

Page 31

LEGAL NOTICE

INCOME TAX ORDINANCE NO. 1 - 1980

WHEREAS, an Act of the General Assembly of the Commonwealth of Pennsylvania, approved the 31st day of December, 1965 P.L. 1257 Act.No. 511, and its supplements and amendments, authorized Boards of Supervisors of Townships of the Second Class to levy, assess, and provide for the collection of certain taxes on persons, transactions, occupations, privileges and personal property within the limits of such townships as the said boards may determine, subject to certain exceptions and limitations as therein set forth; and

WHEREAS, the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania, is desirous of levying a tax on certain income for general revenue purposes to-wit, the general purpose of the said Township, and has, by Ordinance so indicated its intention and has given notice of such intention by publication once a week for three weeks in the New Castle News, a newspaper of general circulation, within the said Township, as required by the said Act and its supplements and amendments;

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Shenango and it is hereby ordained by authority of the same, that in pursuance

of authority granted to Second Class Townships in the Commonwealth of Pennsylvania by the Act of General Assembly approved the 31st day of December, 1965 P.L. 1257 Act No. 511, and its supplements and amendments and being known as "The Local Tax Enabling Act":

SECTION 2 - DEFINITIONS

Unless otherwise expressly stated, the following terms shall have, for the purpose of this ordinance, the meaning herein indicated:

- (a) The term, "association" shall mean a partnership, limited partnership, or any other form of unincorporated enterprise, owned by two or more persons.
- (b) The term, "business" shall include any enterprise, activity, agency, profession, trust, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, agent, broker, co-partnership, association, or other entity.
- (c) The term "earned income" shall mean all salaries, wages, commission, bonuses, fees, tips, incentive payments, and other compensation, received by an individual and paid, directly or through an agent, by an employer for services rendered, and whether paid in cash or in property.

- (d) The term "corporation" shall mean any corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, or foreign country or dependency.
- (e) The term "current year" shall mean the calendar year for which the tax is levied.
- (f) The term "income tax officer" shall mean a person, public official, public employee or private agency, designated by the governing body to collect and administer the tax on earned income and net profits.
- (g) The term "employer" shall mean any individual, co-partnership, association, corporation, governmental body or unit or agency or any other entity, who or that employ one or more persons on a salary, wage, commission, or other compensation basis.
- (h) The term "net profits" shall mean the net income from the operation of a business, profession or enterprise, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used, and without deduction of taxes based on income.

- (i) The term "non-resident" shall mean an individual, co-partnership, association, or other entity domiciled outside the Township of Shenango.
- (j) The term "person" shall include natural person, co-partnership, association, firm, or fiduciary. Whenever used in any clause prescribing and imposing a penalty, the term "person", as applied to association, shall mean the partners or member thereof, and as applied to corporations, the officers thereof.
- (k) The term "resident" shall mean an individual, co-partnership, association, or other entity domiciled in the Township of Shenango.
- (l) The term "taxpayer" shall mean a person, whether an individual, co-partnership, association, or any other entity, required hereunder to file a return on earnings or net profits or to pay a tax thereon.

The singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 3 - THE AMOUNT OF TAX

An annual tax for general revenue purposes of one-half of one per cent is hereby imposed as follows, on earned income and net profits earned by or paid to individual residents

and non-residents of Shenango Township during that portion of the calendar year 1980 from July 1, 1980 to December 31, 1980, or taxpayer's fiscal year beginning in said portion of the calendar year, and during each year thereafter, on a calendar or taxpayer's fiscal year basis, without re-enactment, until this ordinance shall be repealed or the rate of the tax changed:

- (a) Salaries, wages, commissions and other compensation for services performed or work done, earned on and after July 1, 1980 by residents and non-residents of the Township of Shenango; and on
- (b) Net profits and income earned on and after July 1, 1980, of businesses, professions or other activities conducted or carried on by such residents and non-residents of the Township of Shenango.

The taxes levied under (a) of this section shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The taxes levied under (b) of this section shall relate to and be imposed upon the owner or proprietor either individually or in association with some other person or persons.

Said taxes shall first be levied, collected and paid with respect to the salaries, wages, commissions and other compensation earned and the net profits earned during the year beginning July 1, 1980.

Provided, however, that where the fiscal year of a business, profession or other activity differs from the calendar year, the tax shall be applicable to the net profits of the fiscal year with respect to any such portion thereof as was earned subsequent to July 1, 1980.

SECTION 4 - ADMINISTRATION OF THE TAX

The tax collector of the Township of Shenango or such other person as may be hereafter designated by the Board of Supervisors of Shenango Township is hereby designated the Receiver of Taxes imposed by the Ordinance and shall be known as the Receiver of Taxes. He shall collect and receive all such taxes, shall furnish a receipt for their payment and shall keep a record showing the amount received by him from each taxpayer under this Ordinance and the date of each receipt. The said Receiver of Taxes is hereby authorized to prescribe rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Ordinance. Such rules and regulations shall be inscribed by the Receiver of Taxes of Shenango Township in a book kept for that purpose and open

to the inspection of the public. The Receiver of Taxes shall furnish a surety bond of such amount as the Board of Supervisors shall determine by resolution.

SECTION 5 - DUTY TO FILE RETURNS AND TO MAKE PAYMENTS

Every person whose earnings or profits are subject to the tax imposed by this Ordinance shall, on or before April 15th of every year, beginning in the year 1981, make and file a return with the Receiver of Taxes. Such return shall be filed on a form prescribed by the Receiver of Taxes furnished at the expense of the Township, and obtainable from the Receiver of Taxes. The information on such return shall include: the name and address of the taxpayer, his place of employment or business, the aggregate amount of compensation or net profits earned by him during the preceding year and subject to such tax, the amount of tax due to the Township of Shenango under the Ordinance, the net profits paid or payable by such taxpayer during the period covered by such return to any other political subdivision of the Commonwealth of Pennsylvania, together with such other pertinent information as may be required.

Provided, however, that where a return is made for a fiscal year or for any other period different from a calendar year, such return shall be made within 75 days after the close of such fiscal year or other period.

The person making such a return shall, at the time of filing thereof, pay to the Receiver of Taxes the amount of tax as shown thereon.

SECTION 6 - DUTIES OF EMPLOYERS

On or before the 31st day of January of each year, every employer who has filed returns of tax withheld and returned tax quarterly throughout the year shall be required to file a complete and legible copy of a form similar to Form W-2 of the Internal Revenue Service of the United States Treasury Department for each employee which shall set forth the full name and residence of each employee, his or her Social Security Account number, the name and address of the employer, the total compensation paid during the year, and the beginning and separation dates of less than calendar year employees.

Provided, however, that the failure or omission of any employers, either residing within or outside of the Township of Shenango to deduct such tax or to make such return to the Receiver of Taxes, shall not relieve any employee, resident of said Township, from the payment of such tax and the compliance with such regulations, with respect to make returns and payment thereof, as may be established under the Ordinance.

SECTION 7 - COLLECTION OF TAXES AND ENFORCEMENT

(a) The Receiver of Taxes or any other person designated by the Board of Supervisors for these purposes is hereby

charged with the enforcement of the provisions of this Ordinance. He is hereby authorized to examine the books, papers, and records of any taxpayer in order to verify the accuracy of any return made, or, if no return is made, to ascertain the amount of tax due by a person under this Ordinance. Every such employer or supposed employer or taxpayer or supposed taxpayer is hereby directed and required to give to the Receiver of Taxes or such other authorized person the means, facilities, and opportunity for such examinations and investigations as are hereby authorized. The Receiver of Taxes is hereby authorized to examine any person under oath concerning any income which was or should have been returned for taxation, and to this end the Board of Supervisors of the Township of Shenango may compel the production of books, papers, and records and the attendance of all persons before such Receiver of Taxes, or such other person as is authorized, whether as parties or witnesses, whom the Receiver of Taxes believes to have knowledge of such income.

(b) The Receiver of Taxes shall have all of those powers for collection and enforcement purposes granted by "The Local Tax Enabling Act" as amended.

(c) Any individual failing to comply with or violating this Ordinance shall be subject to interest, penalties and fines as provided by said "Local Tax Enabling Act".

SECTION 9 - SAVINGS CLAUSE

(a) Nothing contained in this Ordinance shall be construed to empower the Township of Shenango to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Township of Shenango under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

(b) If the tax hereby imposed under the provisions of this Ordinance shall be held by any Court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the Court shall not affect or impair the right to impose or collect said tax, or the validity of the tax so imposed on other persons or individuals as herein provided.

SECTION 10 - EFFECTIVE DATE

This Earned Income tax shall not go into effect until thirty (30) days from April 10, 1980.

SHENANGO TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

Marjorie H. Bintrim

BY: Herbert F. Bintrim, Chairman
Joseph J. Shinsky, Supervisor
Andrew Semansky, Supervisor

Marjorie H. Bintrim

PUBLISH ONCE

FURNISH PROOF OF PUBLICATION