

**ORDINANCE NO. 499
EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF EAST NORRITON TOWNSHIP AMENDING THE CODE OF THE TOWNSHIP OF EAST NORRITON, SPECIFICALLY CHAPTER 182, ARTICLE III, EMERGENCY AND MUNICIPAL SERVICES TAX, BY AMENDING THE TAX TO BE CONSISTENT WITH ACT 7 OF 2007.

WHEREAS, Section 2 of Act 511 of 1965, as amended, known as the Local Tax Enabling Act, authorized municipalities to impose an emergency and municipal services tax on those individuals working in a particular municipality to pay for police, fire and emergency services, road maintenance and real estate tax reduction purposes;

WHEREAS, the Board of Supervisors of East Norriton Township (the "Board") enacted an emergency and municipal services tax in 1975 by Ordinance 121 and subsequently amended it in 2005 by Ordinance 474;

WHEREAS, Act 7 of 2007 amended the Local Tax Enabling Act;

WHEREAS, in order to be compliant with Act 7 of 2007, the Board finds it necessary to amend Chapter 182, Article III of the Code of East Norriton Township; and

WHEREAS, the Board has met the procedural requirements of the Second Class Township Code and the Local Tax Enabling Act for the adoption of the proposed ordinance, including holding a public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION I: Code Amendments.

The code of East Norriton Township, Chapter 182, Article III is hereby amended as follows:

- A. Article III shall now be titled "Local Services Tax."
- B. Section 182-27 is hereby amended as follows:

The definition "Tax" shall be: The local services tax levied by this article.

- C. Section 182-28 is hereby amended to the following:

For police, fire or emergency services, road maintenance or real estate tax reduction purposes, a tax is hereby levied upon the privilege of engaging in an occupation within the corporate limits of the Township. Each individual who exercises such privileges for any length of time during any year wherein he has earned income and/or net profits of \$12,000.00 or more shall pay a tax in the amount of \$52.00 in accordance with the provisions of this article. This tax is in addition to all other taxes of any kind or nature levied by the Township. It shall be the obligation of each such person so engaged in an occupation

to pay or cause to be paid the tax herein imposed by the due date for the quarter in which he earns the annual required minimum of \$12,000. The adoption of this article shall constitute notice and demand for payment of this tax.

D. Section 182-28.1. Use of tax funds. is hereby added:

At least twenty-five percent (25%) of the funds collected from the tax shall be used to fund emergency services within East Norriton Township.

E. Section 182-28.2. Exemptions. is hereby added:

The following persons shall be exempt from the tax:

1). Any person who served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic, or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent (100%) permanent disability.

2). Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year.

3). Any person with earned income and/or net profits of less than \$12,000.00. Any person claiming an exemption on this ground must annually file an exemption certificate with East Norriton Township and with his or her employer. If a person who claimed a exemption for a given calendar year becomes subject to the tax, his employer shall withhold the tax for the remainder of the calendar year, including a lump sum payment equal to the amount of tax that was not collected. The Exemption Certificate shall be prescribed by the Pennsylvania Department of Community and Economic Development and will be made available to all taxpayers and employers. Employers shall ensure that the Exemption Certificates are readily available to employees at all times and shall furnish each new employee with a form Certificate at the time of hire.

F. Section 182-31 is hereby amended to the following:

Each employer within the Township, as well as those employers situated outside the Township but who engage in business within the Township, is hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within East Norriton Township said tax of \$52.00 per year and making a return and payment thereof to the tax receiver. Each employee subject to the tax shall be assessed a pro rata share of the tax for each payroll period in which the employee is engaged in East Norriton Township. The pro rate share of the tax assessed on an employee for a payroll period shall be determined by dividing the \$52.00 rate of the tax by the number of payroll periods established by the employer for a calendar year. Each employer is hereby authorized to deduct this tax from each employee who has not otherwise claimed an exemption from paying the tax, whether said employee is paid by salary, wages or commission. Each employer shall be required to remit the tax within thirty (30) days after the end of each quarter of a calendar year. The employer will provide the employee with evidence of deduction on a form to be furnished to the employer by the administrator.

G. Section 182-35 is hereby amended to the following:

All self-employed individuals who perform services of any type or kind or engage in any occupation or profession within the Township shall be required to comply with this article and pay the tax to the tax receiver by April 30 of each year, unless he or she has otherwise claimed an exemption from the tax.

H. Section 182-35.1, Recapture of unpaid taxes, is hereby added as follows:

If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for that calendar year, the employer shall withhold the tax for the remainder of the calendar year. The employer shall withhold from the employee, for the first payroll period after receipt of notification that the employee is subject to the tax, a lump sum equal to the amount of tax that was not withheld from the employee due to the exemption claimed, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld from other employees. In the event employment of the employee is terminated during that calendar year, the former employee shall be liable for any outstanding balance due on the tax.

I. Section 182-36 is hereby amended to the following:

All employers and self-employed individuals residing or having their places of business outside of the Township but who perform services of any type or kind or engage in any occupation or profession within the Township do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the Township. Further, any individual engaged in an occupation within the Township and an employee of a nonresident employer may, for the purpose of this article, be considered a self-employed person, and in the event that this tax is not paid, the administrator shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided. Provided, however, no person shall be subject to the payment of the local services tax to more than one political subdivision during each payroll period.

J. Section 182-36.1, Receipt of Payment, is hereby added as follows:

The tax receiver shall provide a receipt of payment of the tax upon request by a taxpayer.

SECTION II. REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all ordinances and the Code of the Township of East Norriton Pennsylvania, such as are not otherwise specifically in conflict or inconsistent with this ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION III. REVISIONS

The Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinance, including this provision.

SECTION IV. SEVERABILITY

If any sentence, clause, section, term, phrase or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this

ordinance. It is hereby declared the intent of the Board of Supervisors of the Township of East Norriton that this ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION V. EFFECTIVE DATE

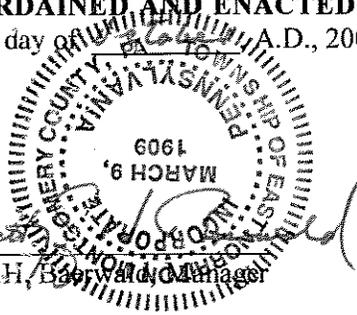
This Ordinance shall be effective January 1, 2008.

SECTION VI. FAILURE TO ENFORCE

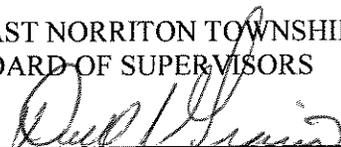
The failure of East Norriton Township to enforce any provision of this ordinance shall not constitute a waiver by East Norriton Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of East Norriton, this 23rd day of February, A.D., 2007.

ATTEST:


Helmuth J.H. Beyerwald, Notary Public

EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS

By: 
Donald J. Gracia, Chairman