

ORDINANCE NO. 254

An Ordinance reenacting with certain changes Ordinance 163, approved April 6, 1960, and entitled: "An Ordinance providing for the assessment, levy and collection of a tax for general revenue purposes upon salaries, wages, commissions and other compensation earned on and after the 1st day of July, 1960, by residents of the Borough of Freeport, Pennsylvania, and on the net profit earned on and after the 1st day of July, 1960, of businesses, professions and other activities conducted by such residents; requiring the filing of declarations and returns and the giving of information by employers and those subject to the tax, and by persons making income payments to persons whose income is subject to the tax; providing for the administration, collection and enforcement of said tax; and declaring violations of the provisions of this ordinance and imposing penalties for said violations."

WHEREAS, The Borough of Freeport, by Ordinance 163, approved April 6, 1960, imposed a tax on certain salaries, wages, commissions and other compensation and on certain net profits earned on and after July 1, 1960; and

WHEREAS, on December 31, 1965, the Act of 1965 P.L. 1257, the Local Tax Enabling Act, was approved by the Governor, to become effective January 1, 1966, the said Local Tax Enabling Act repealing and supplanting the Act of 1947 P.L. 1145 and its amendments and supplements, by authority of which Ordinance 163 was enacted by the Borough of Freeport; and

WHEREAS, under Section 82 of the Statutory Construction Act of the Commonwealth of Pennsylvania (1937 P.L. 1019) it appears that the Local Tax Enabling Act of 1965 would properly be considered as a substantial reenactment of the Act of 1947 P.L. 1145 and its amendments and that, therefore, the aforementioned Ordinance 163, as reenacted, might lawfully be continued in effect, in so far as its provisions conform to those in the said Local Tax Enabling Act;

HOWEVER, The said Local Tax Enabling Act of 1965 contains a lengthy section numbered "13", the provisions of which shall be included in or construed to be a part of the tax levied and assessed upon earned income by any political subdivision levying and assessing such tax pursuant to the said Act, and the said Section 13 also provides that such taxes are to be continued in force on a calendar year or taxpayer fiscal year basis without annual reenactment, unless the rate of the tax is subsequently changed.

NOW, THEREFORE, since the said Ordinance 163 of the Borough of Freeport, as reenacted, containing much material that is part of or is covered by Section 13 of the said Local Tax Enabling Act, it is deemed advisable by the said Borough, at this time, to reenact the said Ordinance 163, so as to transform the said ordinance into a permanent ordinance and to

bring the same into conformity with the said Local Tax Enabling Act.

The Borough of Freeport, by authority of the Local Tax Enabling Act of 1965, as amended hereby ordains as follows:

Ordinance 163 of the Borough of Freeport, approved April 6, 1960, as reenacted, is hereby further reenacted to read as follows:  
An Ordinance imposing a tax under the authority of the Local Tax Enabling Act of 1965, P.L. 1257, as amended, for general revenue purposes, on earned income earned on and after January 1, 1972, by residents of the Borough of Freeport; on earned income on and after the said date by non-residents of the said Borough for work done or services performed or rendered in the Borough of Freeport; on net profits earned on and after said date by residents of the Borough of Freeport; and on the net profits earned on and after the said date from the operation of businesses, professions or other activities, except corporations, conducted in the said Borough of Freeport by non-residents of the Borough of Freeport; providing for the appointment of an income tax officer; and adopting and incorporating by reference Section 13 of the said Local Tax Enabling Act, with certain options.

Section 1. A tax for general revenue purposes of one-half of one per centum (1/2%) is hereby imposed on:

- (a) Earned income earned on and after January 1, 1972, by residents of the Borough of Freeport;
- (b) Earned income earned on and after January 1, 1972, by non-residents of the Borough of Freeport for work done or services performed or rendered in the Borough of Freeport;
- (c) The net profits earned on and after January 1, 1972, by residents of the Borough of Freeport; and
- (d) The net profits earned on and after January 1, 1972, from the operation of businesses, professions or other activities, except corporations, conducted in the said Borough of Freeport by non-residents of the Borough of Freeport.

Section 2. Section 13 of the Local Tax Enabling Act of 1965, P.L. 1257 is hereby incorporated by reference into and made a part of this ordinance, to the same extent as if the full text of the said section had been set out verbatim in this ordinance, except that:

(a) In the case of net profits the Borough elects to operate under the option set forth in Subsection III-A(1)ii, requiring an annual declaration of net profits and quarterly payments thereof, rather than the option set forth in Subsection III-A(1)i requiring annual payments of the tax due on net profits for the preceding year, and

(b) In the case of earned income not subject to withholding, the Borough elects to operate under the option set forth in Subsection III-B(2), requiring quarterly returns and accompanying payment of the tax, rather than the option set forth in Subsection III-B(1), requiring an annual return and payment of the tax for the preceding year.

Section 3. The Borough Council may from time to time appoint and designate a person to serve as Income Tax Officer, and the bond of the Income Tax Officer shall be filed with the Borough Solicitor.

ORDAINED AND ENACTED INTO LAW by the Council of the Borough of Freeport, this 11<sup>th</sup> day of July, 1973, in lawful session regularly assembled.

Summit L. Miller  
President of Council

Attest:

Elizabeth J. Cantone  
Borough Secretary

Examined and approved this 11<sup>th</sup> day of July, 1973

J. W. Brant Sr.  
Mayor