

CHAPTER 1905 Income Tax

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CROSS REFERENCES

Power of City to levy and collect taxes - see CHTR. § [8](#) (f), (s), (t), (u)

Payroll deductions - see [Ohio R.C. 9.42](#)

Municipal income taxes - see [Ohio R.C. Ch. 718](#)

Division of Taxation created; duties of Division and Commissioner - see ADM. [123.04](#)

1905.01. Declaration of purpose.

To provide funds for the purposes of general municipal operations, maintenance, new equipment and capital improvements of the City there is hereby levied a tax on salaries, wages, commissions and other compensation, net profits, lottery gambling and sports winnings, and income from games of chance as hereinafter provided.

(Ord. 633-04. Passed 11-23-04.)

1905.02. Definitions.

As used in this chapter the following words shall have the meaning ascribed to them in this section, except as and if the context clearly indicates or requires a different meaning:

(a) "Association" means a partnership, limited partnership or any other form of unincorporated enterprise owned by two or more persons.

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

(Ord. 944-66)

(c) "Corporation" means a corporation or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory or foreign country or dependency.

(d) "Employer" means an individual, co-partnership, association, corporation, governmental body or unit agency, or any other entity, whether or not organized for profit, who or that employs one or more persons on a salary, wage, commission or other compensation basis.

(e) "Net profits" means the net gain from the operation of a business, profession or enterprise after provision for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used, and without deduction of taxes imposed by this chapter or federal taxes based on income.

(f) "Non-resident individual" means an individual domiciled outside the City.

(g) "Non-resident unincorporated business entity" means an unincorporated business entity not having an office or place of business within the City.

(h) "Person" means every natural person, co-partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "person," as applied to associations, shall mean the partners or members thereof and as applied to corporations, the officers thereof.

(i) "Resident individual" means an individual domiciled in the City.

(j) "Resident unincorporated business entity" means an unincorporated business entity having an office or place of business within the City.

(k) "Taxpayer" means a person, whether an individual, co-partnership, association or any corporation or other entity, required hereunder to file a return or to pay a tax.

(l) "Commissioner of Taxation" means the Commissioner of the Division of Taxation in the Department of Finance of the City, or the person executing the duties of the aforesaid commissioner.

The singular shall include the plural, and the masculine shall include the feminine and the neuter.
(1952 Code § 33-1-2; Ord. 677-55)

1905.03. Imposition of Tax.

(a) For the period commencing July 1, 1982 and ending December 31, 2004, and for the additional period commencing January 1, 2005, and ending December 31, 2008, an annual tax for the purposes specified in Section [1905.01](#), Toledo Municipal Code, shall be levied, imposed, collected and paid at the rate of two and one quarter percent (2 1/4%) per annum, and thereafter unless otherwise imposed by separate ordinance approved by the electorate, the annual tax shall be reduced to the former rate prior to July 1, 1982, of one and one-half percent (1 1/2%) per annum, upon the following:

(1) A. On all salaries, wages, commissions and other compensation (including tips and gratuities) earned or received by resident individuals of the City of Toledo.

B. On income from all lottery, gambling and sports winnings, and games of chance received by resident individuals of the City of Toledo.

(i) If taxpayer is considered a professional gambler under the Internal Revenue Code, then deductions for gambling losses shall be permitted according to the Internal Revenue Code for a professional gambler.

(ii) If taxpayer is not considered a professional gambler under the Internal Revenue Code, a deduction equal to the amount of up to \$2,500 of income combined from lottery, gambling and sports winnings, and games of chance, or a deduction of \$2,500 whichever is less, shall be allowed, provided that in no case shall the deduction exceed the amount of combined income from lottery, gambling and sports winnings, and games of chance. If any of the said income is paid out over a period of more than one year, the deduction shall apply only to the first year.

(2) On all salaries, wages, commissions and other compensation (including tips and gratuities) earned or received by non-resident individuals of the City of Toledo, for work done or services performed or rendered in the City of Toledo.

(3) A. On the net profits earned, accrued or received, attributable to Toledo under the formula or separate accounting method provided for herein, of all resident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the City of Toledo.

B. On that portion of the distributive share of the net profits, earned, accrued or received of a resident individual partner or owner of a resident unincorporated business entity not attributable to Toledo, under the formula or separate accounting method provided for herein and not levied against such unincorporated business entity.

(4) A. On the net profits earned, accrued or received, attributable to Toledo under the formula or separate accounting method provided for herein, of all non-resident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the City of Toledo.

B. On that portion of the distributive share of the net profits, earned, accrued or received, of a resident individual partner or owner of a non-resident unincorporated business entity not attributable to Toledo under the formula or separate accounting method provided for herein and not levied against such unincorporated business entity.

(5) On the net profits earned, accrued or received, attributable to Toledo under the formula or separate accounting method provided for herein, or all corporations derived from work done or services performed or rendered and business or other activities conducted in the City of Toledo, whether or not such corporations have an office or place of business in the City of Toledo.

(b) Allocation of Net Profits.

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

A. The average net book value of the real and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average net book value of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

B. Wages, salaries, and other compensation paid during the taxable period to persons employed in the business or professions for services performed in the City, to wages, salaries, and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed;

C. Gross receipts of the business or profession from sales made and services performed during the taxable period in the City to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

(2) In the event that the foregoing allocation formula does not produce an equitable result, another basis may, under uniform regulations be substituted by the Director of Finance so as to produce such result.

(3) As used in division (1) of this section, sales made in the City means:

A. All sales of tangible personal property which is delivered within the City regardless of where title passes if shipped or delivered from a stock of goods within the City.

B. All sales of tangible personal property which is delivered within the City regardless of where title passes even though transported from a point outside the City if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

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

(c) Consolidated Returns.

(1) Filing of consolidated returns may be permitted or required in accordance with Rules and Regulations prescribed by the Commissioner of Taxation pursuant to the authority contained in Section [1905.09](#) , Toledo Municipal Code.

(2) Allocation of income and deductions between related taxpayers; in the case of a corporation that carries on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City of Toledo constituting a portion only of its total business, the Commissioner may require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City of Toledo. If the Commissioner finds net profits are not properly allocated to the City of Toledo by reason of

transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, he shall make such allocation as he deems appropriate to produce a fair and proper allocation of net profits to the City of Toledo.

(Ord. 546-04. Approved by voters 11-2-04; Ord. 633-04. Passed 11-23-04.)

1905.04. How levied; fiscal year.

(EDITOR'S NOTE: Former Section [1905.04](#) was repealed by Ordinance 157-82, passed March 16, 1982.)

1905.05. Return and payment of tax.

(a) Each taxpayer who engages in business, or whose salaries, wages, commissions and other compensation are subject to the tax imposed by this chapter shall, whether or not a tax is due thereon, make and file a return on or before April 15 of each year with the Commissioner of Taxation or such other official as may be designated by Council, on a form furnished by or obtainable from the Commissioner of Taxation, setting forth the aggregate amount of salaries, wages, commissions and other compensation earned by him, and/or gross income from such business less allowable expenses incurred in the acquisition of such gross income; earned during the preceding year and subject to the tax, together with such other pertinent information as the Commissioner of Taxation may require. Provided, however, that when the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within three months and fifteen days from the end of such fiscal year or other period. Upon written request of the taxpayer, the Commissioner of Taxation may extend the time for filing of the annual return and declaration for the succeeding year for a period of not to exceed six months, or to one month beyond any extension requested of or granted by the Internal Revenue Service for the filing of the Federal income tax return, provided a tentative return, accompanied by payment of the amount of tax shown to be due thereon, shall be filed by the date the return is normally due. No penalty shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended but interest at the rate of six percent per year as imposed under Section [1905.11](#) shall be assessed on the tax due.

The return shall also show the amount of the tax imposed by this chapter on such earnings and profits. The taxpayer making the returns shall, at the time of the filing thereof, pay to the Commissioner of Taxation the amount of taxes shown as due thereon.

(b) Provided further, however, that where any portion of the tax so due has been deducted at the source and has been paid to the Commissioner of Taxation by the person making such deduction pursuant to the provisions of Section [1905.06](#) where any portion of such tax has been paid by such taxpayer pursuant to the provisions of Section [1905.08](#), credit for the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing such return. Should it then appear that taxpayer has overpaid the amount of tax to which the City is entitled on his Toledo taxable income, under the provisions of this chapter, such overpayment shall be applied against any subsequent liability hereunder, or, at the election of the taxpayer and so indicated on the return, such overpayment, or part thereof, shall be refunded. Provided, however, that no additional taxes or refunds of less than one dollar (\$1.00) shall be collected or refunded.

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

(d) The Commissioner of Taxation is hereby authorized to provide by regulation, subject to the approval of the Mayor, that the return of an employer or employers, showing the full amount of tax deducted by such employer or employers from the salaries, wages, commissions or other

compensation, and paid by him or them to the City of Toledo, or other municipality or state, except the State of Ohio, imposing a tax, equal to or greater than the City of Toledo income tax, on the same taxable income, shall be accepted as the return required of an employee under this chapter, whose sole income subject to the tax or taxes under this chapter, is such salary, wages, commissions or other compensation.

(e) All individuals, businesses, employers, brokers or others doing business who engage persons, either on a commission basis, or as independent contractors, and are not subject to withholding shall indicate the total amount of earnings, payments, commissions; and bonuses to such as are residents of the City of Toledo, or who do business in the City of Toledo, on the appropriate line of Schedule C of their Toledo income tax return(s), supported by Toledo form(s) 1099T attached, providing the same information as is required on Federal form 1099.

(f) All contractors shall indicate the total amount of payments to any subcontractor or contract employee, who did business in, or is a resident of the City of Toledo on the appropriate line of Schedule C of their Toledo income tax return(s), and shall attach a list which shall indicate names, addresses and amounts paid.

(1952 Code § 33-1-5. Ord. 342-79)

1905.06. Withholding by employer.

(a) Each employer within the City who employs one or more persons on a salary, wage, commission or other compensation basis, including tips and gratuities, shall deduct at the time of the payment of such salary, wage, commission or other compensation, including tips and gratuities, the tax imposed by Section [1905.03](#).

(b) Each employer shall, on or before the last day of the month following the close of the calendar quarter, make a return and pay to the Commissioner of Taxation the amount of taxes so deducted; however, any employer who deducts taxes in the amount of one thousand dollars (\$1,000) or more per month shall remit to the Commissioner of Taxation on or before the fifteenth day of the second and third months of each calendar quarter the taxes so deducted monthly, which remittance may be based on an estimate made by the employer of the employer's most recent payroll.

(c) Such employer in collecting such tax shall be deemed to hold same, until payment is made by such employer to the City, as a trustee for the benefit of the City and any such tax collected by such employer from his employees shall, until the same is paid to the City, be deemed a trust fund in the hands of such employer.

(Ord. 157-82. Passed 3-16-82.)

1905.07. Liability for payment.

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

(1952 Code § 33-1-6.1; Ord. 548-72)

1905.08. Declarations.

(a) Every taxpayer having or anticipating any income not subject to the provisions of Section [1905.06](#), shall file a declaration setting forth the estimated annual income, together with an estimate of the amount of tax due thereon. Such declaration shall be filed quarterly as provided in subsection (b) hereof, upon a form furnished or obtainable from the Commissioner of Taxation. The estimated amount of tax due annually may be amended each quarter to reflect the tax due under this chapter.

(b) Such declaration of estimated annual tax to be paid to the City shall be accompanied by a payment of at least one-fourth of the estimated annual tax for such year and shall be paid on or before April 15, June 15, and September 15 of such year and January 15 of the succeeding year. Provided, however, that on or before April 15 of the year succeeding that for which such declaration was filed, an annual return shall be filed and any tax remaining due the City in the amount of one dollar (\$1.00) or more shall be paid therewith. Should it then appear that such taxpayer has paid more than the amount of tax to which the City would be entitled under the provisions of this chapter, such overpayment shall be applied against any subsequent liability hereunder, or, at the election of the taxpayer and so indicated on the tax return, such overpayment (or portion thereof) shall be refunded, but in no event shall overpayments of less than one dollar (\$1.00) be refunded.

(c) Those taxpayers reporting on a fiscal year basis must file and pay the annual declarations of estimated tax and the annual return and tax due thereon using the corresponding calendar quarters of the fiscal year.

(d) If a taxpayer's total quarterly estimate payments do not equal at least eighty percent (80%) of the total tax liability as established on the taxpayer's annual tax return or if the taxpayer's total quarterly estimate payments do not equal the taxpayer's tax liability for the preceding year, provided that such preceding year's liability was not zero, interest and penalty shall be assessed at the following rates and in the following manner:

(1) The taxpayer's annual tax liability as established on the taxpayer's annual return shall be divided by four to determine the amount of tax which should have been paid quarterly on an estimated basis. The difference between the amount of tax which should have been paid quarterly on an estimated basis and the amount of tax actually paid quarterly on an estimated basis shall be subject to penalty of one and one-half percent (1 1/2%) per month or fraction thereof and interest of one-half percent (1/2%) per month or fraction thereof from the due date of each quarterly installment to the date the annual return is due or the tax paid thereon, whichever is earlier.

(2) In the event the taxpayer provides satisfactory evidence to the Commissioner of Taxation that the taxpayer's annual income fluctuated in such a manner that the penalty and/or interest as specified in subsection (d)(1) hereof should not be imposed, the Commissioner, as provided in Section [1905.11](#) (d), may waive any portion of such penalty and/or interest upon request of the taxpayer and submission of evidence of such fluctuation to the Commissioner.

(3) The Commissioner of Taxation may waive imposition of penalty and/or interest on underpayments of estimated taxes for good cause shown under guidelines established by the Board of Review.

(Ord. 233-82. Passed 4-20-82.)

1905.09. Duties of the Commissioner of Taxation.

It shall be the duty of the Commissioner of Taxation to collect and receive the tax imposed by this chapter in the manner prescribed by this chapter. It shall also be his duty to keep an accurate record showing the amount received by him from each taxpayer required to file a declaration and/or make a return and the date of such receipt.

Such Commissioner is hereby charged with the enforcement of the provisions of this chapter and is hereby empowered, subject to the approval of the Mayor, to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this chapter, including provisions for the reexamination and correction of returns and payments.

(1952 Code § 33-1-8)

1905.10. Examination of books, returns and records.

(a) The Commissioner of Taxation, or any authorized employee, is hereby authorized to examine

the books, papers, records and Federal income tax returns of any employer or of any taxpayer or person subject to the tax for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer taxpayer or supposed taxpayer is hereby directed and required to furnish to the Commissioner of Taxation, or his duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations as are hereby authorized. The Commissioner of Taxation is hereby authorized to examine any person under oath, concerning any income which was or should have been returned for taxation, and for this purpose may compel the production of books, papers, records and Federal income tax returns, and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income.

(b) The refusal of such examination by any employer or person subject or presumed to be subject to the tax shall be deemed a violation of this chapter.

(1952 Code § 33-1-9; Ord. 677-55)

(c) Any information gained as a result of any returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, with the exception of exchanging of information with other taxing authorities or in response to a subpoena or judicial order or other official purposes. The Commissioner of Taxation is authorized to execute agreements with the Internal Revenue Service or other taxing authorities for the purpose of exchanging information. Any person divulging such information shall be punished as provided in Section [1905.99](#) (b).

(Ord. 401-89. Passed 5-2-89.)

1905.11. Interest and penalties.

(a) All taxes due from taxpayers and all moneys withheld by employers under the provisions of this chapter remaining unpaid after they have become due and payable shall bear interest at the rate of one-half percent (1/2%) per month or fraction thereof until paid in full.

(b) In addition to the interest imposed by subsection (a) hereof, all taxes due from taxpayers and all moneys withheld by employers under the provisions of this chapter and remaining unpaid after they have become due and payable shall be subject to a penalty as follows:

(1) For each of the first five months or fraction thereof, five percent (5%) per month.

(2) For the sixth and all subsequent months or fraction thereof, one and one-half percent (1 1/2%) per month.

(c) No penalty shall be assessed if, within sixty days from any adjustment of a taxpayer's tax liability which affect the taxpayer's liability under this chapter, the taxpayer files an amended return with the Commissioner of Taxation setting forth the adjustments and pays any additional tax due thereon or makes claim for a refund of an overpayment.

(d) Provided further that the Commissioner of Taxation may abate penalty and interest for good cause shown under guidelines established by the Board of Review. The Board of Review may abate penalty and/or interest of a taxpayer who appeals for such abatement under the provisions of Section [1905.13](#) subsequent to denial of such abatement by the Commissioner of Taxation.

(Ord. 233-82. Passed 4-20-82.)

1905.12. Collection of unpaid taxes.

In addition to the penalties provided in Section [1905.99](#) for the failure, neglect or refusal to pay the taxes, all taxes imposed by this chapter shall be collectable, together with any interest and penalty thereon, by civil suit subject to [Ohio R.C. 718.06](#). However, taxes erroneously paid shall not be refunded unless a claim for refund is made, subject to [Ohio R.C. 718.06](#).

(1952 Code § 33-1-11; Ord. 1128-68)

1905.13. Board of Review.

(a) A Board of Review, consisting of the Director of Law, the Director of Finance and the City Auditor is hereby created. All rules and regulations and amendments or changes thereto which are adopted by the Commissioner of Taxation and Treasury under the authority conferred by this chapter, must be approved by the Board of Review before the same become effective. After such approval such rules, regulations, amendments and changes shall be filed with the Clerk of Council and shall be open to public inspection.

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

(c) The Director of Law shall be chairman of the Board of Review, and the Director of Finance shall serve as secretary thereof. A majority of the members of the Board of Review shall constitute a quorum. The Board of Review shall adopt its own procedural rules and shall keep a record of its transactions. All hearings by the Board may be conducted privately and the provisions of Section [1905.10](#) with reference to the confidential character of information required to be disclosed by the chapter shall apply to such matters as may be heard before the Board of Review on appeal.

(1952 Code § 33-1-13; Ord. 677-55; Ord. 178-94. Passed 4-18-94.)

1905.14. Allocation of funds.

The funds collected under the provisions of all Toledo income tax ordinances and Chapter 1905, Toledo Municipal Code, shall be credited to the General Fund and applied for the following purposes and in the following order:

(a) **Administration.** Such part thereof shall be necessary to defray all costs of collecting all income taxes levied and the cost of administering and enforcing the provisions of Chapter 1905, Toledo Municipal Code, shall be appropriated by Council to the Income Tax Division.

(b) **Allocation of One-Half Percent (1/2%) Tax Increase.** One-half (1/2) of the increase in funds resulting from the increase of one-half percent (1/2%) in the City's income tax, as provided in Ordinance No. 605-66, passed by the Council of the City of Toledo on August 1, 1966, and approved by the City's electors on November 8, 1966, shall remain in the General Fund for wage and salary increases and services, and one-half (1/2) shall be allocated to the Capital Improvements Fund.

(c) **Allocation of Three-Quarters Percent (3/4%) Tax Increase.** Commencing January 1, 2005, one-third of the increase in funds resulting from the continuation (by Ordinance No. 546-04 which was approved by the City's electorate on November 2, 2004), of the prior increase of three-quarters percent (3/4%) in the City's income tax, as originally provided in Ordinance No. 157-82, passed by the Council of the City of Toledo on March 16, 1982, and approved by the City's electorate on June 8, 1982, shall remain in the General Fund for police, fire and other Safety Department responsibilities, one-half (1/2) of said increase shall remain in the General Fund, and one-sixth (1/6) of the said increase shall be allocated to the Capital Improvements Fund.

(d) **General Fund.** The balance of funds remaining in the General Fund shall be available for appropriation, as deemed necessary by the Council of the City of Toledo, for the following purposes: general municipal operations, including but not limited to, municipal services, maintenance, and acquisition of equipment and/or appropriation to the Capital Improvements Fund for the purposes specified in subparagraph (e) hereof. Provided, however, funds shall be appropriated for police and fire uniform personnel in an amount equal to the 1981 personnel appropriations, plus additional funds

equal to one-third (1/3) of the increase resulting from the three-quarters percent (3/4%) increase in the payroll income tax, shall be used for police, fire and other Safety Department responsibilities.

(e) **Capital Improvements Fund.** Funds allocated to the Capital Improvements Fund under subparagraphs (b) and (c) hereof and appropriated under subparagraph (d) hereof to the Capital Improvements Fund shall be utilized for the purposes of construction and acquisition of capital improvements and costs incidental thereto.

From the Capital Improvements Funds, there shall be appropriated each year into the General Obligation Debt Service Fund such sum or sums as may be required to meet principal and interest charges on indebtedness for capital improvements and urban renewal.

For the purposes of this chapter, "capital improvement" shall be defined as the original construction and/or purchase of any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and including reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more. Reconstruction as used herein does not include repair.

(Ord. 546-04. Approved by voters 11-2-04.)

1905.15. Relief provisions.

(a) The Tax Commissioner of the City is hereby empowered to make the settlement with the other cities with whom the City of Toledo had reciprocity under the intent of Ordinance 973-71, such intent was as follows:

Notwithstanding any other provisions of this chapter, when a taxpayer who is a non-resident of Toledo, but who is domiciled in Lucas County or in any county immediately contiguous to Lucas County, or to any other state except the State of Ohio, is subject to the tax imposed by this chapter, and is also subject to tax on the same income in the municipality or state of his residence; commencing the first day of January, 1972, a credit of thirty-seven and one half percent of the tax due not to exceed a one percent gross income tax as computed under the ordinance of such other municipality or state, except the State of Ohio, shall be allowed against the tax due under this chapter; commencing the first day of January, 1973, a credit of twenty-five percent of the tax due not to exceed one percent gross income tax under this chapter, as computed under the ordinance of such other municipality or state, except the State of Ohio, shall be allowed against the tax due under this chapter; commencing the first day of January, 1974, a credit of twelve and one-half percent of the tax due not to exceed one percent gross income tax as computed under the ordinance of such other municipality or state, except the State of Ohio, shall be allowed against the tax due under this chapter, provided, however, that such credit shall not be allowed unless such other municipality imposes on its residents a tax on the same income and an identical reciprocal credit provision is made in the ordinance of such other municipality or state granting to non-residents thereof a credit of not less than the percentage provided for herein against the tax levied thereby and provided further that such identical reciprocal credit shall not be allowed unless such non-resident is liable and has acknowledged such liability in the municipality of his residence for any tax due after such identical reciprocal credit is allowed, and the municipality of his residence furnishes evidence of payment of tax therein or evidence of assignment by the taxpayer of his claim for reciprocal credit to such other municipality.

The credit allowed under this section to a taxpayer who is a non-resident of Toledo, but who is domiciled in Lucas County, or any county or state immediately contiguous to Lucas County, except the State of Ohio, may be assigned to the municipality of his residence and the amount of such credit paid to such other municipality in such manner as the Commissioner of Taxation of the City of Toledo may prescribe.

(b) Whenever a Toledo resident individual is subject to and has paid a tax on the same income taxable under this chapter to another municipality or state, other than the State of Ohio, such Toledo

resident shall be allowed a credit against the tax imposed by this chapter of the amount of tax paid to such other municipality or state, other than the State of Ohio, on the same income, but such credit shall not exceed the tax imposed by this chapter on the same income.

(c) Toledo resident individuals entitled to such credit shall file a return indicating the kind, amount and source of such income, the amount, if any, of personal exemptions to which he is entitled, and the amount of tax paid to such other municipality or state, other than the State of Ohio.

(d) No credit shall be given unless the taxpayer claims such credit on his final return or other form prescribed by the Tax Commissioner, and presents such evidence of the payment of a similar tax to another municipality or state, other than the State of Ohio, as the Tax Commissioner may require.

(e) The Commissioner of Taxation, or any duly authorized agent or employee, may exchange information with the administrator or his authorized agent or employees of other taxing jurisdictions, for the purpose of verifying any claim for credit by Toledo residents, or for the purpose of verifying any claims for credit for taxes paid to the City of Toledo by residents of such other taxing jurisdictions, and may enter into agreements for such purpose.

(1952 Code § 33-1-15; Ord. 803-73)

1905.16. Applicability.

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

(1952 Code § 33-1-16. Ord. 677-55)

1905.17. Collection of taxes under prior and subsequent ordinances.

This tax ordinance, all subsequent tax ordinances and all preceding tax ordinances, including all amendments thereto, shall continue to be effective insofar as the collection of taxes levied thereunder until all such taxes and all penalties and interest thereon are fully paid, and any and all suits and prosecutions for the collection of such taxes, penalties and interest, or for the punishment or violation of such ordinances are fully terminated, subject to the limitations contained in Sections [1905.11](#) and [1905.12](#).

(Ord. 146-89. Approved by voters 9-12-89.)

1905.18. Information confidential.

Any information gained as a result of any returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official purposes, and except in accordance with proper judicial order. Any person, whether employed by the City in the Division of Taxation or elsewhere, or whether an employee of the City of Toledo, divulging such information shall be punished as provided in Section [1905.99](#) (b).

(1952 Code § 33-1-18; Ord. 252-68)

1905.19. Interest on refunds.

Any valid claim for a refund of taxes overpaid pursuant to Section [1905.12](#) shall, except as hereinafter provided, earn interest at the rate of six percent (6%) per annum upon any overpayment of one dollar (\$1.00) or more in respect of the tax imposed by this chapter. Such interest shall be computed from the due date of the annual return or from ninety days after the refund claim is filed,

whichever is later, until the refund claim is paid; except that if any valid claim for refund is paid within ninety days after whichever aforesaid date is applicable, no interest shall be allowed on any such overpayment.

(Ord. 184-85. Passed 3-12-85.)

1905.99. Penalty.

(a) Any person, firm or corporation who fails, neglects or refuses to make any return or declaration required by this chapter, or any taxpayer who fails, neglects or refuses to pay the tax, penalties or interest imposed by this chapter, or any person who refuses to permit the Commissioner of Taxation or his duly authorized agent or employee to examine his books, records and papers, or who knowingly makes any incomplete, false or fraudulent return, or who attempts to do anything whatever to avoid the payment of the whole or any part of the tax, shall be guilty of a misdemeanor of the third degree.

(b) Whoever violates Section [1905.10](#) or [1905.18](#) is guilty of a misdemeanor of the first degree.

(c) The failure of any employer or taxpayer to receive or procure a return or declaration form shall not excuse him from making a return or declaration or from paying the tax.

(d) Prosecutions hereunder must be commenced within the time provided in [Ohio R.C. 718.06](#).

(e) In all prosecutions hereunder, the provisions of Chapter 501 of the General Offenses Code relative to jurisdiction, venue, judicial consideration, penalties and organizational penalties shall be deemed to be applicable.

(1952 Code § 33-1-12; Ord. 82-76)