ORDINANCE NO. _____ - 2011 - 5

RAPHO TOWNSHIP, LANCASTER COUNTY

EARNED INCOME TAX ORDINANCE

ORDINANCE LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS

ENACTED by the Board of Supervisors of Rapho Township, Lancaster County, under authority of the Local Tax Enabling Act and other applicable law, as follows:

Section 1. Definitions.

All terms defined in the Local Tax Enabling Act shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

a. Collector. The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the Tax.

b. Effective Date. January 1, 2012.

c. Enactment. This Ordinance.

d. Governing Body. The Board of Supervisors of the Township of Rapho.

e. Local Tax Enabling Act. The Local Tax Enabling Act, as set forth in 53 P.S. §6901 *et seq.* while such numbering and provisions remain in effect under Act 32 of 2008, and as set forth in 53 P.S. §6924.101 *et seq.* when such numbering and provisions become effective under Act 32, and as amended in the future.

f. TCD. Any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.

g. TCC. The tax collection committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

h. Tax. The tax imposed by this Enactment.

I. Tax Return. A form prescribed by the collector for reporting the amount of Tax or other amount owed or required to be withheld, remitted, or reported under this Enactment or the

Local Tax Enabling Act.

j. Tax Year. The period from January 1 to December 31.

k. Taxing Authority. Rapho Township, Lancaster County

Section 2. Imposition of Tax.

a. General Purpose Resident Tax. The Taxing Authority hereby imposes a Tax for general revenue purposes at the rate of one (1%) percent on earned income and net profits of individual residents of the Taxing Authority.

b. General Purpose Municipal Nonresident Tax. The Taxing Authority also imposes a Tax for general revenue purposes at the rate of one (1%) percent on earned income and net profits derived by an individual who is not a resident of the Taxing Authority from any work, business, profession, or activity, of any kind engaged in within the boundaries of the Taxing Authority.

c. Ongoing Tax. The Tax shall continue at the above rates during the current Tax Year and each Tax Year thereafter, without annual re-enactment, until this Enactment is repealed or the rate is changed.

d. Combined Tax Rate Applicable to Residents. Currently, the total rate applicable to residents of the Taxing Authority, including the tax imposed by the school district and municipality in which the individual resides, is one (1%) percent. This combined tax rate is included solely for the purpose of providing information applicable on the date of adoption of this ordinance. This combined tax rate might change if the school district changes the tax rate imposed by the school district.

e. Municipal Tax Rate Applicable to Nonresidents. Currently, the total rate applicable to nonresidents working within the Taxing Authority based on the municipal nonresident tax rate is one (1%) percent.

f. Local Tax Enabling Act Applicable. The Tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Enactment. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Enactment upon the effective date of such amendment, without the need for formal amendment of this Enactment, to the maximum extent allowed by 1 Pa. C.S.A. §1937.

g. Applicable Laws, Regulations, Policies, and Procedures. The Tax shall be collected and administered in accordance with: (1) all applicable laws and regulations; and (2) regulations,

policies and procedures adopted by the TCC or by the Collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa. C.S.A. §1937.

Section 3. **Exemption from Tax - Individuals Under Age 16.**

This Governing Body finds that: (1) minors of various age groups have traditionally, and with judicial sanction, been considered as comprising separate classes for many legislative purposes; and (2) minors under the age of 16 are generally unemancipated and subject to compulsory school attendance and child labor laws, and therefore have limited earned income and net profits and control of money such that enforcement of reporting and collection of Tax hereunder against them would yield inconsequential amounts and be unduly difficult, expensive, and not in the public interest. For these reasons, individuals under the age of 16 years are exempt from liability for the Tax.

Section 4. **Exemption from Municipal Nonresident Tax - Residents of Other States if Similar Exemption in Other State.**

Individuals who are residents of a state other than Pennsylvania are exempt from liability for the Tax, but only if all local governments of the locality where the individual resides either: (1) impose no tax on the income of a Pennsylvania resident derived from activities within the locality; or (2) exempt that income from tax. In addition to this exemption from municipal nonresident tax, certain credits and deductions against Tax are permitted under certain circumstances as provided in applicable law and regulations.

Section 5. **Individual Tax Returns and Payment.**

Every individual receiving earned income or earning net profits in any Tax Year shall file Tax Returns and pay Tax in accordance with the Local Tax Enabling Act.

Section 6. **Employer Withholding, Remittance, and Tax Returns.**

Every employer shall register, withhold, and remit Tax, and file Tax Returns in accordance with the Local Tax Enabling Act.

Section 7. **Tax Collector.**

The Tax will be collected from individuals and employers by the Collector.

Section 8. **Interest, Penalties, Costs and Fines.**

Individuals and employers are subject to interest, penalties, costs and fines in accordance with the Local Tax Enabling Act, including costs imposed by the Collector in accordance with the Local Tax Enabling Act.

Section 9. Severability.

The provisions of this Enactment are severable and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this Enactment. It is declared to be the intention of the Governing Body that this Enactment would have been adopted if such invalid or unconstitutional provision had not been included.

Section 10. Purpose/Amendment and Restatement/Repeal.

The primary purpose of this Enactment is to conform the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior enactment imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this Enactment. Any other prior enactment or part of any prior enactment conflicting with the provisions of this Enactment is rescinded insofar as the conflict exists. To the extent the same as any enactment in force immediately prior to adoption of this Enactment, the provisions of this Enactment are intended as a continuation of such prior enactment and not as a new enactment. If this Enactment is declared invalid, any prior enactment levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this Enactment. If any part of this Enactment is declared invalid, the similar part of any prior enactment levying a similar tax shall remain in effect and shall not be affected by adoption of this Enactment. The provisions of this Enactment shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offense under the authority of any enactment in force prior to adoption of this Enactment. Subject to the foregoing provisions of this Section, this Enactment shall amend and restate on the Effective Date any enactment levying a tax on earned income or net profits in force immediately prior to the Effective Date.

Section 11. Adoption.

This Enactment is adopted and enacted September 15, 2011.

RAPHO TOWNSHIP
Lancaster County, Pennsylvania

By: _____
(Vice) Chairman

Attest: _____
(Assistant) Secretary

00603794 / (50050.296)

I, Duane R. Martin, Secretary of the Board of Supervisors of Rapho Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Rapho Township held on September 15, 2011, at which meeting a quorum was present and voted in favor thereof.

Duane R. Martin

Duane R. Martin, Secretary