

**EAST WHITELAND TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 199-2007**

**AN ORDINANCE OF EAST WHITELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 180 OF THE CODE OF THE TOWNSHIP OF EAST WHITELAND, TITLED, "TAXATION", PURSUANT TO THE PROVISIONS OF ACT 7 OF 2007, WHICH AMENDED THE LOCAL TAX ENABLING ACT, SPECIFICALLY THE EMERGENCY AND MUNICIPAL SERVICES TAX.**

**WHEREAS**, the Board of Supervisors of East Whiteland Township (the "Board") adopted an Emergency and Municipal Services Tax on December 14, 2005 in Ordinance No. 176-2005, which was codified in Article 1 of Chapter 180 of the East Whiteland Township Code; and

**WHEREAS**, the Pennsylvania General Assembly adopted Act 7 of 2007 on June 27, 2007, which amends the Local Tax Enabling Act, specifically the Emergency and Municipal Services Tax effective January 1, 2008; and

**WHEREAS**, the Board desires to amend the Emergency and Municipal Services Tax consistent with Act 7 of 2007 so that such tax shall now be known as the Local Services Tax and to maintain the rate of said tax to be \$52.00 per annum;

**NOW THEREFORE BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of East Whiteland Township, that Chapter 180 of the Code of the Township of East Whiteland, titled, "Taxation" shall be amended as follows:

**SECTION 1.** Article I is amended by deleting the title thereof and replacing it with "Local Services Tax"

**SECTION 2.** Section 180-1, titled "Short title" is deleted in its entirety and replaced with the following:

**§180-1. Short Title.**

This article shall be known as the "East Whiteland Township Local Services Tax Ordinance."

**SECTION 3.** Section 180-2, titled "Definitions" is amended by deleting the

definition for the term "COLLECTOR or TAX COLLECTOR" and replacing it with the following:

COLLECTOR or TAX COLLECTOR – The person appointed by the Board of Supervisors to collect the local services tax levied by this article and to administer the provisions thereof.

**SECTION 4.** Section 180-3, titled "Imposition and rate" is deleted in its entirety and replaced with the following:

**§180-3. Imposition and rate.**

A. A tax is levied in the amount of \$52 per year for any of the following purposes:

- (1) Police, fire, medical or emergency services;
- (2) Road construction and/or maintenance;
- (3) Real estate tax reduction; or
- (4) Property tax relief through the implementation of a homestead or farmstead exclusion.

B. The taxes levied under subsection A shall be imposed upon:

- (1) All nonresidents who hold an occupation in East Whiteland Township; and
- (2) All residents who hold an occupation in East Whiteland Township.

**SECTION 5.** Section 180-4, titled "Exemption" is deleted in its entirety and replaced with the following:

**§180-4 Exemption.**

A. Any and all individuals earning less than \$12,000 per year from all sources shall be exempt from payment of the local services tax.

B. A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the Township and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Township of less than \$12,000 in the calendar year for which exemption certificate is filed. The Township shall provide a copy of the

tax exemption certificate to the Tax Collector. Upon receipt of the exemption certificate and until otherwise instructed by the person or the Township, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies.

C. If a person claims an exemption from the local services tax for a given calendar year, upon notification to an employer by the person or by the Township that the person has received earned income and net profits from all sources within the Township equal to or in excess of \$12,000 in that calendar year, or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the Township in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the local services tax from the person pursuant to the procedure specified in paragraph D below.

D. If a person who claimed an exemption for a given calendar year from the local services tax thereafter becomes subject to the tax for that calendar year, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification that the person is subject to the tax, a lump sum equal to the amount of tax that was not withheld from the person due to the claim of exemption, 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 for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due.

E. Any individual who has paid a local services tax for a calendar year may, between January 1 and April 15 of the next succeeding calendar year, file an application for a rebate, and said individual shall be entitled to a rebate, provided that an application is timely filed and provided that it is proven to the satisfaction of the Tax Collector that the individual earned income in the calendar year for which the rebate is sought in an amount less than \$12,000.

F. Additionally, the following persons shall be exempt from the local services tax:

(1) Any person who has served in any war or armed conflict in which the United States of America 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 double or quadruple amputee or has a service connected disability that has been declared by the Veteran's Administration or its successor to be a total one hundred percent permanent disability; and

(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.

**SECTION 6.** Section 180-5, titled "Duties of employers" is deleted in its entirety and replaced with the following:

**§180-5. Duties of employers.**

A. Collection at source. Every employer who employs one or more persons on salary, wage, commission or other compensation basis whose earnings are subject to the tax imposed by this article shall deduct the amount of tax levied by this article from the salaries, wages, or compensation paid to the employee which deduction shall be made at a maximum rate of One (\$1.00) Dollar per week with the employer being required to withhold the tax on the frequency of the employee's payroll schedule with payments made to the Tax Collector on a quarterly basis.

B. Tax returns: employer's commission; failure to file returns. Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to him by the Tax Collector. If the employer fails to file said return and pay said tax, whether or not he makes collection thereof from the salary, wages or commissions paid by him to his employees, the employer shall be responsible for the payment of the tax in full as though the tax had originally been levied against him.

C. Dates for determining tax liability and payment. Each employer shall use his employment records from the first day of January of each fiscal year for determining the number of employees from whom said tax shall be deducted and paid over to the Tax Collector on or before April 30 of the each year. Supplemental reports and payment of taxes collected shall be made by each employer on the following schedule:

- (1) For employees hired April 1 through June 30: pay tax and file report by July 31.
- (2) For employees hired July 1 to September 30: file report and pay tax before October 31.
- (3) For employees hired October 1 through December 31: pay tax and file report on or before January 31 of the following year.

**SECTION 7.** Section 180-13, titled "Effective Date" is deleted in its entirety and replaced with the following:

**§180-13. Effective Date.**

This article and the tax herein levied shall be effective January 1, 2008 and on a continuing annual basis, unless the rate of said tax is subsequently changed.

**SECTION 8 Severability.** If any sentence, clause, section, 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, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of East Whiteland Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 9. Effective Date.** This Ordinance shall become effective five days after its enactment as law provides.

ENACTED AND ORDAINED this 14th day of November, 2007

ATTEST:

**EAST WHITELAND TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
John A. Mott, Chairman

\_\_\_\_\_  
P. Joseph Corrigan, Vice-Chairman

\_\_\_\_\_  
Virginia McMichael, Member