

**BOONE COUNTY
MENTAL HEALTH/INTELLECTUAL DISABILITY/AGING
GENERAL LICENSING**

*Ordinance 07-26 as Amended and
Codified in Section 110 of the Boone County Code of Ordinances*

§ 110.25 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. An official administrator of the occupational license tax, to be appointed by the Fiscal Court.

BUSINESS. Any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for gain or profit. BUSINESS shall not include the usual activities of board of trade, chambers of commerce, trade associations, or unions, or other associations performing services usually performed by trade associations or unions. BUSINESS shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious, charitable, scientific, literary, educational, civic or fraternal purposes, where no part of the earnings, incomes or receipts of such unit, group, or association, inures to the benefit of any private shareholder or other person.

BUSINESS ENTITY. Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted.

COUNTY. The County of Boone, Kentucky.

COMPENSATION. Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

- (1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal Revenue Code; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

CONCLUSION OF THE FEDERAL AUDIT. The date that the adjustments made by the Internal Revenue Service to net income as reported on the business entity's federal income tax return become final and unappealable.

FINAL DETERMINATION OF THE FEDERAL AUDIT. The revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

FISCAL YEAR. As defined in Section 7701(a) (24) of the Internal Revenue Code.

EMPLOYEE. Any person who renders services to another person or any business entity for compensation, including an officer of a corporation and any, officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency of instrumentality of any one or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

EMPLOYER. As defined in Section 3401(d) of the Internal Revenue Code.

INTERNAL REVENUE CODE. The Internal Revenue Code as defined in KRS 67.750.

NET PROFIT. Gross income as defined in Section 61 of the Internal Revenue Code minus all the deductions from gross income allowed by Chapter 1 of the Internal Revenue Code, and adjusted as follows:

- (1) Include any amount claimed as a deduction for state tax or local tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, local taxing authority in a state, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision thereof;
- (2) Include any amount claimed as a deduction that directly or indirectly is allocable to income which is either exempt from taxation or otherwise not taxed;
- (3) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;
- (4) Include any amount of income and expenses passed through separately as required by the Internal Revenue Code to an owner of a business entity that is a pass-through entity for federal tax purposes; and

(5) Exclude any amount of income that is exempt from state taxation by the Kentucky Constitution, or the Constitution and statutory laws of the United States.

PERSON. Every natural person, whether a resident or non-resident of the county. Whenever the word PERSON is used in a clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

RETURN or REPORT. Any properly completed and, if required, signed form, statement, certification, declaration, or any other document permitted or required to be submitted or filed with the county.

SALES REVENUE. Receipts from the sale, lease, or rental of goods, services, or property.

TAX DISTRICT. Any county with the authority to levy net profits, or occupational license taxes.

TAXABLE NET PROFIT.

(1) In case of a business entity having payroll or sales revenue only within the county means net profit as defined in this section;

(2) In case of a business entity having payroll or sales revenue both within and without the county means net profit as defined in this section, and as apportioned under § 110.28: and

TAXABLE YEAR. The calendar year or fiscal year ending during the calendar year, upon the basis of which net profit is computed.

§ 110.26 STATUTORY AUTHORITY.

As provided in KRS 68.510 to 68.550, for the purpose of providing county residents with a public service program for the development and expansion of social service programs for senior citizen, mental health and intellectual disability, the question of whether a license fee shall be imposed at a percentage rate not to exceed 15/100 of one percent (.0015) was submitted to the voters of the county at the November 5, 1986 General Election. As a result of the affirmative vote by the majority of the voters, nothing herein contained shall prevent the Fiscal Court, as determined necessary from time to time for the benefit of the county, from lowering the percentage rate or fixed amount license fee set out in § 110.27.

§ 110.27 OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED.

(A) Except as provided in § 110.29 of this section, every employee or business entity engaged in any occupation, business, trade, profession, or other activity within the county shall pay to the county an occupational license tax for the privilege of engaging in the activities which license fee shall be measured by .0015 of:

- (1) All wages and compensation paid or payable in the county for work done or services performed or rendered in the county by every resident and nonresident who is an employee:
- (2) The net profit from business conducted in the county by a resident or nonresident business entity.

No employee shall have over \$25 withheld from his or her salary, wages, or commissions in a one year period. No businesses, trade, occupation or profession shall pay over \$25 tax on its net profits in a one year period.

(B) All partnerships, S Corporations, and all other entities where income is "passed through" to the owners are subject to this subchapter. The occupational license tax imposed in this subchapter is assessed against income before it is "passed through" these entities to the owners.

(C) If any business entity dissolves, ceases to operate, or withdraws from Boone County during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the county.

(D) If a business entity makes, or is required to make, a federal income tax return, the occupational license tax shall be computed for the purpose of this subchapter on the basis of the same calendar or fiscal year required by the federal government, and shall employ the same methods of accounting required for federal income tax purposes.

(E) The occupational license tax imposed in this section shall not apply to the following persons or business entities:

- (1) Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, any savings and loan association whether state or federally chartered;
- (2) Any compensation received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training;
- (3) Any compensation received by precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections;

(4) Public Service Corporations that pay an ad valorem tax on property valued and assessed by the Kentucky Department of Revenue pursuant to the provisions of KRS 136.120. Licensees whose businesses are predominantly service who are also engaged in public service activity are required to pay a license fee on their net profit derived from the non-public service activities apportioned to the county:

(5) Business entities that have been issued a license under KRS Chapter 243 to engage in manufacturing or trafficking in alcoholic beverages. Persons engaged in the business of manufacturing or trafficking in alcoholic beverages are required to file a return, but may exclude the portion of their net profits derived from the manufacturing or trafficking in alcoholic beverages;

(6) Insurance companies incorporated under the laws of and doing business in the Commonwealth of Kentucky except as provided in KRS 91A.080;

(7) Any profits, earnings, distributions of an investment fund which would qualify under KRS 154.20 to 154.20-284 to the extent any profits, earnings, or distributions would not be taxable to an individual investor;

§ 110.28 APPORTIONMENT.

(A) Except as provided in division (D) of this section, net profit shall be apportioned as follows:

(1) For business entities with both payroll and sales revenue in more than one tax district, by multiplying the net profit by a fraction, the numerator of which is the payroll factor, described in division (B) of this section, plus the sales factor, described in division (C) of this section, and the denominator of which is two; and

(2) For business entities with sales revenue in more than one tax district, by multiplying the net profit by the sales factor as set forth in division (C) of this section.

(3) For the purpose of divisions (A) through (D) of this section, the business entity shall file an apportionment form provided by the Boone County Finance Department.

(B) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the county during the tax period by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the tax period. Compensation is paid or payable in the county based on the time the individual's service is performed within the county.

(C) The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the county during the tax period, and the denominator of which is the total sales revenue of the business entity everywhere during the tax period.

- (1) The sale, lease, or rental of tangible personal property is in the county if:
 - (a) The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within the county regardless of the f.o.b. point or other conditions of the sale; or
 - (b) The property is shipped from an office, store, warehouse, factory, or other place of storage in the county and the purchaser is the United States government.
 - (2) Sales revenues, other than revenues from the sale, lease or rental of tangible personal property or the lease or rental of real property, are apportioned to the county based upon a fraction, the numerator of which is the time spent in performing such income-producing activity within the county and the denominator of which is the total time spent performing that income-producing activity.
 - (3) Sales revenue from the sale, lease, or rental of real property is allocated to the tax district where the property is located.
- (D) If the apportionment provisions of this section do not fairly represent the extent of the business entity's activity in the county, the business entity may petition the county or the county may require, in respect to all or any part of the business entity's business activity, if reasonable:
- (1) Separate accounting;
 - (2) The exclusion of any one or more of the factors;
 - (3) The inclusion of one or more additional factors which will fairly represent the business entity's business activity in the county; or
 - (4) The employment of any other method to effectuate an equitable allocation and apportionment of net profit.
- (E) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and outside the county, the occupational license tax shall be measured by that part of the compensation paid or payable as a result of work done or service performed or rendered within the county. The license tax shall be computed by obtaining the percentage which the compensation for work performed or services performed within the county bears to the total wages and compensation paid or payable. In order for the county to verify the accuracy of a taxpayer's reported percentages under this section, the taxpayer shall maintain adequate records.

§ 110.29 EMPLOYERS TO WITHHOLD.

- (A) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license tax calculated under § 110.27.
- (B) Every employer required to deduct and withhold tax under this section shall, for the quarter ending after January 1 and for each quarter ending thereafter, on or before the end of the month following the close of each quarter, make a return and report to the county, and pay to the county, the tax required to be withheld under this section, unless the employer is permitted or required to report within a reasonable time after some other period as determined by the county.
- (C) Every employer who fails to withhold or pay to the county any sums required by this subchapter to be withheld and paid shall be personally and individually liable to the county for any sum or sums withheld or required to be withheld in accordance with the provisions of this section.
- (D) The county shall have a lien upon all the property of any employer who fails to withhold or pay over to the county sums required to be withheld under this section. If the employer withholds, but fails to pay the amounts withheld to the county, the lien shall commence as of the date the amounts withheld were required to be paid to the county. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the county.
- (E) Every employer required to deduct and withhold tax under this section shall annually on or before February 28 of each year complete and file on a form furnished or approved by the county a reconciliation of the occupational license tax withheld where compensation is paid or payable to employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements with the Boone County taxable wages and withholding, or a detailed employee listing with the required equivalent information, as determined by the county, shall be submitted.
- (F) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of compensation and occupational license tax deducted by the employer from the compensation paid to the employee for payment to the county during the preceding calendar year.
- (G) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.
- (H) The president, vice president, secretary, treasurer or any other person holding an equivalent corporate office of any business entity subject to this section shall be personally and individually liable, both jointly and severally, for any tax required to be withheld from compensation paid or payable to one or more employees of the business entity, and neither the corporate dissolution or withdrawal of the business entity from the county, nor the cessation of holding any corporate office, shall discharge that liability; provided that the personal and individual liability shall apply to

each and every person holding the corporate office at the time the tax becomes or became obligated. No person shall be personally and individually liable under this section unless such person had authority to collect, truthfully account for, or pay over the tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due.

(I) Every employee receiving compensation in the county subject to the occupational license tax shall be personally liable for the tax notwithstanding the provisions of division (G) and (H) of this section. In all cases where the employer does not withhold the tax levied under this subchapter from the employee, such employee or employees shall be responsible for filing with the county each quarter in the same manner as if they were the employer. If an employer fails to or is not required to withhold, report, or pay the occupational license tax it shall become the duty of the employee to file with the county. The payment is required to be made by an employee, can be made quarterly, for the periods ending March 31, June 30, September 30, and December 31 of each year or at any time the employee wishes to make an estimated payment for the year in which wages are earned. All occupational license taxes must be received by February 28 for the preceding calendar year, together with a copy of the employee's W-2 form. If for any reason the occupational license taxes due hereunder have not been withheld by the employer in whole or in part, the employee is required to file an annual return on or before April 15 with Boone County and to pay the occupational license tax due on all compensation earned which has not been subject to withholding, together with any applicable interest and penalty. The employee shall provide the original copy of the statement furnished to him or her by his or her employer showing all of the compensation earned by him or her, wherever employed, during the period for which such return is made. In addition to the compensation earned by him or her, such return shall show such other pertinent information as may be required by the Boone County Fiscal Court. Each person making a return required by this section shall at the time of filing the appropriate return pay to the Boone County Fiscal Court the amount of license tax due under this subsection; provided, that any portion of the license tax deducted by the employer shall be credited on the return and only the balance, if any, shall be due and payable at the time of filing said return.

§ 110.30 RETURNS REQUIRED.

(A) All business entity returns for the preceding taxable year shall be made by April 15 of each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the county.

(B) Every business entity shall submit a copy of its federal income tax return and all supporting statements and schedules at the time of filing its occupational license tax return with the county. Whenever, in the opinion of the county, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the county may compel the business entity to produce for inspection a copy of any statements and schedules in support thereof that have not been previously filed. The

county may also require copies of reports of adjustments made by the federal government.

(C) Every business entity subject to an occupational license tax governed by the provisions of this chapter shall keep records, render under oath statements, make returns, and comply with rules as the county from time to time may prescribe. Whenever the county deems it necessary, the county may require a business entity, by notice served to the business entity, to make a return, render statements under oath, or keep records, as the county deems sufficient to determine the tax liability the business entity.

(D) The county may require, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any business entity, the attendance of a representative of the business entity or of any other person having knowledge in the premises.

(E) The full amount of the unpaid tax payable by any business entity, as appears from the face of the return, shall be paid to the county at the time prescribed for filing the occupational license tax return, determined without regard to any extension of time for filing the return.

(F) It shall be the responsibility of persons who make Federal Form 1099 "non-employee compensation payments" to natural personal other than employees for services performed within the county, to maintain records of such payments and to report such payments to the county. Said payments must be reported on by remitting Federal Form 1099 by February 28 of the year following the close of the calendar year in which the non-employee compensation was paid. If a business entity or person is not required to remit Federal Form 1099 to the IRS, including but not limited to payments less than \$600, they are still liable to remit the equivalent information to the county. The information required to be reported by said licensee shall include:

- (1) Payer's name, address, social security and/or federal identification number.
- (2) Recipient's name and address.
- (3) Recipient's social security and/or federal identification number.
- (4) Amount of non-employee compensation paid in the calendar year.
- (5) Amount of non-employee compensation earned in the county for the calendar year.

§ 110.31 EXTENSIONS.

(A) The county may grant any business entity an extension of not more than six months, unless a longer extension has been granted by the Internal Revenue Service or is agreed to by the county and the business entity for filing its return, if the business entity, on or before the date prescribed for payment of the occupational license tax, requests the extension and pays the amount properly estimated as its tax.

(B) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due on the return, but not been previously paid, from the time the tax was due until the return is actually filed and the tax paid to the county. A fraction of a month is counted as an entire month.

§ 110.32 REFUNDS.

(A) Where there has been an overpayment of tax under § 110.29 of this subchapter, a refund or credit shall be made to the employer to the extent of overpayment only if a written application for refund or credit is received by the county from the employer within two years from the date the overpayment was made.

(B) An employee who has compensation attributable to activities performed outside the county, based on time spent outside the county, whose employer has withheld and remitted to this county, the occupational license tax on the compensation attributable to activities performed outside the county, may file for a refund within two years of the date prescribed by law for the filing of a return. The employee shall file the request for refund form provided by Boone County that includes a schedule and computation sufficient to verify the refund claim and the county may confirm with the employer the percentage of time spent outside the county and the amount of compensation attributable to activities performed outside the county prior to approval of the refund.

§ 110.33 FEDERAL AUDIT PROVISIONS.

(A) As soon as practicable after each return is received, the county may examine and audit the return. If the amount of tax computed by the county is greater than the amount returned by the business entity, the additional tax shall be assessed and a notice of assessment mailed to the business entity by the county within five years from the date the return was filed, except as otherwise provided in this section.

(1) In the case of a failure to file a return or of a fraudulent return the additional tax may be assessed at any time.

(2) In the case of a return where a business entity understates net profit, or omits an amount properly includable in net profits, or both, which understatement or omission, or both, is in excess of 25% of the amount of net profit stated in the return, the additional tax may be assessed at any time within six years after the return was filed.

(3) In the case of an assessment of additional tax relating directly to adjustments resulting from a final determination of a federal audit, the additional tax may be assessed before the expiration of the times provided in this section, or six months from the date the county receives the final determination of the federal audit from the business entity, whichever is later.

The times provided in this section may be extended by agreement between the business entity and the county. For the purposes of this subsection, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day. Any extension granted for filing the return shall also be considered as extending the last day prescribed by law for filing the return.

(B) Every business entity shall submit a copy of the final determination of the federal audit within 30 days of the conclusion of the federal audit.

(C) The county may initiate a civil action for the collection of any additional tax within the times prescribed in division (A) of this section.

§ 110.34 ADMINISTRATIVE PROVISIONS.

(A) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by this subchapter.

(B) Any tax collected pursuant to the provisions of this subchapter may be refunded or credited within two years of the date prescribed by law for the filing of a return or the date the money was paid to the county, whichever is the later, except that:

(1) In any case where the assessment period contained in § 110.33 has been extended by an agreement between the business entity and the county, the limitation contained in this section shall be extended accordingly.

(2) If the claim for refund or credit relates directly to adjustments resulting from a federal audit, the business entity shall file a claim for refund or credit within the time provided for in this section or six months from the conclusion of the federal audit, whichever is later.

For the purposes of this section, a return filed before the last day prescribed by law for filing the return shall be considered as filed on the last day.

(C) The authority to refund or credit overpayments of taxes collected pursuant to this subchapter is vested exclusively in the county.

§ 110.35 INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of the county shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the county or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude

furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the county from testifying in any court, or from introducing as evidence returns or reports filed with the county, in an action for violation of a county tax law or in any action challenging the county laws.

(B) The county reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information and rights to inspect any of the books and records of the county if the Commissioner of Revenue of the Commonwealth of Kentucky grants to the county the reciprocal right to obtain information from the files and records of the Kentucky Department of Revenue and maintains the privileged character of the information so furnished. Provided, further, that the county may publish statistics based on such information in such a manner as not to reveal data respecting net profits or compensation of any person or business entity.

(C) In addition, the county is empowered to execute similar reciprocity agreements as described in division (B) of this section with any other taxing entity, should there be a need for exchange of information in order to effect diligent enforcement of this subchapter.

§ 110.36 USE OF OCCUPATIONAL LICENSE TAX.

(A) All money derived from license fees under the provisions of this subchapter shall be paid to the Boone County Finance Department.

(B) Such fees shall be placed to the credit of:

(1) The General Revenue Fund of the county and shall be used and expended in defraying the current, general and incidental expenses of the county, in conjunction with the implementation and on-going services and collection of the license fee herein.

(2) Appropriation accounts of agencies operating senior citizens, mental health and intellectual disability public service programs in such amounts as the Fiscal Court may deem necessary.

(3) The funds shall be allocated to such aforementioned agencies providing such public service programs on an annual basis, July 1 through June 30.

(4) Such agencies desiring funds shall make an application to the Fiscal Court no later than March 1 preceding the fiscal year. The application shall be on forms provided by the Fiscal Court.

(5) Using the information supplied on the application, the Fiscal Court will allocate funds directly to the agency(s) and contract with those agencies for the services desired.

(6) All funds shall be used solely for services to county residents.

§ 110.37 PROMULGATION AND ENFORCEMENT OF REGULATIONS.

(A) In order to reduce administrative costs and to minimize paperwork for employers, employees and businesses entities, this subchapter shall be administered in conjunction with Boone County Fiscal Court's other occupational license fees tax as deemed necessary by the Fiscal Court.

(B) It shall be the duty of the Administrator to collect all occupational license taxes and deposit the same with the county. The Administrator shall have the power and it shall be his or her duty to make and publish such rules and regulations as may be necessary to administer this subchapter and to provide such printed forms as may be required for reporting, paying and receipting all such fees and taxes and for all other requirements for the proper and efficient administration of this subchapter. The Administrator is hereby charged with the enforcement of the provisions of this subchapter, and, is hereby empowered to prescribe, adopt, promulgate and enforce regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this subchapter including, but not limited to, provisions of the re-examining and correction of returns as to which an overpayment or underpayment is claimed or found to have been made, and the regulations so promulgated shall be binding upon all licensees and employers.

§ 110.98 SEVERABILITY.

Each section and each provision of each section of this chapter are severable, and if any provision, section, paragraph, sentence or part thereof, or the application thereof to any person licensee, class or group, is held by a court of law to be unconstitutional or invalid for any reason, such holding shall not affect or impair the remainder of this chapter, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of the rest.

§ 110.99 PENALTY.

(A) (1) A business entity subject to occupational net profit tax may be subject to a penalty equal to 5% of the tax due for each calendar month or fraction thereof if the business entity:

(a) Fails to file any return or report on or before the due date prescribed for filing or as extended by the county; or

(b) Fails to pay the tax computed on the return or report on or before the due date prescribed for payment.

(2) The total penalty levied pursuant to this section shall not exceed 25% of the total tax due: however, the penalty shall not be less than \$25.

(B) Every employer who fails to file a return or pay the tax on or before the time prescribed under § 110.05 may be subject to a penalty in amount equal to 5% of the tax

due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed 25% of the total tax due; however, the penalty shall not be less than \$25.

(C) In addition to the penalties prescribed in this section, any business entity or employer shall pay, as part of the tax, an amount equal to 12% per annum simple interest on the tax shown due, but not previously paid, from the time the tax was due until the tax is paid to the county. A fraction of a month is counted as an entire month.

(D) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time the tax is due and payable, a personal debt of the taxpayer to the county.

(E) The county may enforce the collection of the occupational tax due under § 110.03 of this chapter and any fees, penalties, and interest as provided in divisions (A), (B), (C) and (D) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the county shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter.

(F) In addition to the penalties prescribed in this section, any business entity or employer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with the intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class A misdemeanor,

(G) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this chapter of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, shall be guilty of a Class A misdemeanor.

(H) A return for the purpose of this section shall mean and include any return, declaration, or form prescribed by the county and required to be filed with the county by the provisions of this chapter, or by the rules of the county or by written request for information to the business entity by the county.

(I) Any person violating the provisions of § 110.11 of this chapter by intentionally inspecting confidential taxpayer information without authorization, shall be fined not more than \$500 or imprisoned for not longer than six months, or both.

(J) Any person violating the provisions of § 110.11 of this chapter by divulging confidential taxpayer information shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(K) Failure of a business entity conducting business within the county to maintain a general business certificate will constitute a Class B misdemeanor. Every day that the business entity is in violation will constitute a separate offense