

Chapter II

TAXES

Article 1

Wage Tax

101. **Definitions** . Unless otherwise expressly stated, the following terms shall have, for the purpose of this Ordinance, the meaning hereinafter indicated:

1. The term "**association**" shall mean a partnership, limited partnership, or any other form of unincorporated enterprise, owned by two (2) or more persons.
2. The term "**business**" shall be defined as any enterprise, activity, profession, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, association, or other entity.
3. The term "**corporation**" shall mean 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.
4. The term "**current year**" shall mean the calendar year for which the tax is levied.
5. The term "**domicile**" shall mean the place where one lives and has a permanent home and to which he or she has the intention of returning whenever absent. In the case of businesses, or associations, the domicile means that place considered as the center of business affairs and the place where its functions are discharged.
6. The term "**earned income**" shall mean all salaries, wages, commissions, bonuses, incentive payments, fees, tips, and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property; but it shall not include wages or compensation paid to persons on active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement payments arising under workmen's compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or

pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or payments commonly known as public assistance, or unemployment compensation payments made by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.

7. The term "**income tax officer**" shall mean the person, public employee or private agency designated by the said Borough to collect and administer the tax on earned income and net profits.
8. The term "**employer**" shall mean any person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one (1) or more persons for a salary, wage, commission or other compensation.
9. The term "**net profit**" shall mean the net gain from the operation of a business, profession or enterprise, after provision for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used, and without deduction of taxes based on income.
10. The term "**non-resident**" shall mean a person, partnership, association or other entity domiciled outside the taxing district.
11. The term "**person or individual**" shall mean a natural person.
12. The term "**preceding year**" shall mean the calendar year before the current year.
13. The term "**resident**" shall mean a person, partnership, association, or other entity domiciled in the taxing district.
14. The term "**succeeding year**" shall mean a person, partnership, association, or other entity domiciled in the taxing district.
15. The term "**taxpayer**" shall mean a person, partnership, association, or any other entity required hereunder to file a return of earned income and net profits, or pay a tax thereon.

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

(Ordinance No. 1966-1, approved March 7, 1966)

102. **Taxes Levied.** The following annual taxes are hereby imposed for general Borough purposes.:

1. One-half (1/2) of one (1) percent of all compensation earned on and after July 1, 1966, by residents.
2. One-half (1/2) of one (1) percent of all compensation paid after July 1, 1966, to non-residents for work done or services rendered in the Borough of Alexandria.
3. One-half (1/2) of one (1) percent on the net profits earned on and after July 1, 1966, by businesses, professions and other activities conducted by residents.
4. One-half (1/2) of one(1) percent of the net profits earned after July 1, 1966 by businesses, professions and other activities conducted in the Borough of Alexandria by non-residents.

The taxes levied under 1 and 2 of this Section shall relate to and be imposed upon compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The taxes levied under 3 and 4 of this Section shall relate to and be imposed upon the net profits of any business, profession, or enterprise carried on by any person or owner or proprietor, either individually, or in association with some other persons.

Such taxes shall be levied with respect to the compensation paid or net profits earned from and including July 1, 1966, to December 31, 1966, and therefore shall be levied with respect to the compensation paid or net profits earned during the calendar year or any part thereof for which this tax is levied. Provided, however, that where the tax levied on net profits in the year 1966, the tax shall be applicable only to that portion of the net profits of the fiscal year 1966 as were earned after July 1, 1966.

(Ordinance No. 1966-1, approved March 7, 1966)

103. **Receiver and Collector of Taxes.** The Huntingdon Area Wage and Profits Tax Collector is hereby designated as receiver and collector of the taxes imposed by this Ordinance. He shall be bonded by a good and reliable bonding company in an amount to be determined by the said Alexandria Borough Council, the cost of which bond shall be paid by the Alexandria Borough Council. He shall collect and receive all such taxes, shall furnish a receipt for their payment when requested so to do by the taxpayer, and shall keep a record showing the amount received by him from each taxpayer under this Ordinance and any other Ordinance passed under the authority of the same Act, and the date of the receipt of such payment. He shall pay over all taxes received by him to the Treasurer of the Alexandria Borough Council and shall submit his records to the auditor of the accounts of the said Borough Council of Alexandria.

(Ordinance No. 1966-1, approved March 7, 1966)

104. **Annual Tax Returns.** Each person whose earnings or profits are subject to the tax imposed by this Ordinance shall, on or before April 15th of each year, beginning in the year 1967, make and file an annual final return with the Tax Collector herein designated; such return shall be filed on forms furnished by the Tax Collector and the Alexandria Borough Council for the cost of which forms shall be borne by the Alexandria Borough Council and shall be obtainable in the office of the Tax Collector or from the Secretary of the Board of the Alexandria Borough Council. The information on tax returns shall include the name and address of the taxpayer; his place of employment or business; the aggregate amount of compensation paid to him or net profits earned by him during the preceding year; and for the year 1966, the aggregate amount of compensation paid to him or net profits earned by him during the period from and including July I, 1966, to December 31, 1966, and subject to such tax; provided, however, that where a return is made for fiscal year shall be made within one hundred and five (105) days after the close of such fiscal year or other period.

The person making such annual final return shall at the time of the filing thereof pay to the Tax Collector the amount of tax as shown therein, less any credit for taxes withheld from wages, commissions or other compensation by any employer, or paid pursuant to filing an estimated tax return, or regular quarterly return.

Provided, however, that any taxpayer other than those from whom the tax imposed by this Ordinance has been withheld from their wages, commissions or other compensation by their employer, shall for the year 1967, and each year thereafter, estimate the tax to be due and payable for the then current year for which the tax is imposed, and shall pay the estimated tax in four (4) equal quarterly installments, the first installment thereof on or before April 15th, June 15th, and September 15th of the current year and the final installment on January 15th of the following year. For the year 1966, no return of estimated tax shall be filed by the taxpayer but all tax due and owing under the terms of this Ordinance for the period of July I, 1966, to and including December 31, 1966, shall be paid at the time of filing the annual final return on or before April 15, 1967.

Provided, further, that in no case where the sole income of any person subject to tax under this Ordinance is in the form of compensation paid by an employer, and where the entire tax due by such employee has been deducted by his employer and the return thereof made to the Tax Collector, such employee shall not be required to file a return thereof.

(Ordinance No. 1966-1, approved March 7, 1966)

105. **Responsibility of Employer.** Every employer within the Borough of Alexandria shall deduct monthly or more frequently than monthly, at the time of payment of compensation due by him to an employee, the tax of one-half

(1/2) of one (1) percent of the amount of compensation for such period. Such employer shall quarterly make a return and pay over to the Tax Collector the amount of tax so deducted or the balance of any tax deducted and not previously during the said quarter remitted to the Tax Collector designated by the Alexandria Borough Council. Such quarterly returns shall be filed and the tax due therewith paid over on or before the last day of the calendar month following the close of each of the quarters ending March 31, June 30, and September 30 and December 31. Such return shall be on a form furnished by or obtainable from the Tax Collector or the Secretary of the Alexandria Borough Council, and shall set forth the total amount of wages or compensation paid by said employer during said quarter, the amount of tax withheld, previous remittances if any to the Tax Collector for the said quarter, and the balance remitted therewith. Together with the return for the final quarter of each year, that is the quarter ending December 31, there shall be filed in addition thereto an Annual Return, which Return shall be on a form furnished by or obtainable from the Tax Collector or the Secretary of the Board of the Alexandria Borough Council and shall set forth the name and residence of each employee of such employer during all or part of the preceding year, the amount of compensation earned by each of such employees during the preceding year, and the amount of compensation earned by each of such employee and remitted to the said Tax Collector, and any other pertinent information that may be required.

(Ordinance No. 1966-1, approved March 7, 1966.)

106. **Authority of Tax Collector; Examination of Books.** The Tax Collector so designated herein for the purpose is hereby authorized to examine the books, papers and records of any employer or supposed employer or of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made, or if no return is made, to ascertain the amount of tax due by any person under this Ordinance. Every such employer or supposed employer or taxpayer or supposed taxpayer is hereby directed and required to give to the Tax Collector or such other authorized person the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

The Tax Collector is hereby authorized to examine any person under oath concerning any income which was or should have been returned for taxation, and to this end the Tax Collector may compel the production of books, papers and records and the attendance of all persons before such Tax Collector, whether as parties or witnesses whom the Tax Collector believes to have knowledge of such income.

Any information gained by the Tax Collector or any other official or agent of the said Borough Council as a result of any returns, investigations, hearings or verifications required or authorized by this Ordinance shall be confidential,

except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law. Any disclosure of any such information, contrary to the provisions of this section shall constitute a violation of this Ordinance.

(Ordinance No. 1996-1, approved March 7, 1966)

107. **Interest and Penalty.** All taxes imposed by this Ordinance remaining unpaid after they shall have become due shall bear interest, in addition to the amount of the unpaid tax, at the rate of six (6) percent, per annum, and the persons upon whom such taxes are imposed shall be further liable to a penalty of one-half (1/2) of one (1) percent, per month of the amount of the unpaid tax.

(Ordinance No. 1966-1, approved March 7, 1966).

108. **Recovery of Interest and Penalty.** All taxes imposed by this Ordinance, together with all interest and penalties thereon shall be recoverable by the Tax Collector or the Borough Council as provided by law.

(Ordinance No. 1966-1, approved March 7, 1966)

109. **Violations: Fine and Penalty.** Any person convicted before any justice of the peace within the said Borough of violating any of the provisions or requirements of this Ordinance or of failing, neglecting, or refusing to pay any tax, penalties or interest imposed under this Ordinance, or refusing to permit the Tax Collector or any other person authorized under this Ordinance to examine his books, records and papers; or of knowingly making any incomplete, false or fraudulent returns, or of attempting to do anything whatever to avoid the payment of the whole or any part of the tax imposed under this Ordinance shall be liable to a fine or penalty not exceeding \$100 for each and every offense, and the costs of the prosecution thereof, and, in default of payment thereof, to undergo imprisonment in the County Jail for a period not exceeding thirty (30) days. Provided, that such fine or penalty shall be in addition to any other section of this Ordinance. The failure of any employer or taxpayer to receive or procure a return shall not excuse him from making a return.

(Ordinance No. 1966-1, approved March 7, 1966)

110. **Employer Liability.** Whenever any employer shall deduct the tax prescribed by this Ordinance from the wages earned by his employee, such deductions shall be credited as a payment of the said tax due from said employee, even should the employer default, abscond, or in some other manner fail to pay the

tax so deducted over to the Borough Council. However, in no event shall the employer be released from liability to pay said taxes, so withheld by him, over to the receiver of taxes of the said Borough.

(Ordinance No. 1966-1, approved March 7, 1966)

111. **Exceptions.** This Ordinance shall not apply to any person or property as to whom which it is beyond the legal power of the said Borough Council to impose a tax or duties herein provided for.

(Ordinance No. 1966-1, approved March 7, 1966)

112. **Severability.** If any section, clause or sentence of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the said Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section or part thereof had been included herein.

(Ordinance No. 1966-1, approved March 7, 1966)

113. **Repealer.** Any Ordinance or part of an Ordinance conflicting with the provisions herein contained is hereby repealer insofar as the payment would be affected thereby.

(Ordinance No. 1966-1, approved March 7, 1966)

114. **Effective Date.** This Ordinance shall go into effect July 1, 1966.

(Ordinance No. 1966-1, approved March 7, 1966)