

ORDINANCE NO. 444

AN ORDINANCE OF THE BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA, LEVYING A TAX
ON EARNED INCOME AND NET PROFITS; REQUIRING
TAX RETURNS; REQUIRING EMPLOYERS TO
WITHHOLD AND REMIT TAX; AND RELATED
PROVISIONS.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the
Borough of Leesport, Berks County, Pennsylvania, under authority of the Local Tax
Enabling Act, 53 P.S. §6924.101 et seq., and other applicable law, as follows:

Section 1. Name.

This Ordinance shall be known as the Borough of Leesport Earned Income Tax
Ordinance.

Section 2. 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.
- b. Effective Date. January 1, 2012.
- c. Governing Body. The Borough Council of the Borough of Leesport.
- d. 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.
- e. 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.
- f. 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.

- g. Tax. The tax imposed by this Ordinance.
- h. 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 Ordinance or the Local Tax Enabling Act.
- i. Tax Year. The period from January 1 to December 31.
- j. Taxing Authority. The Borough of Leesport.

Section 3. Imposition of Tax.

- a. General Purpose Resident Tax. The Taxing Authority hereby imposes a Tax for general revenue purposes at the rate of .5% on earned income and net profits of individual residents of the Taxing Authority.
- b. General Purpose Municipal Nonresident Tax. The Taxing Authority also imposes a Tax for general revenue purposes at the rate of .5% 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 within the boundaries of the Taxing Authority.
- c. 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 Ordinance is repealed or the rate is changed.
- d. Combined Tax Rate Applicable to Residents. Currently, the total rate applicable to residents of the Taxing Authority, including the tax imposed by the school district and the Taxing Authority, is 1.0%.
- e. 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 .5%.
- f. 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 Ordinance. 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 Ordinance upon the effective date of such amendment, without the need for formal amendment of this Ordinance, to the maximum extent allowed by 1 Pa.C.S.A. §1937.

- g. 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 4. 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 5. 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 6. Employee 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 7. Tax Collector.

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

Section 8. 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 9. Severability.

The provisions of this Ordinance 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 Ordinance. It is declared to be the intention of the Governing Body that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

Section 10. Purpose/Amendment and Restatement/Repeal.

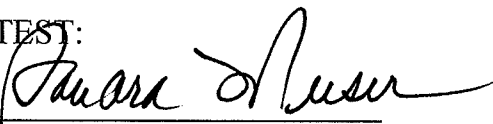
The primary purpose of this Ordinance is to conform the earned income and net profits tax currently imposed to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior enactment imposing a tax on earned income or net profits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

Section 11. Adoption.

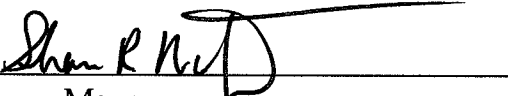
ENACTED AND ORDAINED as an Ordinance of the Borough of Leesport, Berks County, Pennsylvania, this 31st day of September, 2011.



BOROUGH OF LEESPORT

ATTEST:


Secretary

Approved as an Ordinance of
the Borough of Leesport on this
31st day of September
2011.


Mayor


President

Vice-President
