

**SHARON HILL BOROUGH
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1407

AN ORDINANCE AMENDING CHAPTER 332 TITLED "TAXATION," ARTICLE IV TITLED "BUSINESS PRIVILEGE AND MERCANTILE TAX" TO INCREASE THE TAX IMPOSED; TO REMOVE IMPRISONMENT FROM THE SECTION ON VIOLATIONS AND PENALTIES; RESTATING ALL OTHER PROVISIONS CONDITIONS AND TERMS HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 1985 Sharon Hill Borough ("Borough") enacted an ordinance authorizing the levying, assessment and collection of business privilege and mercantile tax for tax year 1986 and annually thereafter; and,

WHEREAS, in 1988, the General Assembly enacted the Local Tax Reform Act, 72 P.S. § 4750.533, *et seq.*, which prohibited municipalities from enacting new ordinances levying business privilege taxes on the gross receipts of businesses but preserved the business privilege taxes which municipalities had already enacted, such as Sharon Hill Borough, but capped their rates to those which were in effect on that date; and,

WHEREAS, in 2014, the Borough reduced its business privilege tax from one and one-half mills (1.5) of the gross volume of business transacted to one (1) mill; from one (1) mill on the gross volume of business transacted by wholesale dealers or vendors to one-half (0.5) mill; from one and one-half mills (1.5) on all non-wholesale whole or gross business of such wholesale dealers or vendors to one mill and capped any amount paid under the Business Privilege Tax ordinance (the "Ordinance") to \$75,000; and,

WHEREAS, Borough Council now desires to increase the rate of tax imposed by the Ordinance to the rates in effect in 1988 and remove the criminal provisions of the Ordinance;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by Sharon Hill Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I: Chapter 332 titled "Taxation," Article IV titled "Business Privilege and Mercantile Tax Ordinance," Section 332-36 (A) is hereby amended to state as follows:

Imposition of tax. Effective for the tax year beginning January 1, 2023, and each year thereafter, the rate for the business privilege tax shall be as follows: 1) one and one-half mills on each and every dollar of the whole or gross volume of business transacted within the territorial limits of the Borough of Sharon Hill; 2) one mill on each and every dollar of the whole or gross volume of business transacted by wholesale dealers or vendors within the territorial limits of the Borough of Sharon Hill; 3) one and one-half mills on all non-wholesale whole or gross business of such wholesale dealers or vendors within the territorial limits of the Borough of Sharon Hill.

SECTION II: Chapter 332 titled "Taxation," Article IV titled "Business Privilege and Mercantile Tax Ordinance," Section 332-39 (A) is hereby amended to state as follows:

Any person who shall conduct, transact or engage in any of the businesses subject to the tax imposed by this article without having first secured a business license for the year or any person who shall fail to file a tax return as required by the provisions of this article or any person who shall willfully file a false return shall, upon summary conviction before a Magisterial District Judge of Delaware County, be sentenced to pay a maximum fine as provided from time to time by state statute, together with costs of prosecution.

SECTION III. AFFIRMATION AND INCORPORATION.

All of the terms, conditions and general requirements as set forth in Chapter 332, Article IV, §§332-34 to 332-44 not inconsistent herewith, are hereby affirmed, restated, and incorporated herein by reference.

SECTION IV. REPEALER.

All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION V. SEVERABILITY.

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance, or the Code of Ordinances of the Borough of Sharon Hill.

SECTION VI. EFFECTIVE DATE.

This Ordinance shall become effective as of January 1, 2023 for calendar year 2023 and shall continue on a calendar year basis thereafter, without annual reenactment.

ENACTED AND ORDAINED this 29th day of December, 2022.

ATTEST:

COUNCIL OF THE BOROUGH OF SHARON HILL

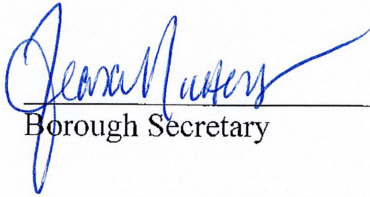

Borough Secretary

BY: 
Tanya Allen, Council President

APPROVED this 29th day of December, 2022.

ATTEST:

MAYOR OF THE BOROUGH OF SHARON HILL


Borough Secretary

BY: 
Hykeem Green, Mayor