

Chapter 24

Taxation; Special

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Part 1**Earned Income and Net Profits****§24-101. Definitions.**

1. The following words and phrases when used in this Part shall have the meanings ascribed to them in this Section, except where the context clearly indicates or requires a different meaning:

Association - a partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

Business - shall include any enterprise, activity, profession, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, co-partnership, association, or other entity.

Collector - the person or persons duly appointed and designated by the Board of Township Commissions of Baldwin to administer this Part and to collect the taxes therein provided for.

Corporation - any corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, or foreign country or dependency.

Employee - any natural person resident in the Township of Baldwin or employed therein, and upon whose compensation, as above stated, a tax is imposed by this Part.

Employer - any individual, co-partnership, association, corporation, governmental body or unit or agency, or any other entity, who or that employs one or more persons on a salary, wage, commission, or any other compensation basis.

Net profits - the net gain from the operation of a business, profession, or enterprise, after provisions for all costs and expenses incurred in the conduct thereof, paid, or accrued in accordance with the standard accounting system used in such business or enterprise, and without deduction of taxes based on income.

Nonresident - an individual, co-partnership, association, or other entity domiciled outside and beyond the bounds of Baldwin Township, Allegheny County, Pennsylvania.

Person - shall include natural person, co-partnership, association, corporation, firm, or fiduciary. Whenever used in any clause prescribing and imposing a penalty, "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Resident - an individual, co-partnership, association, or other entity domiciled in the Township of Baldwin, Allegheny County, Pennsylvania.

Salaries, wages or commissions or compensation or earnings or earned income - all salaries, wages, compensation, or remuneration, in cash or in property that may accrue or be received by an individual and paid directly or through an agent, by an employer for services rendered, but shall not include periodic payments for sick or disability benefits and those commonly recognized as old-age benefits, retirement pay, or pensions paid to persons after a stated period of employment, nor public

assistance or unemployment compensation payments, nor any wages or compensation paid by the United States to any person for active service in the Army, Navy, or Air Force of the United States, nor any bonus or additional compensation paid by the United States or the Commonwealth of Pennsylvania, or any other state for such service.

Taxpayer - a person, whether an individual, co-partnership, association, or any other entity, required hereunder to file a return of earnings or net profits or to pay a tax thereon.

Total income from all sources - all moneys or property (including interest, gains, or income derived from obligations which are statutorily free from State or local taxation under any Act of the General Assembly of the Commonwealth of Pennsylvania or under the laws of the United States) received of whatever nature and from whatever source derived but not including:

(1) Periodic payments for sickness and disability other than regular wages received during a period of sickness or disability.

(2) Disability, retirement, or other payments arising under workmen's compensation acts, occupational disease acts, and similar legislation by any government.

(3) Payments commonly recognized as old age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment.

(4) Payments commonly known as public assistance, or unemployment compensation payments by any governmental agency.

(5) Payments to reimburse actual expenses.

(6) Payments made by employers or labor unions for programs covering hospitalizations, sickness, disability or death, supplemental unemployment benefits, strike benefits, Social Security, and retirement.

(7) Any compensation received by United States servicemen serving in a combat zone.

2. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 8-1963, 11/3/1963, §1; as reenacted and amended by Ord. 273, 12/5/1978, §1)

§24-102. Imposition of Tax; Rate; Exemption.

1. An annual tax for general revenue purposes of 1 percent or \$1 for each \$100 of income, etc., is hereby imposed on the following:

A. Salaries, wages, commissions, compensation, and earned income earned on or after January 1 of each year by residents of the Township of Baldwin.

B. Salaries, wages, commissions, compensation, and earned income earned on or after January 1 of each year by nonresidents of the Township of Baldwin for work done or services performed or rendered in said Township.

C. The net profits earned on and after January 1 of each year of businesses, professions, or other activities conducted by residents fo the Township of Baldwin.

D. The net profits earned on and after January 1 of each year of businesses,

professions, or other activities conducted in the Township of Baldwin by nonresidents.

E. For the tax year 1979 and each year thereafter, a taxpayer whose total income from all sources during an entire tax year is less than \$3,200 shall be entitled to claim exemption from the tax imposed hereunder during such tax year, and shall be entitled to apply for and receive a refund of moneys which have been paid over to the Collector on account of such tax. Procedures for the implementation of this provision shall be established by rules and regulations approved by resolution of the Board of Commissioners.

2. The tax levied under subsection .1.A and .1.B of this Section shall relate to and be imposed upon salaries, wages, commissions, compensation, and earned income paid by an employer or on behalf of him to any person who is employed by or renders service to hm. The tax levied under subsection .1.C and .1.D of this Section shall relate to and be imposed upon the net profits of any business, profession, or enterprise carried on by any person as owner or proprietor, either individually or in association with some other person or partner, or persons.

3. Where the fiscal year of the business, profession, or other activity differs from the calendar year, the tax hereby imposed shall be applicable to that part of the net profits of said business, profession, or other activity as was earned subsequent to the first day of January of each year.

(*Ord. 8-1963, 11/3/1963, §1; as reenacted and as amended by Ord. 273, 12/5/1978, §1*)

§24-103. Declarations, Returns, and Payments of Estimated Tax.

1. *Net Profits.*

A. Every taxpayer who anticipates any net profits shall on or before April 15 make and file with the Collector a declaration of his estimated net profits during the period beginning January 1 and ending December 31 of each year, setting forth the estimated amount of net profits anticipated by him during the said period and subject to the tax, the amount of tax imposed by this Part on such estimated net profits, and such other information as the Collector may require. The taxpayer making the declaration shall, at the time of filing thereof, pay to the Collector the estimated amount of tax shown as due thereon; provided, however, that the taxpayer shall have the right to pay the estimated tax in four quarterly installments as follows: the first installment at the time of filing the declaration on or before April 15, the second installment on or before July 15, the third installment on or before October 15, and the fourth installment on or before January 15 of the next year.

B. Any taxpayer who first anticipates any net profits after January 1 of each year shall make and file the declaration hereinafter and hereinabove required on or before December 31. The taxpayer making the declaration shall, at the time of filing thereof, pay to the Collector the estimated amount of tax shown as due thereon; provided, however, that the taxpayer shall have the right to pay the estimated tax in equal installments on or before the quarterly installment payment dates which remain after the filing of the declaration.

C. The Collector is hereby authorized to provide by regulations for the making and filing of adjusted declarations or estimated net profits, and for the payment of

the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required anticipates additional net profits not previously declared or finds that he has overestimated his anticipated net profits.

D. On or before April 15 of the next year, every taxpayer who has received net profits shall make and file with the Collector on a form prescribed by him, a final return showing all of his net profits for the period beginning January 1 and ending December 31 of the preceding year, the total amount of tax due, the amount of estimated tax paid under the provisions of this Section, and the balance due; provided, however, that any taxpayer may, in lieu of paying the last quarterly installment of his estimated tax, elect to make and file with the Collector on or before January 15 of the next year the final return as hereinabove required. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

E. Every taxpayer who discontinues business prior to December 31 of each year shall, within 15 days after the discontinuance of business, file his final return as hereinabove required and pay the tax due.

2. *Salaries, Wages, Commissions, and Other Compensation.* Every taxpayer who is employed on a salary, wage, commission, or other compensation basis and who received any earnings not subject to the provisions of §24-104 of this Part relating to the collection at source, shall, on or before April 15 of each year, make and file with the Collector on a form prescribed by the Collector, a return setting forth the aggregate amount of salaries, wages, commissions, and other compensation earned by him from January 1 to March 31 of each year and subject to the tax, together with such information as the Collector may require. He shall also, on or before July 15 and October 15 of each year and January 15 of the next year, make and file with the Collector, on a form prescribed by the Collector, a return setting for the aggregate amount of salaries, wages, commissions, and other compensation earned by him during the 3-month periods ending June 30, September 30, and December 31 of each year, and subject to the tax, together with such other information as the Collector may require. Every taxpayer making such return shall, at the time of filing thereof, pay to the Collector, the amount of tax shown as due thereon.

(*Ord. 8-1963, 11/3/1963, §3*)

§24-104. Collection at Source.

1. Every person within the Township of Baldwin who employs one or more persons on a salary, wage, commission, or other compensation basis, other than domestic servants, shall on or before April 30, of each year, or within 15 days after becoming an employer, register with the Collector his name, address, and such other information as the Collector may require.

2. Every person within the Township of Baldwin who employs one or more persons on a salary, wage, commission, or other compensation basis, other than domestic servants, shall deduct monthly, or more often than monthly, at the time of payment thereof, the tax imposed by this Part on the salaries, wages, commissions, and other compensation due to his employee or employees, and shall on or before April 15, July 15, and October 15, of each year and January 31 of the next year file a return of taxes deducted on a form prescribed by the Collector, and pay to the Collector the

amount of tax deducted for the preceding quarter.

3. On or before January 31 of each year, every such employer shall file with the Collector on forms prescribed by him:

A. An annual return for the period beginning January 1 and ending December 31 of the preceding year showing the total amount of salaries, wages, commissions, and other compensation paid, the total amount of tax paid to the Collector during and for the aforesaid period.

B. A return for each employee employed during all or any part of the period beginning January 1 and ending December 31 of the preceding year, setting forth the employee's name, address, and Social Security number, the amount of salaries, wages, commissions, or other compensation paid to the employee during said period, the amount of tax deducted, the amount of tax paid to the Collector, and such other information as the Collector may require. Every employer shall furnish a copy of the individual return to the employee for whom it is filed.

4. Every employer who discontinues business prior to December 31 of each year shall, within 15 days after discontinuance of business, file the return hereinabove required and pay the tax due.

5. The failure or omission of any employer to make the deductions required by this Section shall not relieve any employee from the payment of the tax or from complying with the requirements of this Part relating to the filing of declarations and returns; provided, however, that it shall be the duty of the employee to notify his employer promptly of any change of residence affecting his status as a taxpayer or non-taxpayer of the tax imposed by this Part; any employer withholding the tax imposed by this Part from any taxpayer shall be and he is hereby authorized to continue to withhold said tax until the employer is notified by the employee of the change of residence of the employee, which change of residence makes such employee no longer subject to the tax; any employee from whom taxes are not being withheld shall be under a duty, as soon as such employee becomes a resident of the Township of Baldwin, of notifying his employer so that the tax imposed by this Part may be withheld.

(Ord. 8-1963, 11/3/1963, §4)

§24-105. Duties of Collector.

It shall be the duty of the Collector to collect and receive the taxes, fines, and penalties imposed by this Part and to account therefor to the Board of Township Commissioners of Baldwin Township in the manner as is now provided by law for the collection and payment of other taxes collected by the elected Tax Collector of the Township and further to enforce the provisions of this Part and any rules and regulations adopted thereunder. It shall also be his duty, in addition to keeping the records now required by law or ordinance, to keep a record showing the amount of tax received by him from such taxpayer and the date of such receipt. He shall be bonded by a surety company legally authorized to transact business in the Commonwealth of Pennsylvania, in an amount sufficient, in the opinion of the Commissioners of Baldwin Township, to protect the Township of Baldwin at all times for all money coming into his hands for Township purposes under this Part; and the costs of the said surety bond shall be paid by the Township of Baldwin. For his services in administering and enforcing the provisions of this Part and rules and regulations adopted thereunder and

the collection of the taxes and penalties imposed by this Part, the Collector shall receive such compensation as the Board of Commissioners of the Township of Baldwin shall by resolution determine, and, in addition thereto, he shall receive reimbursement for expenses reasonably incurred in connection therewith.

(*Ord. 8-1963, 11/3/1963, §5*)

§24-106. Enforcement.

1. *Rules and Regulations.* The Board of Commissioners of Baldwin Township shall, by resolution, prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter or thing pertaining to the administering and enforcing of the provisions of this Part, including provisions for re-examination and correction of declarations and returns and of payments alleged or found to be incorrect or faulty, or as to which overpayment or underpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this Part. Such rules and regulations shall have the same force and effect as if they had been incorporated into this Part.

2. *Investigative Powers of the Collector.* The Collector, or any other persons designated by the Board of Commissioners of Baldwin Township, is hereby authorized to examine the books, papers, and records of any employer, or any taxpayer or supposed taxpayer, in order to verify the accuracy of any declaration or return made, or, if no declaration or return was made, to ascertain the amount of tax due by any person under this Part. Every such employer or supposed employer or taxpayer or supposed taxpayer, is hereby directed and required to give to the Collector or such other authorized person, the means, facilities, and opportunity for such examination and investigations as are hereby authorized. The Collector is hereby authorized to examine any person concerning earnings and/or net profits which were or should have been returned for taxation, and to this end the Board of Commissioners of Baldwin Township shall and may compel the production of books, papers, and records and the attendance of all persons before it, whether as parties or witnesses, whom it believes to have knowledge of such earnings and/or net profits.

3. *Confidential Information.* Any information gained by the Collector or any other official agent of the Township of Baldwin as a result of any declarations, returns, investigations, hearings, or verifications required or authorized by this Part shall be confidential except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law; and any person or agent divulging such information shall, upon conviction thereof be subject to a fine of \$600 and costs of prosecution for each offense, or, in default of payment of said fine and costs, to undergo imprisonment for not more than 30 days. [*Ord. 427*]

(*Ord. 8-1963, 11/3/1963, §6; as amended by Ord. 427, 4/4/2006*)

§24-107. Interest and Penalties.

All taxes imposed by this Part remaining unpaid after they become due shall bear interest, in addition to the amount of the unpaid tax, at the rate of 6 percent per annum, and the persons for whom such taxes are imposed shall be further liable to a penalty of 5 percent of the amount of the unpaid tax for each month or fraction of a month that such taxes shall remain unpaid.

(Ord. 8-1963, 11/3/1963, §7)

§24-108. Collection of Unpaid Taxes.

All taxes imposed by this Part, together with all interest and penalty due thereon, shall be recoverable in an action of assumpsit brought in the name of the Township of Baldwin, or in such other manner as is now or may hereafter be authorized by law. Any suit brought to recover the tax imposed by this Part shall be begun within 6 years after such tax becomes due and is due, or within 6 years after a declaration or return has been filed, whichever date is later. Provided, however, that this limitation shall not prevent the institution of suit for the collection of any tax due or determined to be in the following cases:

A. Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under the provisions of this Part.

B. Where an examination of the declaration or return in the possession of the Collector reveals a fraudulent evasion of taxes, including but not limited to substantial understatement of taxes, and of actual or estimated net profits or earnings.

C. Where any person has deducted taxes under the provisions of this Part and has failed to pay the sums so deducted to the Collector.

(Ord. 8-1963, 11/3/1963, §8)

§24-109. Violations and Penalties.

1. Any person who fails, neglects, or refuses to make any declaration or return required by this Part, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer or any agent designated by him to examine his books, records, and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Part shall, upon conviction thereof before any district judge or court of competent jurisdiction in the county or counties in which the political subdivision imposing the tax is located, be sentenced to pay a fine of not more than \$500 for each offense, and costs, and, in default of payment of said fine and costs to be imprisoned for a period not exceeding 30 days.

2. Any person who divulges any information which is confidential under the provisions of this Part shall, upon conviction thereof before any district judge or court of competent jurisdiction, be sentenced to pay a fine of not more than \$500 for each offense, and costs, and, in default of payment of said fines and costs to be imprisoned for a period not exceeding 30 days.

3. The penalties imposed under this Section shall be in addition to any other penalty imposed by any other Section of this Part.

4. The failure of any person to receive or procure forms required for making the declaration or returns required by this Part shall not excuse him from making such

declaration or return.

(*Ord. 8-1963, 11/3/1963, §9; as amended by Ord. 427, 4/4/2006*)

§24-110. Applicability.

This Part shall not apply:

A. To any person or property as to whom or which it is beyond the legal power of the Board of Commissioners of Baldwin Township to impose the tax or duties herein provided for.

B. To institutions or organizations operated for public, religious, educational, or charitable purposes; to institutions or organizations not organized or operated for private profit; or to trusts and foundations established for any of the said purposes.

(*Ord. 8-1963, 11/3/1963, §10*)

§24-111. Authority.

This Part is enacted pursuant, under, and by virtue of the authority conferred by the Act of December 31, 1965, P.L. 1257, as amended.

(*Ord. 8-1963, 11/3/1963, §13*)

Part 2**Realty Transfer Tax****§24-201. Short Title.**

This Part shall be known as the “Realty Transfer Tax Ordinance of Baldwin Township.”

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-202. Authority.

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Township of Baldwin, regardless of where the documents making the transfer are made, executed, or delivered, or where the actual settlements on such transfer took place, as authorized by Article XI-D, “Local Real Estate Transfer Tax,” 72 P.S. §8101 *et seq.*

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-203. Definitions.

Association - a partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent’s estate.

Baldwin Township - the Township of Baldwin.

Corporation - a corporation, joint-stock association, business trust, or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory, foreign country, or dependency.

Document - any deed, instrument, or writing which conveys, transfers, demises, vests, confirms, or evidences any transfer or demise of title of real estate, but does not include wills, mortgages, deeds of trust, or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest, or confirm a public utility easement. “Document” shall also include a declaration of acquisition required to be presented for recording under §24-202.

Family farm corporation - a corporation of which at least 75 percent of its assets are devoted to the business of agriculture and at least 75 percent of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

- A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition, or racing.
- B. The raising, breeding, or training of game animals or game birds, fish, cats, dogs, or pets or animals intended for use in sporting or recreational activities.
- C. Fur farming.

D. Stockyard and slaughterhouse operations.

E. Manufacturing or processing operations of any kind.

Members of the same family - any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

Person - every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both. The term "person," as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

Real estate -

A. All lands, tenements, or hereditaments within this Township including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables, or interests which by custom, usage, or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.

B. A condominium unit.

C. A tenant-stockholder's interest in a cooperative housing corporation, trust, or association under a proprietary lease or occupancy agreement.

Real estate company - a corporation or association which is primarily engaged in the business of holding, selling, or leasing real estate, 90 percent or more of the ownership interest in which is held by 35 or fewer persons and which:

A. Derives 60 percent or more of its annual gross receipts from the ownership or disposition of real estate.

B. Holds real estate, the value of which comprises 90 percent or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

Title to real estate -

A. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation an estate in fee simple, life estate, or perpetual leasehold.

B. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consist of a group of rights approximating those of an estate in fee simple, life estate, or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

Transaction - the making, executing, delivering, accepting, or presenting for recording of a document.

Value -

A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against real estate: provided, that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations.

C. In the case of an easement or other interest in real estate, the value of which is not determinable under paragraph .A or .B, the actual monetary worth of such interest.

D. The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures, or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent, or principal of the grantor of a related corporation, association, or partnership and the grantee existing before or effective with the transfer.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-204. Imposition of Tax; Interest.

1. Every person who makes, executes, delivers, accepts, or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, a tax at the rate of 1 percent of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.

2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder of deeds whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

3. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S §6901 *et seq.*, so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Board of Commissioners under the authority of that Act shall during the time such duplication of the tax exists, except as

hereinafter otherwise provided, be one-half of the rate and such one-half shall become effective without any action on the part of the Board of Commissioners; provided, however, that the Township and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the "Local Tax Enabling Act."

4. Any realty transfer tax imposed by subsection .1 that is not paid by the date the tax is due shall bear interest and be subject to penalties, as prescribed for the interest on delinquent municipal claims under the Act of May 16, 1923, (P.L. 207, No. 153) (53 P.S. §7101 *et seq.*), as amended, known as the "Municipal Claims and Tax Lien Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent Commonwealth taxes as provided in §806 of the Act of April 9, 1929, (P.L. 343 No. 176 and 72 P.S. §806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Lien Act for tax claims. [*Ord. 441*]

5. The tax imposed and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965, (P.L. 1257, 511) as amended, known as the "Local Tax Enabling Act"; provided that if the correct amount of tax is not paid by the last day prescribed for timely payment, the Township authorizes the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties. [*Ord. 441*]

(*Ord. 427, 4/4/2006; as readopted and amended by Ord. 441, 1/28/2008, §§1-3*)

§24-205. Exempt Parties.

The United States, the Commonwealth, or any of their instrumentalities, agencies, or political subdivisions shall be exempt from payment of the tax imposed by this Part. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-206. Excluded Transactions.

The tax imposed by §24-204 shall not be imposed upon:

A. A transfer to the Commonwealth, or to any of its instrumentalities, agencies, or political subdivisions, by gift, dedication, or deed in lieu of condemnation or deed or confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within 1 year from the date of condemnation.

B. A document which the Township is prohibited from taxing under the Constitution or statutes of the United States.

C. A conveyance to a municipality, township, school district, or county pursuant to acquisition by the municipality, township, school district, or county of a tax delinquent property at sheriff sale or tax claim bureau sale.

D. A transfer for no or nominal actual consideration which corrects or

confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.

E. A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within 1 year shall be subject to tax as if the grantor were making such transfer.

G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.

H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

J. A transfer for no or nominal actual consideration from trustee to successor trustee.

K. A transfer (1) for no or nominal actual consideration between principal and agent or straw party; or (2) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Part. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this subsection.

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Department reasonably determines that the primary intent for such merger, consolidation, or division is avoidance of the tax imposed by this Part.

M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more

than 2 years.

N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.

O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: (1) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing, or agriculture; and (2) the agency or authority has the full ownership interest in the real estate transferred.

P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

R. A transfer to a conservancy which possesses a tax exempt status pursuant to §501(c)(3) of the Internal Revenue Code of 1986, (26 U.S.C. §501(c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

S. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least 75 percent of each class of the stock thereof.

T. A transfer between members of the same family of an ownership interest in a real estate company of family farm corporation.

U. A transaction wherein the tax is \$1 or less.

V. Leases for the production or extraction of coal, oil, natural gas or minerals, and assignments thereof.

2. In order to exercise any exclusion provided in this Section, the true, full, and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas, or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Part.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-207. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof.

Except as otherwise provided in §24-206, documents which make, confirm, or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders, or stockholders thereof are fully taxable. For the purposes of this Section, corporations and associations are entities

separate from their members, partners, stockholders, and shareholders.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-208. Acquired Company.

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90 percent or more of the total ownership interest in the company within a period of 3 years.

2. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Part.

3. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-209. Credits Against Tax.

1. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.

2. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as a consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

3. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.

4. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of the tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

5. If the tax due upon the transfer is greater than the credit given under this Section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-210. Extension of Lease.

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-211. Proceeds of Judicial Sale.

The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate, or costs of the sale and of the writ upon which the sale is made except the State realty transfer tax, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-212. Duties of Recorder of Deeds.

1. As provided in 16 P.S. §11011(6), as amended by Act of July 7, 1983, (P.L. 40, No. 21), the recorder of deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Township based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Township.

2. In order to ascertain the amount of the taxes due when the property is located in more than one political subdivision, the recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

3. On or before the 10 of each month, the recorder shall pay over to the Township all local realty transfer taxes collected, less 2 percent for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The 2 percent commission shall be paid to the county.

4. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee has been tendered.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-213. Statement of Value.

Every document lodged with or presented to the recorder of deeds for recording, shall set forth therein and as a part of such document the true, full, and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full, and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this Section shall not apply to any

excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full, and complete value thereof or the reason, if any, why such document is not subject to tax under this Part.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-214. Civil Penalties.

1. If any part of any underpayment of taxes imposed by this Part is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment.

2. In the case of failure to record a declaration required under this Part on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 50 percent in the aggregate.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-215. Lien.

The tax imposed by this Part shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the Township, which lands, tenements, hereditaments or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed, and levied by this Part, said lien to begin at the time when the tax under this Part 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 Allegheny County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 *et seq.*, its supplements and amendments.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-216. Enforcement.

All taxes imposed by this Part together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

§24-217. Regulations.

The Recorder of Deeds of Allegheny County is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of revenue under 72 P.S. §8101(C) *et seq.* are incorporated into and made a part of this Part.

(*Ord. 427, 4/4/2006; as readopted by Ord. 441, 1/28/2008, §1*)

Part 3**Local Services Tax****§24-301. Definitions.**

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Section, except where the context or language clearly indicates or requires a different meaning:

Collector - the person, public employee or private agency designated by the political subdivision to collect and administer the tax herein imposed.

DCED - the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

Earned income - compensation as this term is defined in §13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1257, §13, as amended, 53 P.S. §6913, as amended.

Employer - an individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

He, his or him - indicates the singular and plural number, as well as male, female and neuter genders.

Individual - any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

Net profits - the net income from the operation of a business, profession; or other activity, as this term is defined in §13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1251, §13, as amended, 53 P.S. §6913, as amended.

Occupation - any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

Political subdivision - the area within the corporate limits of the Township of Baldwin, Allegheny County, Pennsylvania.

Tax - the local services tax at the rate fixed in §24-302 of this Part.

Tax year - the period from January 1 until December 31 in any year; a calendar year.

(Ord. 440, 12/17/2007, §1)

§24-302. Levy of Tax.

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008; upon the privilege of engaging in an occupation with a primary place of employment within the Township of Baldwin during the tax year. Each

natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro rata basis, in accordance with the provisions of this Part. This tax may be used solely for the following purposes as the same may be allocated by the Township from time to time: (A) emergency services, which shall include emergency medical services, police services and/or fire services; (B) road construction and/or maintenance; (C) reduction of property taxes; or (D) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S., Ch. 85, Subch. F (relating to homestead property exclusion). The political subdivision shall use no less than 35 percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision, The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

(Ord. 440, 12/17/2007, §2)

§24-303. Exemption and Refunds.

1. *Exemption.* Any person whose total earned income and net profits from all sources within the political subdivision is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

A. Any person who has 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 100 percent disability.

B. 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. For the purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

2. *Procedure to Claim Exemption.*

A. A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than \$12,000 in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by paragraph .B, 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, Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the political subdivision.

B. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision 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 municipality 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 under paragraph .C.

C. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under paragraph .B, 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 under paragraph .B, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, 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, and the political subdivision may pursue collection under this Part.

D. Except as provided in paragraph .B, it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

3. *Refunds.* The Township, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed \$1. The Township or the collector shall determine eligibility for exemption and provide refunds to exempt persons.

(Ord. 440, 12/17/2007, §3)

§24-304. Duty of Employers to Collect.

1. Each employer within the political subdivision, as well as those employers situated outside the political subdivision but who engage in business within the

political subdivision, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the political subdivision and making a return and payment thereof to the collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the political subdivision.

2. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest $\frac{1}{100}$ of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subsection .4 of this Section, For purposes of this subsection, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the municipality.

3. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

4. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within 2 weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

5. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of §24-303.1 of this Part and this Section and remits the amount so withheld in accordance with this Part.

7. Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

(Ord. 440, 12/17/2007, §4)

§24-305. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the

salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

(*Ord. 440, 12/17/2007, §5*)

§24-306. Dates for Determining Tax Liability and Payment.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

(*Ord. 440, 12/17/2007, §6*)

§24-307. Self-Employed Individuals.

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the political subdivision shall be required to comply with this Part and pay the pro rata portion of the tax due to the collector on or before the thirtieth day following the end of each quarter.

(*Ord. 440, 12/17/2007, §7*)

§24-308. Individuals Engaged in More than One Occupation or Employed in More than One Political Subdivision.

The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

- A. First, the political subdivision in which a person maintains his or her principal office or is principally employed.
- B. Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision.
- C. Third, the political subdivision nearest in miles to the person's home in which the person is employed and which imposes the tax.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

(*Ord. 440, 12/17/2007, §8*)

§24-309. Nonresidents Subject to Tax.

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though

they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

(*Ord. 440, 12/17/2007, §9*)

§24-310. Administration of Tax.

1. The Collector shall be appointed by resolution of the political subdivision. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

2. The Collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998 as set forth in the Township's Taxpayers Bill of Rights Resolution.

3. The collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the collector the means, facilities and opportunity for such examination.

(*Ord. 440, 12/17/2007, §10*)

§24-311. Suits for Collection.

1. In the event that any tax under this Part remains due or unpaid 30 days after the due dates above set forth, the collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.

2. If for any reason the tax is not paid when due, interest at the rate of 6 percent on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5 percent shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

(*Ord. 440, 12/17/2007, §11*)

§24-312. Violations and Penalties.

Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Part shall

be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part.

(*Ord. 440, 12/17/2007, §12*)

§24-313. Interpretation.

1. Nothing contained in this Part shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not within the taxing power of the political subdivision under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

2. If the tax hereby imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

(*Ord. 440, 12/17/2007, §13*)

Part 4**Mercantile License Tax****§24-401. Definitions.**

1. The following words and phrases when used in this Part shall have the meaning ascribed to them in this Section unless the context clearly indicates a different meaning:

Gross volume of business - includes both cash and credit transactions but excluding therefrom the dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares, and merchandise taken by any dealer as a trade-in or as part payment for other goods, wares, and merchandise except to the extent that the resale price exceeds the trade-in allowance.

License year - the 12 month-period corresponding to the fiscal year of the Township, commencing January 1 of each year.

Person - any individual, partnership, limited partnership, association, or corporation.

Retail dealer or retail vendor - any person who is a dealer or vendor of goods, wares, or merchandise who is not a wholesale dealer or vendor.

Tax Collector - the person designated by the Board of Commissioners of the Township of Baldwin to enforce and administer this Part.

Temporary, seasonal, or itinerant business - any business that is conducted at one location for less than 60 consecutive calendar days.

Wholesale dealer or wholesale vendor - any person who sells to dealers in, or vendors of, goods, wares, and merchandise.

2. The term “person,” “wholesale dealer,” “wholesale vendor,” “retail dealer,” and “retail vendor” shall not include nonprofit corporations or associations organized for religious, charitable, or educational purposes, agencies of the government of the United States or of the Commonwealth of Pennsylvania, or any person vending or disposing of articles of his own growth, production, or manufacture for shipment or delivery from the place of growth, production, or manufacture thereof.

(Ord. 9-1963, 11/4/1963, §1)

§24-402. Levy and Collection of Tax.

The Township hereby imposes an annual tax in the manner and at the rates hereinafter set forth.

(Ord. 9-1963, 11/4/1963, §2)

§24-403. License; Fees.

1. Every person desiring to continue to engage in or hereafter to begin to engage in the business of a wholesale or retail vendor or dealer in goods, wares, or merchandise, and any person conducting a restaurant or other place where food, drink, or refreshments are sold in the Township, shall, on or before the first day of January in the license year, or prior to commencing business in the license year, procure a license

for his place of business, or if more than one, for each of his places of business in the Township, from the Tax Collector, who shall issue the same upon the payment of a fee in an amount as established from time to time by resolution of the Board of Commissioners. Such license shall be conspicuously posted at the place of business or each of the places of business of every such person at all times. [Ord. 427]

2. All temporary, seasonal, or itinerant business shall be required, at the time a license is procured, to pay a deposit of \$5 in good faith for the payment of said tax. If during said license year the tax is less than \$5, the business shall be reimbursed the difference. If the amount of the tax is in excess of \$5, the balance shall be due and payable to the Township.

(Ord. 9-1963, 11/4/1963, §3; as amended by Ord. 179, 1/3/1967, §1; by Ord. 351, 11/4/1992; and by Ord. 427, 4/4/2006)

§24-404. Imposition and Rate of Tax.

Every person engaging in any of the following occupations or businesses in the Township shall pay an annual tax at the rate set forth:

A. Wholesale vendors or dealers in goods, wares, and merchandise, at the rate of one mill on each dollar of the volume of the annual gross business transacted by him.

B. Retail vendors and dealers in goods, wares, and merchandise, and all persons engaged in conducting restaurants or other places where food, drink, or refreshments are sold and all persons conducting places of amusement at the rate of one and one-half mills on each dollar of the volume of the annual gross business transacted by him.

C. Wholesale and retail vendors or dealers in goods, wares, and merchandise at the rate of one mill on each dollar of the volume of the annual gross wholesale business transacted by him.

D. Every person engaging in any of the following occupations, businesses, transactions, or privileges in the Township:

attorneys at law; auto repair and body shops; bowling alleys; barbers; beauty salons; beauty shops; dancing schools; contractors; concrete and cinder block manufacturers or producers; cleaning, pressing and dyeing establishments; dentists; doctors; bakeries; engineers; electrical contractors; plastering contractors; bricklaying contractors; carpenters and carpentry contractors; plumbing and plumbing and heating contractors; machine shops; processors; printers; lithographers; painters and painting contractors; shoe repair shops; tailors; truckers and general haulers; radio and television sales, service, and repair shops; real estate brokers and insurance agents; warehousemen; and upholstering shops

shall pay a tax at the rate of 1½ mills on each dollar of the volume of the annual gross business transacted by him.

(Ord. 9-1963, 11/4/1963, §4)

§24-405. Computation of the Volume of Business.

1. Every person subject to the payment of the tax hereby imposed who has

commenced his business at least 1 full year prior to the beginning of the license year shall compute his annual gross volume of business upon the actual gross amount of business transacted by him during the preceding calendar year.

2. Every person subject to the payment of the tax hereby imposed, who has commenced business for less than 1 full year prior to the beginning of the license year, shall compute his annual gross volume of business for the license year upon the actual gross volume of business transacted by him during the month of November of the year of his engaging in such business multiplied by 12.

3. Every person subject to the payment of the tax hereby imposed, who commences his business subsequent to the beginning of the license year, shall compute his annual gross volume of business for the license year upon the actual gross volume of business transacted by him during the first month of his engaging in business, multiplied by the number of months he engages in business in the license year.

4. Every person subject to the payment of the tax hereby imposed who engages in a business, temporary, seasonal, or itinerant by its nature shall compute his annual gross volume of business upon the actual gross amount of business transacted by him during the license year.

(*Ord. 9-1963, 11/4/1963, §5*)

§24-406. Returns.

1. Every return shall be made upon a form furnished by the Tax Collector. Every person making a return shall certify the correctness thereof.

2. Every person subject to the tax imposed by this Part, who has commenced business at least 1 full year prior to the beginning of the license year, shall, on or before the 15 day of April following, file with the Tax Collector a return setting forth his name, his business and business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during the preceding calendar year, and the amount of tax due. [*Ord. 413*]

3. Every person subject to the tax imposed by this Part, who has commenced his business less than 1 full year prior to the beginning of the license year, shall, on or before the 15 day of April following, file with the Tax Collector a return setting forth his name, his address, business address and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during the month of November of the business year preceding, and the amount of tax due. [*Ord. 413*]

4. Every person subject to the tax imposed by this Part who commences business subsequent to the beginning of the license year shall, within 40 days from the date of commencing such business, file a return with the Tax Collector setting forth his name, his address, his business, and such information as may be necessary in arriving at the actual gross amount of business transacted by him during the first month of business and the amount of tax due.

5. Every person subject to the payment of the tax imposed by this Part who engages in a business, temporary, seasonal, or itinerant by its nature, shall, within 7 days from the day he completes such business, file a return with the Tax Collector setting forth his name, his business, and business address and such information as may be necessary in arriving at the actual gross amount of business transacted by him

during the period and the amount of the tax due.

(*Ord. 9-1963, 11/4/1963, §6; and as amended by Ord. 413, 2/3/2004, §1*)

§24-407. Payment.

At the time of filing the return, the person making the same shall pay the amount of tax shown as due thereon to the Tax Collector.

(*Ord. 9-1963, 11/4/1963, §7*)

§24-408. Powers and Duties of Tax Collector.

1. It shall be the duty of the Tax Collector to collect and receive the taxes, fines, and penalties imposed by this Part. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and the date of such receipt.

2. The Tax Collector is hereby charged with the administration and enforcement of the provisions of this Part and is hereby empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of the Part, including provision for the re-examination and correction of returns and payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Tax Collector shall have the right to appeal to the Court of Common Pleas as in other cases provided.

3. The Tax Collector is hereby authorized to examine the books, papers, and records of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax due. Every such taxpayer or supposed taxpayer is hereby directed and required to give to the tax Collector the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

(*Ord. 9-1963, 11/4/1963, §8*)

§24-409. Compensation of Tax Collector.

The Tax Collector shall receive as compensation for the collection of all taxes and penalties herein imposed, 5 percent of all accounts collected under the terms and provisions of this Part.

(*Ord. 9-1963, 11/4/1963, §9*)

§24-410. Suit on Collection; Penalty.

1. The Tax Collector may sue for the recovery of taxes due and unpaid under this Part.

2. If for any reason the tax is not paid when due, interest at the rate of 6 percent per annum on the amount of said tax and an additional penalty of 1 percent on the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

(*Ord. 9-1963, 11/4/1963, §10*)

§24-411. Penalties.

Whoever makes any false or untrue statement on his return or who refuses to permit the inspection of the books, records, or accounts of any business in his custody or control when the right to make such inspection by the Tax Collector is requested, and whoever fails or refuses to file a return required by this Part and whoever fails or refuses to procure a license when so required under this Part, or fails to keep his license conspicuously posted at his place of business, as required herein, shall, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 9-1963, 11/4/1963, §11; as amended by Ord. 427, 4/4/2006*)

§24-412. Authority.

This Part and the taxes levied thereunder are adopted under the authority of the Act of December 31, 1965, P.L. 1257, as amended.

(*Ord. 9-1963, 11/4/1963, §13*)

Part 5**Property Tax Relief****§24-501. Definitions.**

Act 77 - the Act of December 22, 1993, Public Law 529 No. 77, codified as the Allegheny Regional Asset District Law, 16 P.S. §6101-B *et seq.*

Allegheny Regional Asset District Law - see the definition of "Act 77" above.

Assessment - the fair market value of property as determined by the Board of Property Assessment, Appeals, and Review.

Board of commissioners - the Board of Commissioners of Baldwin Township.

County - Allegheny County.

Department of property assessment - the Department of Property Assessment, Appeals, Review, and Registry of Allegheny County.

Eligible taxpayer - a longtime owner/occupant of a principal residence in Baldwin Township who is: (A) a single person aged 65 or older during a calendar year in which County real property taxes are due and assessed; or (B) married persons if either spouse is 65 or older during a calendar year in which County real property taxes are due and assessed.

Household income - all income received by an eligible taxpayer while residing in his or her principal residence during a calendar year.

Income - all income from whatever source derived, including but no limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State unemployment insurance laws and Veteran's disability payments, all interest received from the Federal or any State government or any instrumentality or political subdivision hereof, realized capital gains, rentals, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first \$5,000 of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate or inflation dividend.

Longtime owner/occupant - any person who for at least 10 continuous years has owned or has occupied the same dwelling place as a principal residence and domicile, or any person who for at least 5 years has owned and occupied the same dwelling as a principal residence and domicile if that person received assistance in the acquisition of the property as part of a government or nonprofit housing program.

Person - a natural person.

Principal residence - the dwelling place of a person, including the principal house and lot, and such lots as are used in connection therewith which contribute to its enjoyment, comfort, and convenience; or a building with a maximum of one commercial establishment and a maximum of three residential units of which one residential unit

must be a principal residence of the longtime owner/occupant.

Senior Citizens Rebate and Assistance Act - the Act of March 11, 1971, P.L. 104, No. 3, as amended, codified at 72 P.S. §4751-1 *et seq.*

(*Ord. 363, 12/6/1994, Art. 1, §1*)

§24-502. Limitation of Assessment for Eligible Taxpayers.

All eligible taxpayers in Baldwin Township who are longtime owner/occupants shall be entitled to have the assessment on his or her principal residence maintained at or limited to the amount determined by the Department of Property Assessment for the calendar year 1993 if the eligible taxpayer meets the household income limits for qualification for any amount of property tax rebate under the Senior Citizens Rebate and Assistance Act.

(*Ord. 363, 12/6/1994, Art. 1, §2*)

§24-503. Participation in Limitation of Tax Assessment Program.

Any person paying property taxes in Baldwin Township may apply to the Township for certification as a participant in the assessment limitation program authorized under this Part. In order to be eligible to participate in the program, the person must meet the following conditions:

- A. The person must be a single person aged 65 or older; or be married persons with either spouse being 65 years of age or older.
- B. The person must be a longtime owner/occupant.
- C. The property owned by the person must be the principal residence and domicile of the resident.
- D. The person's household income must qualify him or her to receive any amount of property tax rebate under the Senior citizens Rebate and Assistance Act.

(*Ord. 363, 12/6/1994, Art. 1, §3*)

§24-504. Rules and Regulations.

The Department of Property Assessment and Baldwin Township shall have the authority to issue rules and regulations with respect to the administration of the limitation of tax assessment program established under this Part. Such rules and regulations shall include, but not limited to, reasonable proof of household income, proof of residence, proof of qualification for or receipt of a property tax rebate under the Senior Citizens Rebate and Assistance Act and any other reasonable requirements and conditions as may be necessary to operate the tax assessment limitation program.

(*Ord. 363, 12/6/1994, Art. 1, §4*)

Part 6**Collection of Real Estate Taxes****§24-601. Collection of Real Estate Taxes.**

1. Pursuant to the Local Tax Enabling Act, 53 P.S. §6901 *et seq.* the Township of Baldwin establishes a date on which real estate taxes are due and collectible.

2. Commencing in calendar year 2000 and for each year thereafter, the Treasurer and the Tax Collector of Township of Baldwin are directed to mail the Township real estate tax bills not later than February 1 of that year and each succeeding year.

3. For calendar year 2000, and each succeeding year, Township real estate taxes will be due at a discount of 2 percent if paid not later than June 30 of the year when taxes are due.

4. For calendar year 2000, and each succeeding year, Township real estate taxes are due at face amount by September 30 of the year then due.

5. For calendar year 2000, and each succeeding year, if Township real estate taxes remain unpaid after September 30 of each year a penalty to 10 percent of taxes owed will be added. This penalty is in addition to any other penalty, fees, or fees which may be due and owing the Township because of the failure to pay.

6. Any ordinance or resolution or part of any ordinance or resolution in conflict herewith and/or contrary to the terms and provisions of this Part is hereby repealed to the extent of such conflict or contradiction.

7. The Treasurer and Tax collector of the Township of Baldwin are authorized by the Board of Commissioners to take such action as necessary under the First Class Township Code or any other applicable statute to implement this Part.

(Ord. 392, 7/6/1999)

