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Part 1

Realty Transfer Tax

§101. Short Title. This Part shall be known as the "Realty Transfer Tax Ordinance of Borough of Shamokin Dam. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988))

§102. Authority. A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Borough of Shamokin Dam, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place, as authorized by Article XI-D, "Local Real Estate Transfer Tax," 72 P.S. §8101 et seq. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988))

§103. Definitions.

ASSOCIATION - a partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two (2) or more persons other than a private trust or decedent's estate.

BOROUGH - the Borough of Shamokin Dam, Snyder County, Pennsylvania.

CORPORATION - a corporation, joint-stock association, business trust or banking institution which is organized under the laws of this Commonwealth, the United States or any other state, territory, foreign country or dependency.

DOCUMENT - any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title of real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty (30) years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under §102.

FAMILY FARM CORPORATION - a corporation of which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;

B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;

C. Fur farming;

D. Stockyard and slaughterhouse operations; or

E. Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY - any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

PERSON - every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both. The term "person" as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE

A. All lands, tenements or hereditaments within this Borough of Shamokin Dam, including without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.

B. A condominium unit.

C. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY - a corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, ninety percent (90%) or more of the ownership interest in which is held by thirty-five (35) or fewer persons and which:

A. derives sixty percent (60%) or more of its annual gross receipts from the ownership or disposition of real estate; or

B. holds real estate, the value of which comprises ninety percent (90%) or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE

A. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation an estate in fee simple, life estate or perpetual leasehold; or

B. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consist of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION - the making, executing, delivering, accepting or presenting for recording of a document.

VALUE

A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against real estate: Provided, That where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale;

B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;

C. In the case of an easement or other interest in real estate, the value of which is not determinable under clause (A) or (B), the actual monetary worth of such interest; or

D. The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

(Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§104. Imposition of Tax; Interest.

1. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, a tax at the rate of one percent (1%) of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty (30) days of acceptance of such document or within thirty (30) days of becoming an acquired company.

2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder of deeds whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

3. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Borough Council under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half (1/2) of the rate and such one-half (1/2) shall become effective without any action on the part of the Borough Council provided, however, that the Borough of Shamokin Dam and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half (1/2) of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under "The Local Tax Enabling Act."

4. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due, shall be added and collected.

(Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§105. Exempt Parties. The United States, the Commonwealth or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this Part. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§106. Excluded Transactions. The tax imposed by §4 shall not be imposed upon:

A. A transfer to the Commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed or confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one (1) year from the date of condemnation.

B. A document which the Borough of Shamokin Dam is prohibited from taxing under the Constitution or statutes of the United States.

C. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.

D. A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.

E. A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by covenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.

G. A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.

H. A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

J. A transfer for no or nominal actual consideration from trustee to successor trustee.

K. A transfer (i) for no or nominal actual consideration between principal and agent or straw party; or (ii) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Part.

Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.

M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the

real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) years.

N. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.

O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: (i) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and (ii) the agency or authority has the full ownership interest in the real estate transferred.

P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

Q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

R. A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, (68A Stat. 3, 26 U.S.C. §501(c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

S. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five percent (75%) of each class of the stock thereof.

T. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.

U. A transaction wherein the tax is one dollar (\$1.00) or less.

V. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the Statement of Value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the Statement of Value may be limited to an explanation of the reason such document is not subject to tax under this Part.

(Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§107. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof. Except as otherwise provided in §106, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this section, corporations and associations are entities separate from their members, partners, stockholders and shareholders. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§108. Acquired Company.

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, ninety percent (90%) or more of the total ownership interest in the company within a period of three (3) years.

2. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Part.

3. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

(Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§109. Credits Against Tax.

1. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.

2. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as a consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

3. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.

4. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of the tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

5. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

(Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§110. Extension of Lease. In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§111. Proceeds of Judicial Sale. The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the state realty transfer tax, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§112. Duties of Recorder of Deeds.

1. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983, (P.L. 40, No. 21), the recorder of deeds shall be the collection agent for the local realty transfer tax, including any amount payable to Borough of Shamokin Dam based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Borough of Shamokin Dam.

2. In order to ascertain the amount of the taxes due when the property is located in more than one political subdivision, the recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

3. On or before the tenth of each month, the recorder shall pay over to the Borough of Shamokin Dam all local realty transfer taxes collected, less two percent (2%) for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The two percent (2%) commission shall be paid to the county.

4. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee has been tendered.

(Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§113. Statement of Value. Every document lodged with or presented to the recorder of deeds for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§114. Civil Penalties.

1. If any part of any underpayment of taxes imposed by this Part is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.

2. In the case of failure to record a declaration required under this Part on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five percent (5%) of the amount of such tax if the failure is for not more than one (1) month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding fifty percent (50%) in the aggregate.

(Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§115. Lien. The tax imposed by this Part shall become a lien upon the lands, tenements or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the Borough of Shamokin Dam, which lands, tenements, hereditaments or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable, and continue until discharged by payment, or in accordance with the law, and the solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Snyder County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 et seq., its supplements and amendments. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§116. Enforcement. All taxes imposed by this Part together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§117. Regulations. The Recorder of Deeds of Shamokin Dam County is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. §8101-C et seq. are incorporated into and made a part of this Part. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§118. Effective Date. This Part shall become effective on July 1, 1979 and shall continue in effect on a calendar year basis without annual reenactment. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

§119. Penalty. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 79-6, 5/7/1979; as revised by Ord. 88-3, 10/17/1988)

Part 2

Business Privilege Tax

§201. Authority For Enactment. This Part is enacted under authority of the Local Tax Enabling Act 511 of December 31, 1965 (P. L. 1257), as amended (53 P.S. §6901 et. seq.). (Ord. 80-6, 3/4/1980, Section 221.01)

202. Definitions. The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

A. PERSON - any individual, partnership, limited partnership, association or corporation.

B. BUSINESS, TRADES, OCCUPATIONS AND PROFESSIONS - those enterprises engaged in by processors, hotel operators, motel operators, restaurant operators, retail merchants, warehousemen, upholsterers, doctors, lawyers, dentists, engineers, architects, chemists, chiropractors, chiropodists, certified public accountants, public accountants, public relations counselors, advertising counselors, employment counselors and agents, promoters, factors, real estate brokers, insurance salesmen and brokers, barber shop operators and beauty shop operators, cleaning, pressing, dyeing establishment operators, laundry and launderette operators, shoe repair shop operators, gasoline service station operators, tailors, seamstresses, demolition contractors, repairers of electrical, electronic and automotive machinery or equipment or other machinery and equipment, owners, keepers or operators of public garages and out-door or open-air parking lots for the storage of motor vehicles and other wares and merchandise, car wash operators and all other businesses, trades, occupations and professions in which there is offered any service or services to the general public or a limited number thereof.

C. SERVICE - any act or instance of helping or benefiting another for a consideration.

D. BOROUGH - shall mean the Borough of Shamokin Dam, which is located in Snyder County, Pennsylvania.

E. MANUFACTURE - shall mean those activities which change the form, composition or character of tangible personal property from that in which it is acquired.

F. Terms as defined in subsections (A) and (B) hereof shall not include the following:

(1) Non-profit corporations or associations organized for religious, charitable or educational purposes, when engaged in activities incidental to the religious, charitable or educational purposes for which they are organized;

(2) Agencies or political subdivisions of the Government of the United States or the Commonwealth of Pennsylvania;

(3) An employee who in the ordinary scope of his employment renders services to his employer in exchange for wages or salaries;

(4) Those supplying merchandise in connection with or as an incident of the construction or reconstruction of improvements to real property; and

(5) Those selling, leasing or disposing of merchandise of their own growth or manufacture.

(6) Those engaged in banking and lending services under the regulation of state and federal banking acts.

(7) Those engaged in any business of construction where construction is a form of manufacturing.

(8) Those engaged in any business which they can demonstrate is exempt from a business privilege tax under the Local Tax Enabling Act or other Statutes of the Commonwealth of Pennsylvania.

G. DOING BUSINESS - engaging in any of the activities encompassed under (B) and (C) hereof.

H. CALENDAR YEAR - the twelve (12) month period beginning the first day of the month of January and ending on the last day of the next succeeding month of December.

I. PRIVILEGE YEAR - the twelve (12) month period beginning the fifteenth day of the month of May and ending on the fourteenth day of the next succeeding month of May.

J. ANNUAL VALUE OF THE BUSINESS PRIVILEGE TO HIM FOR THE PRIVILEGE YEAR - shall mean either

(1) The total consideration received by such person from and on account of doing business within the Borough during the whole calendar year next preceding the privilege year, if such person has been doing business in the Borough during all of such calendar year; or

(2) Twelve (12) times the total consideration received by such person from and on account of doing business within the Borough during the first full month of doing business prior to the beginning of the privilege year, if such person has not been doing business within the Borough during the whole calendar year next preceding the privilege year; or

(3) The total consideration received by such person from and on account of doing business within the Borough during the first full month of doing business multiplied by the number of months of doing business in the Borough in the privilege year, if such person begins doing business in the Borough during such privilege year; or

(4) The total consideration received by such person from and on account of doing business within the Borough during the privilege year in which such person stops doing business in the Borough, if such total be smaller than the total under (J) (1), (2), or (3); or

(5) The total consideration received by such person from and on account of doing business within the Borough during the privilege year in which such person is doing business only temporarily or seasonally, if such total be smaller than the total under (J) (1), (2), (3), or (4).

But in any event "Annual Value of the Business Privilege to Him for the Privilege Year" shall not mean or include the consideration received by such person from and on account of the resale or trade-in merchandise, except to the extent that the consideration received from the resale exceeds the trade-in allowance.

Furthermore "Annual Value of the Business Privilege to Him for the Privilege Year" shall not include as consideration any state or federal sales, excise or value added taxes included in the purchase price of the product or service being sold.

K. CONSIDERATION - anything having a value which may be stated in terms of money, including money itself, receipts, cash credits, stamps, promises, property and services, of any kind or nature.

L. TAXPAYER - shall mean any person liable for the payment of the tax imposed by this Part.

(Ord. 80-6, 3/4/1980; Section 221.02; as amended by Ord. 85-2, 1/7/1985)

§203. Levy and Imposition of Tax. For the privilege year beginning May 15, 1980, and for every privilege year thereafter; there is hereby levied and imposed upon the privilege of doing business within the Borough an annual tax in the amount hereinafter set out in §205 of Part 2. (Ord. 80-6, 3/4/1980; Section 221.03)

§204. Persons Liable For Payment of Tax. Every person beginning to enjoy, exercise, or enjoying or exercising the privilege of doing business within the Borough on or after May 15, 1980, and before the end of the privilege year, shall be liable to the Borough for the payment of the tax imposed by §202 of Part 2. (Ord. 80-6, 3/4/1980, Section 221.04)

§205. Amount and Computation of Tax. Every person liable for the payment of the tax imposed by this Part shall compute the amount of tax payable by him by multiplying one and one-half (1½) mills times every dollar of the annual value of the business privilege to him for the privilege year. (Ord. 80-6, 3/4/1980, Section 221.05)

§206. Registration. Every person beginning to enjoy or exercise, or enjoying or exercising the privilege of doing business within the Borough shall, on or before May 25, 1980, and on or before the 25th day of May of every year thereafter, or prior to beginning business, register with the Special Tax Collector, who shall charge a small fee of five dollars (\$5.00) to cover the cost of registration. (Ord. 80-6, 3/4/1980, Section 221.06)

§207. Returns

1. Every Taxpayer shall file a completed return with the Special Tax Collector within forty (40) days from and after the first day of the privilege year or forty (40) days from and after the day on which such person began doing business within the Borough, whichever time shall be later.

2. Returns shall be made on a form prescribed by the Special Tax Collector.

3. In completing his return form every person shall state the following:

- A. His name and address;
- B. What his business, trade, occupation or profession is or are, if more than one;
- C. For each of the business categories in part (2) of this paragraph, the annual value, in dollars, of the business privilege to him for the privilege year for which the return is made;
- D. The total annual value, in dollars, of the business privilege to him for the privilege year for which the return is made;
- E. His computation of the amount of tax for which he is liable for the privilege year.

4. Every person filing a completed return with the Special Tax Collector shall certify the correctness thereof by affidavit.

(Ord. 80-6, 3/4/1980, Section 221.07)

§208. Payment of Tax. The tax imposed by this Part shall be due and payable to the Special Tax Collector at the same time the aforesaid returns are required to be filed; and every taxpayer shall pay the tax to the Special Tax Collector at that time. (Ord. 80-6, 3/4/1980, Section 221.08)

§209. Refunds or Overpayments.

1. Every person who shall stop doing business in the Borough during any privilege year after having paid the business privilege tax for such year, upon making application to the Special Tax Collector, shall be entitled to a refund of a pro-rata amount of the Tax, based upon the annual value of the business privilege to him for the privilege year as indicated in §201(J)(1)-(4) of this Part 2.

2. Every person who has overpaid his business privilege tax, for any reason, shall be entitled to a refund of the overage, provided he makes application to the Special Tax Collector for such refund within a reasonable time.

(Ord. 80-6, 3/4/1980, Section 221.09)

§210. Powers and Duties of Special Tax Collector.

1. It shall be the duty of the Special Tax Collector to collect and receive the fees, taxes, interest and penalties imposed by this Part. It shall also be his duty to keep records showing the name and address of each taxpayer, the amount of the tax received from each taxpayer and the date payment was received.

2. If the Special Tax Collector is not satisfied with the return and payment of tax made by any taxpayer or supposed taxpayer, he is hereby authorized and empowered to make a determination of the tax due from such person, based upon the facts contained in the return, or upon any information within his possession or that may come into his possession.

3. The Special Tax Collector is hereby authorized and empowered to examine the books, papers and records of any taxpayer or supposed taxpayer whose return and payment of tax does not satisfy the Special Tax Collector; and he is also given the same power and authority with respect to the books, papers and records of any taxpayer or supposed taxpayer who neglects or refuses to file a return or pay the tax.

4. If any taxpayer or supposed taxpayer shall fail, neglect or refuse to make any return or payment of tax required by this Part, or if, as a result of any investigation by the Special Tax Collector, a return or payment is found to be incorrect, the Special Tax Collector may estimate the tax due from such person and may determine the amount due from such person on account of taxes, interest and penalties.

5. The Special Tax Collector is hereby authorized and directed to make and keep such rules and regulations not inconsistent with the provisions and intent of this Part and take such other measures as may be necessary or convenient to carry this Part into effect.

6. The Special Tax Collector is hereby authorized and empowered to require, in his discretion, any person doing business in the Borough only temporarily or seasonally to make a reasonable deposit on account of the tax prior to the date the tax is due.

7. The Special Tax Collector is hereby authorized to exercise the powers granted him under (2) and (3) herein above without determining that he is not satisfied with the return and payment of tax made by any taxpayer or supposed taxpayer; he may make such random audit and examination from time to time to authenticate the accuracy of any return filed and payment made or, if no return was made, to ascertain the tax due. Every taxpayer or supposed taxpayer is hereby directed and required to give the Tax Collector the means, facilities and opportunity for such examination and investigation as are hereby authorized.

(Ord. 80-6, 3/4/1980, Section 221.10)

§211. Interest and Penalties.

1. All taxes due under this Part shall bear interest at the rate of one and one-fourth (1½) percent per month, or fractional part of a month, from the day they are due and payable until paid.

2. If any taxpayer shall neglect or refuse to make any return or payment as herein required, an additional ten percent (10%) of the amount of the tax shall be added by the Special Tax Collector and be collected.

(Ord. 80-6, 3/4/1980, Section 221.11)

§212. Collection. All taxes, interest and penalties due by reason of the provisions of this Part and not paid to the Special Tax Collector shall be recoverable by the Borough Solicitor as other debts due the Borough are now by law recoverable. (Ord. 80-6, 3/4/1980, Section 221.12)

§213. Disposition of Receipts. All taxes, interest, penalties and fines collected or received under the provisions of this Part shall be paid into the general fund of the Borough for the use and benefit of the Borough. (Ord. 80-6, Section 221.13)

§214. Construction. No provision of this Part shall be construed to provide for the levy and imposition of a tax upon any privilege or part of a privilege, or to provide for the payment of a tax by any person, not within the taxing power of the Borough under the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania. (Ord. 80-6, 3/4/1980, Section 221.14)

§215. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 80-6, 3/4/1980, Section 221.99; as amended by Ord. 88-3, 10/17/1988)

Part 3

Earned Income

§301. Definitions. The following words and phrases when used in this Part, including the various portions of this Part thereof, shall have the meaning ascribed to them in this Part, except where the context clearly indicates or requires a different meaning:

ASSOCIATION - A partnership, limited partnership joint venture, or any other incorporated group of two or more persons.

BOROUGH - Borough of Shamokin Dam.

BUSINESS - An enterprise, activity, profession or undertaking of any nature conducted for profit, or ordinarily conducted for profit, whether by an individual, individual, fiduciary, association, or any other entity, alone or in association with some other person or persons.

CORPORATION - A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other State, Territory, foreign county or dependency.

EARNINGS - Salaries, wages, commissions and other compensation as defined in this Part.

EMPLOYER - An individual, fiduciary, association, corporation, governmental body or unit or agency, or any other entity employing one or more persons on a salary, wage, commission or other compensation basis.

INCOME TAX ADMINISTRATOR - The person empowered by the Shamokin Dam Borough Council to administer the provisions of this Part, who shall be designated by resolution on the minutes of Shamokin Dam Borough Council.

NET PROFITS - The net income from the operation of a business, profession or other activity, after provisions for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes, federal, state or local, based on income.

NON-RESIDENT - An individual, fiduciary, association, or other entity domiciled outside the Borough of Shamokin Dam.

PERSON - An individual, fiduciary, association, corporation or other entity. Whenever used in any Part prescribing and imposing a penalty, the term "Person" as applied to associations, shall mean the partners or members thereof, and as applied to corporation, the officers thereof.

RESIDENT - An individual, fiduciary, association, or other entity domiciled in the Borough of Shamokin Dam.

SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATIONS - Salaries, wages, commissions, bonuses, incentive payment, fees and tips that may be paid to or received by an individual for services rendered, or that may accrue to such individual in accordance with an established accounting procedure, whether directly or through an agent and whether in cash or in property but not including periodic payments for sick or disability benefits and those 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 public assistance or unemployment compensation payment made by any governmental agency, or any wages or compensation paid by the United States to any person for active service in the armed services of the United States or any bonus or additional compensation paid by the United States or the Commonwealth of Pennsylvania or any other State for such service.

TAXABLE - Subject to the tax imposed by this Part.

TAXABLE PERIOD - The period beginning the first day of January and ending the 31st day of December of each calendar year hereafter.

TAXPAYER - A person required hereunder to file a return of earnings or net profits, or to pay a tax thereon. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 67-1, 11/6/1966, Section 1)

§302. Imposition of Tax. A tax for general revenue purposes of one (1%) percent is hereby imposed on the following:

1. Salaries, wages, commissions and other compensation earned by residents of the Borough of Shamokin Dam during the taxable period.

2. Salaries, wages, commissions and other compensation earned by non-residents of the Borough of Shamokin Dam in the Borough of Shamokin Dam during the taxable period.

3. Net profits earned by residents of the Borough of Shamokin Dam during the taxable period.

4. Net profits earned by non-residents of the Borough of Shamokin Dam in the Borough of Shamokin Dam during the taxable period.

(Ord. 67-1, 11/6/1966, Section 2)

§303. Declaration and Payment of Tax..

1. Every taxpayer who during the taxable period can reasonably be expected to earn net profits or earnings not subject to the provisions of §304 relating to collection at source shall make and file with the Income Tax Administrator's on a form prescribed by the Income Tax Administrator a declaration setting forth the amount of estimated tax imposed thereon by this Part, and such other relevant information as the Income Tax Administrator may require.

2. The declaration of estimated tax shall be filed and the tax shall be paid at the following times:

A. If said net profits or earnings can reasonable be expected on or before the 15th day of April of the taxable period, the taxpayer shall file a declaration on or before said date shall pay the estimated tax shown thereon in equal quarterly installments on or before the said 15th day of April and on or before the 15th day of the following July, October and January.

B. If said net profits or earnings cannot reasonably be expected on or before April 15th of the taxable period, but can be reasonable expected subsequent to said date, the taxpayer shall file his declaration on or before the first of said remaining quarterly installment

dates on which the taxpayer shall pay the estimated tax shown thereon in equal installments on or before said remaining quarterly installment dates.

C. If the taxpayer elects to file a declaration on a fiscal year basis, different from the taxable period, setting forth his estimated net profits or earnings for a period included in the taxable period, then in lieu of filing his declaration and making payments thereon at the times set forth in paragraphs (A) or (B) immediately hereinabove, he may: (1) pay the quarterly installments of the estimated tax according to the declaration filed for the portion of the taxable period included in said fiscal year, and (2) on or before the 105th day after the close of the fiscal year file a declaration of the estimated tax for the portion of the taxable period included in the said succeeding fiscal year and pay said tax in equal quarterly installments beginning with the due date of the filing and ending with the first quarterly installment due after the close of the taxable period.

3. Where the taxpayer who has filed a declaration required hereinabove shall thereafter reasonably be expected to earn, during the taxable period, additional net profits or earnings not subject to collection at source, or shall find that he has overestimated his net profits or earnings, he may file an amended declaration with the Income Tax Administrator setting forth such relevant information as the Income Tax Administrator may require.

4. Every taxpayer who is required to file a declaration of estimated tax under the provision of this Part shall make and file with the Income Tax Administrator, on a form prescribed by the Income Tax Administrator, a final return showing all net profits and earnings during the taxable period, the total amount of tax due thereon, the amount of the estimated tax paid under the provisions of this Part, the amount of the tax that has been withheld pursuant to the provisions of §304 and the balance of the tax due.

5. The final return shall be filed at the following times:

A. If the taxpayer's declaration is filed on a calendar year basis, he shall file his final return on or before the 15th day of April after the close of such calendar year.

B. If the taxpayer's declaration is filed on a fiscal year basis, he shall file his final return on or before the 105th day after the close of the fiscal year.

6. The percentage of the total net profit of any calendar or fiscal year of a taxpayer beginning or ending within the taxable year to which the tax imposed by this Part shall be applicable, shall be equal to the same percentage of such total net profits as the number of days in any such year.

7. At the time of filing the final return the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

8. In the event of the death of the taxpayer during the taxable period, his personal representative, or in the absence of the personal representative, his heirs as designated by the Pennsylvania Intestate Act of 1947, as amended, or as hereinafter amended or supplemented, shall file his final return within sixty (60) days after the taxpayer's death and pay the tax due or demand refund in the case of overpayment.

9. In the event the taxpayer's taxable net earned income consists solely of salary, wage, commission or other compensation, the tax on which has been withheld by his employer and returned to the Income Tax Administrator, such taxpayer shall be relieved of the necessity of filing a return.

10. The final return shall include net profits and earnings taxable under any other Ordinances of the said Borough of Shamokin Dam for the same calendar or fiscal year so that but one inclusive return shall be filed by every taxpayer for any one calendar or fiscal year.

(Ord. 67-1, 11/6/1966, Section 3)

§304. Collection at Source.

1. Every employer within the Borough of Shamokin Dam who employs one or more on a salary, wage, commission or other compensation basis, shall deduct at the time of the payment thereof, the tax imposed by this Part on the earnings due to his employee or employees and within thirty (30) days after the 30th day of March of the taxable period and within thirty (30) days after each quarter of a year thereafter, shall make and file a return with the Income Tax Administrator on a form prescribed by the Income Tax Administrator, setting forth the taxes so deducted and such other relevant information as the Income Tax Administrator may require and shall pay the Borough of Shamokin Dam the amount of taxes so deducted.

2. On or before the 31st day of January after the taxable period, every such employer shall make and file with the Income Tax Administrator on a form prescribed by the Income Tax Administrator:

A. A return showing the total amount of the earnings of his employee or employees during the portion of the preceding calendar year ending December 31 and embraced within the taxable period, the total amount of tax deducted and the total amount of tax paid to the Borough of Shamokin Dam.

B. A return for each employee showing the total amount of the employee's earnings during the portion of the preceding calendar year ending December 31 and embraced within the taxable period, the amount of the tax deducted therefrom, the employee's social security number, name and address and such other relevant information as the Income Tax Administrator may require. Such employer on or before January 31 of each of said years shall furnish a copy of such return to the employee named in the return.

C. The said returns shall include the earnings taxable under any other Ordinance of the Borough of Shamokin Dam for the same calendar year so that one return shall be filed by an employer for any one calendar Year.

3. Every employer who discontinues business prior to the close of the taxable year shall within thirty (30) days after the discontinuance of business file and returns hereinabove required and pay the tax due. Where discontinuance of business is due to the death of the employer, his personal representative, or in the absence of a personal representative, his heirs as designated by the Pennsylvania Intestate Act of 1947, as amended or as hereafter amended or supplemented, shall within sixty (60) days after the death of the employer file his return and pay the tax due or demand refund in the case of overpayment.

4. The failure or omission of any employer to make the deductions required by this Part shall not relieve any employee from the payment of the tax or from complying with the requirements of this Part relating to the filing of declarations and returns.

5. If an employer makes a deduction of tax as required by this Part, the amount deducted shall constitute in the hands of such employer a trust fund held for the account of the Borough of Shamokin Dam as beneficial owner thereof and the employee from whose earnings such tax deductible shall be deemed to have a paid such Tax.

6. The withholding taxes from earnings and the payment and return thereof by the employer under the provisions of this Part shall not be required in respect to earnings of domestic servants, farm labor and casual labor not in the course of the employer's business. This paragraph shall not be construed to exempt such employees from the requirements of filing a declaration and a return of such earnings and the payment of tax thereon under the provisions of §303 of Part 3.

(Ord. 67-1, 11/6/1966, Section 4)

§305. Powers and Duties of the Income Tax Administrator.

1. It shall be the duty of the Income Tax Administrator to collect and received the taxes, fines and penalties imposed by this Part. It shall be his duty to keep a record showing the amount received by him from each person paying the tax and, if paid by such person in respect of another person, the name of such other person, and the date of such receipt.

2. The Income Tax Administrator is hereby charged with the administration and enforcement of the provisions of this Part and is hereby empowered, subject to approval by the Shamokin Dam Borough Council, to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Part including provisions for the re-examination and correction of declarations and returns and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this Part.

3. The Income Tax Administrator, and agents designated in writing by him, are hereby authorized to examine the books, papers and records of any person in order to verify the accuracy of any declaration or return and if no declaration or return was filed, to ascertain the tax due. Every person is hereby directed and required to give to the Income Tax Administrator or to any agent so designated by him the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

4. Any information gained by the Income Tax Administrator, his agency, or by any other official, agent or employee of the Borough of Shamokin Dam as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Part shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this Part or as otherwise provided by law.

5. Any person aggrieved by any action of the Income Tax Administrator shall have the right to appeal as provided by law.

(Ord. 67-1, 11/6/1967, Section 5)

§306. Suit For Collection of Tax.

1. The Income Tax Administrator may sue in the name of the Borough of Shamokin Dam for the recovery of taxes due and unpaid under this Part.

2. Any suit brought to recover the tax imposed by this Part shall be begun within five (5) years after such tax is due or within five (5) years after a declaration of return has been filed, whichever date is later provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

A. Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under the provisions of this Part.

B. Where a false or fraudulent declaration or return was filed with the intent to evade tax.

C. Where any person has deducted taxes under the provision of this Part and has failed to pay the amounts so deducted to the Borough of Shamokin Dam.

(Ord. 67-1, 11/6/1966, Section 6)

§307. Interest and Penalties. If for any reason the tax is not paid when due, interest at the rate of six percent (6%) per annum of the amount of said tax, and as additional penalty of one-half ($\frac{1}{2}$) of one percent of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for recovery of any such tax, the person liable therefor shall, in addition, be liable for the cost of collection and the interest and penalties herein imposed. (Ord. 67-1, 11/6/1966, Section 7)

§308. Payment and Refunds. The Income Tax Administrator is hereby authorized to accept payment of the amount of the tax claimed by the Borough of Shamokin Dam in any case where any person disputes the validity or amount of the Borough of Shamokin Dam's claim for the tax. If it is thereafter judicially determined by a Court of competent jurisdiction that there has been an overpayment to the Income Tax Administrator, the amount of the overpayment shall be refunded to the person who paid. (Ord. 67-1, 11/6/1966, Section 8)

§309. Applicability. The tax imposed by this Part shall not apply:

1. To any person as to whom it is beyond the legal power of the Borough of Shamokin Dam to impose the tax herein provided for under the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania.

2. To any institution or organization operated for public, religious, educational or charitable purposes, to any institution or organization not organized or operated for private profit or to a trust or a foundation established for any of the said purposes.

3. The net profits of any corporation which is subject to the Pennsylvania Corporate Net Income Tax or exempt from the Pennsylvania Corporate Net Income Tax and any foreign corporation which is subject to the Pennsylvania Franchise Tax or exempt from the Pennsylvania Franchise Tax. This Part shall not be construed to exempt any person who is an employer from the duty of collecting the tax at the source from his employees and paying the amount collected to the Borough of Shamokin Dam under the provisions of §304 of Part 4.

(Ord. 67-1, 11/6/1966, Section 9)

§310. Penalties. Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 3 continues shall constitute a separate offense. (Ord. 67-1, 11/6/1966, Section 10; as amended by Ord. 88-3, 10/17/1988)

Part 4

Local Services Tax

§401. Definitions. The following words used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

BOROUGH - the Borough of Shamokin Dam, Snyder County, Pennsylvania.

EMPLOYER - an individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission, or other compensation basis, including a self-employed person.

EARNED INCOME - compensation as determined under §303 of the Act of March 4, 1971, P.L. 6, No. 2, 72 P.S. §7303, known as the "Tax Reform Code of 1971," and regulations of 61 Pa.Code, Pt. I, Subpt. B, Art. V, 61 Pa.Code §101.1 et seq., relating to personal income tax, not including, however, wages or compensation paid to individuals on active military service. Employee business expenses are allowable deductions as determined under Article III of the "Tax Reform Code of 1971." The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

HE, HIS or HIM - indicates the singular and plural number as well as male, female and neuter gender.

INDIVIDUAL - any person, male or female, engaged in any occupation within the Borough.

NET PROFITS - the net income from operation of a business, profession or other activity, except corporations, determined under §303 of the Act of March 4, 1971, P.L. 6, No. 2, 72 P.S. §7303, known as the "Tax Reform Code of 1971," and regulations of 61 Pa.Code, Pt. I, Subpt. B, Art. V, 61 Pa.Code §101.1 et seq., relating to personal income tax. The term does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession or activity of farming, the term shall not include:

(1) Any interest earnings generated from any monetary accounts or investment instruments of the farming business.

(2) Any gain on the sale of farm machinery.

(3) Any gain on the sale of livestock held twelve (12) months or more for draft, breeding or dairy purposes.

(4) Any gain on the sale of other capital assets of the farm.

OCCUPATION - any trade, profession, business, or undertaking of any type, kind or character, including services, domestic or other, carried

on or performed within Shamokin Dam Borough for which compensation is charged or received, whether by means of salary, wages, commission or fees for services rendered.

PAYROLL PERIOD - the calendar year divided by the number of payrolls of a person's employer. For a self-employed person, a payroll period shall be one (1) week.

PERSON - a natural person, male or female, engaged in any occupation within Shamokin Dam Borough.

RECEIVER OF TAXES - the tax collector selected by a resolution of the Borough Council to receive and collect the Local Services Tax.

TAX - the Shamokin Dam Local Services Tax (LST) in the amount of fifty-two dollars (\$52.00) levied by this Part.

(Ord. 07-8, 11/5/2007, §3)

§402. Levy. The Borough Council of Shamokin Dam hereby levies and imposes a local services tax on each person engaged in an occupation within Shamokin Dam Borough during the effective term of this Part. The tax is in addition to all other taxes of any kind or nature heretofore levied by the Shamokin Dam Borough Council and shall continue from year to year until duly repealed. (Ord. 07-8, 11/5/2007, §3)

§403. Amount of Tax. Beginning on the effective date of this Part, each person engaged in an occupation within the Borough during the effective term of this Part shall pay a local services tax in the amount of fifty-two dollars (\$52.00) per year, assessed on a pro rata basis for each payroll period in which the person is engaging in an occupation, such share to be determined by dividing the annual tax by the number of payroll periods established by the employer, rounded down to the nearest to the nearest one-hundredths of a dollar. (Ord. 07-8, 11/5/2007, §3)

§404. Duty of Employer. Each employer within the Borough and each employer situate outside of the Borough who engages in business within the Borough is hereby charged with the duty of collecting from each person engaged by him and performing an occupation for him within the Borough the tax and making a return and payment thereof to the receiver of taxes. Further, each employer is hereby authorized to deduct the tax from each person in his employ, whether such person is paid by salary, wages, or compensation and whether part or all of such occupation is performed within the Borough of Shamokin Dam. (Ord. 07-8, 11/5/2007, §3)

§405. Returns. Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to him by the Borough Manager or the receiver of taxes. It is further provided that if the employer fails to file said return and pay the tax, whether or not he makes collection thereof from the salary, wages, or commission paid by him to the persons engaged by him in an occupation within the Borough, the employer shall be responsible for the payment of the tax in full and as though the tax had originally be levied against him. (Ord. 07-8, 11/5/2007, §3)

§406. Dates for Determining Tax Liability and Payment. Beginning on January 1, 2008, and continuing each year thereafter, each employer shall deduct the pro rata share on a payroll bases for each payroll period in which the employee is engaged in an occupation, except as set forth below. Tax deducted shall be paid over to the Borough quarterly, within thirty (30) days after the end of the quarter. (Ord. 07-8, 11/5/2007, §3)

§407. Persons Engaged in More than One (1) Occupation. Each person who is engaged in more than one (1) occupation shall be subject to the payment of the tax on his principal occupation, and his principal employer shall deduct the tax and deliver to him evidence of the deduction on a form to be furnished to the employer by the Borough Manager or the receiver of taxes, which form shall be evidence of the deduction having been made and, when presented to any other employer, shall be authority for such employer to not deduct the tax from the person's wages, but to include such person on his return by setting forth his name, address and the name and account number of the employer who deducted the tax. (Ord. 07-8, 11/5/2007, §3)

§408. Self-Employed Persons. Each self-employed person engaged in an occupation within Shamokin Dam Borough shall be required to comply with this Part and pay the tax to the receiver of taxes quarterly on a pro rata basis within thirty (30) days of the end of the quarter. Alternative, a self-employed person may, at his option, pay the full annual levy of fifty-two dollars (\$52.00) on or before April 30 of the tax year. (Ord. 07-8, 11/5/2007, §3)

§409. Nonresident Employers and Self-Employed Persons. All employers and self-employed persons residing or having their place of business outside the Borough, but who themselves or whose employees engage in an occupation within the Borough, are by virtue thereof bound by and are subject to the provisions, penalties, and regulations promulgated under this Part. Furthermore, any employee of a nonresident employer or any person engaged in an occupation within the Borough may, for the purpose of this Part, be considered a self-employed person and, in the event the tax is not paid, the Borough shall have the option of proceeding against either the employer, or the employee for the collection of the tax as hereinafter provided. (Ord. 07-8, 11/5/2007, §3)

§410. Administration of Tax.

1. It shall be the duty of the receiver of taxes to accept and receive payment of the tax and to keep record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.

2. The receiver of taxes is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered to adopt rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of the payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part, 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 receiver of taxes shall have the right to appeal to the Snyder County Court of Common Pleas as in other cases involved.

3. The Receiver of taxes is hereby authorized to examine the books and payroll records of any employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Borough Administrator the means, facilities and opportunity for such examination.

(Ord. 07-8, 11/5/2007, §3)

§411. Suits for Collection.

1. In the event that the tax under this Part remains due or unpaid thirty (30) days after the dates set forth above, the receiver of taxes may sue for the recovery of the tax due or unpaid under this Part, together with interest and penalty.

2. If for any reason the tax is not paid when due, interest at the rate of six (6) percent on the amount of the tax shall be calculated beginning with the due date of the tax and a penalty of ten (10) percent shall be added to the flat rate of the tax for nonpayment thereof. When suit is brought for the recovery of the tax, the person liable therefore shall, in addition, be responsible and liable for the costs of collection including reasonable attorney's fees.

(Ord. 07-8, 11/5/2007, §3)

§412. Violations and Penalties. Whoever makes any false or untrue statement on any return required by this Part or whoever refuses inspection of his books, records or accounts in his custody and control, setting forth the number of persons or employees subject to this tax who are in his employment or whoever fails or refuses to file any return required by this Part shall, upon conviction before the magisterial district judge, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) for each offense and, in default of payment of said fine, be imprisoned in the Snyder County Prison 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 refuses to file a return required by this Part. (Ord. 07-8, 11/5/2007, §3)

§413. Exemptions.

1. The following individuals shall be exempt from paying the tax herein levied:

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, that person is blind, paraplegic or 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 (100) percent permanent disability.

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. For purposes of this subsection, the term "reserve com-

ponent 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.

C. Any person whose total earned income and net profits from all sources within the Borough is less than twelve thousand dollars (\$12,000.00) for the calendar year in which the local services tax is levied.

2. The Borough shall adopt procedures and forms necessary for processing the exemption of individuals, and for the refunding of taxes paid but not due.

(Ord. 07-8, 11/5/2007, §3)

§414. Effective Date. This Part shall become effective on January 1, 2008. (Ord. 07-8, 11/5/2007, §3)

Part 5
Per Capita Tax

§501. Imposition of Tax. There is hereby levied on each adult person residing within the Borough of Shamokin Dam during fiscal year 1973 and each fiscal year thereafter, a per capita tax at the rate of \$5.00. (Ord. 73-2, 2/5/1973, Section 1)

§502. Collection. The Per Capita Tax hereby levied shall be collected by the Tax Collector of the Borough of Shamokin Dam. (Ord. 73-2, 2/5/1973, Section 1)

§503. Payment of Tax. The tax levied hereby shall be due and payable to the Tax Collector from and after the thirtieth day following final adoption and publication of this Part for 1973 and on or after January 1 of each calendar year thereafter. (Ord. 73-2, 2/5/1973, Section 1)

§504. Interest and Penalties. Taxes due under this Part shall bear interest at the rate of one-half of one (1%) percent per month, or the fractional part of a month, from December 31 of the year in which the tax is due. A penalty of ten (10%) percent of the amount of the tax shall be added by the Tax Collector and collected from any taxpayer who shall neglect or refuse to pay the tax on or before June 30th of the year in which the tax is due. (Ord. 73-2, 2/5/1973, Section 1; as amended by Ord. 88-3, 10/17/1988)

§505. Recovery of Taxes. All taxes, interest and penalties due by reason of the provisions of this Part and not paid to the Tax Collector shall be recoverable by the Borough Solicitor as other debts due the Borough are now by law recoverable. (Ord. 73-2, 2/5/1973, Section 1)

§506. Use of Revenues. All taxes, interest and penalties collected or received under the provisions of this Part shall be paid into the general fund for the use and benefit of the Borough. (Ord. 73-2, 2/5/1973, Section 1)

§507. Jurisdiction. No provision of this Part shall be construed to provide for the levy and imposition of a tax upon any person not within the taxing power of the Borough under the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania. (Ord. 73-2, 2/5/1973, Section 1)

§508. Penalties. Any person, firm or corporation who shall violate any provision of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars; and/or imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 5 continues shall constitute a separate offense. (Ord. 73-2, 2/5/1973, Section 1; as amended by Ord. 88-3, 10/17/1988)

Part 6

Real Property Taxation Exemption

§601. Exemption from Real Property Taxation. The assessed valuations attributable to the entire cost of improvements and new construction on properties within the boundaries of the deteriorated areas of Shamokin Dam Borough, as those boundaries are fixed by Shamokin Dam Borough Ord. 07-4, and are exempt from real property taxation in accordance with the following schedule:

<u>Real Property Tax Fiscal Year</u>	<u>Exempt Percentage of Assessed Value</u>
First Year Following Completion of Construction	100%
Second Year Following Completion of Construction	100%
Third Year Following Completion of Construction	100%
Fourth Year Following Completion of Construction	80%
Fifth Year Following Completion of Construction	60%
Sixth Year Following Completion of Construction	40%
Seventh Year Following Completion of Construction	20%
Eighth Year Following Completion of Construction and Each Year thereafter	0%

(Ord. 07-5, 8/6/2007, §1)

§602. Limitations on Exemption. The exemption provided for in this Part shall be subject to the following limitations:

A. This exemption shall apply only to improvements and new construction that are commenced on or after July 1, 2007, and completed on or before June 30, 2017.

B. The amount of the exemption (determined by reference to the assessed value of any improvements or new construction) shall be reduced by the amount of any deduction to the then current assessment resulting from the demolition of improvements on the same tax parcel.

(Ord. 07-5, 8/6/2007, §2)

§603. Procedure For Obtaining Exemption. Any person wishing to qualify for tax exemptions pursuant to this Part, shall give notice to Shamokin Dam Borough and to the Snyder County Tax Assessor's Office in writing at the time a building permit for any improvements or new construction in the deteriorated areas is issued (or if no building permit or other notification of new construction or improvements are required, at the time construction is commenced) or within a reasonable time thereafter. A written notice is sufficient if it identifies the date the building permit was issued, briefly

describes the new construction or new improvements, identifies the tax parcel on which they are located and is signed by a person authorized to act on behalf of the property owner or another person with a legal or equitable interest in the property, the new construction or improvements. Eligibility for tax exemptions provided by this Part shall be determined pursuant to the provisions of this Part and the Local Economic Revitalization Tax Assistance Act and no other terms, conditions or requirements shall apply to tax exemptions for which notice of construction is given prior to the date upon which any subsequent amendment to this Part is adopted. Any ordinances or resolutions or parts of ordinances or resolutions inconsistent with this Part are hereby repealed to the extent inconsistent with this Part. (Ord. 07-5, 8/6/2007, §3)

§604. Copy of Ordinance to Chief Assessor. Following its adoption, the Borough Secretary shall send a duly certified copy of this Part to the Office of the Chief Assessor of Snyder County, Pennsylvania, for its use in determining the assessed valuations and real property taxes of properties within the boundaries of the deteriorated areas of Shamokin Dam Borough as fixed by Shamokin Dam Borough Ord. 07-4. (Ord. 07-5, 8/6/2007, §4)

Part 7

Keystone Opportunity Expansion Zone (KOEZ)

§701. Provisions.¹ Resolved by Shamokin Dam Borough of Snyder County that effective as of this 9th day of September, 2013, contingent only upon DCED's approval of the application for the proposed new KOEZ, the following provisions shall apply:

A. Real property tax on the proposed KOEZ is 100% exempt in accordance with the provisions and limitations hereinafter set forth in accordance with the Act, such exemption to begin on January 1, 2014, and to terminate December 31, 2023 (a ten-year period).

B. Earned Income and Net Profits Taxes; Business Privilege and Mercantile Taxes. The Borough also waives business gross receipts tax

¹Editor's Note: The following are the "Whereas clauses" in Res. 2013-4, 9/9/2013:

"WHEREAS, Shamokin Dam Borough of Snyder County, Pennsylvania (the "Borough") recognizes the need to encourage investment in a defined geographical area of the Borough consisting of all or any part or parts of the area described in Attachment A (the "Proposed KOEZ") that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base, and

"WHEREAS, the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (Act of October 6, 1998, P.L. 705, No. 92), as amended, hereinafter referred to as the "Act," authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for designation of an area within the respective political subdivision as a KOEZ granting exemptions, deductions, abatements or credits from all local taxes identified in the Act; and

"WHEREAS, approval of benefits provided in the Act will result in improving the economic, physical, and social conditions within the Proposed KOEZ by stimulating existing businesses employment, creating new employment and diminishing blight; and

"WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight within the Proposed KOEZ by the time of its termination; and

"WHEREAS, the Proposed KOEZ is not less than ten acres but not more than 350 acres in the aggregate; and

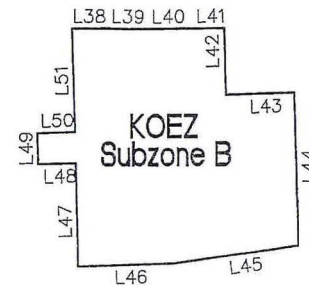
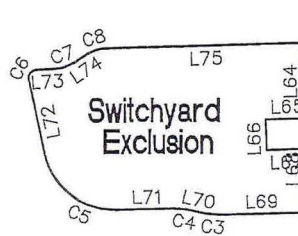
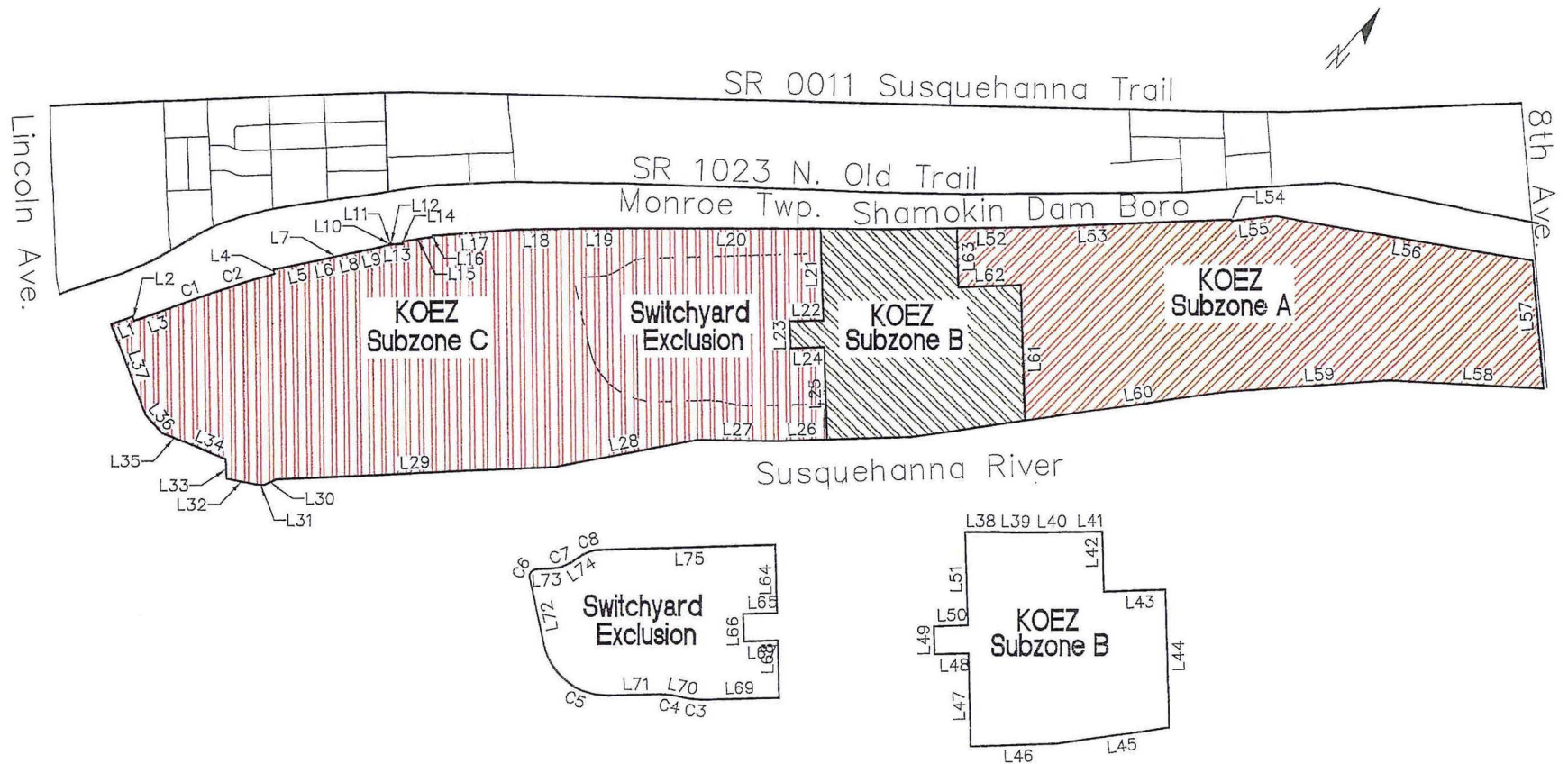
"WHEREAS, the Proposed KOEZ is comprised of parcels which are (i) deteriorated, underutilized or unoccupied or (ii) are occupied by a Qualified Business (as that term is defined in the Act) which creates or retains at least 1,000 full-time jobs in Pennsylvania within three years from the designation by DCED of the Proposed KOEZ and makes a capital investment of at least \$500,000,000 in the Proposed KOEZ within three years from the designation by DCED of the Proposed KOEZ."

for operations conducted by a qualified business; earned income received by a resident and/or net profits of a qualified business received by a resident or nonresident of the proposed KOEZ attributable to business activity conducted with said zone and benefits to begin on January 1, 2014, and to terminate on December 31, 2023, (a ten (10) year period).

C. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Part by reference.

D. This Part shall be effective upon execution, conditioned upon the approval of the application by DCED.

(Res. 2013-4, 9/9/2013)



Sunbury Property Designation	Area (ac.)	Snyder County Tax Parcel Reference
KOEZ Subzone A	70.67	16-03-001A North Property
KOEZ Subzone B	30.78	16-03-001 Power Plant Buildings
KOEZ Subzone C	91.54 (net)	12-09-102 South Property
Switchyard Exclusion	26.00	12-11-374 Switchyard

Firm Name and Address
M Meck-Tech
 Incorporated
 25 Old School Road
 Selinsgrove, PA 17870
 Ph: (717) 864-3332 Fax: (717) 864-3344

Project Name and Address
 Sunbury Generation LP
 Monroe Township
 Shamokin Dam Borough
 Selinsgrove Area School District
 Snyder County

Sheet Name and Scale
 KOEZ
 Attachment A
 Sheet 1
 No Scale
 August 14, 2013

KOEZ Subzone C Line Table		
Line #	Direction	Length
L1	N 28° 24' 33" E	132.25
L2	S 61° 40' 44" E	26.53
L3	N 28° 19' 16" E	249.03
L4	N 53° 28' 49" W	23.73
L5	N 36° 31' 11" E	266.66
L6	N 36° 10' 14" E	52.59
L7	N 36° 52' 45" E	119.66
L8	N 36° 04' 52" E	14.09
L9	N 36° 04' 58" E	260.06
L10	N 45° 50' 12" W	6.94
L11	N 34° 37' 13" E	8.07
L12	S 45° 50' 12" E	7.14
L13	N 46° 39' 07" E	68.82
L14	N 45° 42' 57" W	12.75
L15	N 39° 42' 03" E	176.80
L16	N 45° 36' 57" W	6.25
L17	N 44° 33' 03" E	494.25
L18	N 47° 34' 03" E	244.99
L19	N 48° 07' 40" E	506.40
L20	N 48° 53' 18" E	1056.68

KOEZ Subzone C Line Table		
Line #	Direction	Length
L21	S 43° 04' 34" E	544.33
L22	S 46° 55' 26" W	200.00
L23	S 43° 04' 34" E	160.00
L24	N 46° 55' 26" E	200.00
L25	S 43° 04' 34" E	549.91
L26	S 46° 53' 31" W	296.44
L27	S 49° 29' 42" W	471.98
L28	S 37° 53' 24" W	854.61
L29	S 46° 07' 04" W	1661.70
L30	S 23° 25' 12" W	82.15
L31	S 51° 49' 48" W	46.04
L32	S 59° 55' 44" W	182.30
L33	N 44° 23' 31" W	114.59
L34	S 71° 45' 10" W	251.49
L35	S 70° 11' 04" W	154.28
L36	N 81° 52' 57" W	46.12
L37	N 61° 35' 27" W	573.06

KOEZ Subzone B Line Table		
Line #	Direction	Length
L38	N 48° 53' 18" E	201.11
L39	N 49° 50' 33" E	117.40
L40	N 48° 19' 47" E	207.13
L41	N 47° 51' 03" E	286.55
L42	S 43° 01' 49" E	349.16
L43	N 46° 55' 26" E	370.57
L44	S 43° 04' 34" E	807.11
L45	S 40° 33' 18" W	676.95
L46	S 46° 53' 31" W	509.33
L47	N 43° 04' 34" W	549.91
L48	S 46° 55' 26" W	200.00
L49	N 43° 04' 34" W	160.00
L50	N 46° 55' 26" E	200.00
L51	N 43° 04' 34" W	544.33

KOEZ Subzone A Line Table		
Line #	Direction	Length
L52	N 47° 53' 03" E	430.33
L53	N 46° 36' 03" E	1202.03
L54	S 56° 44' 57" E	6.36
L55	N 42° 20' 03" E	263.45
L56	N 58° 48' 03" E	1532.50
L57	S 45° 57' 57" E	762.61
L58	S 51° 54' 01" W	904.37
L59	S 44° 43' 13" W	948.42
L60	S 40° 33' 18" W	1223.10
L61	N 43° 04' 34" W	807.11
L62	S 46° 55' 26" W	370.57
L63	N 43° 01' 49" W	349.16

KOEZ Switchyard Exclusion Line Table		
Line #	Direction	Length
L64	S 43° 04' 34" E	396.85
L65	S 46° 55' 26" W	200.00
L66	S 43° 04' 34" E	160.00
L67	N 46° 55' 26" E	200.00
L68	S 43° 04' 34" E	335.70
L69	S 47° 17' 43" W	446.64
L70	S 59° 57' 40" W	92.44
L71	S 47° 28' 32" W	310.60
L72	N 54° 25' 25" W	394.92
L73	N 44° 34' 27" E	109.96
L74	N 16° 08' 28" E	69.47
L75	N 47° 00' 14" E	1032.35

KOEZ Switchyard Exclusion Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C3	85.21	385.46	S 53° 37' 42" W	85.04
C4	73.59	337.71	S 53° 43' 06" W	73.45
C5	525.07	385.20	S 86° 31' 33" W	485.35
C6	73.32	42.44	N 4° 55' 29" W	64.54
C7	107.28	216.18	N 30° 21' 27" E	106.18
C8	118.38	219.78	N 31° 34' 21" E	116.96

KOEZ Subzone C Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C1	263.35	7359.82	N 29° 04' 56" E	263.33
C2	361.71	7058.92	N 31° 35' 31" E	361.67

Firm Name and Address

Meck-Tech
Incorporated
25 Old School Road
Selinsgrove, PA 17870
Ph: (670) 854-3333 Fax: (670) 854-3344

Project Name and Address

Sunbury Generation LP
Monroe Township
Shamokin Dam Borough
Selinsgrove Area School District
Snyder County

Sheet Name and Scale

KOEZ
Attachment A
Sheet 2
No Scale
August 14, 2013