

**LEWIS TOWNSHIP  
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE 2009-02**

**AN ORDINANCE OF THE TOWNSHIP OF LEWIS, NORTHUMBERLAND COUNTY, PENNSYLVANIA IMPOSING A LOCAL SERVICES TAX UPON PERSONS EMPLOYED WITHIN THE TOWNSHIP OF LEWIS, PROVIDING FOR EXEMPTIONS AND PROVIDING FOR RULES AND REGULATIONS FOR THE ADMINISTRATION AND COLLECTION OF SUCH TAX.**

**BE IT ENACTED and ORDAINED** by the Board of Supervisors of Lewis Township, Northumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**Section 1. Short Title and Authority.**

This Ordinance shall be known and may be cited as the Lewis Township Local Services Tax Ordinance. This Ordinance is enacted under the authority of the Local Tax Enabling Act, 53 P.S. § 6901 et seq.

**Section 2. Definitions.**

The following words and phrases, when used in this Ordinance, 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 or agency appointed from time to time by the Lewis Township Board of Supervisors to assess and collect the tax imposed hereunder, and to administer the provisions of, this Ordinance.

Employer – An individual, partnership, association, corporation, governmental body, agency or other entity employing one (1) or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

Fiscal Year – The twelve-month period beginning January 1, 2010, and ending December 31, 2010, and each twelve months thereafter.

He, His or Him – Indicates the singular and plural number as well as male, female and neuter genders.

Income – All earned income and net profits from all sources within the Township.

Individual – Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Township of Lewis.

Occupation – Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of the Township of Lewis for which compensation is charged or received whether by means of salary, wages, commissions or fees for services rendered.

Tax – The Local Services Tax.

Township of Lewis – The area within the corporate limits of the Township of Lewis.

**Section 3. Imposition of Tax and Exemptions.**

A. Imposition of Tax.

Beginning January 1, 2010, the Township of Lewis hereby levies and imposes on each occupation engaged in by individuals within its corporate limits during the fiscal year of 2010 and each fiscal year thereafter a Local Services Tax. For the fiscal year 2010, said Tax shall be in the amount of fifty two dollars (\$52.00) per annum and shall be collected for the sole benefit of the Township of Lewis. This Tax does not include any Occupational Privilege Tax or Local Services Tax levied and collected separately by the Warrior Run School District.

This Tax is in addition to all other taxes of any kind or nature heretofore levied by the Township, and this Tax shall continue in force, without annual reenactment, unless the rate of the tax is subsequently changed or this ordinance is repealed.

B. Exemptions.

The following individuals shall be exempt from the Local Services Tax:

1. Persons whose earned income and net profits from all sources within the Township is less than \$12,000.00 per annum for the calendar in which the tax is levied.
2. Any person who served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military services, a 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 successors to be a total one hundred percent (100%) permanent disability.
3. 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 purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United

States Marine Corp Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

C. Exemption Certificate.

Any 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 \$12,000.00 in the fiscal year for which the exemption certificate is filed. 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 Township for the year prior to the fiscal year for which the employee is requesting to be exempted from the Local Services Tax. Upon receipt of the exemption certificate the Township shall provide a copy of the exemption certificate to the Collector. Upon receipt of the exemption by the employer until otherwise instructed by the Township the employer shall not withhold the tax from the person during the fiscal year or the remainder of the fiscal year for which the exemption applies.

With respect to a person who claimed an exemption for a given fiscal year from the Local Services Tax upon notification to an employer by the person or by the Township that the person has received income and net profits from all sources within the Township equal to or in excess of \$12,000.00 in that fiscal year or that person is otherwise ineligible for the tax exemption for that fiscal 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 \$12,000.00 in that fiscal year an employer shall withhold the Local Services tax from the person.

**Section 4. Collection by Employer; Return and Payment.**

Each employer who engages in business within the Township of Lewis is hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within the Township of Lewis this Tax and making a return and payment thereof to the Collector.

**Section 5. Withholding by Employer.**

A. Each employer is hereby authorized to deduct the tax from each employee in his employ, whether said employee is paid salary, wages or commission and whether or not part or all of such services are performed within the Township.

B. A person subject to the Local Services Tax shall be assessed a pro-rata share of the tax for each payroll 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 Local Services Tax levied for the fiscal year by the number of payroll periods established by the employer for the fiscal 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 one hundredth 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.

In the case of concurrent employment, however, the 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 placement of employment within two (2) weeks of its occurrence.

C. Taxes deducted from wages by an employer shall at all times be and remain the property of this Township and shall constitute a trust fund in the employer's hands until remitted to the Collector. Deduction of taxes from wages shall, as between the employee and the Township, constitute payment of the Tax by the employee, regardless of any insolvency or failure to remit on the employer's part.

**Section 6. Employer's Returns; Commission.**

A. Each employer shall prepare and file a return showing a computation of the Tax on forms to be supplied by the Collector.

B. Each employer in filing this return and making payment of the tax withheld from his employees shall be entitled to retain a commission calculated at the rate of two percent (2%) of the gross tax due and payable, provided that such tax is collected and paid by the employer on or before the dates hereinafter set forth.

**Section 7. Employer's Annual Report and Payment; Supplements.**

Each employer shall remit the Taxes collected to the Collector within thirty (30) days of the end of each quarter. The employer shall submit an annual report detailing the number of employees, names of the employees and the amount collected within thirty (30) days of the end of each calendar year.

**Section 8. Individuals Having More Than One (1) Occupation Within Township.**

Each individual who shall have more than one (1) occupation within the Township shall be subject to the payment of this tax on his principal occupation and his principal employer shall deduct this tax and deliver to him evidence of deductions on a form to be furnished to the employer by the Township which form shall be evidence of deductions having been made and when presented to any other employer shall be authority for such employer to not deduct this tax from the employee's wages, but to include such employee on his return by setting forth his name, address and the name and address of the employer who deducted this Tax.

**Section 9. Self-Employed Individuals.**

All self-employed individuals who perform services of any type or kind or engage in any occupation or profession within the Township shall be required to comply with this Ordinance on June 15 of the fiscal year or as soon thereafter as he engages in an occupation.

**Section 10. Nonresident Employers and Self-Employed Individuals.**

All employers and self-employed individuals residing or having their place of business outside the Township but who performed services of any kind, or engage in any occupation or profession within the Township do by virtue thereof agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this ordinance with the same force and effect as though they were residents of the Township. Any individual engaged in an occupation within the Township and an employee of a nonresident employer may, for the purpose of this Ordinance, be considered a self-employed person and in the event this tax is not paid, the Township shall have the option of proceeding against either the employer or the employee for the collection of this Tax as hereinafter provided.

**Section 11. Powers and Duties of Collector.**

A. 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.

B. The Collector is hereby charged with the administration and enforcement of the Ordinance and is hereby charged and empowered to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Ordinance, including provisions for the examination of the payroll records of any employer subject to this Ordinance, the examination and correction of any return made in compliance with this Ordinance 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 to the Court of Common Pleas of Northumberland County as in other cases provided.

**Section 12. Recovery of Unpaid Tax; Interest and Penalty.**

A. In the event that any tax under this Ordinance remains due or unpaid thirty (30) days after the due dates above set forth, the Township may sue for the recovery of any such tax due or unpaid together with interest and penalty.

B. If for any reason the tax is not paid when due, interest at the rate of six percent (6%) per annum on the amount of said tax shall be collected beginning with the due date of said tax, and an additional penalty of one half of one percent (1/2 of 1%) of the amount of the unpaid tax shall be added and collected for each month or fraction thereof during which the tax remains unpaid.

Where suit is brought for the recovery of this tax, the individual liable therefore shall, in addition, be responsible and liable for the costs of collection, including attorney's fees.

C. The Collector or his duly authorized representative or agent 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 or his duly authorized representative or agent the means, facilities and opportunity for such examinations.

**Section 13. Prohibited Acts; Penalty for Violation.**

Any person who make any false or untrue statement on any return, exemption certificate or document required or permitted by this Ordinance, or who refuses inspection of his books, records or accounts in his custody and control setting forth the number of employees subject to this tax who are in his employment, or whoever fails or refuses to file any return commits a violation of this Ordinance. If the Board of Supervisors or the Collector determines that a person has committed or permitted the commission of a violation of this Ordinance, the Township may institute summary criminal proceedings and/or may seek equitable relief. In the event summary criminal proceedings are instituted, the fine for the first offense shall be no less than One Hundred Dollars (\$100.00) and not more than Six Hundred Dollars (\$600.00). The fine for a second offense shall not be less than Three Hundred Dollars (\$300.00) and not more than Six Hundred Dollars (\$600.00). The fine for a third or greater offense shall not be less than Five Hundred Dollars (\$500.00) and not more than Six Hundred Dollars (\$600.00). Each day or portion thereof in which a violation exists shall be considered a separate violation. Each Section of this Ordinance which is violated shall be considered a separate violation. The amount of any fine imposed by a District Judge or a court shall be in addition to any other fine which may be imposed under any statute. In default of payment of any fine, such person shall be liable to imprisonment for not more than thirty (30) days. The action to enforce this Ordinance may be instituted against any person in charge of the business of any employer who shall have failed or refused to file a return required by this Ordinance

**Section 14. Applicability; Validity.**

A. Noting contained in this Ordinance shall be construed to empower the Township to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Township under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B. If the tax hereby imposed shall be held in violation of the Constitution of the United States or the laws of the Commonwealth of Pennsylvania as to any individual, such decision shall not affect or impair the right to impose or collect said tax, or the validity of the tax so imposed, on the other persons or individuals as herein provided.

**Section 15. Severability.**

In the event any provision, section, sentence, clause or part of this ordinance shall be held

to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such as invalidity, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, it being the intent of the Board of Supervisors that the remainder of this Ordinance shall remain in full force and effect.

**Section 16. Construction.**

Nothing in this Ordinance shall be construed to affect any suit or proceedings pending in any court, or any rights acquired or liability incurred, or any cause or causes of action existing prior to the adoption of this amendment.

**Section 17. Repealer.**

Township Ordinance #01-02, adopted February 7, 2001, which imposes a \$10.00 Occupational Privilege Tax is hereby repealed.

**Section 18. Effective Date**

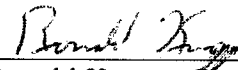
This ordinance shall take effect and be in full force on January 1, 2010.

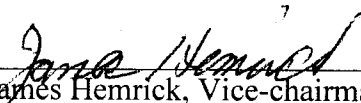
**ORDAINED AND ENACTED** this 4 day of Nov 2009.

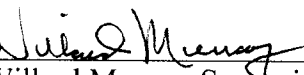
ATTEST:

TOWNSHIP OF LEWIS

  
Gerald Otterbein, Secretary

By   
Ronald Knopp, Chairman

By   
James Hemrick, Vice-chairman

By   
Willard Murray, Supervisor