

CITY OF JEANNETTE
ORDINANCE

BILL NO. 76-17

ORDINANCE NO. 76-12

AN ORDINANCE to provide for the general revenue of the City of Jeannette by imposing a tax upon the privilege of operating or conducting a business in the City of Jeannette as measured by the gross receipts thereof; requiring registration and payment of the tax as a condition to the conducting of said business, providing for the levy and collection of said tax, conferring and imposing powers and duties on the tax collector and providing for fines and penalties for violation thereof.

BE IT ORDAINED AND ENACTED by the Council of the City of Jeannette and it is hereby Ordained and Enacted under and by virtue of "The Local Tax Enabling Act", Act of Assembly of December 31, 1965, P.L. 1257, Act No. 511, as amended, as follows:

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

- a. "City" - The City of Jeannette.
- b. "Person" - Any natural person, partnership, unincorporated association or corporation, non-profit or otherwise. Whenever used in any provision prescribing a fine or a penalty, the word "person", as applied to partnerships, shall mean the partners thereof, and as applied to corporations and unincorporated associations, shall mean the officers thereof.
- c. (1) "Business" - carrying on or exercising, whether for gain or profit or otherwise, within the City of Jeannette any trade, business, including but not limited to financial business as hereinafter defined, profession, vocation, service, construction, communication or commercial activity, making sales to persons or rendering services from or attributable to a Jeannette Office or place of business.

(2) "Business" - shall not include the following: the business of any political subdivision, any employment for a wage or salary, any business upon which the power to levy a tax is withheld by law.
- d. "Financial Business" - The services and transactions of banks and bankers, trust, credit, and investment companies, where not prohibited by law, holding companies, dealers and brokers in money, credits, commercial paper, bonds, notes, securities and stocks, monetary metals, factors and commission merchants.
- e. "Tax Year" - The twelve month period from January 1st to December 31st.

f. "Gross Receipts" - Cash, credits, property of any kind or nature, received in or allocable or attributable to the City of Jeannette from any business or by reason of any sale made, including resales of goods, wares or merchandise taken by a dealer as a trade-in or as part payment for other goods, wares or merchandise, or services rendered or commercial or business transaction had within the City of Jeannette, without deduction therefrom on account of the cost of property sold, materials used, labor, service or other cost, interest, or discount paid, or any other expense. Gross receipts shall be computed in accordance with the taxpayer's method of accounting.

Gross Receipts Shall Exclude:

- (1) The amount of any allowance made for goods, wares, or merchandise taken by a dealer as a trade-in or as part payment for other goods, wares and merchandise in the usual and ordinary course of his business.
- (2) In the case of a financial business, the cost of securities and other property sold, exchanged, paid at maturity, or redeemed, and moneys or credits received in repayment of advances, credits and loans, but not to exceed the principal amount of such advances, credits and loans, and shall also exclude deposits.
- (3) In the case of a broker, any commissions paid by him to another broker on account of a purchase or sales contract initiated, executed or cleared in conjunction with such other broker.
- (4) Receipts by dealers from sales to other dealers in the same line where the dealer transfers title or possession at the same price for which he acquired the goods, wares or merchandise.
- (5) Receipts or that portion thereof attributable to interstate or foreign commerce or to an office or place of business regularly maintained by the taxpayer, outside the limits of the City of Jeannette, and not for the purpose of evading payment of this tax and those receipts which the City is prohibited from taxing by law.

g. "Collector of Business Privilege Tax" or "Collector" shall mean the Southwest Regional Tax Bureau.

h. "Temporary seasonal or itinerant business" - shall mean any business that is conducted at one location for less than (60) sixty consecutive calendar days.

i. "Gross Receipts" - shall include both cash and credit transactions.

SECTION II: Imposition and Rate of Tax. Every person engaging in any business in the City of Jeannette beginning on February 1, 1977, and annually thereafter, shall pay an annual tax at the following rates:

- a. Wholesale vendors or dealers in goods, wares and merchandise at the rate of one half (1/2) of a mill on each dollar of volume of gross annual receipts.
- b. All other persons at the rate of two thirds (2/3) mill on each dollar of volume of gross annual receipts.

SECTION III: Returns. Every person subject to this tax shall, on or before the 30th day of April, the 31st day of July, the 31st day of October, and the 31st day of January of each year, commencing April 30, 1977, file a return under oath or affirmation with the Collector. Such return shall be on a form prepared by the Collector, approved by the City Solicitor and shall indicate the gross receipts of such vendor taxable under this ordinance during the previous three (3) month period ending respectively on March 31, June 30, September 30 and December 31; provided that:

a. It shall be presumed that all receipts are a proper measure of this tax until established otherwise and the burden of proving that any payment or consideration received by any person subject to the tax hereby imposed is excludable from gross receipts shall be upon the person who received such payment or consideration.

b. That any person who shall file a declaration under oath or affirmation prior to the 28th day of February, 1977, and prior to the 31st day of January, of each year thereafter, stating that the amount of tax due to the City of Jeannette for the forthcoming year in his estimation will not exceed the sum of Fifty Dollars (\$50.00), then, upon approval of said declaration by the Collector, such person shall omit quarterly returns and file one (1) return for the ensuing year prior to the 31st day of January of the following year. No penalty or interest shall be assessed against such person for failure to file a quarterly return once such declaration has been filed and approved. The Collector may grant or withhold such approval in its sole discretion.

c. Every person subject to the payment of the tax imposed by this ordinance who engages in a business temporary, seasonal or itinerant by its nature, shall, within twenty (20) days from the day he completes such business, file a return with the Collector setting forth his name, his business, his business address, and such other information as may be necessary in arriving at the actual gross volume of business during the tax period in the amount of the tax due.

SECTION IV: Registration. Every person subject to the tax imposed by this ordinance shall forthwith register with the City Clerk and set forth his name, address, business address and nature of the business activity in which he is engaged; said registrations to be made on or before February 28, 1977. Any person hereafter who engages in a business subject to the tax imposed by this ordinance shall register with the City Clerk within thirty (30) days after commencement of such business. Any person who shall engage in a temporary, seasonal or itinerant business shall register with the City Clerk prior to the commencement of such business. The City Clerk shall provide the Collector with a copy of all registrations on a quarterly basis.

SECTION V: Due Date of Tax. The tax levy hereunder shall be due and payable on or before the dates specified herein for the filing of returns, whether or not a return is filed and whether or not the return filed correctly states the amount of gross receipts or the amount of tax due.

If any return required under this ordinance shall not be filed when due, the person responsible for such return shall, in addition to the tax and interest due, pay a penalty of ten (10%) percent of the amount of tax due.

If any tax imposed under this ordinance shall not be paid when due, interest shall be added thereto at the rate of six (6%) percent per annum, in addition to any penalties herein provided.

SECTION VI: Duties of Collector.

a. It shall be the duty of the collector to collect and receive the taxes, fines and penalties imposed by this ordinance and to keep a record showing the amount received, the person paying the same and the date of such receipt.

b. The collector is hereby charged with the administration and enforcement of the provisions of this ordinance, and is hereby ordered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this ordinance, including provisions for the re-examination and correction of returns, and payments alleged or found to be incorrect, or as to which an overpayment is claimed, or found to have occurred; provided, however, that all such rules and regulations be approved by the City Solicitor. Any person aggrieved by any decision of the collector shall have the right to appeal to the Court of Common Pleas, as in other cases provided.

c. The collector, or its authorized agents, is hereby authorized to examine the books, papers and records of any taxpayer, or supposed taxpayer, in order to verify the accuracy of any return made, or, if no return was made, to ascertain the tax due.

SECTION VII: Recovery of Taxes and Penalties. All taxes, together with all penalties and interest imposed thereon, shall be recoverable by the collector as other debts of like amounts are recoverable.

SECTION VIII: Confidential Nature of Information. Any information gained by the collector or by any other official or agent of the City as a result of any returns, investigations, hearings or verifications required or authorized by this ordinance, shall be confidential, except for official purposes and except in accordance with proper judicial order or as otherwise provided by law. Any disclosure of any such information contrary to the

provisions of this section shall constitute a violation of this ordinance.

SECTION IX. Fines and Penalties. Whoever makes any false or untrue statement on his return, or who refuses to permit inspection of the books, records or accounts of any business in his custody or control when the right to make such inspection by the collector or his authorized agent is requested, shall, upon conviction before any District Magistrate, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars for each offense, together with costs, and in default of payment of said fine and costs to be imprisoned for a period not exceeding thirty (30) days for each offense.

SECTION X. Saving Clause.

a. Nothing contained in this ordinance shall be construed to empower the City to levy and collect the taxes hereby imposed, on any person, or any business, or any portion of any business not within the taxing power, of the City under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania.

b. If the tax, or any portion thereof, imposed upon any person under the provisions of this ordinance, shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania, the decision of the Court shall not affect nor impair the right to impose the taxes, or the validity of the taxes so imposed upon other persons as herein provided.

SECTION XI. This Ordinance shall become effective February 1, 1977.


SECTION XII. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED by the Council of the City of Jeannette at a meeting thereof held the 30th day of December, 1976.



Mayor and President of Council

Attest:



City Clerk