

ORDINANCE NO. 629

HILLTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

An Ordinance of the Township of Hilltown, Bucks County, Pennsylvania, providing for the assessment, levying and collection of a tax for and during the year 1962, for general revenue purposes pursuant to the authority of the Act of June twenty-fifth, one thousand nine hundred forty-seven (Pamphlet Laws 1145, Section 1, et. seq.) as amended, upon the privilege of attending and engaging in amusements within the Township of Hilltown; providing for the method of collecting such tax; imposing duties and conferring powers upon certain officers of the Township; providing for exemptions and prescribing penalties.

WHEREAS, the Board of Supervisors of Hilltown Township finds it necessary to impose taxes for general revenue purposes and is of the opinion that a portion of these taxes should be obtained from those attending and engaging in amusements, sports and recreation of all forms within the Township of Hilltown wherein any admission or fee is charged; And Whereas, it is estimated that the income to be derived from the said tax for the balance of the year of 1962 is the sum of \$70.00 and the anticipated annual revenue is \$400.00.

NOW THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Hilltown, Bucks County, Pennsylvania, pursuant to the Act of General Assembly of June twenty-fifth, one thousand nine hundred forty-seven (Pamphlet Laws 1145, Section 1, et seq.) its amendments as follows:-

SECTION 1. This Ordinance shall be known as the Hilltown Township Amusement Tax Ordinance.

SECTION 2. Unless otherwise expressly stated the following terms shall have for the purposes of this Ordinance the following meanings:

(a) Admission. The monetary charges of any character whatsoever including donations, contributions, dues, fees, rentals,

service charges, membership fees, periodical or otherwise, charged by or in any manner received by a producer as herein defined to the general public or a limited or selected number thereof directly or indirectly for the privilege of attending, engaging or participating in any amusement as herein defined, as a spectator, participant, contestant or otherwise. Admission shall not include any tax added to the charge. Admission shall include the established monetary charge made even where certain persons are admitted free or at reduced rates, excepting, however, bona fide employees of the producer or public officials engaged upon public duties.

(b) Amusement. Any and all forms of entertainment, recreation and sport engaged in, participated in or attended as a spectator or otherwise by any person for which an admission is charged or other fee or charge imposed or paid including but not limited to the following activities: theatrical performance, operatic performance, motion picture exhibitions, carnival, circus, show, musical concert, sports event, swimming or bathing pool, vaudeville, sideshow, automobile race contest or exhibition, skiing areas, amusement park, dancing, golfing, bowling, billiards, athletic events and contests of all kind, and any and all other forms of diversion, sport, passtime or recreation for which an admission is charged or paid; or for which any charge is made for the rental or use of any equipment, property or land for the purpose of amusement as herein defined. Amusement shall not include any form of entertainment accompanying or incidental to the serving of food or drink or the sale of merchandise where the charge is wholly included in the price charged for such food, drink or merchandise. Amusement shall not include anything wherein the proceeds after payment of reasonable expenses inures exclusively to the benefit of any purely religious, educational or public charitable institution, society or organization.

(c) Person. Any natural person, copartnership, association, firm, business corporation or non-profit corporation or any other legal entity whatsoever. As applied to a partnership the term

person shall include every partner or member thereof and as applied to a corporation shall mean the corporate officers and directors thereof as to any duties or penalties imposed herein.

(d) Producer shall be any person as herein defined who shall conduct, operate, produce, carry on or maintain any amusement in the Township of Hilltown; or any person who shall receive any admission for any amusement within the Township of Hilltown.

(e) The singular shall include the plural and the masculine shall include the feminine and neuter.

SECTION 3. A tax is hereby imposed for general revenue purposes for the Township of Hilltown at the rate of ten per cent (being 1¢ for each 10¢) of the price of admission or other charge as herein defined to each and every amusement within the Township of Hilltown. The producer of such amusement shall be responsible for the collection and payment of the tax to the secretary of the Board of Supervisors. In the event no fixed admission is charged the tax shall be based upon the gross admissions collected by the producer and shall be paid by the producer to the secretary of the Township Supervisors.

SECTION 4. On and after the effective date of this Ordinance any person conducting, operating, producing, carrying-on or maintaining any amusement within the Township of Hilltown or desiring to do so, shall file written notice thereof with the secretary of the Board of Supervisors setting forth the nature of the amusement to be conducted by the producer, the length of time the amusement is to be continued, and the rates or charges to be imposed by the producer.

SECTION 5. Every producer of an amusement that is to be conducted, operated, produced, carried-on or maintained for a period in excess of thirty days shall, within ten days from the end of each calendar month, transmit to the secretary of the Board of Supervisors a written report of the total admissions, as herein defined, collected and the total amount of the tax due thereon, and shall pay to the secretary of the Board of Supervisors the said tax in full.

SECTION 6. Every producer of a place of amusement

intended to be conducted, operated, produced, carried-on or maintained for less than a period of thirty days shall at the close of each day of operation of such amusement transmit to the secretary of the Board of Supervisors a report of the total admissions collected, and shall pay at the close of each day the tax due in full. Provided, however, that the secretary of the Board of Supervisors, or any other person employed by the Board of Supervisors for such purpose, shall have the right to attend any place of amusement and to collect from the producer the tax due thereon immediately upon and from each and every admission charged.

SECTION 7. If any tax levied pursuant to this Ordinance shall not be paid when due a penalty of ten per cent of the amount due and unpaid shall be added thereto plus an additional penalty of one-half of one per cent per month on the initial tax liability until the same is paid in full. All taxes, penalties, interest and costs may be recovered by the Supervisors of Hilltown Township from the producer of any amusement the same as other taxes and debts are by law recoverable.

SECTION 8. If any report or notice required by this Ordinance to be filed by the producer is not filed or is erroneous, inaccurate or incomplete, the secretary of the Board of Supervisors may and is hereby authorized and empowered to make a determination of the tax due by the producer upon the information available to him, and for this purpose the secretary of the Board of Supervisors, or any other person appointed by the Board of Supervisors, is authorized to examine the books, papers, tickets, receipts and records of any producer subject to the tax imposed by this ordinance, and to ascertain and assess the tax due thereon.

SECTION 9. Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this Ordinance shall in addition to other penalties provided by law upon summary conviction before a Justice of the Peace be subject to a fine not

exceeding \$300.00 and the costs of prosecution for each offense, or to undergo imprisonment for not more than thirty days for the non-payment of such fine and costs.

SECTION 10. This Ordinance shall become effective thirty days after adoption hereof. This Ordinance shall continue in full force and effect until December 31, 1962, the end of the taxable year 1962 for Hilltown Township.

SECTION 11. The provisions of this Ordinance shall be severable and if any provision or part hereof shall be held to be unconstitutional, illegal or invalid by any Court of competent jurisdiction, the same shall not effect the validity of any remaining provisions or parts of this Ordinance. It is hereby declared to be the intent of the Supervisors of the Township of Hilltown that this Ordinance would have been enacted had any such unconstitutional, invalid or illegal provisions not been included herein.

Duly ordained and adopted this Fifteenth day of
September , A. D., 1962.

BOARD OF SUPERVISORS OF
HILLTOWN TOWNSHIP

By *Paul L. ...*
President

Attest: *Albert T. ...*
Secretary

F. "Death Benefits." Where an employer makes death benefit payments to the beneficiary of an employee or to his estate, whether payable in a lump sum or otherwise, such payments are not taxable.

G. "Proceeds of Life Insurance Policies." Proceeds of life insurance policies payable by reason of the death of an insured to his estate or to a beneficiary are not taxable.

H. "Gifts and Bequests." Cash or property received as a gift or under a will or under statutes of descent and distribution is not taxable.

I. "Interest Received." All forms of interest, e. g., on obligations of the United States or its possessions, the Commonwealth of Pennsylvania, or any political subdivision thereof, or on bank or postal savings accounts, mortgages, or loans, received by an individual, are not taxable. However, where a person is engaged in the business of lending money at interest, the net profits of such business are taxable.

J. "Religious Offerings." Offerings received by clergymen for the performance of baptisms, wedding ceremonies, etc., are not taxable.

K. "Board and Lodging to Employees for Convenience of Employer." The value of meals and lodging furnished to domestics or other employees by the employer for the latter's convenience is not considered earned income and is not taxable.

L. "Income from Stocks, Trusts, and Rentals of Dwellings Owned by Individuals not Licensed as Realtors by the Commonwealth of Pennsylvania." The income from these items is not taxable.

M. "Capital Gains and Losses." Capital gains and losses shall not be included in computing taxable net earnings. These include such capital gains and losses as arise from the sale, exchange, or other disposition of depreciable business property, and real property, used in the taxpayer's trade or business.

ARTICLE II

IMPOSITION AND RATE OF TAX

Section 201. Partnerships

The net profits of the partnership as such shall not be taxed but each resident partner shall pay the tax on his share of the net profits whether or not it is actually distributed to him.

Section 202. Officers and Employees of the United States, etc.

Officers and employees of the United States, the Com-

monwealth of Pennsylvania, or of any political subdivision thereof, whose earned income tax is not subject to withholding, shall file a Declaration of Estimated Tax and make quarterly payments as prescribed.

Section 203. Computation of Net Profits

The net profits of a business, trade, profession or other activity shall be computed by subtracting from gross receipts the cost of goods sold and all ordinary and necessary expenses of doing business. Ordinarily no business deduction which is not permitted by the Federal Government for income tax purposes will be allowed. All persons are presumed to be on a cash basis, but when the books of a taxpayer are kept on an accrual or other basis, which is used for Federal Income Tax purposes, such basis must be used for the purpose of computing the Earned Income Tax on net profits.

Section 204. Accounting Methods

No uniform method of accounting is prescribed. Each taxpayer shall adopt such forms and methods of accounting as in his judgment are best suited for his purposes. The two principal methods of accounting are: (1) the cash receipts and disbursement method, generally called the "cash basis" method; and (2) the "accrual basis" method. If the method employed does not clearly reflect the net income, the computation shall be made in accordance with such method as in the opinion of the Income Tax Administrator does clearly reflect the net income.

Section 205. Accounting Period

If the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

Section 206. Net Loss

"Net Loss" in any year may not be carried to any other year.

ARTICLE III

DECLARATIONS, PAYMENT OF TAX AND RETURNS

Section 301. Payment by Employers

Employers who withhold a tax amounting to more than fifty dollars (\$50.00) during the first or second month of any calendar quarter, shall remit the actual amount of the tax so withheld to the School District on or before the fifteenth (15th) of the month next following the month during which the tax was deducted.

Section 302. Withholding by Agreement

Employers although not required to withhold a tax from the earnings of domestic servants, farm labor or casual labor not in the usual course of business, may voluntarily agree with such employees to withhold the tax and transmit it to the Income Tax Administrator.

Section 303. Place and Manner of Payment

All taxes under the Earned Income Tax Resolution shall be paid at the Hilltown Elementary School, Callowhill Road, Hilltown Township, Pennsylvania. All checks for the tax shall be made payable to the Income Tax Administrator.

Section 304. Forms

The Income Tax Administrator is authorized to prepare all of the forms required under the provisions of the Earned Income Tax Resolution and/or ordinance subject to the approval of the solicitor for the School District.

Section 305. Verification

Every declaration and return shall be verified or contain a written statement that it is made under the penalties of perjury.

Section 306. Extensions

The Income Tax Administrator is authorized to grant a reasonable extension of time for the filing of a return and the payment of a tax due.

Section 307. Installments Paid in Advance

At the election of the taxpayer, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

Section 308. Payment on Account

Payment of the estimated tax or any installment thereof, shall be considered payment on account of the tax for the taxable period.

ARTICLE IV

ADMINISTRATION AND ENFORCEMENT

Section 401. Records to be Kept by Taxpayers

Taxpayers and employers subject to the Resolution and/or ordinance are required to keep such records as will enable the filing of true and accurate declarations and returns, whether of taxes withheld at source or of taxes payable upon earnings or net profits, or both; and such records shall be preserved for a period of not less than six (6) years in order to enable the Income Tax Administrator or any agent designated by him to verify the correctness of the declarations or returns filed. The Income Tax Administrator will pay claims for refund in proper cases.

Wage Tax Resolution

Adopted By

School District of Hilltown Township

Bucks County, Pennsylvania

April 2, 1962

THE TAX RESOLUTION SECTION I — SHORT TITLE AND EFFECTIVE DATE

101. This resolution shall be known as the "Earned Income Tax Resolution." The provisions hereof shall become effective on the first Monday of July, 1962.

SECTION II — DEFINITIONS

201. The following words and phrases when used in this resolution, including the various portions of this section thereof, shall have the meanings ascribed to them in this Section, except where the context clearly indicates or requires a different meaning.

"Association" — A partnership, limited partnership, joint venture, or any other unincorporated group of two or more persons.

"Business" — An enterprise, activity, profession, or undertaking of any nature conducted for profit, or ordinarily conducted for profit, whether by an 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 country or dependency.

"Earnings" — Salaries, wages, commissions and other compensation as defined in this resolution.

"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 School Board of the School District of the Township of Hilltown to administer the provisions of this resolution.

"Net Profits" — The net income from the operation of a business, profession or other activity, after provision 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.

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

corporations, the officers thereof.

"Resident" — An individual fiduciary, association, or other entity domiciled in the School District.

"Salaries, Wages, Commissions, and Other Compensation" — Salaries, wages, commissions, bonuses, incentive payments, 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; 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 payments made by any governmental agency.

"School District" — The School District of the Township of Hilltown, Bucks County, Pennsylvania.

"Taxable Period" — The period beginning the effective date of this resolution and ending the day immediately prior to the first Monday of July of the following calendar year.

"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.

SECTION III — IMPOSITION OF TAX

301. A tax for general revenue purposes of one (1%) per cent is hereby imposed on the following:

(a) Salaries, wages, commissions and other compensation earned by residents of the School District during the taxable period.

(b) Net profits earned by residents of the School District during the taxable period.

SECTION IV — DECLARATION AND PAYMENT OF TAX

401. Every taxpayer who during the taxable period can reasonably be expected to earn net profits or earnings not subject to the provisions of Section V relating to collection at source, shall make and file with the Income Tax Administrator, on a form prescribed by the Income Tax Administrator, a declaration setting forth the amount of net profits anticipated by him for such taxable period and subject to tax, the amount of es-

timated tax imposed thereon by this resolution, and such other relevant information as the Income Tax Administrator may require.

402. 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 cannot reasonably be expected on or before the 15th day of October of the taxable period, the taxpayer shall file a declaration on or before said date and shall pay the estimated tax shown thereon in equal quarterly installments on or before the said 15th day of October and on or before the 15th day of the following January, April and July.

(b) If said net profits or earnings cannot reasonably be expected on or before October 15 of the taxable period, but can be reasonably 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 can first reasonably be expected to earn such net profits or earnings and 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 calendar year basis setting forth his estimated net profits or earnings for the current calendar year, 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) on or before the 15th day of October and January of the taxable period, pay the quarterly installments of the estimated tax according to the declaration filed, and (2) on or before the 15th day of April of the taxable period file a declaration of the estimated tax for the portion of the taxable period included in the new calendar year, and pay said tax in equal installments on or before said 15th day of April and the 15th day of July.

(d) 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.

403. 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 finds, 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.

404. Every taxpayer who is required to file a declaration of estimated tax under the provision of this Section 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 Section, the amount of the tax that has been withheld pursuant to the provisions of Section V and the balance of the tax due.

405. 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 the same as the taxable period, he shall file his final return on or before October 15 after the close of the taxable period.

(c) If the taxpayer's declaration is not filed on a calendar year basis or on a fiscal year basis the same as the taxable period, he shall file his final return on or before the 105th day after the close of the fiscal year.

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

407. 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.

408. In the event of the death of taxpayer during the taxable period, his personal representative, or in the absence of a personal representative, his heirs as designated by the Pennsylvania Inestate Act of 1947, as amended, or as hereafter amended or supplemented, shall file his final return within sixty (60) days after the taxpayer's death and pay the tax due or demand re-

fund in the case of overpayment. 409. 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.

410. The final return shall include net profits and earnings taxable under any other resolution of the said School District 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.

SECTION V — COLLECTION AT SOURCE

501. Every employer within the School District who employs one or more residents on a salary, wage, commission or other compensation basis, shall deduct at the time of the payment thereof, the tax imposed by this resolution on the earnings due to his employee or employees and, within thirty (30) days after the 30th day of September 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 Administrators may require, and shall pay to the School District the amount of taxes so deducted.

502. On or before the 15th day of February of 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 School District.

(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 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 February 15 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 Resolution of the School District for the same calendar year so that one return shall be filed by an employer for any one calendar year.

503. Every employer who discontinues business prior to the close of the taxable year shall, within thirty (30) days after the discontinuance of business, file the 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 de-

signed by the Pennsylvania Inestate 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.

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

505. If an employer makes a deduction of tax as required by this Section, the amount deducted shall constitute in the hands of such employer a trust fund held for the account of the School District as beneficial owner thereof and the employee from whose earnings such tax was deducted shall be deemed to have paid such tax.

506. The withholding of earnings and the payment and return thereof by the employer under the provisions of this Section 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 Section IV.

SECTION VI — POWERS AND DUTIES OF THE INCOME TAX ADMINISTRATOR

601. It shall be the duty of the Income Tax Administrator to collect and receive the taxes, fines and penalties imposed by this resolution. It shall also 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.

602. The Income Tax Administrator is hereby charged with the administration and enforcement of the provisions of this resolution, and is hereby empowered, subject to approval by the Board of School Directors of the School District, to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this resolution 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 resolution.

603. 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, or, 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.

604. Any information gained by the Income Tax Administrator, his agents or by any other official, agent or employee of the School District as a result of any declara-

tions, returns, investigations, hearings or verifications required or authorized by this resolution shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this resolution or as otherwise provided by law.

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

SECTION VII — SUIT FOR COLLECTION OF TAX

701. The Income Tax Administrator may sue in the name of the School District for the recovery of taxes due and unpaid under this resolution.

702. Any suit brought to recover the tax imposed by this resolution shall be begun within six (6) years after such tax is due or within six (6) years after a declaration or 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 resolution.

(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 provisions of this resolution and has failed to pay the amount so deducted to the School District.

SECTION VIII — INTEREST AND PENALTIES

801. If for any reason the tax is not paid when due, interest at the rate of six (6%) per cent per annum of the amount of said tax, and an additional penalty of one-half of one (1/2%) per cent 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 the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

SECTION IX — PAYMENT AND REFUNDS

901. The Income Tax Administrator is hereby authorized to accept payment of the amount of tax claimed by the School District in any case where any person disputes the validity or amount of the School District'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 Officer, the amount of the overpayment shall be refunded to the person who paid.

SECTION X — APPLICABILITY

1001. The tax imposed by this resolution shall not apply:

(a) To any person as to whom it is beyond the legal power of the School District to impose the tax herein provided for under the Constitution of the United States and the Constitution and Laws of the Commonwealth of Pennsylvania.

(b) 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.

(c) To 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 section shall not be construed to exempt any person who is an employer from the duty of collecting the tax at source from his employees and paying the amount collected to the School District under the provisions of Section V of this resolution.

SECTION XI — FINES AND PENALTIES FOR VIOLATION OF RESOLUTION

1101. Any person who fails, neglects or refuses to make any declaration or return required by this resolution; any employer who fails, neglects or refuses to pay the tax deducted from his employees; any person who refuses to permit the Income Tax Administrator or any agent properly designated by him to examine his books, records and papers;

and any person who makes any incomplete, false or fraudulent return to avoid the payment of the whole or any part of the tax imposed by this resolution, shall, upon conviction thereof before any justice of the peace, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars for each offense and costs, and, in default of payment of said fine and costs, to be imprisoned in the Bucks County Prison for a period not exceeding ninety (90) days.

1102. Any person who, except as permitted by the provisions of Subsection 4 of Section VI of this resolution, divulges any information which is confidential under the provisions of said Subsection shall, upon conviction thereof before any justice of the peace, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars for each offense and costs, and, in default of payment of said fine and costs, to be imprisoned in the Bucks County Prison for a period not exceeding ninety (90) days.

1103. The penalties imposed under this Section shall be in addition to any other penalty imposed by any other section of this resolution.

1104. The failure of any person to receive or procure the forms required for making any declaration or return required by this resolution shall not excuse him from making such declaration or return.

SECTION XII — SEVERABILITY

1201. The provisions of this resolution are severable. If any sentence, clause or section of this resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this resolution. It is hereby declared to be the intent of the Board of Directors of the School District that this resolution would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION XIII AUTHORIZATION

1301. This resolution and the tax imposed hereby is adopted under and by virtue of the authority contained in the Act of General Assembly approved the 25th day of June, 1947 (Act No. 481, P. L. 1145), as amended and supplemented.

Regulations

School District Of Hilltown Township, Bucks Co., Pennsylvania

Wage Tax

ARTICLE I

GENERAL PROVISIONS

Section 101. Taxable Income

A. "Sick or Disability Benefits." Periodical payments received by an individual under a sickness or disability insurance plan are not taxable. Where, however, an employee receives regular salary from his employer during a period of sickness or disability, by virtue of his contract of employment, such compensation shall be fully taxed.

B. "Benefits Arising Under Workmen's Compensation Acts, Occupational Disease Acts, and Similar Legislation." Compensation received by employees under the provisions of workmen's compensation acts, occupational disease acts, or similar legislation together with any amount received as damages by suit or agreement on account of any injury or disease, is not taxable.

C. "Public Assistance or Unemployment Compensation Payments." Payments made under any public assistance or unemployment compensation

legislation are not taxable.

D. "Active Military Service Pay." Compensation paid by the United States to any person for active service in the armed forces of the United States is not taxable.

E. "Bonuses Paid by United States, Pennsylvania, or Any Other State, for Active Military Service." Any Bonus or additional compensation paid to a person by the United States, by the Commonwealth of Pennsylvania, or by any other State, for active service in the armed forces of the United States, is not taxable.