COMMONWEALTH OF KENTUCKY
WARREN COUNTY FISCAL COURT

ORDINANCE NUMBER 07-18 WC

AN ORDINANCE RELATING TO THE IMPOSITION AND ADMINISTRATION OF AN OCCUPATIONAL LICENSE REQUIREMENT, AND PAYMENT OF OCCUPATIONAL AND NET PROFITS LICENSE FEES BY PERSONS AND BUSINESS ENTITIES CONDUCTING BUSINESSES, OCCUPATIONS AND PROFESSIONS WITHIN THE COUNTY OF WARREN, KENTUCKY

WHEREAS, the Warren County Fiscal Court desires to implement a licensing system which will generate revenue from occupational and net profits license fees;

NOW, THEREFORE, it is hereby ordained by the Fiscal Court of the County of Warren, Commonwealth of Kentucky, as follows:

§ 1 – Definitions

As used in this ordinance, the following terms and their derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

(1) "Business entity" means 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;

(2) "Business" means any enterprise, activity, trade, occupation, profession or undertaking of any nature conducted for grain 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, insures to the benefit of any private shareholder or other person.

(3) "County" means the County of Warren, Kentucky.

(4) "Compensation" means 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:

(a) 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 or the Internal Revenue Code; and

(b) 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;

(5) "Conclusion of the federal audit" means 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;

(6) "Employee" means 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 (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

(7) "Employer" means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that:

(a) if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" means the person having control of the payment of such wages, and

(b) in the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" means such person;

(8) "Final determination of the federal audit" means the revenue agent's report or other documents reflecting the final and unappealable adjustments made by the Internal Revenue Service.

(9) "Finance Director" means the County Treasurer or other person designated by the Warren County Fiscal Court;

(10) "Fiscal year" means an accounting period of 12 months ending on the last day of any month other than December;

(11) "Internal Revenue Code" means the Internal Revenue Code as defined in KRS 67.750(7);

(12) "Net profit" means 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:

(a) 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;

(b) 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;

(c) Include any amount claimed as a net operating loss carryback or carryforward allowed under Section 172 of the Internal Revenue Code;

(d) 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

(e) 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;

(13) "Occupational License Tax" shall have the same meaning as Occupational License Fee as enacted by this ordinance;

(14) "Person" shall mean 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;

(15) "Return" or "Report" means 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;

(16) "Sales Revenue" means receipts from the sale, lease, or rental of goods, services, or property;

(17) "Tax district" means any county with the authority to levy net profits, or occupational license taxes;

(18) "Taxable net profit" in case of a business entity having payroll or sales revenue only within the county means net profit as defined in subsection (11) of this section;

(19) "Taxable net profit" in case of a business entity having payroll or sales revenue both within and without the county means net profit as defined in subsection (11) of this section; and

(20) "Taxable year" means the calendar year or fiscal year ending during the calendar year, upon the basis of which net profit is computed.

§ 2 – Occupational License Application Required

Every person and business entity engaged in any business in the County shall be required to apply for and obtain an occupational license before the commencement of business or in the event of a change of business status. Licensees are required to notify the County of any changes in address, the cessation of business, or any other changes which render the information supplied to the county in the license application inaccurate.

§ 3 – Occupational License Fee Payment Required

(1) Except as provided in subsection (2) of this section, every person or business entity engaged in any business for profit and any person or business entity that is required to make a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the county an Occupational license fee for the privilege of engaging in such activities within the county. The occupational license fee shall be measured by 1.00% (One Per Cent) of:

(a) 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;

(b) The net profit from business conducted from the trades, professions, occupations, business, or activities conducted in the County by a resident or nonresident business entity.

(2) The occupational license fee imposed in this section shall not apply to persons or business entities exempted from occupational license fees by state law.

(3) The Fiscal Court may, by order, set an exemption of up to ten thousand dollars ($10,000) from the net profits fee for each business and occupational license fee for each employee. Such exemptions shall be effective at the start of the next calendar year following the order, and must be adopted no later than ninety (90) days prior to the start of the calendar year. Exemptions established by order shall remain in effect until modified by a subsequent order. The exemption shall be calculated pro rata for entities reporting net profits on a taxable year other than the calendar year.

§ 4 – Net Profit Payment Required

(1) Where necessary in the case of public utilities or corporations or associations or persons doing business both within and without the County, such occupational license fees shall be computed by obtaining the percentage which the net profits of such business conducted within the County bears to the total compensation earned in which case the Warren County Treasurer may authorize the computation of percentage of net profits to be computed by the following formula:

(a) Ascertaining the percentage which the gross receipts of the licensee from sales or services rendered within the County bears to the total gross receipts from sales or services rendered wherever made;

(b) Ascertaining the percentage which the wages, salaries and other personal service compensation period covered by the report for services performed or rendered within the County bears to the total

wages, salaries, and personal compensation for such period of all the employees within and without the County; and,

(c) Adding together the percentage determined in accordance with the above paragraphs and dividing the total so obtained by the number of percentage factors used.

(2) When compensation is paid or payable for work done or services performed or rendered by an employee, both within and without the county, the license fee 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 fee shall be computed by obtaining the percentage which the compensation for work performed or services rendered 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 subsection, the taxpayer shall maintain adequate records.

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

(4) If any business entity dissolves, ceases to operate, or withdraws from the 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 fee for the period of that taxable year during which the business entity had business activity in the county.

(5) If a business entity makes, or is required to make, a federal income tax return, the occupational license fee shall be computed for the purposes of this ordinance 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.

§5 – Employers to Withhold

(1) Every employer making payment of compensation to an employee shall deduct and withhold from the compensation an occupational license fee calculated under Section (3) of this ordinance.

(2) Every employer required to deduct and withhold tax under this section shall make a return and report to the county, and pay to the county, the tax required to be withheld under this section. The return and payment to be made on account of deductions by employees from salaries, wages and other

compensation of employees shall be made on a quarterly basis. Returns required to filed quarterly shall be due on or before the last day of the month following each quarterly period.

(3) Every employer who fails to withhold or pay to the county any sums required by this ordinance 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.

(4) If the due date of a return falls on a Saturday, Sunday or legal holiday, the return due date shall be the next succeeding day which is not a Saturday, Sunday, or legal holiday. If the envelope bearing a return is postmarked within forty-eight (48) hours of midnight on the due date, interest and penalties shall not be assessed. Returns submitted other than by mail must be received on or before the return due date.

(5) 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.

(6) Every employer required to deduct and withhold tax under this section shall annually complete and file on a form furnished or approved by the Warren County Treasurer a reconciliation of the occupational license tax withheld where compensation is paid or payable to the employees. Either copies of federal forms W-2 and W-3, transmittal of wage and tax statements, or a detailed employee listing with the required equivalent information, as determined by the Warren County Treasurer, shall be submitted.

(7) 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.

(8) An employer shall be liable for the payment of the tax required to be deducted and withheld under this section.

(9) 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 form 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 subsection unless such person had authority to collect, truthfully account for, or pay over the tax imposed by this ordinance at the time that the taxes imposed by this ordinance become or became due.

(10) Notwithstanding subsections (7) and (8) of this section, every employee receiving compensation in the county subject to the tax imposed under Section (3) of this ordinance shall be personally liable for any amount due. In all cases where the employer does not withhold the tax levied under this ordinance 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.

§ 6 - Returns Required

(1) All business entity returns for the preceding taxable year shall be made by a date specified by the Warren County Treasurer.

(2) 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 to 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.

(3) Every business entity subject to an occupational license tax governed by the provisions of this ordinance 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 of the business entity.

(4) The county may require, for the purpose of ascertaining the correctness of any return or for the purpose 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.

(4) 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.

§7 – Extensions

(1) The county may grant any business entity an extension of not more than six (6) 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.

(2) If the time for filing a return is extended, the business shall pay, as part of the tax, an amount equal to twelve percent (12%) per annum simple interest on the tax shown due on the return, but not 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.

§8 - Refunds

(1) Where there has been an overpayment of tax under Section (5) of this ordinance, 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 (2) years from the date the overpayment was made.

(2) 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 (2) years of the date prescribed by law for the filing of a return. The employee shall provide 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 outside the county prior to approval of the refund.

§9 – Federal Audit Provision

(1) 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 an notice of assessment mailed to the business entity by the county within five (5) years from the date the return was filed, except as otherwise provided in this subsection.

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

(b) 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 twenty-five percent (25%) of the amount of net profit stated in the return, the additional tax may be assessed at any time within six (6) years after the return was filed.

(c) 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 subsection, or six (6) 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 subsection 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.

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

(3) The county may initiate a civil action for the collection of any additional tax within the times prescribed in subsection (1) of this section.

§10 – Administrative Provisions

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

(2) Any tax collected pursuant to the provisions of this ordinance may be refunded or credited within two (2) 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:

(a) In any case where the assessment period contained in Section (9) of this ordinance has been extended by an agreement between the business entity and the county, the limitation contained in this subsection shall be extended accordingly.

(b) If the claim for refund or credit related 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 subsection or six months from the conclusion of the federal audit, whichever is later.

For the purposes of this subsection and subsection (1) 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.

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

§11 – Information to Remain Confidential

(1) No present or former employee of any tax district 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 tax district 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 tax district from testifying in any court, or from introducing as evidence returns or reports filed with the tax district, in an action for violation of a tax district tax laws or in any action challenging a tax district tax laws.

(2) The county reserves the right to disclose of 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.

(3) In addition, the county is empowered to execute similar reciprocity agreements as described in subsection (2) 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 ordinance.

§12 – Penalties

(1) A business entity subject to tax on net profits may be subject to a penalty equal of five percent (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;

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

The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars ($25).

(2) Every employer who fails to file a return or pay the tax on or before the time prescribed under Section (5) of this ordinance may be subject to a penalty in amount equal to five percent (5%) of the tax due for each calendar month or fraction thereof. The total penalty levied pursuant to this subsection shall not exceed twenty-five percent (25%) of the total tax due; however, the penalty shall not be less than twenty-five dollars ($25).

(3) 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 twelve percent (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.

(4) Every tax imposed by this ordinance, 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.

(5) The county may enforce the collection of the occupational tax due under section (3) of this ordinance and any fees, penalties, and interest as provided in subsections (1), (2), (3), and (4) of this section by civil action in a court 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 ordinance.

(6) 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.

(7) 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 ordinance 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.

(8) 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 ordinance, or by the rules of the county or by written request for information to the business entity by the county.

(9) Any person violating the provisions of section (11) of this ordinance by intentionally inspecting confidential taxpayer information without authorization, shall be fined not more than five hundred dollars ($500) or imprisoned for not longer than six (6) months, or both.

(10) Any person violating the provisions of section (11) of this ordinance by divulging confidential taxpayer information shall be fined not more than one thousand ($1,000.00) or imprisoned for not more than one (1) year, or both.

(11) The Warren County Treasurer may only waive a penalty when he/she determines there to be reasonable cause for failure to comply with any of the requirements of this Ordinance, and this waiver is approved by the Fiscal Court.

§13 – Use of Occupational License Tax

All money derived from the license taxes under the provisions of this ordinance shall be paid to the county and placed to the credit of the county's general revenue fund.

§14 – Effective Date

This ordinance shall be effective on July 1, 2007. All taxes and exemptions calculated on a taxable year beginning on a date other than July 1, shall be computed on a pro rata basis.

§15 – Severability

Each section and each provision of each section of this ordinance 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 as holding shall not affect or impair the remainder of this

ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of the rest.

INTRODUCED AND PUBLICLY READ on first reading on this the 3rd day of May, 2007.

PUBLICLY READ, APPROVED AND ADOPTED on this the 11th day of May, 2007.

WARREN COUNTY FISCAL COURT

Mike Buchanon
Warren County Judge/Executive

ATTEST:

Brenda Hale

Brenda Hale, Fiscal Court Clerk

OCCUPATIONAL BUSINESS LICENSE APPLICATION

WARREN COUNTY TREASURER

Department of Revenue

429 East 10th Street
Bowling Green, Kentucky 42101
(270) 842-5805

1. APPLICANT INFORMATION

NAME OF APPLICANT _____

TRADE NAME OR DBA _____

EMAIL _____

2. WARREN COUNTY LOCATION INFORMATION

How many locations will this business operate? _____ If more than one, attach a list, giving the address of each location.

PRIMARY ADDRESS

Warren County Location – Street _____ Zip _____ Bus. Phone # _____

Mailing Address (if different from Warren County Location)

Street _____ City _____ State _____ Zip _____

3. CHECK ENTITY TYPE * Note: Other Business entities may be required to obtain an Occupational Business License.

❑ Corporation ❑ Sole Proprietor ❑ Partnership ❑ LLC (Sole Proprietor) ❑ LLC (Partnership)

❑ LLC (Corporation) ❑ Other (State Type) _____

4. CORPORATION INFORMATION

If applicant is a corporation, please list corporate name exactly as it appears on your federal income tax return.

Corporate Name _____ Date of Incorporation _____ State of Corporation _____

INFORMATION ABOVE THIS LINE AVAILABLE TO PUBLIC

INFORMATION BELOW THIS LINE IS CONFIDENTIAL

5. OWNER(S) OF BUSINESS

If an individual, give name, date of birth, residential address and social security number; if a partnership, give this information for each partner; if a corporation, give the same information for the President, Vice President and Treasurer.

Name	Date of Birth	Social Security No.

List duly authorized representative of the business who is responsible for operating and managing the business in Warren County:

Name _____ D.O.B. _____ S.S.N.# _____

Residence Address _____

Home Phone _____ Night Emergency # _____

6. ACCOUNTING PERIOD

❑ Calendar Year ❑ Fiscal Year _____ / _____ to _____ / _____ (Please specify beginning of year)

7. IDENTIFICATION NUMBERS

Enter any of the following identification numbers which apply to your company:

Federal Employer I.D. No. _____ - _____ **S.S.N.#** _____ (If you are sole proprietor)

8. PAYROLL WITHHOLDING FEE

A.) Will you have employees working in Warren County, outside the corporate city limits of Bowling Green? ❑ Yes ❑ No

B.) First Date Wages/Other Compensations are to be paid to employees: _____

Effective July 1, 2007, Warren County will begin assessing a withholding fee of 1.0% of the compensation paid to employees while they are working in Warren County, outside the corporate city limits of the City of Bowling Green. It is the responsibility of each employer to withhold these fees and submit them on the required periodic basis. For the first year after registration the withholdings will be remitted by the employer on a quarterly basis. The employer will be notified of any change from the quarterly filing status. Forms for submitting the employee withholdings will be mailed to the employer well in advance of the applicable due dates. If you wish to have the withholding forms sent to an address other than listed in Item No. 2, please indicate below:

Name _____ Address _____

City _____ State _____ Zip _____

9. BUSINESS ACTIVITY

Business Activity within Warren County occurs when a business generates sales revenue or receipts from the sale, lease, or rental of goods, services or property within the jurisdiction and/or is paying compensation to employees working within the jurisdiction(s). **NOTE:** Sales revenues or receipts generated in Warren County, outside the corporate city limits of Bowling Green, constitutes business activity in Warren County.

A) Will you or have you conducted business activity in Warren County? ❑ Yes ❑ No

B) Indicate the date business activity began or will begin in Warren County. _____ / _____ / _____

C) Is Business in Warren County to be ❑ Permanent ❑ Temporary If temporary, give approx. dates of activity _____ to _____

D) Exempt ❑ Yes ❑ No (State Statue of Exemption) _____

10. TYPE OF BUSINESS ACTIVITY ***Check appropriate business classification***

❑ Agriculture, Forestry, Fishing ❑ Wholesale Trade ❑ Mining ❑ Retail Trade ❑ Rentals (RE) ❑ Insurance ❑ Real Estate Sales
❑ Transportation & Public Utilities ❑ Manufacturing ❑ Services ❑ Public Administration ❑ Construction/Real Estate Development

❑ Other _____ Give brief description of primary business activity: _____

DENIAL TO DELINQUENT TAXPAYERS

NO LICENSE WILL BE ISSUED TO ANY BUSINESS WHICH OWES WARREN COUNTY ANY DELINQUENT REAL ESTATE OR TANGIBLE TAXES OR ANY OCCUPATIONAL OR PAYROLL WITHHOLDING LICENSE FEES OR ANY OTHER FEE, TAXES, OR ASSESSMENTS OF ANY KIND.

I hereby certify all information and statements herein are true and correct

Applicant Signature _____ Printed Name _____

Date _____ Official Title _____
(Owner, Partner, Member, Treasurer, Agents, Etc.)

WHITE - Warren County Treasurer Copy YELLOW - County File Copy PINK - Applicant's Copy

Warren County Occupational License
NET PROFITS LICENSE FEE RETURN

Name and Address of Business

Phone Number (270)

INDICATE ANY NAME OR ADDRESS CHANGE ABOVE

ACCOUNT NO.

OFFICE HOURS:
8:00 - 4:00 M
ON - FRI

TELEPHONE
(270) 842-5805

CALENDAR/FISCAL YEAR ENDED

MONTH	DAY	YEAR
12	31	2012

DUE DATE

04	15	2013

Attach a copy of Federal Tax Return used as a basis of License Fee (Schedule A-Line 1)

Federal ID No.

QUESTIONS (ANSWER IN FULL)

1. Nature of Business _____
2. Date Business Started in Warren County _____
3. If Business was Discontinued, State When _____

Dissolution ☐ or Sale ☐ If by sale, give Name and Address of successor

4. Did you have employees in Warren County? ☐ Yes ☐ No
5. Basis upon which tax return is prepared ☐ Cash ☐ Accrual
6. Business Type: ☐ C-Corp ☐ S-Corp ☐ Partnership ☐ Sole-Prop. ☐ Fiduciary ☐ Other (Specify) _____
7. Has the IRS changed the Net Income as originally reported for any prior year? ☐ No ☐ Yes (Attach Schedule of Changes for each year)

SCHEDULE A

FOR OFFICIAL USE ONLY

Rec'd _____

Ck. No. _____

Amount _____

Posted _____

By _____

Make checks payable and mail to:

Warren County Occupational License

429 E. 10th St. Suite 200
Bowling Green KY 42101
Phone Number (270) 842-5805

1. NET Business income per Federal Tax Return		
2. ADD Items not Deductible (Line F, Schedule B Below)		
3. TOTAL (Line1 Plus Line 2)		
4. DEDUCT Items not subject (Line J, Schedule B)		
5. ADJUSTED NET BUSINESS INCOME (Line 3 less Line 4)		
6. If Sch. C (line4) is used enter here AVERAGE PERCENTAGE		
7. NET PROFITS subject to License Fee (Line 5 x Line 6		
8. Prior year adjustments		
9. ADJUSTED NET PROFITS (Line 7 less Line 8) If less than "0" enter "NONE		
10. License Fee - **1.0000%** of line 9		
11. Interest - **1.00 %** per month or portion of month.		
12. Penalty - **5.00 %** per month or portion of month.		
13. Total (Lines 10+11+12)		
14. Less Credits - ( ) ESTIMATE ( ) OTHER		
15. BALANCE DUE (Line 13 less Line 14) pay this amount		
16. If estimate overpaid Indicate ( ) Refund or ( ) Credit		

SCHEDULE B

NOTE: ADD AND OR DEDUCT ONLY THOSE ITEMS WHICH ARE INCLUDED IN CALCULATING 1 INCOME PER FEDERAL RETURN

ITEMS NOT DEDUCTIBLE - ADD		ITEMS NOT SUBJECT - DEDUCT	
A. State or Local taxes based on income		G. Interest	
B. Capital Gain		H. Royalties on Patents, Copyrights	
C. Net operating Loss Deduction		I. Dividends	
D. TOTAL ADDITIONS (enter on line 4)		J. Capital Loss	
E. TOTAL ADDITIONS (enter on line 4)		K. Other (attach schedule)	
F. TOTAL ADDITIONS (enter on line 4)		L. TOTAL DEDUCTIONS (enter on line 6)	

SCHEDULE C

Business Allocation percentage-Divide (Col. B) to obtain decimal Carry out at least 6 places.

ALLOCATON FACTORS			
1. Total Gross Business Receipts (see reverse side)			
2. Total Wages, Salaries and Other Personal Service Compensation Paid to Employee			
3. TOTAL PERCENTS			
4. AVERAGE PERCENTAGE (Line 3 divided by number of percents).....Enter of line 8			

I hereby certify that the information, schedules, statements and exhibits filed herewith are true and correct.

Signed _____ Title _____ Date _____

THIS RETURN IS DUE ON OR BEFORE APRIL 15, FOR THE CALENDAR YEAR OR WITHIN 105 DAYS OF THE END OF YOUR FISCAL YEAR

SCNP-A Rev. 1/1/2001

INSTRUCTIONS FOR NET PROFIT RETURN

WHO MUST FILE?

ALL BUSINESSES REGARDLESS OF WHETHER THE BUSINESS RESULTED IN A PROFIT OR LOSS ($100.00 FAILURE TO FILE PENALTY WILL APPLY EVEN IF THE BUSINESS RESULTS IN A LOSS)
ENCLOSE ONE COMPLETE COPY WITH ALL ATTACHMENTS OF THE FOLLOWING RETURNS AS APPLICABLE INCLUDING, BUT NOT LIMITED TO, PAGES 1 THROUGH 4 OF CORPORATE OR PARTNERSHIP RETURNS, FORM 8825, STATEMENT OF OTHER INCOME, STATEMENT OF OTHER COST, STATEMENT OF TAXES, STATEMENT OF OTHER DEDUCTIONS AND KY CORPORATE AND PARTNERSHIP APPORTIONMENT SCHEDULE, FORM 720 SCHEDULE A.

SELF EMPLOYED	SCH C (1040)/FEDERAL	CORPORATION	ALL PAGES OF FEDERAL FORM 1120
RENTALS	SCH E (1040)/FEDERAL	S CORPORATION	ALL PAGES OF FEDERAL FORM 1120S
	FORM 4835/(1040) FEDERAL	PARTNERSHIP	ALL PAGES OF FEDERAL FORM 1065
FARMING	SCH F (1040)/FEDERAL	ESTATES OR TRUSTS	ALL PAGES OF FEDERAL FORM 1041

NOTE K-1'S ARE NOT REQUIRED

CONTRACTORS: DEFINED AS ANY BUSINESS WHICH INCURS SUB-CONTRACT FEES AND/OR CONTRAT LABOR/SERVICE EXPENSES. YOU MUST ATTACH A LIST OF ALL SUBCONTRACTORS AFFILIATED WITH YOUR WORK IN THIS COUNTY.

INCLUDE NAME, ADDRESS TELEPHONE NUMBER, AND FEDERAL ID#. YOU MAY SUBMIT 1099'S IN LIEU OF LIST. SECTION A-TAX COMPUTATION SHOULD BE COMPLETED BY ALL PERSONS WHO HAVE COUNTY SALES INCOME AND/OR PAYROLLS. FOLLOWING IS A LINE BY LINE INSTRUCTION.

LINE 1. ENTER THE NET PROFIT OR LOSS FROM THE FORMS WHICH APPLY TO YOU. PARTNERSHIPS AND S CORPORATIONS: INCOME SECTION LESS DEDUCTIONS SECTION FROM FORM 1065 SCHEDULE K OR FORM 1120S SCHEDULE K. CORPORATION SHOULD USE TAXABLE INCOME BEFORE NOL DEDUCTION. A SEPARATE NET PROFIT RETURN MUST BE COMPLETED FOR EACH BUSINESS. FOR EXAMPLE; A SELF EMPLOYED ENTITY WHO OWNS RENTAL PROPERTY CANNOT COMBINE THEIR SCHEDULE C AND SCHEDULE E PROFITS AND/OR LOSSES TOGETHER.

LINE 2. ITEMS NOT DEDUCTIBLE (ATTACH LIST (i.e.) STATE AND/OR LOCAL TAXES BASED ON INCOME AND NET OPERATING LOSSCARYOVER'S ARE NOT DEDUCTIBLE

LINE 3. TOTAL LINES 1 AND 2

LINE 4. ITEMS NOT SUBJECT (ATTACH LIST)

LINE 5. IF YOUR BUSINESS SALES AND PAYROLL IS EXCLUSIVE TO WARREN COUNTY, ENTER 100% AND GO TO LINE 6. OTHERWISE, COMPLETE SECTION B AND ENTER THE PERCENTAGE FROM LINE D HERE.

LINE 8. THE AMOUNT OF ANY ESTIMATED PAYMENTS, INCLUDING CREDITS

LINE 9. THE AMOUNT YOU PAID FOR THIS TAX YEAR'S BUSINESS TAX.

LINE 11. IF YOUR RETURN IS FILED TIMELY, SKIP LINE 11. A TIMELY FILED RETURN IS ONE THAT IS POSTMARKED BY THE DUE DATE INCLUDING EXTENSIONS.

LINE 12. IF YOUR TAX IS PAID BY THE ORIGINAL DUE DATE, SKIP LINE 12. OTHERWISE, CALCULATION SHOULD BE MADE ON A DAILY BASIS. FIND THE NUMBER OF DAYS THAT YOUR RETURN IS LATE, ALLOWING TIME FOR DELIVERY. THE FORMULA FOR CALCULATION IS: (LINE 10 + LINE 11) X .08 X NUMBER OF DAYS LATE DIVIDED BY 365)

EXTENSIONS-YOU MAY RECEIVE AN EXTENSION FOR FILING YOUR RETURN BY SUBMITTING A WRITTEN REQUEST ON OR BEFORE THE DUE DATE. THOSE WHO RECEIVE A FEDERAL OR STATE EXTENSION ARE NOT REQUIRED TO REQUEST A SEPARATE WAREN COUNTY EXTENSION BUT MUST ATTACH A COPY OF THE FEDERAL OR STATE EXTENSION TO THIS RETURN. THIS IS ONLY AN EXTENSION FOR FILING YOUR RETURN AND IS NOT AN EXTENSION OF TIME TO PAY THE TAX. INTEREST WILL BE ASSESSED ON TAX PAID AFTER THE ORIGINAL DUE DATE.

LINE 14. ENTER ANY CREDITS FROM ESTIMATED PAYMENTS OR OTHER.

LINE 15. ENTER BALANCE DUE

LINE 16. IF ESTIMATE OVERPAID YOU MUST INDICATE REFUND OR CREDIT

Warren County Government

Application for Employee Refund of Occupational Taxes Withheld
429 East 10th Street, Suite 200
Bowling Green, KY 42101
270-842-5805

Refund Year _____ Account Number _____

Employee Name _____ Social Sec # _____ Employed By _____

Address _____ Address _____

City, State & Zip Code _____ City, State & Zip Code _____

Section A

Give a description of your job duties below and summarize the facts surrounding your request for a refund. A separate sheet can be used if more room is needed.

Section B

Identify Other Kentucky Cities & Counties Where Employee Worked During the Year: (Attach separate sheet if necessary)

KENTUCKY CITIES KENTUCKY COUNTIES

1.
2.
3.

I hereby certify the statements made herein and supporting schedules are true and correct to the best of my knowledge. Return must be signed and notarized to be processed.

Signature of Employee _____ Phone _____ Date _____

Sworn or affirmed before me this _____day of _____, year of _____. My commission expires_____ Notary Public_____ County of_____
Commonwealth of Kentucky

Signature of Employer _____ Title _____ Phone _____ Date _____

Sworn or affirmed before me this _____day of _____, year of _____. My commission expires_____ Notary Public_____ County of_____
Commonwealth of Kentucky

Section C

1. Total Number of Days worked During the Year _____
2. Number of Days from Line 2 Worked inside the County _____
3. Days Worked Inside the County as a Percentage _____
   (Line 2 Divided by Line 1)
4. Gross Wages, Commissions, Earnings _____
   (This must be total gross, which includes
   Any Deferred compensation or Thrift Plan)
5. Earnings Subject to License Fee _____
   (Line 4 x Line 3)
6. License Fee Due (1% of Line 5) _____
7. Total License Fee Withheld as Shown on W2 _____
8. Refund requested (Line 6 from Line 7) _____

IMPORTANT
The following items are required for your request to be processed:

1. Attach W-2 Copy
2. Employer Information Required
3. Return Must be Signed and Notarized
4. Explanation of Refund Must be Completed or Attached

Warren County Occupational License

EMPLOYER'S RETURN OF LICENSE FEE WITHHELD

If no wages were paid this period, mark "NONE" and return this form

1. Salaries, wages, commissions & other compensation paid all employees for services in This County $ _____
2. Tax Due at - 1.00% $ _____
3. Adjustment for preceding quarters (past due balances / underpayments) $ _____
4. Penalty-monthly (no less than $25 no more than 25%) 5.00% $ _____
5. Interest (per year) - 12.00% $ _____
6. BALANCE DUE $ _____

7. Overpayment to be credited to next quarter $ _____

I hereby certify that the information, schedules, statements and exhibits filed herewith are true and correct.

Signed _____

Official Title _____ Date _____

Account No. 00001

Phone Number

Indicate any name or address change above.

EDUCATION PAYS

FOR PERIOD ENDING

Month	Day	Year
03	31	2013

RETURN DUE ON OR BEFORE

Month	Day	Year
04	30	2013

FED ID No. _____

Make checks payable and mail to:

Warren County Occupational License

429 E. 10th St. Suite 200

Bowling Green KY 42101

Phone: (270) 842-5805

Fax: (270) 781-2777

Email: jerry.pearson@ky

*PLEASE MAKE A COPY OF THIS FORM FOR YOUR RECORDS.

Form OCC-3PT Rev. 9/27/02

Warren County Occupational License

RECONCILIATION OF LICENSE FEE WITHHELD

DURING YEAR ENDED **2012**

PLEASE MAKE A COPY OF THIS FORM FOR YOUR RECORDS

HOW TO RECONCILE YOUR PAYROLL WITHHOLDING:

Enter under SUBJECT PAYROLL the quarterly totals of all employees for services within Warren County. Enter the balance for each quarter under TAXABLE PAYROLL. All compensation, i.e.,Vacation, Sick, and Holiday Pay, is to be included in the payroll totals.

	TOTAL PAYROLL	SUBJECT PAYROLL		TOTAL PAYROLL
1. 1st Quarter ended Mar. 31	$	$	X 1%=	$
2. 2nd Quarter ended June 30	$	$	X 1%=	$
3. 3rd Quarter ended Sept. 30	$	$	X 1%=	$
4. 4th Quarter ended Dec. 31	$	$	X 1%=	$
5. **TOTAL ALL QUARTERS**	$	$		$

6. Actual withholding payments made quarterly on Occupational Tax Form

7. Difference between lines 5 and 6 (if any, check applicable block below)

8. Number of employees _____ Signature _____ Title _____ Date _____

Account Number

Federal ID No.

Phone Number ( ) - 270

☐ Any balance due is to be paid in full

☐ Any overpayment is to be:
- ☐ credited to next quarter
- ☐ refunded

To Be Filed With The 4th Quarter's Return By January 31

EDUCATION PAYS

CCQ2A