

181.10 INTEREST AND PENALTIES.

(a) All taxes imposed and moneys withheld or required to be withheld by employers under the provisions of this chapter and remaining unpaid five (5) days after they become due shall bear interest at the rate of six percent per year (one half percent ($\frac{1}{2}\%$) per month or fraction thereof), or five dollars (\$5.00) whichever is greater.

(b) In addition to interest as provided in subsection (a) hereof, penalties are hereby imposed as follows based on the tax remaining unpaid:

- (1) In the case of taxpayers upon whom such taxes are imposed, one percent of the amount of the unpaid tax for each month or fraction thereof if paid during the first three months after such taxes become due, five percent of the amount of the unpaid tax if paid during the next three months, and ten percent of the amount of the unpaid tax if paid later than six months after the same have become due or five dollars (\$5.00) whichever is greater.
- (2) In the case of employers required to withhold taxes from employees under the provisions of this chapter, five percent of the unpaid withholding if paid during the first month after the same becomes due, then an additional ten percent of the unpaid withholding if paid during the second or third months after the same becomes due and an additional fifteen percent of the unpaid withholding if paid more than three months after the same becomes due.

(Ord. 45-11. Passed 9-20-04.)

(c) Upon recommendation of the Commissioner of Taxation, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Commissioner of Taxation to recommend abatement of penalty and interest, the Board of Review may nevertheless abate penalties or interest, or both.
(Ord. 234-5. Approved by voters 3-25-69.)

(d) In the event a taxpayer files a return as required by this chapter after due date, or after the time extended by the Commissioner of Taxation upon request of the taxpayer, and there is no tax due, a penalty of ten dollars (\$10.00) shall be assessed.

(e) No penalty or interest shall be assessed on an additional tax assessment made by the Commissioner of Taxation when a return has been filed in good faith and the tax paid thereon within the time prescribed herein; and provided further, that neither penalty nor interest shall be assessed on any additional tax assessment resulting from a Federal audit, providing an amended return is filed and the additional tax is paid within three months after final determination of the Federal tax liability.

- (f) A penalty of ten dollars (\$10.00) shall be assessed in the following circumstances:
- (1) Where the taxpayer has failed to file a declaration on which he has estimated and paid a tax equal to or greater than the tax paid for the previous year, provided the return for the previous year reflected a twelve-month period.
 - (2) Or where the taxpayer has filed a previous return and has failed to file a declaration on which he has estimated and paid a tax equal to or greater than ninety percent (90%) of the actual tax for the year.
 - (3) Or the taxpayer has failed to file a return and pay the total tax due on or before the end of the month following the end of the taxable year.

(g) No penalty shall be charged against a taxpayer for the late payment or nonpayment of estimated tax liability if the taxpayer is an individual who resides in the municipal corporation but was not domiciled there on the first day of January of the current tax year.

(h) Each penalty imposed under this section shall be in addition to any other penalty provided in this section.

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