

**NORTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY. PENNSYLVANIA**

**ORDINANCE NO. 2010-03  
EARNED INCOME TAX ORDINANCE**

AN ORDINANCE LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.

ENACTED, by the Board of Supervisors of North Middleton Township under authority of the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and other applicable law, as follows:

**Section 1. Definitions.**

All terms defined in the Local Tax Enabling Act shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

- a. Collector. The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the Tax. In 2011, it shall remain CenTax. Thereafter, in 2012 it shall be the entity as selected by the TCC pursuant to the provisions of Act 32.
- b. Effective Date. January 1, 2011.
- c. Enactment. This Ordinance.
- d. Governing Body. The Board of Supervisors of North Middleton Township.
- e. Local Tax Enabling Act. The Local Tax Enabling Act, as set forth in 53 P.s. § 6901 et seq. while such numbering and provisions remain in effect under Act 32 of 2008, and as set forth in 53 P.S. § 6924.101 et seq. when such numbering and provisions become effective under Act 32, and as amended in the future.
- f. Non-resident. A person, partnership, association or other entity domiciled outside the Township of North Middleton.
- g. Resident. A person, partnership, association or other entity domiciled in the Township of North Middleton.
- h. TCD. Any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.
- i. TCC. The tax collection committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.

- j. Tax. The tax imposed by this Enactment.
- k. Tax Return. A form prescribed by the Collector for reporting the amount of Tax or other amount owed or required to be withheld, remitted, or reported under this Enactment or the Local Tax Enabling Act.
- l. Tax Year. The period from January 1 to December 31.
- m. Taxing Authority. North Middleton Township.

**Section 2. Imposition of Tax.**

- a. General Purpose Resident Tax. The Taxing Authority hereby imposes a Tax for general revenue purposes at the rate of 0.5 % on earned income and net profits of individual residents of the Taxing Authority. This tax is in addition to the separately levied local service tax.

General Purpose Municipal Nonresident Tax. The Taxing Authority also imposes a Tax for general revenue purposes at the rate of 1% on earned income and net profits derived by an individual who is not a resident of the Taxing Authority from any work, business, profession, or activity, of any kind engaged in the boundaries of the Taxing Authority. This tax is in addition to the separately levied local service tax.

- b. Ongoing Tax. The Tax shall continue at the above rates during the current Tax Year and each Tax Year thereafter, without annual re-enactment, until this Enactment is repealed or the rate is changed by subsequent amendment by Ordinance.
- c. Combined Tax Rate Applicable to Residents. Currently, the total rate applicable to residents of the Taxing Authority, including the tax imposed by the Municipality in which the individual resides, is 1.6%.
- d. Municipal Tax Rate Applicable to Nonresidents. Currently, the total rate applicable to non-residents working within the Taxing Authority based on the municipal non-resident tax rate is 1%.
- e. Local Tax Enabling Act Applicable. The Tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Enactment. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Enactment upon the effective date of such amendment, without the need for formal amendment of this Enactment, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.
- f. Applicable Laws, Regulations, Policies, and Procedures. The Tax shall be collected and administered in accordance with: (1) all applicable laws and regulations; and (2) policies and procedures adopted by the TCC or by the Collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

**Section 3. No Exemption from Tax.**

Although credits and deductions against Tax are permitted under certain circumstances as provided in applicable law and regulations, no individuals are exempt from Tax based on age, income, or other factors.

**Section 4. Individual Tax Returns and Payments.**

Every individual receiving earned income or earning net profits in any Tax Year shall file Tax Returns and pay Tax in accordance with the Local Tax Enabling Act.

**Section 5. Employer Withholding, Remittance and Tax Returns.**

Every employer shall register, withhold, and remit Tax, and file Tax Returns in accordance with the Local Tax Enabling Act.

**Section 6. Tax Collector.**

The Tax will be collected from individuals and employers by the Collector.

**Section 7. Interest, Penalties, Costs, and Fines.**

Individuals and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the Collector in accordance with the Local Tax Enabling Act.

**Section 8. Severability.**

The provisions of this Enactment are severable and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this Enactment. It is declared to be the intention of the Governing Body that this Enactment would have been adopted if such invalid or unconstitutional provision had not been included.

**Section 9. Purpose/Amendment and Restatement/Repeal.**

The primary purpose of this Enactment is to conform the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior enactment imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this Enactment, Any other prior enactment or part of any prior enactment conflicting with the provisions of this Enactment is rescinded insofar as the conflict exists. To the extent the same as any enactment in force immediately prior to adoption of this Enactment, the provisions of this Enactment are intended as a continuation of such prior enactment and not as a new enactment. If this Enactment is declared invalid, any prior enactment levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this Enactment. If any part of this Enactment is declared invalid, the similar part of any prior enactment levying a similar tax shall remain in effect and shall not be affected by adoption of this Enactment. The provisions of

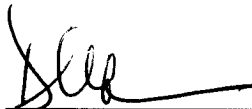
this Enactment shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offense under the authority of any enactment in force prior to adoption of this Enactment. Subject to the foregoing provisions of this Section, this Enactment shall only amend and restate on the Effective Date any enactment levying a tax on earned income or net profits in force immediately prior to the Effective Date. Any other taxing enabling statutes or ordinances not inconsistent herewith shall remain in full force and effect.

**Section 10. Adoption and Effective Date.**


This Ordinance shall become effective by operation of law on January 1, 2011.

This Enactment is adopted and enacted this 2<sup>nd</sup> day of December, 2010.

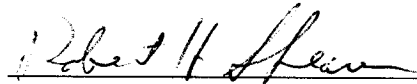
ATTEST:

  
\_\_\_\_\_  
Township Secretary

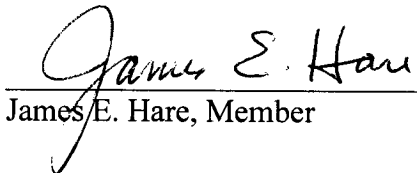
NORTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Robert A. Reisinger, Chairman

  
\_\_\_\_\_  
Harry Kelso, Vice Chairman

  
\_\_\_\_\_  
Robert H. Shearer, Member


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Richard A. Bucher, Member

  
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James E. Hare, Member

CERTIFICATE

I, the undersigned, Secretary of the Township of North Middleton, Cumberland County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on December 2, 2010; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 3<sup>rd</sup> day of December, 2010.

  
Secretary

(SEAL)

# PROOF OF PUBLICATION

State of Pennsylvania, County of Cumberland

James Kleinklaus, Director of Sales and Marketing, of The Sentinel, of the County and State aforesaid, being duly sworn, deposes and says that THE SENTINEL, a newspaper of general circulation in the Borough of Carlisle, County and State aforesaid, was established December 13<sup>th</sup>, 1881, since which date THE SENTINEL has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of THE SENTINEL on the following day(s):  
November 15 and November 22, 2010

## COPY OF NOTICE OF PUBLICATION

### PUBLIC NOTICE

Notice is given pursuant to the Local Tax Enabling Act that the Township of North Middleton intends to adopt an Earned Income Tax Ordinance, the caption and summary of which is as follows:

ORDINANCE NO. 2010-03  
EARNED INCOME TAX ORDINANCE  
AN ORDINANCE LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.

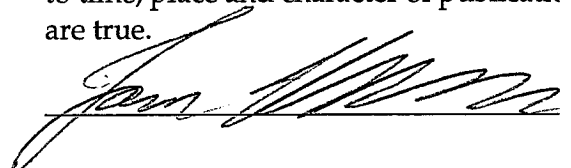
The Board of Supervisors of North Middleton Township intends to adopt this Ordinance during their regularly scheduled Board of Supervisors meeting at 6:30 p.m. on Thursday, December 2, 2010, or any other time which the Public Hearing may be continued by the Board of Supervisors, at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013.

North Middleton Township will continue by Ordinance, a tax for general revenue purposes at a rate of 0.5% on earned income and net profit of individual residents. It will impose a tax for general revenue purposes at the rate of 1.0% on earned income and net profits derived by non-residents from work within this municipality. This tax is in addition to any tax on earned income and net profits imposed by the school district within which this municipality is located. The Ordinance will be effective January 1, 2011, and continues the tax previously imposed at the same rate. Changes have been made in the terms of the currently effective tax levy primarily to conform to requirements of Act 32 of 2008, which is a restatement of the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq. The nature of the tax will be substantially the same as the earned income and net profits tax currently levied, subject to changes required by Act 32. The Ordinance states that all provisions of the Local Tax Enabling Act that relate to a tax on earned income or net profits are incorporated into the Ordinance upon the Effective Date of this Ordinance. The tax will be collected by a collector appointed under Act 32. The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the Tax in 2011 shall remain CenTax. Thereafter, in 2012 it shall be the entity as selected by the TCC pursuant to the provisions of Act 32. The reason for the new tax levy is to continue the same tax as previously imposed in order to provide revenue for the purposes stated above, and also to conform to Act 32 requirements. The estimated revenue to be derived from the tax during 2011 is \$1,000,000.

At the conclusion of the public comment scheduled at the regularly scheduled Board of Supervisors meeting at 6:30 p.m. on Thursday, December 2, 2010, or any other time to which the public hearing is continued by the Board of Supervisors, the North Middleton Township Board of Supervisors will consider passage of proposed Ordinance No. 2010-03 entitled AN ORDINANCE LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS. A copy of the proposed Ordinance as drafted may be examined without charge or obtained for a charge not greater than the cost thereof at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013, during regularly scheduled business hours or the Cumberland County Law Library.

Mark W. Allshouse, Esquire  
Solicitor for North Middleton Township

Affiant further deposes that he/she is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement to time, place and character of publication are true.



Sworn to and subscribed before me this

2<sup>nd</sup> day of December

Bambi Ann Heckendorn

Notary Public

My commission expires:

NOTARIAL SEAL  
BAMBI ANN HECKENDORN  
Notary Public  
CARLISLE BOROUGH, CUMBERLAND CNTY  
My Commission Expires Jan 27, 2014

