Regional Income Tax Agency or complying with this Chapter.

(H) Any person upon written notification by the City of this requirement for mandatory registration who fails to register within thirty (30) days upon receipt of notification shall be considered in violation of this section and shall be subject to a fine not more than one hundred ($ 100.00) dollars.
(Ord. 04-346. Passed 1-6-04.)

(I) The City of Milford reserves the right to use a collection agency, legal firm, or applicable court of law in an effort to collect any delinquent fine specified in this Section and any additional fees that the third party collection company imposes for their services as set forth in their contract with the City as specified in Section 182.96 .
(Ord. 18-1379. Passed 6-19-18.)

182.23 OTHER REPORTS.

OWNERS OF ASSISTED CARE AND INDEPENDENT LIVING FACILITIES

The owners of all nursing homes, homes for the aged, assisted care facilities, and independent living facilities located in the City of Milford shall report, in writing, all move ins, move outs, or deaths within 30 days of any resident of the facility, in writing the Milford Income Tax Department as described in the sections of this Chapter.

POSTMASTER REPORTING; POSTAL EMPLOYEES

(A) The Postmaster is required to complete an annual report by December 31 of each year concerning all employees assigned to the Milford Post Office located within the city limits of Milford at 100 Castleberry Court. The report is required to include the name, social security number, address, the specific route (both in and out of the city) and the percentage of time (in and out of the city) that each employee is works.

(B) Additionally, the postmaster is required to update the report within 30 days of any type of assignment change. Such change may include resignation, retirements, route changes, reassignments, and new hires. The Postmaster is required to provide the name, social security number, address, the specific route (both in and out of the city), the percentage of time (in and out of the city) of each employee works, and the date of resignation, reassignment, and hire.

(C) The Postmaster is required to provide an annual letter of time allocation to each postal employee who is assigned to the 100 Castleberry Court location. The letter should report the percentage of the time each day that the employee works in the city at the postal station, within the city on a city route, or works outside the city of Milford. Breaks, lunch, sick time, or vacation are not excluded from the percentage of the daily time allocation percentage.

(D) The Postmaster is responsible to notify all employees, contractors, and subcontractors, who are assigned or working at the 100 Castleberry Court location, about each person's responsibility to comply with the City of Milford's Mandatory Registration requirement and the person's responsibility to file an annual return and pay the Milford income tax as described in this Chapter.

(E) Each postal employee, whether resident or nonresident, who works the day or portion of the day within the City of Milford, is required to comply with the Sections for Mandatory Registration, Annual Filing, and Declaration of Estimated Tax in this Chapter.

CONTRACTORS AND SUBCONTRACTORS

All contractors and subcontractors, whether resident or nonresident, who work in the City of Milford, are required to comply with the mandatory registration section of this Chapter. Contractors and subcontractors are required to provide the Tax Administrator with a list of any subcontractors that work for them on the back of the Regional Income Tax Agency's Registration Form 48. The form is available on the Regional Income Tax Agency's website or the Milford Tax Office. Each contractor or subcontractor is expected to comply with the Sections for Mandatory Registration, Annual Filing, and Declaration of Estimated Tax as applicable as described within this Chapter.

BARBERS, BEAUTICIANS, MANICURIST, AND PEDICURIST

Each barber, beautician, manicurist or pedicurist, whether resident or nonresident, who works the day or portion of the day within the City of Milford and is paid by commission instead of being withheld by the employer for the City of Milford, is expected to comply with the Sections for Mandatory Registration, Annual Filing, and Declaration of Estimated Tax as described in this Chapter.

OTHER PROFESSIONS PAID ON COMMISSIONS

Any other profession, whereby a person or individual, whether resident or nonresident, works the day or portion of the day within the City of Milford and is paid by commission instead of being withheld by the employer for the City of Milford, is expected to comply with the Sections for Mandatory Registration, Annual Filing, and Declaration of Estimated Tax as applicable as described this Chapter.

LAND CONTRACTS; INSTALLMENT SALES

"Land Contact" means a sales contract between the buyer and the seller of real property in which a seller provides the buyer financing in the purchase, and the buyer repays the resulting loan in installment payments.

"Installment Payment" means partial payment of the purchase price and partial payment of interest in the unpaid purchase price.

"Seller" means the property owner of real property in the City of Milford, who retains the legal title until the full purchase price has been paid, including interest. If the full purchase price is reached then the seller conveys the legal property title to the buyer.

"Buyer" means the person who is the resident of real property in the City of Milford that intends to purchase the property through instalment payments until the full purchase price is paid. The buyer is permitted to takes possession of the property for most purposes, except legal ownership, while the installment payments are being made.

(A) The property owner of real property located in the City of Milford or other entity mentioned in this section, who as a seller decides to sell the real property located in the City of Milford on a land contract and to receive installment payments, is required to register with the Tax Administrator within thirty (30) days, if the property owner hasn't already done so.

(B) The seller or property owner of real property located in the City of Milford or other entity mentioned in this section, is required to notify the Tax Administrator in writing concerning any purchase, sale, or change in real property ownership within thirty (30) days of the change.

(B) (1) Move Ins: The seller or property owner of real property located in the City of Milford or other entity mentioned in this section, shall file with the Administrator a written report within thirty (30) days of the buyer's move in date. The report shall disclosing the name, address, the date moved in, and also telephone number, if available, of the buyer or occupant of the real property.

(B) (2) Move Outs: The seller or property owner of real property located in the City of Milford or other entity mentioned in this section, shall file with the Administrator a written report within thirty (30) days of the buyer's move out date if the land contract should be cancelled, defaulted, or repossessed. The report shall disclosing the name, address, the date moved out, and also telephone number, if available, of the buyer or occupant known to have vacate such real property.

(B) (3) Forwarding Addresses. In addition to the report information mentioned in (A)(2) of this section, the seller or property owner of real property located in the City of Milford or other entity mentioned in this section, shall include the forwarding address of the vacating buyer or occupant.

(C) The buyer or resident of real property, located in the City of Milford, is responsible to comply with the Sections for Mandatory Registration, Annual Filing, Declaration of Estimated Tax, as well as all other applicable sections as described in this Chapter.

(D) The mandatory registration with the Tax Administrator does not preclude the responsibility of any person, property owner, buyer, seller, or other such entity mentioned in this Chapter from contacting or complying with any other City department or other agency.

(E) Contacting or complying with any other department or agency does not exclude the responsibility of any person, property owner, buyer, seller, or other such entity mentioned in this Chapter from contacting the Tax Administrator of the City or the Regional Income Tax Agency or complying with this Chapter.

(F) Whoever violates this section shall be fined not more than one hundred dollars ($100.00) for each instance of not filing each of the required reports whereby the name, address, date of move in or move out, or forwarding address are not reported for each tenant who moved in or moved out of the rented or leased real property located in the City of Milford.
(Ord. 18-1379. Passed 6-19-18.)

182.24 GAMBLING ACTIVITIES AND COLLECTIONS IN THE MUNICIPALITY.

(A) "Winnings" means gambling winnings, prizes, awards, and winnings derived from gaming, wagering, sweepstakes, raffles, lotteries, bingo, slot machines, casino games, horse racing, dog racing, jai alai, wagering pools, resulting from play, wagering, other wagering transactions games of chance, or activities related to the winnings of such income by residents and nonresidents of the City of Milford, and includes prizes, awards, and winnings paid to residents of the City derived from the State Lottery, and paid by the State Lottery Commission.

(A) (1) Taxpayers are required to file a return for any winnings reported on Form W-2G or Form 5754.

(B) Any business, profession, or other enterprise located in the City of Milford which sponsors, creates, or allows play, gaming, wagering, sweepstakes, or games of chance or

Activities which result in winnings, as defined in this chapter, and the winnings are an amount for which reporting to the Internal Revenue Service of the amount is required by Section 6041 of the Internal Revenue Code, as amended, the business, profession, or enterprise operating such activity shall deduct and withhold municipal oncome tax from the person's winnings at the rate of the tax imposed by this Chapter. Amounts withheld shall b remitted to the Milford Tax Department or the Regional Income Tax Agency within thirty (30) day.

(B) (1) The requirements in this section requiring the immediate withholding and remittance of taxes to the Milford Tax Department shall not apply to nonprofit, religious, charitable, or educational organizations that operate a fund raising raffle, game of chance, or sweepstakes.

(B) (2) Each business, profession, or other enterprise or activity shall make and file a yearly information return by February 28 th on a form furnished by the Milford Tax Department, detailing the amount of tax deducted from a person's winnings, and prize awards and paid to the Milford Tax Department in accordance with this Chapter.

(Ord. 18-1379. Passed 6-19-18.)

182.30 LANDLORD REPORTING REQUIREMENT: RENTAL AND LEASED PROPERTY; TENANT INFORMATION.

Definition

For purposes of this section, the term "property owners of real properly" pertains to any person, landlord, agency, entity, partnership, management company, corporation, trust or trustees, association, or other such entity mentioned in this Chapter which has ownership or cooperative ownership of a property located within the City of Milford and rents or leases the same, or any part thereof, to any person for either business, residential dwelling, or other purposes. Such "real property" includes apartments, boarding houses, condominiums, townhouses, offices, rooms, or other rental accommodations, during any calendar year, or part thereof, commencing with the effective date of this section.

"Real property", as the term is used in this Regulation, shall include commercial property, residential property, farm property, and any and all other types of real estate.

Each specific address of each rental property must be shown on the Federal Schedule E.

Corporations owning or managing real estate are taxable only on the portion of the income derived from property located in the City.

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

Rental income received by the taxpayer are to be included in taxable income only if and to the extent that the rental, ownership, management, or operation of the real estate from which such rents are derived whether so rented, managed or operated by the taxpayer individually or through agents or other representatives) constitutes a business activity in whole or in part.

In determining the amount of gross monthly rental of any real property, periods during which (by reason of vacancy or any other cause) rentals are not received shall not be taken into consideration by the taxpayer.

REQUIREMENTS FOR OWNERS OF RENTAL PROPERTY: REGISTERING

(A) All property owners of real property located in the City of Milford or other entity mentioned in this section, who rent or otherwise lease the same, or any part thereof, to any person for either business, residential dwelling, or other purposes, including apartments, condominiums, rooms, offices, and other rental accommodations, during any calendar year, or part thereof, commencing with the effective date of this section, are required to register with the Tax Administrator within thirty (30) days.

(A) (1) The contact person or other entity mentioned in this section, who is responsible for reporting tenants and informing tenants of Milford registration requirements, should be indicated on the landlord registration form. Any changes in the contact person should be reported within thirty (30) days.

(B) Mandatory registration with the Tax Administrator does not preclude the responsibility of any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter from contacting or complying with any other City department or other agency.

(C) Contacting or complying with any other department or agency does not exclude the responsibility of any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter from contacting the Tax Administrator of the City or the Regional Income Tax Agency or complying with this Chapter.

Fine for not Registering

(B) Any person upon written notification by the City of this requirement for mandatory registration who fails to register within thirty days upon receipt of notification shall be considered in violation of this section and shall be subject to a fine not more than one hundred ($ 100.00) dollars,

Inform Tenants

All property owners or other entity mentioned in this section, who receive rental income from real property as defined above, are responsible to inform the tenants of any rented or leased property about the City of Milford income tax and mandatory registration requirement. All tenants are responsible to comply with the Sections for Mandatory Registration, Annual Filing, Declaration of Estimated Tax, as well as all other applicable sections as described in this Chapter.

Tenant Reports and Frequency; Reporting Move Ins and Move Outs

(D) The tenant reports shall be on a form or forms obtainable from the Administrator, or on an acceptable generic form,

(D) (1) Move Ins: All property owners, who receive rental income from real property as defined above, shall file with the Administrator a written report within thirty (30) days of the tenant's move in date. The report shall disclosing the name, address, the date moved in, and also telephone number, if available, of each tenant known to occupy such apartment, room or other residential dwelling or business rental property.

(D) (2) Move Outs: All property owners, who receive rental income from real property as defined above, shall file with the Administrator a written report within thirty (30) days of the tenant's move out date. The report shall disclosing the name, address, the date moved out, and also telephone number, if available, of each tenant known to have vacate such apartment, room or other residential dwelling or business rental property.

Forwarding

(E) Forwarding Addresses. In addition to the report information mentioned in (D) of this section, all property owners who receive rental income from real property as defined above, shall include the forwarding address of the vacating tenant.

Frequency of Reporting:

(F) (1) All property owners of a Single Rental Property (one property without multiple rental units) located in the City of Milford are required to file a complete written report disclosing the name, address, the dates moved in or moved out, and also telephone number, if available, of each tenant known to occupy such apartment, room or other residential dwelling or business rental property on a quarterly basis.

(F) (2) All property owners of Multiple Properties (more than one property) or Properties with Multiple Rental Units (one or more properties containing multiple rental units) located in the City of Milford are required to file a complete written report disclosing the name, address, the date moved in or moved out, and also telephone number, if available, of each tenant known to occupy such apartment, room or other residential dwelling or business rental property on a monthly basis.

Fine for not reporting

(G) Whoever violates this section shall be fined not more than one hundred dollars ($100.00) for each instance of not filing each of the required reports whereby the name, address, date of move in or move out, or forwarding address are not reported for each tenant who moved in or moved out of the rented or leased real property located in the City of Milford.

Report Ownership Change

(H) Report Purchase, Sale, or Change of Rental Property Ownership. All property owners who receive rental income from real property as defined above are required to notify the Tax Administrator concerning any purchase, sale or change or rental property ownership.

(I) Report the change of contact person, entity, corporation, property management company, resident manager, association representative, employee or designee within thirty (30) days of the change.

(J) File the applicable Annual Municipal Tax Returns and Employer Withholding Returns as prescribed in this Chapter.

Compliance with Order to Appear or Subpoena

(K) The Tax Administrator may order the appearance before him, or his duly authorized agent, of any person whom he believes to have any knowledge of the name, address and telephone number of any tenant of residential rental real property in the City of Milford. The Tax Administrator, or his duly authorized agent, is authorized to examine any person, under oath, concerning the name, address and telephone number of any tenant of residential real property located in the City of Milford. The Tax Administrator, or his duly authorized agent, may compel the production of papers and records and the attendance of all personal before him, whether as parties or witnesses, whenever he believes such person has knowledge of the name, address and telephone number of any tenant of residential real property in the City of Milford.

Violations subject to Section 182.99

(L) Any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter, that violates one or more of the following shall be subject to Section 182.99 of this chapter/ordinance:

(L) (1) Fails, refuses or neglects to timely file a written report required in this section; or

(L) (2) Makes an incomplete or intentionally false written report required in this section ; or

(L) (3) Fails to appear before the Tax Administrator or any duly authorized agent and to produce and disclose any tenant information pursuant to any order or subpoena of the Tax Administrator as authorized in this section or Section 182.99 ; or

(L) (4) Fails to comply with the provisions of this section or any order or subpoena of the Tax Administrator.

(L) (5) Non-Registration. Any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter, who fails to register within thirty (30) days upon the receipt of written notification for the requirement of mandatory registration by the City, shall be considered in violation of this section and shall be subject to a fine not more than one hundred ($ 100.00) dollars.

(L) (6) Non-Reporting. Any person, business, contractor, subcontractor, property owner, or other such entity mentioned in this Chapter, who violates this section shall be fined not more than one hundred ($100.00) dollars for each instance of not filing each of the required reports whereby all report information requested such as the name, address, date of move in or move out, or forwarding address are not reported for each tenant who moved in or moved out of the rented or leased real property located in the City of Milford.

(L) (7) The City of Milford reserves the right to use a collection agency, legal firm, or applicable court of law in an effort to collect any delinquent fine specified in this Section and any additional fees that the third party collection company imposes for their services as set forth in their contract with the City as specified in Section 182.96 .

(Ord. 18-1379. Passed 6-19-18.)

182.31 PREPARATION OF CITY INCOME TAX RETURN.

(A) City employees will only assist with the preparation of City income tax returns.

(B) A governmental issued ID, showing photograph and confirmation of social security number, must be presented when an on-site request is made to obtain copy of a tax document or supporting documentation.

(C) To protect confidentiality, no income, payment, or previously processed tax information can be shared with another person, family member, relative, friend, or tax preparer other than the individual or joint filing taxpayer over the telephone or via email

or facsimile without the account identifier. If not performed by the taxpayer in person, certain responses to information requests documents or corrections containing confidential information will be mailed to the primary address.

(D) No information can be shared with a family member, relative, friend, or tax preparer without a notarized release form signed by the taxpayer. The taxpayer may give authority to the tax preparer to access the account by checking the appropriate box on the tax return.

(E) On-site interviews and assistance with tax preparations may require an appointment. Walk-ins may be assisted as time allows. Taxpayer must be prepared and organized with all required information/documentation in hand at the time of filing. The tax office will not print Form W2s, tax related documents or work from a taxpayer's electronic device.

(F) Electronic tax returns for the City of Milford are filed by internet through the Regional Income Tax Agency's website.

(F) (1) The taxpayer is permitted to file current year tax returns and prior tax returns by internet through the Regional Income Tax Agency's website. If any balance is due, the balance must be paid by a credit card at the time of filing.

(F) (2) Only current year tax returns can be electronically filed at the tax office. If any balance is due, the balance must be paid by a credit card at the time of filing.

(F) (3) If for some reason an electronic tax return cannot be filed, a paper return will be prepared. If any balance is due, the balance must be paid by check, cash check, or money order at the time of filing. The taxpayer is responsible for mailing the prepared return, declaration of estimated tax, other required information, or payment to the Regional Income Tax Agency.

(F) (4) If any balance is due, the taxpayer is responsible for making a credit card payment with the Regional Income Tax Agency by telephone or by internet.

(F) (5) If a taxpayer is unable to pay the balance, the taxpayer's is responsible for making arrangements for payments. If a payment plan should be granted, the taxpayer must comply with the terms. If a taxpayer fails to comply, the taxpayer will be subject to the provisions of Sections 182.10 , 182.96 , and any other applicable sections in this Chapter.

(H) The taxpayer is responsible for mailing estimated tax payments with the bill to the Regional Income Tax Agency.

CONTENT OF RETURNS

(A) Any return, declaration, form, registration, report competed must include the following requirements:

(A) (1) An individual income tax return should include the name(s), address, social security number(s), signature(s), date move in or move out, new or forwarding address, phone number(s), and applicable email.

(A) (2) Individuals should have copies of the applicable portion of the federal return, all appropriate forms, schedules, supporting documentation, statements or explanations as herein mentioned in this ordinance. Most information required from an individual may be contained in the list below:

(A) (2) (a) The first page of the Federal IRS Form 1040, 1040A, or 1040EZ for individuals.

(A) (2) (b) Form W-2 or Form 1042S Wage Earning Statement.

(A) (2) (c) Form W-2G or Form 5754 for gaming winnings

(A) (2) (d) Form 1099- MISC for other compensation

(A) (2) (e) Form SSA-1099 Social Security Benefit Statement, if applicable or if Federal tax return isn't filed.

(A) (2) (f) Form 1099-R Pension Distribution, if applicable or if Federal tax return isn't filed.

(A) (2) (g) Federal IRS Form 2106 for employee business expense, if applicable.

(A) (2) (h) Federal IRS Schedule C for self-employment income.

(A) (2) (i) Federal IRS Schedule E for rental income.

(A) (2) (j) Federal IRS Schedule F for farm income.

(A) (2) (k) Copy of approved Federal Extension of Time to File, if a return is filed after the April deadline.

(A) (2) (l) Power of Attorney, if applicable.

(A) (2) (m) Postal employees are required to have letter of time allocation within the City from the Post Master.

(A) (2) (n) Other supporting documentation as needed

(A) (3) Payment by Individuals; Method

(A) (3) (a) Credit Card Payment will be made at the time of electronic filing.

(A) (3) (b) Credit Card Payment can be made by telephone to the Regional Income Tax Agency.

(A) (3) (c) Credit Card Payment can be made by online at the Regional Income Tax Agency's website.

(A) (3) (d) Check, Cashier's Check, or Money Order are to be made payable to the Regional Income Tax Agency. The taxpayer is responsible for sending the payment to the Regional Income Tax Agency.

(B) (1) A business income tax return should include the name of the business, the "Doing Business As" name, address, Federal employer's identification number, the signature and printed name of the responsible person, date move in or move out, new or forwarding address, phone number(s), and applicable email.

(B) (2) (a) Federal IRS Form 1041, 1065, 1120, 1120 F, 1120 REIT, AND 1120S.

(B) (2) (b) Copy of approved Federal Extension of Time to File, if a return is filed after the April deadline

(B) (2) (c) Other supporting documentation as needed.

(B) (3) Payment by Businesses; Method

(B) (3) (a) Credit Card Payment will be made at the time of electronic filing.

(B) (3) (b) Credit Card Payment can be made by telephone to the Regional Income Tax Agency.

(B) (3) (c) Credit Card Payment can be made by online at the Regional Income Tax Agency's website.

(B) (3) (d) Check, Cashier's Check, or Money Order are to be made payable to the Regional Income Tax Agency. The taxpayer is responsible for sending the payment to the Regional Income Tax Agency.

(C) Failure to include required information may delay the processing of the tax return and the tax return will be considered to be filed upon the date all information is received.

(Ord. 18-1379. Passed 6-19-18.)

INFORMATION RETURNS AND SCHEDULES AND STATEMENTS

(A) City income tax returns filed hereunder shall set forth the amount of qualifying wages subject to City income tax received from each employer, taxable net profits, other items of taxable income received, and other pertinent information as the Tax Administrator may require.

(B) The fact that any taxpayer is not required to file a federal return does not relieve him from filing a City income tax return.

RETENTION OF RECORDS BY TAXPAYER

All employers and taxpayers are required to keep such records as will enable the filing of true and accurate City income tax returns, whether of City income taxes withheld at the source or of City income tax payable upon other taxable income or net profits, or both. Such records shall be preserved for a period of not less than six years from the date the City income tax return for the taxable year is filed or the City income tax or withholding tax owed for such taxable year is paid, whichever is later.

(Ord. 18-1379. Passed 6-19-18.)

182.96 COLLECTION FEES OF RELATED DELINQUENCIES, FINES AND COURT COSTS.

(A) The City of Milford reserves the right to use a collection agency, legal firm, or applicable court of law in an effort to collect any city imposed fine specified in the Milford Income Tax Ordinance Chapter 182 . The delinquent taxpayer may also be charged for any additional fees that the third party collection company imposes for their services as set forth in their contract with the City.

(B) The City of Milford reserves the right to use a collection agency, legal firm, or applicable court of law in an effort to collect delinquent taxes and the associated penalties and interest. The delinquent taxpayer may also be charged for any additional fees that the third party collection company imposes for their services as set forth in their contract with the City.

(C) RETURNED CHECK CHARGE

(C) (1) A returned check charge equaling the amount imposed by the City of Milford's Financial Institution, will be assessed on any check return unpaid for any reason each time it is represented at the City's financial institution.

(C) (2) In the event that the taxpayer's or employer's check is returned unpaid for any reason, the City may electronically debit the taxpayer's or employer's account for the principal amount of the check.

(Ord. 18-1379. Passed 6-19-18.)

182.97 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

(A) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of said taxes levied hereunder in the aforesaid periods are fully paid and any and/or all suits and prosecutions for the collection of said taxes or for the punishment of violations of this chapter shall have been fully terminated, subject to the limitations contained in Section 182.19 and Section 182.99 hereof.

(B) Annual returns due for all or any part of the last effective year of this ordinance shall be due on the date provided in Section 182.09 and Section 182.05 of this ordinance as though the same were continuing.

(Ord. 18-1379. Passed 6-19-18.)

182.98 SAVINGS CLAUSE.

This chapter/ordinance shall not apply to any person, firm or corporation, or to any property as to whom or which it is beyond the power of Council to impose the tax herein provided for.

If any sentence, clause, section or part of this chapter, or any tax imposed against, or exemption from tax granted to, any taxpayer or any of the several groups of persons, or forms of income specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this chapter so found 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 Council of the Municipality that this Chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included in this chapter.

(Ord. 18-1379. Passed 6-19-18.)

182.99 VIOLATIONS; PENALTIES.

(A) Except as provided in division (B) of this section, whoever violates Section 182.15 , division (A) of Section 182.14 , or Section 182.05 by failing to remit municipal income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand ($1,000.00) dollars or imprisonment for a term of up to six months, or both, unless the violation is punishable by a municipal ordinance or resolution imposing a greater penalty or requiring dismissal from office or discharge from employment, or both, in which case the municipal ordinance or resolution shall govern.

If the individual that commits the violation is an employee, or official, of City of Milford, the individual is subject to discharge from employment or dismissal from office.

(B) Any person who discloses information received from the Internal Revenue Service in violation of division (A) of Section 182.14 or the Internal Revenue Code Section 7213(a), 7213A, or 7431 shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than five thousand ($5,000.00) dollars plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both, unless the violation is punishable by a municipal ordinance imposing a greater penalty or requiring dismissal from office or discharge from employment, or both, in which case the municipal ordinance shall govern.

If the individual that commits the violation is an employee, or official, of City of Milford, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of division (A) of Section 182.14 constitutes a separate offense.

(D) Whoever violates any provision of this Chapter for which violation no penalty is otherwise provided, is guilty of a misdemeanor of the 1st degree on a first offense; on a

second offense within one year after the first offense, the person is guilty of a misdemeanor of the 1st degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the 1st degree. By way of an illustrative enumeration, violations of this Chapter shall include but not be limited to the following acts, conduct, and/or omissions:

If not otherwise specified herein, no person shall:

(D) (1) Fail, neglect or refuse to make any return or declaration required by this Chapter; or

(D) (2) File or knowingly make any incomplete, false or fraudulent return; or

(D) (3) Willfully Fail, neglect or refuse to pay the tax, penalties or interest, or any combination thereof, imposed by this Chapter; or

(D) (4) Cause to not be remitted the city income tax withheld from qualifying wages of employees to the Municipality municipal corporation as required by Section 182.05 ; or

(D) (5) Fail, Neglect or refuse to withhold or remit municipal income tax from employees to the Administrator; or

(D) (6) Refuse to permit the Tax Administrator or any duly authorized agent or employee to examine his or her books, records, papers, Federal and State income tax returns, or any documentation relating to the income or net profits of a taxpayer; or

(D) (7) Fail to appear before the Tax Administrator and to produce his or her books, records, papers, Federal and State income tax returns, or any documentation relating to the income or net profits of a taxpayer upon order or subpoena of the Tax Administrator; or

(D) (8) Refuse to disclose to the Tax Administrator any information with respect to such person's income or net profits of a taxpayer, or in the case of a person responsible for maintaining information relating to his or her employers' income or net profits, such person's employer's income or net profits; or

(D) (9) Fail to comply with the provisions of this Chapter or any order or subpoena of the Tax Administrator authorized hereby; or

(D) (10) To avoid imposition or collection of municipal income tax, willfully give to an employer or prospective employer false information as to his or her true name, correct social security number and residence address, or willfully fail to promptly notify an employer or a prospective employer of any change in residence address and date thereof; or

(D) (11) Fail, as an employer, agent of an employer, or other payer, to use ordinary diligence in maintaining proper records of employees' residence addresses, total qualifying wages paid and the City municipal tax withheld, or to knowingly give the Tax Administrator false information; or

(D) (12) Willfully fail, neglect, or refuse to make payment of estimated municipal income tax for any taxable year or any part of any taxable year in accordance with this Chapter; or

(D) (13) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.

(D) (14) For purposes of this Section, any violation that does not specify a culpable mental state or intent shall be one of strict liability and no culpable mental state or intent shall be required for a person to be guilty of that violation.

(D) (15) For purposes of this Section, the term "person" shall, in addition to the meaning prescribed in Section 182.03 , include in the case of a corporation, association, pass-through entity or unincorporated business entity not having any resident owner or officer within the city, any employee or agent of such corporation, association, pass-through entity or unincorporated business entity who has control or supervision over or is charged with the responsibility of filing the municipal income tax returns and making the payments of the municipal income tax as required by this Chapter.

(E) Any person who violates any of the provisions in Section 182.99 (D) shall be subject to the penalties provided for in Section 182.99 (A) of this chapter/ordinance.

(Ord. 18-1379. Passed 6-19-18.)

Ulmer's Milford LLC
700 Lila Avenue
Milford, OH 45150
(513) 831-7499
doug@ulmersautocare.com
https://ulmersautocare.com

Estimate for RO #97271

Service Advisor: Jason Brueggen
Date Created: 11/22/23 at 02:49 PM EST
Client: Milford Police Department
Vehicle: 2018 Chevrolet Tahoe PPV

Milford Police Department 745 Center Street Milford, OH 45150 Phone: (513) 479-5325 Email: smahan@milfordohio.org	**2018 Chevrolet Tahoe PPV 5.3L 8Cyl FLEX L83 Naturally Aspirated** VIN: 1GNSKDEC2JR296611 License: N/A Unit #: 718 | Color: N/A Odometer In: 66612 / Out: 66612	**RO #97271** Time-In: 11/22/23 at 02:49 PM EST Save Parts: No

Client concerns:

- Not sure if a pulley or something in the engine is bad but there's a terrible noise in the engine bay

1 - Courtesy Maintenance Inspection — **TECH: B Rogers**

Labor:	Service includes a no charge visual inspection of the vehicle for any and all maintenance items. Inspect and top off fluids as needed. Verify proper tire pressure specified on driver's door sticker.		$0.00
✓ Approved on 11/22/23 at 03:08 PM EST		*0*	**0**

2 - Noise Inspection — **TECH: B Rogers**

Labor:	Technician reviews customer concerns. Road test vehicle to duplicate customer concern. Raise on lift to inspect steering and suspension, listen to bearings and visually inspect undercarriage. The technician is able to identify a lifter noise due to low oil (approximately 2 qts) as well as an internal, rotational noise from deeper inside of the engine similar to a knock. At this time an engine replacement is required.	$125.00
✓ Approved on 11/22/23 at 03:08 PM EST		**$125.00**

3 - Remove Replace Engine **TECH: B Rogers**

Note: 36 Month/36,000 Mile Warranty

Labor:	Remove & Replace Engine. Consists of a Cylinder Block fitted with Pistons, Rings, Connecting Rods, Crankshaft and all Bearings, Cylinder Head(s), Camshaft(s), Timing Chain or Belt and Sprockets or Gears. Includes (where applicable): Clean and transfer Fuel and Electrical Assemblies, Engine Mounts, Manifolds, Valve Cover(s), Oil Pan, Oil Pump, Timing Cover(s), Water Pump, Clutch and Flywheel.		$5,748.12
	Full Service Oil Change - Includes oil and filter change, top off all fluids, verify tire pressure, lubricate door hinges, install reminder sticker in window and reset maintenance reminder. Review factory scheduled maintenance per mileage interval.		$24.01
	Coolant Service - Inspect hoses and clamps. Pressure test cooling system. Flush engine and radiator. Bring antifreeze to -35 degrees. PH balance coolant to between 9.8 to 10.5. Check thermostat and electric cooling fan operation. Add corrosion prohibitor.		$95.80
	Recharged system with specified amount of refrigerant and added dye for future testing purposes.		$150.00
Parts:	COOLANT KIT	1	$29.95
	Oil Drain Plug Gasket	1	$2.75
	Additional Parts	1	$300.00
	0W20 FULL SYNTHETIC MOTOR OIL	8	$60.80
	Oil Filter	1	$5.99
	ENGINE,GASOLINE	1	$6,561.00
	Premium OE Stretch Fit Micro-V Belt	1	$125.84
	Premium OE Stretch Fit Micro-V Belt	1	$134.16
	Premium OE Micro-V Belt	1	$62.08
	Pipe, Fuel Feed	1	$99.18
	Gasket, Water Pump	2	$14.02
	Pipe, Fuel Feed	1	$55.94
	Seal Kit, Injector	2	$39.08
	Gasket, Intake Manifold	8	$28.64
	Gasket, Exhaust Manifold	2	$35.54
	Spark Plug	8	$196.96
	R1234 REFRIGERANT	1	$150.00

☐ APPROVE or ☐ DECLINE **$13,919.86**

RO Discounts

Discount:	Fleet Discount		-$75.00
		Subtotal	**-$75.00**

I hereby authorize the above work to be done along with necessary material and hereby grant you and/or your employees permission to operate the vehicle described for testing and/or inspection. Express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.

Total Repair Order & Signature:

Total Jobs:	$14,044.86
Total Fees:	$80.00
Discounts:	-$75.00
Subtotal:	**$14,049.86**
Grand Total:	**$14,049.86**
BALANCE DUE:	**$14,049.86**

X