

SHENANGO TOWNSHIP REALTY TRANSFER TAX

ORDINANCE NO. 1 1977

An Ordinance of the Township of Shenango imposing a tax on the transfer of real property within the geographical limits of said Township, requiring that each deed or document of conveyance shall show evidence of payment of the tax; providing the method of collection of the tax; and imposing penalties for failure to comply with the provisions of said Ordinance.

BE IT RESOLVED, that the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania, pursuant to the provisions of the Act of Assembly, known and cited as, "The Local Tax Enabling Act", being Act NO. 511 of 1965 P.C. 1257 Section 1 et. seq., as amended, do ordain and enact, that there shall be imposed for the period beginning September 1, 1977 and ending December 31, 1977 and annually thereafter, a real estate transfer tax of one percent (1%) on all sales and conveyances of real estate situate within the geographical limits of The Township of Shenango, as follows:

SECTION 1. Title: This Ordinance shall be known as The Shenango Township Realty Transfer Tax Ordinance.

SECTION 2. Definitions: The following words and phrases when used in this Ordinance shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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

(b) "Corporation" -A corporation or joint-stock association organized under the laws of this Commonwealth, the United States, or any other state, territory, or foreign

country or dependency, including, but not limited to, banking institutions.

(c) "Document" -Any deed, instrument or writing whereby any lands, tenements or hereditaments within this Commonwealth or any interest therein shall be granted, bargained, sold, or otherwise conveyed to the grantee, purchaser, or any other person, but does not include wills, mortgages, transfers between husband and wife, transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed of confirmation in connection with condemnation proceedings, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding the title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer by the owner of previously occupied residential premises to a builder of new residential premises which such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises.

(d) "Person" -Every natural person, association or corporation, whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as

applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

(e) "Value" -In the case of any document granting, bargaining, selling or otherwise conveying any land, tenement, or hereditament, or interest therein, the amount of the actual consideration therefor, including liens or other encumbrances thereon, and ground rents, or a commensurate part of the liens or other encumbrances thereon, and ground rents, where such liens or other encumbrances and ground rents, also encumber or are charged against other lands, tenements or hereditaments; provided, that where such document shall set forth a small or nominal consideration, the "value" therefor shall be determined from the price set forth in or actual consideration for, the contract of sale, or in the case of a gift, from the actual monetary worth of the property granted, bargained, sold, or otherwise conveyed, which in either event shall not be less than the amount of the highest assessment of such lands, tenements or hereditaments for local tax purposes.

SECTION 3. Rate of Tax: On and after the First day of September, 1977, a tax of one percent (1%) of the actual value of the real estate conveyed is hereby imposed on each and every sale or conveyance of real estate lying within the geographical limits of the Township of Shenango.

SECTION 4. Payment of Tax: The tax shall be due and payable at the time of the actual transfer as evidenced by the delivery of the deed or other document of conveyance. Payment of the tax shall be evidenced on the deed itself by affixing of stamps or in such other manner as the tax collector shall determine. Whatever method of indicating payment is used,

the notation on the deed shall show the date of payment, the amount of the tax paid, and the name of the tax collector. The Township of Shenango shall furnish the required stamps which shall be available at the collector's office.

SECTION 5. *Tax Payable at Office of Collector:* This tax shall be payable at the office of the duly designated tax collector, and the tax shall be paid by the grantor and/or the grantee named in the deed or other document of conveyance.

SECTION 6. *Value of Transfer:* The tax collector may require of each grantee that he make an affidavit as to the actual consideration paid for the transfer, or in the event there is no actual consideration, the grantee shall make an affidavit as to the actual value of the real estate transferred. In lieu of such an affidavit, the tax collector may accept a copy of the sales agreement as sufficient evidence of the purchase price and determine the tax on that basis.

SECTION 7. *Examination of Transfers:* To determine whether or not there is any evasion of the tax, the tax collector may request the solicitor for the Township to examine the records in the Office of the Recorder of Deeds of Lawrence County, Pennsylvania, and the Township of Shenango shall pay the solicitor for the services as rendered.

SECTION 8. *Unlawful Acts:* It shall be unlawful for any person to:

(a) fail or refuse to pay the tax imposed by this Ordinance;

(b) fail or refuse to comply with the provisions of this Ordinance or regulations adopted by the tax collector;

(c) make any notation upon any deed or other document of conveyance indicating payment of the tax.

SECTION 9. *Failure to Pay Tax and Interest:*
In the event that the tax is not paid when due, the tax collector shall collect, in addition to the tax, interest at the rate of six percent (6%) per annum on the unpaid balance, which interest shall accrue from the day of delivery of the deed or other document of conveyance.

SECTION 10. *Records of Collections:* The tax collector shall keep a record of all collections of taxes showing the parties to the transfer for which the tax was paid.

SECTION 11. *Enforcement to Collect Taxes Due:*
The tax collector shall have the right to bring a suit before any District Magistrate or Justice of the Peace, or the Court of Common Pleas of Lawrence County, Pennsylvania, to enforce the collection of any tax due under the terms of this Ordinance.

SECTION 12. *Violations and Penalties:* Any person violating this Ordinance or any portion thereof shall be subject to a fine of not more than Two Hundred (\$200) Dollars for each offense, and in default of payment, shall be subject to imprisonment in the Lawrence County jail for not more than thirty (30) days.

SECTION 13. *Validity and Savings Clause:*
The provisions of this Ordinance are severable and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors,

Township of Shenango that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 14. Recorder of Deeds Designated Collector: The Recorder of Deeds for Lawrence County is hereby designated as Tax Collector for the collection of the within tax; to be compensated in the amount of two percent (2%) of the tax collected, said Tax Collector shall account for and pay in the money collected to the Township of Shenango, Lawrence County, Pennsylvania.

SECTION 15. Effective Date: This Ordinance shall become effective thirty (30) days from the time of adoption.

PRESENTED AND ADOPTED this 11th day of August , 1977, by the Board of Supervisors of Shenango Township, Lawrence County, Pennsylvania, at a regular meeting held August 11, 1977.

ATTEST:

Margorie Bintrim
Marjorie Bintrim
Secretary

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SHENANGO

By: Herbert Bintrim Chairman
Richard Barthberger
Richard Barthberger Supervisor
Andrew Picouta
Andrew Picouta Supervisor

I hereby certify that this is a true and correct copy of the Ordinance duly passed and adopted by the Board of Supervisors at its regular meeting on August 11, 1977.

Margorie Bintrim
Marjorie Bintrim
Township Secretary