

TOWNSHIP OF STRASBURG

Lancaster County, Pennsylvania

ORDINANCE No. 41

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF STRASBURG, LANCASTER COUNTY, PENNSYLVANIA, TO RESTATE AND AMEND AN ORDINANCE IMPOSING A TAX ON EARNED INCOME AND NET PROFITS OF INDIVIDUAL RESIDENTS OF THE TOWNSHIP OF STRASBURG.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Strasburg, Lancaster County, Pennsylvania, as follows:

Section 1. Short Title. This Ordinance shall be known and may be cited as the Strasburg Township Earned Income Tax Ordinance as Amended.

Section 2. Definitions. All terms defined in Section 13 of The Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6913, shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

BUREAU - The Lancaster County Tax Collection Bureau. An unincorporated agency organized and operated jointly by the school districts of Lancaster County to collect, receive, and administer earned income taxes as authorized by resolutions of the various districts and also of municipalities with which it may enter into agency and collection agreements.

ENABLING ACT - The Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 et seq., and as may be amended in the future.

REGULATIONS - Regulations duly adopted by the Bureau for the administration of the earned income tax. To the extent provided by law, including but not limited to 1 Pa. C.S.A. §1937, it is the intention of the Board of Supervisors to incorporate amendments to the Regulations. If a court of competent jurisdiction prohibits such construction, it is the intention of the Board of Supervisors to incorporate the Regulations as they exist on the date of enactment of this Ordinance except as

provided in Section 5(D) herein.

TOWNSHIP - The Township of Strasburg, County of Lancaster, and Commonwealth of Pennsylvania.

Section 3. Imposition of Tax. A tax for general revenue purposes, at the rate of one per cent (1%), subject to the maximum rate as permitted under Section 8 of the Enabling Act, is hereby restated and amended on earned income received and net profits earned by individual residents of the Township of Strasburg during the calendar year 2000 (or taxpayer's fiscal year beginning in said calendar year) and during each year thereafter (on a calendar or taxpayer fiscal year basis), without re-enactment, until this ordinance shall be repealed or the rate of tax changed.

Section 4. Returns and Payments by Taxpayers.

A. Every taxpayer earning net profits or receiving earned income in the current year shall, on or before April 15 of the succeeding year, make and file with the Income Tax Officer a return thereof (on forms, and furnishing information, prescribed by the Income Tax Officer) and pay the tax (or balance thereof after crediting employers' withholding) due thereon.

B. Further details concerning taxpayers' payment and making returns of tax levied by this ordinance are set forth in the Regulations. If required in the Regulations, taxpayers shall file a declaration of estimated net profits and pay the tax due thereon and shall file quarterly returns of earned income and pay the tax due thereon.

Section 5. Employers' Collection at Source: Commission.

A. As authorized in Section 10 of the Enabling Act, the Township has entered into a joint agreement with other political subdivisions for collection of the tax by the Bureau, and has included in this Ordinance provisions as deemed necessary for collection of the tax. Every employer with a place of business within this Township or within the jurisdiction of the Bureau as defined in the Regulations, is required to register, to deduct tax from earned income of employees subject to the tax within the jurisdiction of the Bureau, to file quarterly reports and make remittances, and to do other acts as fully set forth in Section 13(IV) of the Enabling Act.

B. Any employer who has no place of business in this Township, or within the jurisdiction of the Bureau as defined in the Regulations, but who desires, for the convenience of his employees residing within the Township, to deduct tax hereunder from such employees' wages, shall become subject to all obligations of timely filing of returns, reports and remittances, and of maintaining and disclosing records,

and to all interest and penalties with respect to such tax as he may actually deduct, in all respects, and with the same incidents, as though he were a resident employer.

C. Tax deducted from wages by an employer shall at all times be and remain the property of this Township and shall constitute a trust fund in the employer's hands until remitted to the Income Tax Officer; and deduction of tax from wages shall, as between the employee and this Township, constitute payment of the tax by the employee, regardless of any insolvency or failure to remit on the employer's part.

D. If and to the extent provided in the Regulations, every employer who shall deduct tax from wages, and remit it, may deduct from each such remittance a commission, not to exceed two percent (2%), or any lesser amount provided in the Regulations, of the tax withheld. The Township expressly authorizes the Bureau to amend the Regulations to decrease or eliminate such commission.

Section 6. Income Tax Officer. This Township hereby designates the Bureau as its Income Tax Officer to perform all the duties, be subject to all the requirements, and have all the powers prescribed by Section 13(V) of the Enabling Act. Said Bureau shall receive such compensation for its services as it and this Township may agree from time to time. The Township expressly authorizes the Bureau to promulgate and amend the Regulations.

Section 7. Suit for Collection of Tax, Interest and Penalties: Incorporation of all Present and Future Enabling Act Provisions.

A. Suits for collection of tax are hereby authorized, and interest and penalties shall be imposed, as provided in Section 13(VII) and (VIII) of the Enabling Act.

B. Notwithstanding prior mention in this ordinance, for convenience, of reference only, of specific subsections of Section 13 of the Enabling Act, all provisions of the entire Section 13 of the Enabling Act are hereby incorporated into this ordinance by this reference, as required by the Enabling Act. Any provisions which any future supplements to or amendments of the Enabling Act may require to be included in or construed to be a part of any tax on earned income or net profits, or of the ordinance levying the same, shall automatically become a part of this ordinance upon the effective date of such supplement or amendment, without the need for formal amendment of this ordinance by the Board of Supervisors of the Township of Strasburg to the maximum extent authorized by 1 Pa. C.S.A. §1937.

Section 8. Deductions, Losses, Exemption for Persons Under Age 16.

A. Employee's Unreimbursed Business Expenses. Business expenses are as set forth in the Regulations.

B. Losses. Losses are as set forth in the Regulations.

C. Persons Under 16 Years of Age. This Board of Supervisors finds (1) at minors of various age groups have traditionally, and with Judicial sanction, been considered as comprising separate classes for many legislative purposes, and (2) that minors under the age of sixteen years are for the most part unemancipated and subject to compulsory school attendance and child labor laws, and therefore for the most part so lacking in power to earn and to have legal control of money or property that enforcement of reporting and collection of tax hereunder against them would yield inconsequential amounts and would be unduly difficult, expensive, and not in the public interest; and therefore persons under the age of sixteen years are hereby exempted from all liability for tax under this ordinance.

Section 9. Continuity: Non-applicability: Severability.

A. The tax levied by this ordinance imposes the same tax without substantial change as imposed in previous years, and shall be so interpreted.

B. This ordinance shall not apply to any person or property as to whom or which it is beyond the legal power of this Township to impose any tax or duty herein provided for.

C. If any section, clause, sentence, or part of this ordinance is for any reason judicially determined to be unconstitutional, illegal or invalid such determination shall not affect or impair any of the remaining sections, clauses, sentences or parts hereof; and it is hereby declared to be the intent of the Board of Supervisors of this Township that this ordinance would have been adopted even if such unconstitutional illegal or invalid portion/s had not been included herein.

Section 10. Repealer. The provisions of this Ordinance, so far as they are the same as ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinance and not as a new enactment. In the event that this Ordinance is declared invalid, all Ordinances of the Township levying an earned income tax shall remain in full force and effect and shall not be affected in any manner by enactment of this Ordinance. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance in effect prior to the enactment of this Ordinance. Subject to the foregoing provisions of this Section, this Ordinance shall supersede, replace and repeal ordinances levying an earned income tax in force immediately prior to the effective date of this Ordinance.

Section 11. Effective Date. This Ordinance shall become effective as provided by

law. To the extent that this Ordinance amends imposition, collection, or any other matter relating to the earned income tax as reenacted by this Ordinance, such revised provisions shall become effective January 1, 2000.

DULY ORDAINED AND ENACTED this 6th day of December, 1999,
by the Board of Supervisors of the Township of Strasburg, Lancaster County, Pennsylvania,
in lawful session duly assembled.

TOWNSHIP OF STRASBURG
Lancaster County, Pennsylvania

Attest: Caroline D. Hill
(Assistant) Secretary

By: Daniel C. Hen
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]