
YOE BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO.: 2007-03

AN ORDINANCE OF THE BOROUGH OF YOE, YORK COUNTY, PENNSYLVANIA, AMENDING CHAPTER 24, PART 1 OF THE CODE OF ORDINANCES OF YOE BOROUGH, ENTITLED [EARNED INCOME TAX] TO PROVIDE FOR COLLECTION OF THE EARNED INCOME TAXES AND NET PROFITS AT THE SOURCE BY ALL EMPLOYERS WITHIN YOE BOROUGH, AND EXCLUDING THE WITHHOLDING OF SUCH TAXES FROM MARYLAND RESIDENTS

WHEREAS, the Borough of Yoe, York County, by Ordinance, has levied, assessed and provided for the collection of taxes on earned income and net profits under and pursuant to the authority of Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

WHEREAS, Yoe Borough has designated the York Adams Tax Bureau (YATB) to collect said taxes on earned income and net profits levied by Yoe Borough; and

WHEREAS, YATB has requested that its member municipalities amend its earned income tax and net profits ordinance for the following reasons:

- a. To simplify the procedure of withholding and remitting earned income tax and net profits for employers by creating uniformity throughout the YATB's member municipalities;
- b. To create additional funds flowing through the YATB for investment purposes thereby creating additional operating revenue;
- c. To be in compliance with anticipated legislation requiring all earned income tax collectors to be non-resident collectors;
- d. To enhance the efficiency of the YATB's employer accounts department and audit group when dealing with employers, payroll services, other tax bureaus and taxpayers;
- e. To be in compliance with the recommendations for the withholding of earned income taxes set forth in the document entitled "Pennsylvania's Earned Income

Tax Collection System, an analysis with recommendations," dated August 2004, prepared by the Pennsylvania Department of Community and Economic Development and published by the Governor's Center for Local Government Services; and

WHEREAS, after due advertisement of this ordinance, the Council of Yoe Borough finds the ordinance to be in the best interest of the health, safety and general welfare of its residents.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED AS FOLLOWS:

Section 1. Chapter 24, Part 1, Section 105 of the Code of Ordinances of Yoe Borough is hereby amended by the deletion of the current text and adopting the following:

§ 105. Collection at Source.

- A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation who has not previously registered shall, within fifteen (15) days after becoming an employer, register with the York Adams Tax Bureau or other designated tax officer, his name and address and such other information as the Bureau may require.

- B. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the taxing jurisdiction imposing a tax on earned income or net profits within the taxing district who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation shall deduct at the time of payment thereof the tax imposed by this article on the earned income due to his employee or employees and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the Officer the amount of taxes deducted during the preceding three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. Such return, unless otherwise agreed upon between the officer and employer, shall show the name and social security number of each such employee, the earned income of such employee during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employee, the total income of all such employees during such preceding three-month period and the total tax deducted therefrom and paid with the return. Any employer who for two of the preceding four quarterly periods has failed to deduct the proper tax or any part thereof or who has failed to pay over the proper amount of tax to the taxing

authority may be required by the York Adams Tax Bureau or designated tax officer to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the York Adams Tax Bureau or designated tax officer on or before the last day of the month succeeding the month for which the tax was withheld.

- C. Every employer shall deduct or withhold from employees, exclusive of domestic servants and Maryland residents, at the following rates:
- (1) Resident taxpayers at the applicable rates imposed by Yoe Borough and Dallastown Area School District of the resident taxpayer's earned income and net profits.
 - (2) Non-resident taxpayers at the rate of no less than one (1%) percent of the non-resident taxpayer's earned income and net profits.
- D. On or before February 28 of the succeeding year, every employer shall file with the Officer:
- (1) An annual return showing the total amount of earned income paid, the total amount of tax deducted and the total amount of tax paid to the Officer for the period beginning January 1 of the current year and ending December 31 of the current year.
 - (2) A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year setting forth the employee's name, address and social security number, the amount of earned income paid to the employee during said period, the amount of tax deducted, the political subdivision imposing the tax upon such employee and the amount of tax paid to the York Adams Tax Bureau or designated tax officer. Every employer shall furnish two (2) copies of the individual return to the employee for whom it is filed.
- E. Every employer who discontinues business prior to December 31 of the current year shall, within thirty (30) days after the discontinuance of business, file the returns and withholding statements hereinabove required and pay the tax due.
- F. Except as otherwise provided in § 110, every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which he is required to withhold to the extent that such taxes have not been recovered from the employee.

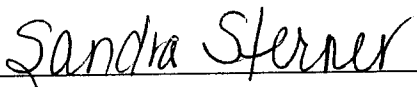
- G. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this article relating to the filing of declarations and returns.
- H. No employer shall be required to register, deduct or withhold taxes, file returns or pay taxes with regard to domestic servants or residents of Maryland.


Section 2. Any ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 3. This Ordinance shall become effective on January 1, 2008.

ADOPTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF YOE this 13th day of November ,2007.

ATTEST:


Secretary


President of Council

Mayor