

**FORD CITY BOROUGH ORDINANCE NO. 674**  
**AN ORDINANCE AMENDING ORDINANCE NO. 664,**  
**HEREINAFTER REFERRED TO AS**  
**THE BOROUGH OF FORD CITY**  
**LOCAL SERVICES TAX ORDINANCE**

AN ORDINANCE ENACTING A TAX FOR REVENUE PURPOSES CONSISTENT WITH ACT 7 OF 2007 IN THE AMOUNT OF \$52.00 PER YEAR UPON THE PRIVILEGE OF ENGAGING IN AN OCCUPATION WITHIN THE LIMITS OF FORD CITY BOROUGH, ARMSTRONG COUNTY, PENNSYLVANIA; SAID TAX TO BE PAID BY ANY INDIVIDUAL EXERCISING SUCH PRIVILEGE; EXEMPTING THEREFROM INDIVIDUALS DERIVING LESS THAN TWELVE THOUSAND (\$12,000.00) DOLLARS PER YEAR FROM EARNED INCOME AND NET PROFITS FROM ALL SOURCES WITHIN THE BOROUGH OF FORD CITY OR IF SAID INDIVIDUAL HAS APPROPRIATE MILITARY SERVICE; PROVIDING FOR ITS COLLECTION; IMPOSING ON EMPLOYERS THE DUTY OF COLLECTING SAID TAX FROM EVERY INDIVIDUAL IN THEIR EMPLOY SUBJECT TO SAID TAX; CONFERRING AND IMPOSING POWERS AND DUTIES OF ADMINISTRATION ON THE TAX COLLECTOR; IMPOSING PENALTIES FOR THE VIOLATION THEREOF; AND EFFECTIVE DATE.

BE IT RESOLVED by the Borough Council of Ford City Borough, Armstrong County, Pennsylvania, and it is hereby resolved by authority of the same as follows:

SECTION 1, 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:

- a. "Act" shall mean Act 7 of 2007, amending the Local Tax Enabling Act, Act 511 of 1965.
- b. "Individual" shall mean any person, male or female, engaged in any occupation, trade, or profession within the limits of Ford City Borough.
- c. "Occupation" shall mean any trade, profession, business, or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the limits of Ford City Borough, for which compensation is charged

or received by means of salary, wages, commissions or fees for services rendered.

d. "Employer" shall mean 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.

e. "Tax" shall mean the Local Services Tax in the amount of Fifty-Two (\$52.00) Dollars levied by this Ordinance.

f. "Local Services Tax Officer" or "Officer" or "Tax Collector" shall mean the person, public employee, or private agency designated by Ford City Borough to collect and administer the Local Services Tax hereby imposed.

g. "Tax Year" or "Calendar Year" shall mean the Twelve (12) Month Period beginning January 1 and ending December 31.

h. "Within the Borough" means within the corporate limits of the Borough of Ford City, Armstrong County, Pennsylvania.

i. "He", "His", or "Him" shall mean and indicate the singular and plural number, as well as, male, female, and neuter gender.

SECTION 2, LEVY. The Borough Council hereby levies and imposes on each individual engaged in any occupation within the territorial limits of Ford City Borough during this fiscal year and each fiscal year thereafter, a Local Services Tax. This tax is in addition to all other taxes of any kind or nature heretofore levied by Ford City Borough, provided that all individuals deriving less than Twelve Thousand (\$12,000.00) Dollars per year from earned income and net profits from all sources within the Borough of Ford City or who have appropriate military service shall be exempt from the Local Services Tax hereby levied. Appropriate military service is defined as any one of the following:

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

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. The term "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.

The Local Services Tax in the amount as herein specified may be subject to the sharing provisions as set forth in applicable law.

**SECTION 3, AMOUNT OF TAX.** Beginning with the first day of January, each person engaged in an occupation as herein before defined, engaged in within the limits of Ford City Borough, shall be subject to a Local Services Tax in the amount of Fifty-Two (\$52.00) Dollars per annum, said tax to be paid by the individual so engaged.

**SECTION 4, DUTY OF EMPLOYERS.** Each employer within Ford City Borough, as well as, those employers situated outside Ford City Borough, is hereby charged with the duty of collecting from each of his employees engaged by him, and performing for him within Ford City Borough, the said tax of Fifty-Two (\$52.00) Dollars per annum, and making a return and payment thereof to the Tax Officer. Further, each employer is hereby authorized to deduct this tax from each employee in his employ, whether the said employee is paid by salary, wages, or commission and whether or not part or all such services are performed within Ford City Borough. Each employer shall deduct said tax from such employee as set forth in Section 6, herein, unless the tax has previously been withheld from the employee in the fiscal year and the employee provides verification to the employer that the tax has previously been withheld.

**SECTION 5, RETURNS.** Each employer shall register with the Tax Officer within thirty (30) days after first becoming an employer in Ford City Borough. Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied by the Tax Officer. On each occasion the tax is due, each employer shall provide to the Tax Officer his name and complete mailing address. In addition, the employer shall identify the name and address of each employee from whom the tax was withheld or not withheld, as the case may be, and such other information as the Tax Officer may require. It is further provided that if the employer fails to file said return, and pay said tax, except as provided by the Act, whether or not he makes collection thereof from the salary, wages, or commissions paid by him to said employee, the employer shall be responsible for the payment of the tax in full as though the tax had originally been levied against him. The failure to receive notice shall not relieve the employer or any person subject to this Ordinance from the withholding or payment of any taxes imposed by Ford City Borough and such employer or taxpayer as the case

may be shall be charged with the taxes as though he had received noticed.

**SECTION 6, DATES FOR DETERMINING TAX LIABILITY AND PAYMENT.** Each employer shall deduct the tax from the compensation payable to the employee, file a return on a form prescribed by the Tax Officer and pay such Tax Officer a pro rata share of the tax for each payroll period in which the employee is engaging in an occupation. The pro rata share of the tax assessed on the employee for a payroll period shall be determined by dividing the combined rate of the Local Services 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 rate 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 Local Services Tax levied shall be made on a payroll period basis for each payroll period in which the employee is engaging in an occupation, except as provided for in the Act in the case of concurrent employment or for employees who file an exemption certificate with their employer based on income, but who actually earn Twelve Thousand (\$12,000.00) Dollars or more in the calendar year from earned income and net profits from all sources within the Borough. Further provided, that an employer shall remit the Local Services Taxes thirty (30) days after the end of each quarter of a calendar year.

**SECTION 7, INDIVIDUALS ENGAGED IN MORE THAN ONE (1) OCCUPATION.** Each individual who shall have more than One (1) Occupation within Ford City Borough 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 deduction on a form to be furnished by the employer and acceptable to the Tax Officer, which form shall be evidence of deduction having been made, and when presented to any other employer shall be authority for such other employer to not deduct this tax from the employee's wages. However, the name of such employee shall be included in the quarterly return of the employer to the Local Services Tax Officer by setting forth the name and address of such employee, and the name, address and account number of the employer who actually deducted this tax.

**SECTION 8, SELF-EMPLOYED INDIVIDUALS.** All self-employed individuals whose business is located in Ford City Borough or who perform services of any kind or type, engaged in any occupation or profession within Ford City Borough shall be required to comply with this Ordinance and pay the tax to the Tax Officer, in four (4) equal installments; each installment being due thirty (30) days after the end of each calendar quarter.

SECTION 9, EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS RESIDING BEYOND THE LIMITS OF FORD CITY BOROUGH. All employers and self-employed individuals residing or having their place of business outside of Ford City Borough, but who perform services of any type or kind, or engage in any occupation or profession within Ford City Borough, are by virtue thereof bound by and subject to the provisions, penalties and regulations promulgated under this Ordinance. Further, any individual engaged in an occupation within Ford City Borough, and an employee of a non-resident employer may, for the purpose of this Ordinance be considered a self-employed person, and in the event this tax is not paid, Ford City Borough shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided. Each such employer and individual as the case may be shall be subject to the provisions of this Ordinance as it applies to payment, reporting and any other applicable provisions of this Ordinance.

#### SECTION 10, ADMINISTRATION OF TAX.

a. It shall be the duty of the Local Services Tax Officer to accept and receive payments of this tax and to keep a record thereof showing the amount received from each employer or self-employed person, together with the date the tax was received.

b. The Local Services Tax Officer is hereby charged with the administration and enforcement of this 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 returns made in compliance with this Ordinance, and any payment alleged or found to be incorrect or to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Local Services Tax Officer shall have the right to appeal in accordance with the provisions of the Local Taxpayers Bill of Rights or to the Court of competent jurisdiction, as in other cases provided.

c. The Local Services Tax Officer is hereby authorized to examine the books and payroll 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 Local Services Tax Officer the means, facilities and opportunity to examine such books and payroll of the employer, and to ascertain the tax due, if any.

d. The Local Services Tax Officer is directed and authorized to adopt regulations concerning refund claims for persons who overpay the Local Services Tax or

who claim an exemption from the Local Services Tax, consistent with the Act.

#### SECTION 11, SUITS FOR COLLECTION.

a. In the event that any tax under this Ordinance remains due or unpaid for thirty (30) days after the due date above set forth, the Local Services Tax Officer may sue for the recovery of any such tax due or unpaid under this Ordinance, together with interest and penalty.

b. If said tax is not paid when due, interest at the rate of six (6%) percent per annum shall be calculated, beginning with the due date of said tax, and a penalty of ten (10%) percent shall be added to the flat rate of said tax for the non-payment thereof. 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 and reasonable attorney fees.

SECTION 12, FINE AND PENALTY. Whoever makes false and untrue statements on any return required by this Ordinance, or who refuses inspection of the books, records and accounts in his custody and control setting forth the number of employees in his employment subject to this tax, or whoever fails or refuses to file any return required by this Ordinance shall upon conviction before any District Judge for Ford City Borough, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars and costs for each offense, and in default of the payment of said fine and costs, be imprisoned in the Armstrong County Jail for a period not exceeding thirty (30) days for each offense. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refused to file a return required by this Ordinance.

SECTION 13, VALIDITY. Provisions of this Ordinance shall be severable and if any of its provisions shall be held invalid or unconstitutional, the decision of the Court to this effect shall not effect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent of the Borough Council of Ford City Borough that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

#### SECTION 14, SAVING CLAUSE.

a. Nothing contained in this Ordinance shall be construed to empower Ford City Borough to levy and collect the tax hereby imposed on any occupation not within

the taxing power of Ford City Borough under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

b. If the tax hereby imposed under the provisions of this Ordinance 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 decisions of the Court shall not affect the right to impose or collect said tax, or the validity of the tax so imposed on other persons or individuals as herein provided.

SECTION 15. The tax herein imposed and the Ordinance herein enacted is in pursuance of authority granted by the provisions of the Local Tax Enabling Act, approved by the General Assembly of the Commonwealth of Pennsylvania, December 31, 1965, Act 511 of 1965, as amended.

SECTION 16. Ford City Borough Ordinance Number 664 and all Ordinances or parts of Ordinances inconsistent herewith be and the same hereby are repealed.

SECTION 17. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2008.

ENACTED this 17 day of December, 2007.

BOROUGH OF FORD CITY

By: Timothy R. Males  
Borough Council President

ATTEST:

Lisa Bittner  
Secretary

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

Man A. Martini  
Mayor December 27, 2007