

ORDINANCE NO. 46

AN ORDINANCE TO PROVIDE REVENUE FOR GENERAL TOWNSHIP PURPOSES BY IMPOSING, ASSESSING AND LEVYING A TAX UPON DEEDS WHICH TRANSFER AND CONVEY LANDS, TENEMENTS OR HEREDITAMENTS, OR ANY INTEREST THEREIN, SITUATE WHOLLY OR PARTLY WITHIN THE TOWNSHIP OF EAST NORRITON; IMPOSING DUTIES AND CONFERRING POWERS ON THE SECRETARY AND TREASURER OF THE TOWNSHIP; PROVIDING FOR THE PAYMENT OF THE SAID TAX; PRESCRIBING THE METHOD AND MANNER OF COLLECTING THE TAX IMPOSED, ASSESSED AND LEVIED, PROVIDING CERTAIN EXEMPTIONS AND IMPOSING PENALTIES FOR THE NON-PAYMENT THEREOF.

The Board of Supervisors of the Township of East Norriton, under and by virtue of and pursuant to the authority granted by the Act of General Assembly of the Commonwealth of Pennsylvania, approved the 25th day of June, A.D. 1947, P.L. 1145, being Act No. 481 thereof, as amended, do hereby enact and ordain:

Section 1. This ordinance shall be known and may be cited as "Deed Stamp Tax".

Section 2. The following words or phrases, when used in this ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) "Deed" - Any deed, document, instrument or writing, other than a lease agreement of sale, mortgage, ground rent or testamentary writing, whereby the legal title to any lands, tenements or hereditaments, or any real interest therein, shall be granted, bargained, sold, transferred, conveyed, assigned, or otherwise vested in the grantee, purchaser, or any other person or corporation.

(b) "Value" - In the case of any transaction, transfer or privilege, "value" shall be the actual monetary worth of the property granted, bargained, sold or otherwise conveyed at the time of said grant, bargain, sale or conveyance. The actual consideration for the said sale or conveyance shall be prima facie evidence of the actual monetary worth or value of the property granted, bargained, sold or otherwise conveyed and the said monetary value shall include all liens, mortgages, or other encumbrances on the property granted, bargained, sold or otherwise conveyed. The said actual consideration which is prima facie

evidence of the actual monetary worth or value of the property granted, bargained, sold or conveyed shall be construed to mean, for the purposes of this ordinance, the cash agreed to be paid or paid for the execution and delivery of the deed, together with the face value of all liens, mortgages or other encumbrances secured on the lands, tenements or hereditaments, or interest therein, conveyed or transferred by the said deed, together with any other evidence of indebtedness or promises, either oral or written, given by or on behalf of the grantee to grantor, or anyone on his behalf, as full or part consideration for the said deed: PROVIDED, that where such deed shall set forth a small or nominal consideration, the "value" thereof shall be determined from the price set forth in, or actual consideration for, the contract or agreement of sale, or in the case of a gift, from the actual monetary worth or value of the property granted, bargained, sold, or otherwise conveyed, at the time of such grant, bargain, sale or conveyance, 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.

(c) "Transaction," - "Transfer" - Any act, settlement, proceeding or process whereby the legal title to any lands, tenements or hereditaments or other real property, or any real interest therein, situate wholly or in part within the boundaries of the Township of East Norriton, shall by deed be granted, bargained, sold, transferred, conveyed, assigned or otherwise vested, provided however, that any transfer of title from an individual, either directly or through a straw party, to himself and another person as tenants by the entirety, or as joint tenants with right of survivorship, shall not be considered a transaction or transfer within the meaning of this ordinance and further provided that any transfer of title by an agent to his principal, where nothing has been done to the tenement, or hereditaments or other real property or real interest to increase the value thereof since the agent took title, and an affidavit to that effect is attached to the deed, transferring title to the principal, shall not be considered a transaction or transfer within the meaning of this ordinance.

(d) "Association" - Any partnership, limited partnership, or other form of unincorporated enterprise owned by two or more persons.

(e) "Person" - Every natural person, co-partnership, association or corporation. Whenever used in any clause prescribing or imposing a penalty, or both, the term "person", as applied to copartnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

(f) "Treasurer" - The Treasurer of the Township of East Norriton.

Section 3. On and after the effective date of this ordinance, on every transaction, transfer or privilege arising therefrom, whereby any lands, tenements or hereditaments, or any interest therein, lying, being and situate, wholly or in part within the boundaries of the Township of East Norriton, shall be granted, bargained, sold or otherwise conveyed, a tax for general revenue purposes at the rate of one per cent (1%) of the total value thereof, is hereby imposed, assessed and levied; PROVIDED, that in the case of any lands, tenements or hereditaments, or any interest

therein, located partly within and partly without the boundaries of the Township of East Norriton, such tax is imposed, assessed and levied only upon the value of that portion of such lands, tenements or hereditaments, or any interest therein, lying within the boundaries of the Township of East Norriton.

Section 4. This tax shall be due and payable and shall be paid by the Grantor or Grantors named in the deed at the time of the making and executing of said deed, provided, that deeds wherein the Grantor of a deed is a corporation, association, trust, community chest, fund or foundation, organized exclusively for charitable, religious or educational purposes, shall not be taxable.

Section 5. The payment of the tax imposed by this ordinance shall be evidenced by a deed stamp or stamps, or by a stamped impression or a certificate affixed to every deed and evidencing the fact that the tax has been received by the Treasurer or his duly authorized agent. Such stamps shall be affixed in such manner that their removal will require the continued application of steam or water, and the person using or affixing such stamps shall write or stamp, or cause to be written or stamped thereon the initials of his name, and the date upon which such stamps are affixed or used, so that such stamps may not again be used; PROVIDED, that the Treasurer may prescribe other methods of cancellation.

Section 6. The Treasurer shall prescribe, prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this ordinance. The Treasurer shall make provisions for the sale of such stamps in such places as he may deem necessary. The Treasurer may appoint persons, within or without the Township, as agents for the sale of stamps to be used in paying the tax imposed herein.

Section 7. The Township, or the Treasurer, by and with the consent of the Board of Supervisors, may, from time to time, provide such other means of collecting this tax or of evidencing the payment thereof to the Treasurer, as may be considered appropriate, and in order to facilitate and expedite the payment and collection of the tax, the Treasurer, by and with the consent of the Board of Supervisors, may appoint one or more responsible persons as his agent or agents.

Section 8. The Treasurer is hereby charged with the enforcement of the provisions of this ordinance and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to:

- (a) The method and means to be used in affixing or cancelling of stamps in substitution for, or in addition to, the method and means provided in this ordinance.
- (b) The denomination of and sale of stamps.
- (c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this ordinance.
- (d) The Township Supervisors may make such regulations

and changes by resolution which will bring or keep the tax on transfers in conformity with those transfers taxed or exempted from the tax as are set forth in "The Realty Transfer Tax Act" of December 27, 1951, P.L. 1742 as amended.

Section 9. Every deed upon which a tax is imposed by this ordinance, when lodged with or presented to any recorder of deed for recording, shall set forth therein, and as a part of such deed, the true, full, complete and actual value thereof, or shall be accompanied by either a certificate from Title Company or by an affidavit, executed by a responsible person connected with the transaction, showing such connection, and setting forth the true, full, complete and actual value thereof.

Section 10. It shall be unlawful for any person to:

- (a) Fail to pay the tax imposed by this ordinance,
- (b) Make use of any stamp to denote payment of any tax, imposed by this ordinance without cancelling such stamp, as required by this ordinance or as prescribed by the Treasurer, or
- (c) Fail, neglect, or refuse to comply with, or violate the rules and regulations prescribed, adopted and promulgated by the Treasurer under the provisions of this ordinance.
- (d) Fraudulently cut, tear, or remove a stamp from any deed, or
- (e) Fraudulently affix to any deed, upon which the tax is imposed by this ordinance, any stamps which have been cut, torn or removed from any other deed upon which a tax is imposed by this ordinance, or any deed stamp of insufficient value, or any forged or counterfeited stamp, or any impression of any forged or counterfeited stamp, die plate or other article, or
- (f) Wilfully remove or alter the cancellation marks of any deed stamp, or restore any such deed stamp with intent to use, or cause the same to be used, after it has already been used, or knowingly buy, sell, offer for sale, or give away, any such altered or restored stamp to any person for use, or knowingly use the same or
- (g) Knowingly have in his possession any altered or restored deed stamp which has been removed from any deed, upon which tax is imposed by this ordinance; Provided, that the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this clause, or
- (h) Knowingly or wilfully prepare, keep, sell, offer for sale, or have in his possession, any forged or counterfeited deed stamps.
- (i) Knowingly or wilfully affixing or causing to be affixed, to any deed, any impression, stamp, certificate or writing purporting to signify the payment of the tax imposed by this ordinance when such person knows or has reason to know that the tax has not been paid.

Section 11. All taxes imposed by this ordinance not paid when due shall bear interest thereon at the rate of one-half of one per centum (1/2%) per month until paid.

Section 12. All taxes imposed by this ordinance,

together with interest from the due date, shall be recovered as other debts of like character are recovered.

Section 13. The tax imposed by this ordinance shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being and situate, wholly or in part within the boundaries of the Township of East Norriton, which lands, tenements, hereditaments, or interest therein, are described in or conveyed or transferred by deed which is the subject of the tax imposed, assessed and levied by this ordinance, said lien to begin at the time when the tax under this ordinance is due and payable, and continue until discharged by payment, or in accordance with the law, and the Solicitor is authorized to file a Municipal or Tax Claim in the Court of Common Pleas of Montgomery County in accordance with the provisions of the Municipal Lien Act of 1923, its supplements and amendments.

Section 14. Any persons violating any of the provisions of this ordinance shall be liable to a penalty not exceeding Three Hundred Dollars (\$300.00) for each and every offense, and further shall be required to pay the amount of the tax, together with interest as is otherwise provided for in this ordinance, which should have been paid on the said deed or deeds, and upon default in the payment of the same for ten days, shall be subject to thirty days' imprisonment.

Section 15. 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 of the Township of East Norriton 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 16. Effective Date _____

This Ordinance shall become effective for part of the calendar year of 1966, and shall become effective July 1, 1966. It may be continued effectively in future years, when decreed by the Board of Supervisors of the Township of East Norriton, either by Ordinance or Resolution, and in accordance with the Acts of Assembly in such case made and provided.

DULY ENACTED AND ORDAINED this 3rd day of MARCH 1966.

ATTEST:

Calvert V. Hurdle
Secretary

James B. Beers
Chairman - Board of Supervisors

CALVERT V. HURDLE, Secretary
Board of Supervisors,
East Norriton Township
Montgomery County, Pa.