

Chapter 24

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Part 1**Realty Transfer Tax****§24-101. Imposition of Tax.**

The Borough of Carnegie adopts the provisions of Article XI-D of the Tax Reform Code of 1971, 72 P.S. §8101-D, and imposes a realty transfer tax as authorized under that Article subject to the rate limitations therein. The tax imposed under this Section shall be at the rate of ½ percent.

(Ord. 2262, 1/8/2007)

§24-102. Administration.

The tax imposed under §24-101 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965, P.L. 1257, No. 511, as amended, known as the “Local Tax Enabling Act”; provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Borough of Carnegie, pursuant to §1102-D of the Tax Reform Code of 1971, 72 P.S. §8102-D, authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

(Ord. 2262, 1/8/2007)

§24-103. Interest.

Any tax imposed under §24-101 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923, P.L. 207, No. 153, 53 P.S. §7101 *et seq.*, as amended, known as the “Municipal Claims and Tax Liens Act.” The interest rate shall be the lesser of the interest rate imposed upon delinquent Commonwealth taxes as provided in §806 of the Act of April 9, 1929, P.L. 343, No. 176, 72 P.S. §806, as amended, known as the “Fiscal Code,” or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

(Ord. 2262, 1/8/2007)

Part 2**Earned Income and Net Profits Tax****§24-201. Definitions.**

The following words or phrases, when used in this Part, shall have the meanings ascribed to them in this Section:

Association—a partnership, limited partnership, or any other unincorporated group of two or more persons.

Business—an enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association, or any other entity.

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.

Current year—the calendar year for which the tax is levied.

Domicile—the place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily “domicile,” for “domicile” is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. “Domicile” is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses, or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

Earned income—compensation as determined under §303 of the Act of March 4, 1971, P.L. 6, No. 2, known as the “Tax Reform Code of 1971,” and regulations in 61 Pa.Code, Part. I, Subpart B, Article V (relating to personal income tax), not including, however, wages or compensation paid to individuals on active military service. Employee business expenses are allowable deductions as determined under Article III of the Tax Reform Code of 1971. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income. [Ord. 2384]

Income Tax Officer or Officer—person, public employee or private agency designated by governing body to collect and administer the tax on earned income and net profits.

Employer—a person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission or other compensation.

Net profits—the net income from the operation of a business, profession, or other activity, except corporations, determined under §303 of the Act of March 4, 1971, P.L. 6, No. 2, known as the “Tax Reform Code of 1971,” and regulations in 61 Pa.Code, Part I, Subpart B, Article V (relating to personal income tax). The term

does not include income which is not paid for services provided and which is in the nature of earnings from an investment. For taxpayers engaged in the business, profession or activity of farming, the term shall not include:

- (1) Any interest earnings generated from any monetary accounts or investment instruments of the farming business.
- (2) Any gain on the sale of farm machinery.
- (3) Any gain on the sale of livestock held 12 months or more for draft, breeding or dairy purposes.
- (4) Any gain on the sale of other capital assets of the farm.

[*Ord. 2384*]

Nonresident—a person, partnership, association or other entity domiciled outside the taxing district.

Person or individual—a natural person.

Preceding year—the calendar year before the current year.

Resident—a person, partnership, association or other entity domiciled in the taxing district.

Succeeding year—the calendar year following the current year.

Taxpayer—a person, partnership, association, or any other entity, required hereunder to file a return of earned income or net profits or to pay a tax thereon.

(*Ord. 809, 12/1/1966, §1; as amended by Ord. 2384, 12/10/2012*)

§24-202. Imposition of Tax.

A tax for general revenue purposes of 1 percent is hereby imposed on the following:

A. Salaries, wages, commissions and other compensation earned on and after January 1, 1967, through December 31, 1967, and continuing for each taxable year thereafter, by residents of the Borough of Carnegie.

B. Salaries, wages, commissions and other compensation earned on and after January 1, 1967, through December 31, 1967, and continuing for each taxable year thereafter, by nonresidents of the Borough of Carnegie for work done or services performed or rendered in the Borough of Carnegie.

C. Net profits, earned on and after January 1, 1967, through December 31, 1967, and continuing for each taxable year thereafter, of businesses, professions and other activities conducted by residents of the Borough of Carnegie.

D. Net profits, earned on and after January 1, 1967, through December 31, 1967, and continuing for each taxable year thereafter, of businesses, professions and other activities conducted in the Borough of Carnegie by nonresidents.

The tax levied under paragraphs .A and .B herein shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The tax levied under paragraphs .C and .D herein shall relate to and be imposed on the net profits of any business, profession or enterprise carried on by any person as owner or as proprietor, either individually or in association with some other person or persons.

The tax levied by this Part shall be applicable to earnings and to net profits earned

during the period beginning January 1, 1967, and ending December 31, 1967,¹ and continuing for each taxable year thereafter.

(*Ord. 809, 12/1/1966, §2*)

§24-203. Declaration, Return and Payment of Tax.

1. *Net Profits.* Every taxpayer making net profits shall, on or before April 15, 1967, make and file with the Officer on a form prescribed or approved by the Officer, a declaration of his estimated net profits during the period beginning January 1, 1967, and ending December 31, 1967, and pay to the Officer in four equal quarterly installments the tax due thereon as follows: the first installment at the time of the filing of the declaration, the second installment on or before June 15, 1967, the third installment on or before September 15, 1967, the fourth installment on or before January 15, 1968. A final return showing the amount of net profits earned during the period beginning January 1, 1967, and ending December 31, 1967, shall be filed on or before April 15, 1968, which shall show the total amount of tax due thereon and the total amount of tax paid thereon. At the time of filing the final return which the taxpayer may elect to file before January 31, 1968, in lieu of paying the fourth quarterly installment, the taxpayer shall pay to the Officer the balance of tax due or shall make demand for refund or credit in the case of overpayment.

2. *Earned Income.*

A. Every taxpayer shall, on or before April 15, 1968, make and file with the Officer a final return showing the amount of earned income (other than net profits) received during the period beginning January 1, 1967, and ending December 31, 1967, the total tax due thereon, the amount of tax paid thereon, the amount of tax paid thereon that has been withheld pursuant to the provisions relating to collection at the source and the balance of the tax due. At the time of filing said 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.

B. *Quarterly Returns.* Every taxpayer who is employed for a salary, wage, commission or other compensation and who received any earned income not subject to the provisions relating to collection at source, shall make and file with the Officer quarterly returns and shall pay quarter-annually the amount of tax shown as due on such returns, all as provided in §13, III, B (2) of the Local Tax Enabling Act, 53 P.S. §69139(III)(B)(2).

(*Ord. 809, 12/1/1966, §3*)

§24-204. Collection at Source.

1. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Borough of Carnegie shall deduct the tax imposed by this Part on the earned income due to his employee or employees and shall file quarterly returns and final returns and pay quarterly to the Officer the amount of taxes deducted, all as set forth in §13, IV, of said the Local Tax Enabling Act, 53 P.S. §6913(IV).

¹The annual re-enactment of this Part is noted in the Key.

2. Every employer who discontinues business prior to December 31, 1967, shall, within 30 days after discontinuance of business, file returns and withholding statements hereinabove required and pay the tax due.

3. No employer shall be required to register, deduct taxes, file returns or pay taxes in the cases of domestic servants.

4. All landlords collecting rents from tenants for property located within the Borough of Carnegie shall furnish to the Borough Wage Tax Collector a list of the names and addresses of all tenants on or before December 1, 1987.

All landlords collecting rent from tenants for properties rented in the Borough of Carnegie shall, after December 1, 1987, notify the Borough Wage Tax Collector of all changes in tenants and property rented in the Borough by submitting the names and addresses of tenants removing themselves from the premises or vacating the premises and with the names and addresses of new tenants moving into the premises.

All landlords are required to notify the Borough of Carnegie of any such change in tenants and property rented in the Borough every 6 months, starting on June 1, 1988, and every 6 months thereafter.

The term landlord and tenants shall include the owners of the property and real estate brokers handling rentals of property.

Any landlords failing to comply with the requirements of this subsection shall, for such failure be subject to a fine of \$600 for each name and address that they fail to mail or file with the Borough Wage Tax Collector. Each offense shall be considered a separate offense shall be subject to a separate fine. Each separate offense shall be a continuous offense only for the month in which landlord fails to report; however, an offense which continues for more than 1 month shall be considered a separate offense for each month that the landlord continues to fail to report the names and addresses as required herein to the Borough Wage Tax Collector. In default of payment of said fine, the offender shall be sentenced to a term of imprisonment not to exceed 30 days. [Ord. 2384]

(Ord. 809, 12/1/1966, §4; as amended by Ord. 1029, 6/9/1987, §1; and by Ord. 2384, 12/10/2012)

§24-205. Suit for Collection of Tax.

1. The Officer may sue in the name of the Borough of Carnegie for the recovery of taxes due and unpaid under this Part.

2. Any suit brought to recover the tax imposed by this Part shall be begun within 3 years after such tax is due, or within 3 years after the 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 provisions of this Part, there shall be no limitation.

B. Where an examination of the declaration or return filed by a person, or of other evidence relating to such declaration or return in the possession of the Officer, reveals a fraudulent evasion of taxes, there shall be no limitation.

C. In the case of substantial understatement of tax liability of 25 percent or more, and no fraud, suit shall begin within 6 years.

D. Where any person has deducted taxes under the provisions of this Part, and has failed to pay the amounts so deducted to the Officer, or where any person has willfully failed or omitted to make the deductions required by this Part, there shall be no limitation.

E. This Section shall not be construed to limit the Borough of Carnegie from recovering delinquent taxes by any other means provided by the Local Tax Enabling Act, 53 P.S. §6924.101 *et seq.*

3. The Officer may sue for recovery of an erroneous refund provided such is begun 2 years after making such refund, except that the suit may be brought within 5 years if it appears that the part of the refund was induced by fraud or misrepresentation of material fact.

4. The costs of collection of delinquent earned income taxes upon the filing of suit for recovery of the taxes may include any or all of the following: attorneys' fees, court costs, filing fees, sheriff's costs, costs of service, costs of execution. [*Ord. 2155*]

5. All such fees and costs incurred by the Borough in connection with the suit to recover the delinquent earned income taxes shall be added to the delinquency and the person liable for the tax shall also be liable for the additional costs and fees in addition to the accrued penalty and interest. [*Ord. 2155*]

6. All fees and costs accrued in connection with the suit shall be made a part of the complaint and judgment and must be paid in full by defendant prior to satisfaction of the judgment. [*Ord. 2155*]

(*Ord. 809, 12/1/1966, §5; as amended by Ord. 2155, 7/11/2000*)

§24-206. Interest and Penalties.

If for any reason the tax is not paid when due, interest at the rate of 10 percent per annum from the date of filing the lien until the time of collection, shall be added. 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.

(*Ord. 809, 12/1/1966, §6; as amended by Ord. 984, 7/13/1982*)

§24-207. Fines and Penalties for Violations of Part.

1. Any person who fails, neglects, or refuses to make any declaration or return required by this Part, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the Officer or any agent designated by him to examine his books, records, and papers, and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Part, shall, upon conviction thereof before any magisterial district judge, or court of competent jurisdiction in the County of Allegheny be sentenced to pay a fine of not more than \$500 for each offense, and costs, and, in default of payment of said fine and costs

to be imprisoned for a period not exceeding 30 days. [*Ord. 2384*]

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

3. Any person who divulges information which is confidential under the provisions of this Part, shall, upon conviction thereof before any magisterial district judge, or court of competent jurisdiction, be sentenced to pay a fine of not more than \$500 for each offense, and costs, and, in default of payment of said fines and costs to be imprisoned for a period not exceeding 30 days. [*Ord. 2384*]

4. The penalties imposed under this Section shall be in addition to any other penalty imposed by any other Section of this Part.

(*Ord. 809, 12/1/1966, §7; as amended by Ord. 973, 4/14/1981; and by Ord. 2384, 12/10/2012*)

§24-208. Administration.

1. The Income Tax Officer shall be designated and appointed from time to time by resolution of, and shall receive such compensation for his services and expenses as determined from time to time by, the Council of the Borough of Carnegie.

2. It shall be the duty of the Officer to collect and receive taxes, fines and penalties imposed by this Part. It shall also be his duty to keep a record showing the amount received by him from each person or business paying the tax and the date of such receipt.

3. Each Officer, before entering upon his official duties, shall give and acknowledge a bond to the Borough. If the Borough shall by resolution designate any bond previously given by the Officer as adequate, such bond shall be sufficient to satisfy the requirements of the subsection.

A. Each such bond shall be joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in the Commonwealth of Pennsylvania and duly licensed by the Insurance Commissioner of the Commonwealth of Pennsylvania.

B. Each bond shall be conditioned upon the faithful discharge by the Officer, his clerks, assistants, and appointees of all trusts confided in him by virtue of his office, upon the faithful execution of all duties required of him by virtue of his office, upon the just and faithful accounting or payment over, according to law, of all monies and all balances thereof paid to, received or held by him by virtue of his office and upon the delivery to his successor or successors in office of all books, papers, documents or other official things held in right of his office.

C. Each such bond shall be taken in the name of the Borough and shall be for the use of the Borough and for the use of such other person or persons for whom money shall be collected or received, or as his or her interest shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principal on the bond.

D. Each such bond shall contain the name or names of the surety company or companies bound thereon. The Borough shall, by resolution, fix the amount of the bond at an amount equal to the maximum amount of taxes which may be in the

possession of the Officer at any given time.

E. The Borough may, at any time, upon cause shown and due notice to the Officer, and his surety or sureties require or allow the substitution or the addition of a surety company acceptable to the Borough for the purpose of making the bond sufficient in amount, without releasing the surety or sureties first approved from any accrued liability or previous action on such bond.

F. The Borough shall designate the custodian of the bond required to be given by the Officer.

4. The Officer charged with the administration and enforcement of the provisions of this Part is hereby empowered to prescribe, adopt, promulgate and enforce, rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the reexamination 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 make refunds in case of overpayment, for any period of time not to exceed 6 years subsequent to the date of payment of the sum involved, and to prescribe forms necessary for the administration of the ordinance. No rule or regulation of any kind shall be enforceable unless it has been approved by resolution by the Council of the Borough. A copy of such rules and regulations currently in force shall be available for public inspection.

5. The Officer shall refund, on petition of and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses, to the extent that such expenses are not paid by the taxpayer's employer.

6. The Officer and agents designated by him are hereby authorized to examine the books, papers, and records of any employer or of any taxpayer or of any person whom the Officer reasonably believes to be an employer or taxpayer, 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 employer and every taxpayer and every person whom the Officer reasonably believes to be an employer or taxpayer is hereby directed and required to give to the Officer, or to any agent designated by him, the means, facilities and opportunity for such examination and investigations, as are hereby authorized.

7. Any information gained by the Officer, his agents, or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Part, shall be confidential, except for official purposes, and except in accordance with a proper judicial order, or as otherwise provided by law.

8. The Officer is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year.

9. Before exercising any power granted by §18 of the Local Tax Enabling Act, Act 511 of 1965, it shall be the duty of the Officer to afford any person, copartnership, association or corporation to be affected thereby, a hearing, after giving at least 10 days written notice to such person, copartnership, association or corporation, of intention to exercise such power, and of the right to such hearing. Any person aggrieved by any decision of the Officer shall have the right of appeal as provided by law.

(Ord. 809, 12/1/1966, §8)

§24-209. Applicability.

The tax imposed in §24-202 of this Part shall not be levied on the net profits of any person, institution, or organization as to whom it is beyond the power of the Borough to impose said tax under the Constitution of the United States of America or the Constitution and laws of the Commonwealth of Pennsylvania.

(Ord. 809, 12/1/1966, §9)

Part 3**Mechanical Amusement Devices****§24-301. Short Title.**

This Part shall be known as the “Borough of Carnegie Amusement Tax Ordinance.”
(*Ord. 2126, 2/9/1999, §1*)

§24-302. Rules of Construction.

In the construction of this Part, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the past or present tense shall include the future tense.
- C. Words used in the masculine gender shall include the feminine and neuter.
- D. The word “shall” is always mandatory and is not discretionary.
- E. The word “may” is permissive.
- F. The Borough intends to favor the public interest as against any private interest.
- G. The headings prefixed to sections and other divisions of this Part shall not be considered to control but may be used to aid in the construction thereof.
- H. General words shall be construed to take their meanings and be restricted by preceding particular words.

(*Ord. 2126, 2/9/1999, §3*)

§24-303. Definitions.

Unless the context clearly indicated otherwise, the following words and phrases, used in this Part or in an application for license of video or mechanical device, shall have the meanings given to them in this Section:

Applicant—any individual, partnership or corporation who seeks to obtain a license for a video or mechanical amusement device under this Part.

Application for license of video or mechanical device—the document filed by an applicant requesting a permit to possess in the Borough of Carnegie any video or mechanical amusement device, juke box or pool table and/or other electronic device, machine or apparatus whatsoever, for the playing of games and amusement.

Business establishment—any restaurant, bar, tavern, retail, manufacturing, wholesale, institutional, educational, religious, governmental or other nonresidential establishment, store or business, whether or not in operation.

Gambling device—any device, machine or apparatus used for the playing of poker, blackjack, keno, bingo or other casino games by the insertion therein of any coin, currency, metal disc, slug or token.

Illegal gambling device—any device, machine or apparatus used for the playing

of poker, blackjack, keno, bingo, slots or other casino gambling games by the insertion therein of any coin, currency, metal disc, slug or token which has or has been modified to have a knockoff or knockdown switch or other capability for erasing or eliminating to playing credits.

Juke box—any device, machine or apparatus which plays recorded music, whether by record, tape, compact disc or other means, by the insertion therein of any coin, currency, metal disc, slug or token.

Owner—any individual, partnership or corporation who is the lawful owner of any video or mechanical amusement device for which a license is sought under this Part.

Pool table—any device or apparatus upon which is played the games of 8-ball, billiards, pool, snooker or other similar games for which a fee is charged, whether or not such device is operated through the insertion of coin, currency, metal disc, slug or token.

Proprietor—any individual, partnership or corporation who owns, leases or maintains the business establishment in which any video or mechanical amusement device is placed for the use, patronage, recreation or amusement of the public or of persons in or about the business establishment.

Video or mechanical amusement device—video amusement device means any device, machine or apparatus used for playing of games for the purpose of amusement or entertainment, but do not include, machines or apparatus used for the playing of poker, blackjack, keno, bingo, slots or other casino gambling games by the insertion therein of any coin, currency, metal disc, slug/or token which has or whether or not it has been modified to have a knock off or knock down switch or other capability for erasing or eliminating playing credits. [Ord. 2339]

Video poker machine—video poker machine means any device, machine or apparatus used for the playing of poker, blackjack, keno, bingo, slots or other casino gambling games by the insertion therein of any coin, currency, metal disc, slug or token which has or has not been modified to have a knock off or knock down switch or other capability for erasing or eliminating playing credits. [Ord. 2339]

(Ord. 2126, 2/9/1999, §4; as amended by Ord. 2339, 5/10/2010, Art. I)

§24-304. License Required.

No person, firm, partnership, corporation or other entity, shall at any time have in this possession within the Borough of Carnegie, any video or mechanical amusement device, juke box or pool table for the playing of games and amusement without first having procured a license therefor as hereinafter provided in this Part.

(Ord. 2126, 2/9/1999, §5)

§24-305. Application for License.

Any person, firm, corporation or other entity, desiring to procure a license as required in §24-304 of this Part shall apply therefor in writing to the Assistant Secretary/Code Enforcement. Said application shall set forth the following information:

A. The name and residence of the person, firm, partnership or corporation, applying for the license.

B. The name and residence of the owner of each video mechanical amusement device to be licensed.

C. The name and residence of the proprietor of the business establishment in which each video mechanical amusement device is to be located.

D. If the owner of the business establishment is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased and whether the applicant is a citizen of the United States.

E. The manufacturer, name of machine, serial number, type and fee for each machine to be located on the premises, installed or used.

F. A verification by the applicant, owner and proprietor that the facts set forth in the application are true and correct to the applicant's, owner's and proprietor's personal knowledge information or belief and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

G. The applicant has been provided a copy of this Part and that the applicant has read and agrees to be bound by all terms and provisions hereof.

H. A license does not sanction or condone the use or possession of any illegal gambling devices, whether illegal per se or as modified.

I. The Borough of Carnegie shall notify the appropriate law enforcement officials of the use or possession per se modified or other illegal gambling devices, whether or not such devices are licensed.

J. The Borough of Carnegie shall immediately revoke the license of any device illegally used or possess, either der se or as modified.

K. The illegal use or possession of an unlawful gambling device, either per se or as modified, may result in a criminal prosecution by Borough of Carnegie or other law enforcement officials.

(*Ord. 2126, 2/9/1999, §6; as amended by Ord. 2339, 5/10/2010, Art. II*)

§24-306. Persons Ineligible for Licenses.

The Borough of Carnegie shall not issue a license of video or mechanical devices to any person who:

A. Is not a citizen of the United States.

B. Is not 21 years of age.

C. Has been found guilty of or accepted accelerated rehabilitative disposition, for possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, 18 Pa.C.S. §101 *et seq.*, within 3 years of the date of application.

(*Ord. 2126, 2/9/1999, §7*)

§24-307. Conditions for Issuance.

No license shall be granted until a period of 10 days shall have elapsed from the date of application during which time the assistant secretary/code enforcement may, at his/her discretion, investigate the facts set forth in the application. A license shall not

be issued unless the applicant acknowledges:

A. Obtaining or displaying a Borough license does not sanction, authorize or permit the use or possession of an illegal gambling device, either per se, or as modified.

B. The Borough of Carnegie shall notify the appropriate law enforcement officials of the use or possession or per se, modified or other illegal gambling devices, whether or not such devices are licensed.

C. The Borough of Carnegie shall immediately revoke the license of any video or mechanical device illegally used or possessed, either per se or as modified.

D. The applicant or license illegally uses or possesses an unlawful gambling device, either per se or as modified, he may be prosecuted by Borough or other law enforcement officials.

E. If the assistant secretary/code enforcement has reasonable grounds to believe that a particular video or mechanical device is illegal, either per se or as modified, the assistant secretary/code enforcement shall not issue a license for said device.

(*Ord. 2126, 2/9/1999, §8*)

§24-308. Construction of Provisions.

Nothing in this Part shall be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, either per se or as modified, or in any way contrary to law, or that may be contrary to any future laws or the Commonwealth of Pennsylvania or the United States of America.

(*Ord. 2126, 2/9/1999, §9*)

§24-309. License Fee.

No license shall be issued until the annual fees, in an amount as established, from time to time, by resolution of Borough Council, shall have been paid by the applicant to the assistant secretary/code enforcement for each and every device to be installed or used.

The above annual fees paid shall be a license fee until December 31 of each year; except however, should any such device be installed after July 1 of each year, and an application therefor is made after such date, then in such event, the license fee for that particular year, until December 31 shall be in an amount as established, from time to time, by resolution of Borough Council.

(*Ord. 2126, 2/9/1999, §10; as amended by Ord. 2339, 5/10/2010, Art. III; and by Ord. 2384, 12/10/2012*)

§24-310. Issuance and Display.

Upon the payment of the license fee provided by this Part, and if the application fully complies with this Part, the assistant secretary/code enforcement shall issue a disc, plate or sticker setting forth the number of the license for each machine so licensed, and said disc, plate or sticker shall be attached and fastened to the respective machine or device so that the same may be clearly observable and readable. All discs,

plates or stickers issued by the Borough for video and mechanical amusement devices shall state that the video or mechanical amusement device is for amusement purposes only, that it is not a gambling device and that only games and not money may be won on the machine or device.

(*Ord. 2126, 2/9/1999, §11*)

§24-311. Inspection.

The Borough or its agents may, during regular business hours, conduct inspections of any business establishment where any video or mechanical amusement device licensed under this Part is located, installed, placed or used, to ensure compliance with this Part.

(*Ord. 2126, 2/9/1999, §12*)

§24-312. Revocation, Debarment and Contraband Declaration.

1. In the event any applicant, owner or proprietor falsifies any information on an application for license of video or mechanical devices, or violates this Part, the Borough shall immediately revoke all licenses issued under this Part to such applicant, owner or proprietor.

2. In the event an owner of a video or mechanical amusement device or a proprietor of a business establishment is convicted or possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, the Borough shall revoke each license issued to such person, as an applicant, owner or proprietor.

3. The Borough shall not issue a license of video or mechanical devices to any person who has been found guilty of or accepted Accelerated Rehabilitative Disposition, for possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, 18 Pa.C.S. §101 *et seq.*, within 3 years of the date of the application.

4. Any video or mechanical amusement device used or possessed in violation of the Crimes Code of the Commonwealth of Pennsylvania, or this Part, may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. §6501(d) (relating to scattering rubbish).

(*Ord. 2126, 2/9/1999, §13*)

§24-313. Prohibition of Suggestion or Promise of Non-Prosecution.

Because the Borough intends to prosecute the illegal possession or use of unlawful gambling devices, no Borough employee or agent may promise, suggest or insinuate, either expressly or by implication, that the applicant, licensee, proprietor or owner, who either illegally possesses or uses a per se, modified or other illegal gambling devices, shall not be prosecuted.

(*Ord. 2126, 2/9/1999, §14*)

§24-314. Violations and Penalties.

For each and every violation of the provisions of this Part, any person or persons, firm, partnership or corporation, violating any of the provisions of this Part shall

constitute a summary offense, and upon conviction by the issuing authority for the magisterial district judge which includes the Borough of Carnegie, shall be sentenced to a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each and every day that any machine or device is used and operated in violation hereof shall constitute a separate and distinct offense under this Part and shall be subject to separate and distinct penalties hereunder.

(*Ord. 2126, 2/9/1999, §15; as amended by Ord. 2384, 12/10/2012*)

Part 4**Local Services Tax****§24-401. Definitions.**

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Section, except where the context or language clearly indicates or requires a different meaning:

Political subdivision—the area within the corporate limits of the Borough of Carnegie, Allegheny County, Pennsylvania.

Collector—the person, public employee or private agency designated by the political subdivision to collect and administer the tax herein imposed.

DCED—the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

Earned income—compensation as this term is defined in §13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, §13, as amended, 53 P.S. §6913, as amended.

Employer—an individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on salary, wage, commission or other compensation basis, including a self-employed person.

He, his or him—indicates the singular and plural number, as well as male, female and neuter genders.

Individual—any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the political subdivision.

Net profits—the net income from the operation of a business, profession, or other activity, as this term is defined in §13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1251, §13, as amended, 53 P.S. §6913, as amended.

Occupation—any trade, profession, business or undertaking of any type, kind of character, including services, domestic or other, earned on or performed within the corporate limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages commission or fees for services rendered.

Tax—the local services tax at the rate fixed in §24-402 of this Part.

Tax year—the period from January 1 until December 31 in any year; a calendar year.

(Ord. 2279, 12/27/2007, §1)

§24-402. Levy of Tax.

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008, upon the privilege of engaging in an occupation with a primary place of employment within the political subdivision during the tax year. Each

individual who exercises such privilege of employment for any length of time during any tax year shall pay for that year in the amount of \$52 assessed on a pro rata basis, in accordance with the provisions of this Part. This tax may be used solely for the following purposes as the same may be allocated by the Borough Council from time to time:

- A. Emergency services, which shall include emergency medical services, police services and/or fire services.
- B. Road construction and/or maintenance.
- C. Reduction of property taxes.
- D. Property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S., Ch. 85, Subch. F (relating to homestead property exclusion).

The political subdivision shall use no less than 25 percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the political subdivision. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

(Ord. 2279, 12/27/2007, §1)

§24-403. Exemption and Refunds.

1. *Exemption.* Any person whose total earned income and net profits from all sources within the political subdivision is less than \$12,000 for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

A. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total 100 percent disability.

B. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this paragraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

2. *Procedure to Claim Exemption.*

A. A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the political subdivision and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the political subdivision of less than \$12,000 in the calendar year for which the exemption certificate is filed. In the event the political subdivision utilizes a tax collector officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have

attached to it a copy of all employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by the paragraph .B, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform provided by the political subdivision.

B. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of \$12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the Borough in an amount equal to or in excess of \$12,000 in that calendar year, an employer shall withhold the local services tax from the person under paragraph .C.

C. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under paragraph .B, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under paragraph .B, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this paragraph is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this Part.

D. Except as provided in paragraph .B, it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

3. *Refunds.* The Borough of Carnegie, in consultation with the collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed \$1. The Borough of Carnegie or the collector shall determine eligibility for exemption and provide refunds to exempt persons.

(Ord. 2279, 12/27/2007, §1)

§24-404. Duty of Employers to Collect.

1. Each employer within the political subdivision, as well as those employers situated outside the political subdivision but who engage in business within the political subdivision, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the political subdivision and making a return and payment thereof to the collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the political subdivision.

2. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest $\frac{1}{100}$ of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in subsection .4 of this Section. For purposes of this subsection, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the Borough.

3. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

4. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within 2 weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

5. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in the amount exceeding the amount withheld by the employer if the employer complies with the provisions of §24-403.2 of this Part and this Section and remits the amount so withheld in accordance with this Part.

7. Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

(Ord. 2279, 12/27/2007, §1)

§24-405. Returns.

Each employer shall prepare and file a return showing a computation of the tax on

forms to be supplied to the employer by the collector. If an employer fails to file the return and pay the tax, whether or no the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

(Ord. 2279, 12/27/2007, §1)

§24-406. Dates for Determining Tax Liability and Payment.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

(Ord. 2279, 12/27/2007, §1)

§24-407. Self-Employed Individuals.

Each self-employed individual who performs services of any type or kind or engages in an occupation or profession within a primary place of employment within the political subdivision shall be required to comply with this Part and pay the pro rata portion of the tax due to the collector on or before the thirtieth day of the following the end of each quarter.

(Ord. 2279, 12/27/2007, §1)

§24-408. Individuals Engaged in More than One Occupation or Employed in More than One Political Subdivision.

1. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working with more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

A. First, the political subdivision in which a person maintains his or her principal office or is principally employed.

B. Second, the political subdivision in which the person resides and works if the tax is levied by the political subdivision.

C. Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

(Ord. 2279, 12/27/2007, §1)

§24-409. Nonresidents Subject to Tax.

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by

virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

(*Ord. 2279, 12/27/2007, §1*)

§24-410. Administration of Tax.

1. The collector shall be appointed by resolution of the political subdivision. It shall be the duty of the collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer of self-employed person, together with the date the tax was received.

2. The collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the collector shall have the right to appeal to the Court of Common Pleas of Allegheny County as in other cases provided.

3. The collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the collector the means, facilities and opportunity for such examination.

(*Ord. 2279, 12/27/2007, §1*)

§24-411. Suits for Collection.

1. In the event that any tax under this Part remains due or unpaid 30 days after the due dates above set forth, the collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.

2. If for any reason the tax is not paid when due, interest at the rate of 6 percent on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5 percent shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefore shall, in addition, be responsible and liable for the costs of collection.

(*Ord. 2279, 12/27/2007, §1*)

§24-412. Violations and Penalties.

Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her

employment, or whoever fails or refuses to file any return required by this Part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution and in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who refuses to file a return required by this Part.

(Ord. 2279, 12/27/2007, §1)

§24-413. Interpretation.

1. Nothing contained in this Part shall be construed to empower the political subdivision to levy and collect the tax hereby imposed on any occupation not within the taxing power of the political subdivision under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

2. If the tax hereby imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

(Ord. 2279, 12/27/2007, §1)

Part 5**Business Privilege Tax****§24-501. Short Title.**

This Part shall be known as the “Business Privilege Tax Ordinance,” and is enacted pursuant to the authority of the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6924.101 *et seq.*, as amended.

(*Ord. 981, 1/12/1982, §1*)

§24-502. Definitions.

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Borough—the Borough of Carnegie.

Business—any activity carried on or exercised for gain or profit or otherwise in the Borough of Carnegie including, but not limited to, warehousing operations, the sale of merchandise or other personalty and/or realty, or the performance of services and the rental of personalty and/or realty.

Business privilege tax—a tax levied for the purpose of raising general revenue on the privilege of doing business in the Borough of Carnegie.

Calendar year—the period January 1 to December 31, inclusive.

Large business—a business in the Borough of Carnegie that has ten or more employees.

Person—any individual, partnership, limited partnership, association, firm, corporation of any class, and/or any other entity. Whenever used in any clause prescribing or imposing a penalty, the term “person” as applied to associations shall mean the partners or members thereof, and if there are no officers, the shareholders thereof.

Retail dealer or retail vendor—any person who sells to the general public at large. This shall include proprietors or restaurants or other places where food, drink and refreshments are served.

Small business—a business in the Borough of Carnegie that has nine or less employees.

Taxpayer—a person subject to the payment of the tax imposed by this Part.

Tax year—shall be coincidental with calendar year and run from January 1 to December 31, inclusive.

Temporary, seasonal or itinerant business—any business that is conducted within the Borough or Carnegie for less than 60 consecutive days.

Warehouse operator—any person who uses building space for the temporary or long term storage of goods or equipment to be used in manufacturing, wholesale sales and/or rental, and retail sales and/or rental.

Wholesale dealer or wholesale vendor—any person who sells to dealers in or

vendors of goods, wares and merchandise and to no other persons.

(*Ord. 981*, 1/12/1982, §2; as amended by *Ord. 2020*, 12/1/1994, §1; by *Ord. 2344*, 12/24/2010, §1; and by *Ord. 2393*, 2/3/2014)

§24-503. Imposition and Rate of Tax.

There is hereby levied for the tax year 2014, and for each tax year thereafter, for general revenue purposes, a tax on the privilege of doing business within the Borough of Carnegie and shall be set as follows:

A. The rate of the tax for a large business shall be a flat rate of \$600 per business conducted within the Borough of Carnegie and shall apply to all businesses as defined herein, and shall include, but not be limited to, all wholesale dealers, wholesale vendors, retail dealers, retail vendors, restaurant properties and all other places where food, drink and refreshments are served where the business has ten or more employees.

B. The rate of the tax for a small business shall be a flat rate of \$300 per business conducted within the Borough of Carnegie and shall apply to all businesses as defined herein, and shall include, but not be limited to, all wholesale dealers, wholesale vendors, retail dealers, retail vendors, restaurant properties and all other places where food, drink and refreshments are served where the business has nine or less employees.

(*Ord. 981*, 1/12/1982; §3; as amended by *Ord. 1082*, 1/13/1992, §1; by *Ord. 2004*, 11/11/1992, §1; by *Ord. 2209*, 12/30/2003, §1; by *Ord. 2278*, 12/27/2007, §3; by *Ord. 2344*, 12/24/2010, §1; and by *Ord. 2393*, 2/3/2014)

§24-504. Persons and Businesses Exempted.

The business of any agency of the United States or of the Commonwealth of Pennsylvania or its political subdivisions; any employment for wage or salary and/or any business upon which the power to levy is withheld by law, shall not be subject to the tax herein imposed. The activities of an independent contractor shall not be considered as employment for wage or salary.

(*Ord. 981*, 1/12/1982, §4)

§24-505. Payment of Tax and Penalties for Late Payment.

The business privilege tax levied pursuant to this Part shall be due and payable on March 1st of each year, or upon the date a person begins the operation of a business within the Borough of Carnegie subsequent to January 31st of any year, and said tax shall be prorated for the remaining portion of said year. If said tax is not paid within 30 days from the due date, an additional \$50 shall be due over the base rate and if said tax is not paid within 120 days from the date due, an additional \$100 shall be due over the base rate and any additional amounts due under this Part. In addition, to the foregoing, if the Borough of Carnegie obtains judgment against any taxpayer to secure payment of any delinquent tax and accrued penalties and court costs, said taxpayer shall be charged an additional penalty of 10 percent per annum simple interest on all balances due from the date of the entry of the judgment until the time of collection. The penalties and interest shall become part of the tax and shall be collectible in the same manner as the tax.

(*Ord. 981*, 1/12/1982, §5; as amended by *Ord. 984*, 7/13/1982; by *Ord. 2007*, 1/11/1993, §1; and by *Ord. 2020*, 12/–/1994, §2)

§24-506. Penalty.

Any person who shall conduct, transact or engage in any of the businesses subject to the tax imposed by this Part, without first having secured a business privilege license shall, upon summary conviction before any magisterial district judge, be sentenced to pay a fine not to exceed the sum of \$600 for any one offense, recoverable with costs, or imprisonment not to exceed 30 days, if said amount of said fine and costs shall not be paid.

(*Ord. 981*, 1/12/1982, §8; as amended by *Ord. 2384*, 12/10/2012)

§24-507. Continuing Offense.

Each day on which such person violated the Part may be considered as a separate offense and punishable as such as aforeprovided.

(*Ord. 981*, 1/12/1982, §9)

§24-508. Suit on Collection and Penalty.

1. The Assistant Borough Secretary or a duly appointed representative shall have the power in the name of the Borough to institute proceedings against any and all persons who violate the provisions of this Part.

2. If for any reason the tax is not paid when due and 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 interest and penalties herein imposed.

(*Ord. 981*, 1/12/1982, §10)

§24-509. Savings and Severability Clauses.

1. Nothing contained in this Part shall be construed to empower the Borough 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 Borough under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania.

2. If the tax, or any portion thereof, imposed upon any person under the provisions of this Part shall be held by any court of competent power or jurisdiction to be in violation of the Constitution of the United States or of the Constitution of the Commonwealth of Pennsylvania, or any other provisions of the law, the decision of the court shall not affect or impair the right to impose the tax, or the validity of the tax so imposed upon other persons as herein provided.

3. The provisions of this Part are severable, and if any of its provisions shall be held illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the intention of the Council of the Borough of Carnegie that this Part would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

(*Ord. 981*, 1/12/1982, §11)

§24-510. Effective Date.

The provisions of this Part shall become effective immediately upon passage of this Part and shall remain in effect thereafter.

(*Ord. 981*, 1/12/1982, §12; as added by *Ord. 2344*, 12/27/2010, §1; and amended by *Ord. 2393*, 2/3/2014)

Part 6**Occupation Tax****§24-601. Title.**

This Part, enacted pursuant to the Local Tax Enabling Act of 1965, as amended, also known as Act No. 511, for 2008,² shall be known as the “Occupation Tax.”

(*Ord. 2284, 3/10/2008, §1*)

§24-602. Imposition.

Said occupation tax of a flat rate of \$10 is hereby levied on all residents of the Borough of Carnegie, regardless of where their occupation is practiced, from January 1 to December 31 of 2008, and authorizing the said Borough:

- A. To adopt regulations by motion for processing claims for the exemption.
- B. To appoint and compensate by resolution or motion such officers or collectors to collect the per capita tax.
- C. To pursue fines and penalties for violation of this Part in pursuance of the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled Local Tax Enabling Act, as amended.

(*Ord. 2284, 3/10/2008, §2*)

²Editor’s Note: The Occupation Tax is re-enacted by the Borough on an annual basis. See “Table to Disposition of All Ordinances,” hereinafter, for annual re-enactments.

Part 7**Per Capita Tax****§24-701. Title.**

This Part, enacted pursuant to the Local Tax Enabling Act of 1965, as amended, also known as Act No. 511, for 2008³ shall be known as the “Per Capita Tax.”

(*Ord. 2285, 3/10/2008, §1*)

§24-702. Imposition.

Said per capita tax of \$10 is hereby levied on all residents of the Borough of Carnegie from January 1 to December 31 of 2008, provided:

- A. Said resident of the Borough of Carnegie is at least 18 years of age.
- B. Said resident of the said Borough is less than 65 years of age.
- C. Exempting the levy upon all residents of the said Borough whose income from all sources is less than \$5,000.
- D. Authorizing the said Borough to adopt regulations by motion for processing claims for the exemption.
- E. Authorizing the said Borough to appoint and compensate by resolution or motion such officers or collectors to collect the per capita tax.
- F. Authorizing the said Borough to pursue fines and penalties for violation of this Part in pursuance of the provisions of the law enacted December 31, 1965, P.L. 1257, Act 511 entitled Local Tax Enabling Act, as amended.

(*Ord. 2285, 3/10/2008, §2*)

³Editor’s Note: The Per Capita Tax is re-enacted by the Borough on an annual basis. See “Table to Disposition of All Ordinances,” hereinafter, for annual re-enactments.

Part 8**Penalties****§24-801. Penalty.**

All taxpayers in the Borough of Carnegie who shall fail to make payment of any taxes imposed by the Borough of Carnegie against them or their property within 4 months after the date of the tax notice sent to them, shall be charged a penalty of 10 percent per annum of the lien filed from the date of the filing of the lien until the time of collection.

(*Ord. 928, 5/10/1977, §1; as amended by Ord. 984, 7/13/1982*)

Part 9**Property Tax Relief****§24-901. Definitions.**

Act 77—the Act of December 22, 1993, P. L., 529, No. 77 codified as the Allegheny Regional Asset District Law, 16 P.S. §6101-B *et seq.*

Allegheny Regional Asset District Law—see the definition of “Act 77” above.

Assessment—the fair market value of property as determined by the Board of Property Assessment and Appeals and Review.

Borough—Carnegie Borough.

Council—the Board of Councilmen of Carnegie Borough.

County—Allegheny County.

Department of Property Assessment—the Department of Property Assessment, Appeals, Review and Registry of Allegheny County.

Eligible taxpayer—one who has owned and occupied a primary residence in the Borough of Carnegie for the past 10 years. A property owner who has moved within the past 10 years, but has continued to own and occupy a primary residence in the Borough is eligible. [Ord. 2166]

Household income—all income received by an eligible taxpayer while residing in his or her principal residence during a calendar year.

Income—all income from whatever source derived including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash, public assistance and relief, the gross amount of any pensions or amenities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State unemployment insurance laws and veteran’s disability payments, all interest received from the Federal or any State government or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen’s compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first \$5,000 of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate or inflation dividend.

Longtime owner/occupant—any person who for at least 10 continuous years has owned or has occupied the same dwelling place as a principal residence and domicile, or any person who for at least 5 years has owned and occupied the same dwelling as a principal residence and domicile if that person received assistance in the acquisition of the property as part of a government or nonprofit housing program.

Person—a natural person.

Principal residence—the dwelling place of a person, including the principal house and lot, and such lots as are used in connection therewith which contribute to its enjoyment, comfort and convenience; or a building with a maximum of one commercial establishment and a maximum of three residential units of which one residential unit

must be a principal residence of the longtime owner/occupant.

Senior Citizen Rebate and Assistance Act—the Act of March 11, 1971, P.L. 104, No. 3, as amended, codified as 72 P.S. §4751-1 *et seq.*

(*Ord. 2034*, 12/12/1994, §1; as amended by *Ord. 2166*, 3/13/2001, §1)

§24-902. Limitation of Assessment for Eligible Taxpayers.

This program entitles all qualified applicants in the Borough of Carnegie to a flat 10 percent discount of the real estate tax on their primary residence for each year they are eligible. Qualified applicants will also receive an additional 2 percent discount by paying their property taxes in full by August 31st. Once approved, a qualified applicant continues to receive tax relief as long as the applicant is the property owner and occupant, and the household income does not exceed \$30,000. Applicants are no longer required to file annually.

(*Ord. 2034*, 12/12/1994, §2; as amended by *Ord. 2166*, 3/13/2001, §2; and by *Ord. 2170*, 7/10/2001)

§24-903. Participation in Limitation of Tax Assessment Program.

1. Any person paying property taxes in the Borough may apply to the Allegheny County Treasurer for certification of eligibility in the Senior Citizen Tax Relief Program. In order to be eligible to participate in the program, the person must meet the following age conditions:

- A. Sixty years of age or older, or if married, either spouse must be age 60.
- B. A widow or widower age 50 to 60 years.
- C. Permanently disabled and age 18 to 60 years or older, and must meet the required age by December 31, 2001, to qualify for tax relief in 2001.

2. In addition, the person must meet the following income restrictions:

- A. Total household income must be \$30,000 or less.
- B. For calculating income use only 50 percent of Social Security, SSI and/or Railroad Retirement Benefits (except Medicare benefits).

(*Ord. 2034*, 12/12/1994, §3; as amended by *Ord. 2166*, 3/13/2001, §3)

§24-904. Rules and Regulations.

The Borough, in conjunction with Department of Property Assessment, shall have the authority to issue rules and regulations with respect to the administration of the limitation of tax assessment program established under this Part. Such rules and regulations shall include, but not be limited to, reasonable proof of household income, proof of residence, proof of qualification for or receipt of a property tax rebate under the Senior Citizens Rebate and Assistance Act and any other reasonable requirements and conditions as may be necessary to operate the tax assessment limitation program.

(*Ord. 2034*, 12/12/1994, §4)

Part 10**Local Economic Revitalization Tax Assistance****§24-1001. Definitions.**

For the purposes of the interpretation and administration of this Part, the following definitions shall apply to terms used in this Part:

Commercial or industrial construction—the erection of a building or buildings on formerly unoccupied land or land on which formerly existing undesirable buildings have been demolished or razed, which land is located in a deteriorated area, as hereinafter designated, which erection consists of industrial or commercial units designed to bring about higher standards of safety, health or economic growth or amenity.

Deteriorated property—any industrial, commercial or other business properly located in a deteriorated area, as hereinafter designated.

Improvement—any repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

Local taxing authorities—the Borough of Carnegie and the Carlynton School District.

Project—the improvement of a building or the erection of new commercial or industrial construction carried out during a single continuous period of time according to a common plan at a cost of \$25,000 or higher.

(Ord. 2364, 12/12/2011, §1)

§24-1002. Designation of Deteriorated Area.

For purposes of this Part, the deteriorated areas include any areas in the Borough that are zoned “C-1” and “C-2” commercial property at the time this Part is effective. A zoning map of the Borough of Carnegie is attached with the “C-1” and “C-2” zoning districts highlighted.⁴

(Ord. 2364, 12/12/2011, §2)

§24-1003. Duration of Temporary Exemption.

Improvements to deteriorated properties within the identified area will enjoy the exemption for a maximum of 5 years upon approval from the time of submission of the application. If a property owner fails to timely pay the real estate taxes due and owing under this preferential tax exemption program, the property will be removed from the

⁴Editor’s Note: The zoning Map of the Borough of Carnegie with the “C-1” and “C-2” zoning districts highlighted is attached to the original of Ord. 2364 and is on file in the Carnegie Borough office.

exemption program and the property owner will be responsible to pay real estate taxes based upon the full assessed value of the property for the year in which the delinquency occurs. In the subsequent years remaining in the exemption program, the property owner will be permitted the exemption if the taxes are timely paid.

(*Ord. 2364, 12/12/2011, §3*)

§24-1004. Schedule of Temporary Exemption.

1. The local taxing authorities hereby exempt from real property taxation the assessment attributable to improvements to deteriorated properties within the area designated in §24-802. There shall be no abatement of tax on the assessed valuation attributable to land.

2. An improvement must be of a minimum of \$25,000 as certified by the Borough of Carnegie to qualify for this exemption. The exemption will be 100 percent for the improvements in the first year and 50 percent of taxation on new construction and improvements for a period not to exceed 5 years.

3. No more than one exemption shall be granted for each project. A new project shall be deemed to occur in the same building after construction work has been discontinued, interrupted, postponed or abandoned for a period of 2 years or more, or when ownership of the property has been transferred, if the new owner substantially modifies the plans of the previous owner so as to require an additional building permit.

(*Ord. 2364, 12/12/2011, §4*)

§24-1005. Application for Temporary Tax Exemption.

Any person desiring tax exemption pursuant to this Part shall notify each local taxing authority in writing on a form prescribed by the local taxing authorities submitted at the time such person applies for a building permit for the improvements of a deteriorated area or new commercial or industrial construction. The application for exemption must set forth the following information:

A. The identity of the property to be improved or containing the new commercial or industrial construction by reference to the street address of any existing structure and the block and lot number of the property as designated by the Allegheny County Board of Property Assessment, Appeals and Review.

B. A description of any existing structure and a description of the type of improvement or new commercial or industrial construction for which exemption is requested.

C. A detailed summary of the plan of improvements or the plan of improvements or the plan of construction.

D. The actual cost of the improvements or the plan of construction and a detailed description of the manner of determination of such actual cost.

E. Such other and additional information as the local taxing authorities may require.

(*Ord. 2364, 12/12/2011, §5*)

§24-1006. Processing of Application for Temporary Tax Exemption.

If the application meets the requirements of this Part, the local taxing authorities

shall jointly forward a copy of the application to the Allegheny County Board of Property Assessment, Appeals and Review and shall provide the applicant notification of such action. Upon completion of the construction of the improvement or new commercial or industrial construction, the applicant must promptly notify the Allegheny County Board of Property Assessment, Appeals and Review so that an inspection of the improvement or new commercial or industrial construction may be made. When the Allegheny County Board of Property Assessment, Appeals and Review has completed its inspection, such agency shall assess separately the improvement or the new commercial or industrial construction and the land, shall calculate the amounts of the assessment eligible for tax exemption in accordance with the limits of this Part and shall notify the applicant and the local taxing authorities of the same.

(*Ord. 2364*, 12/12/2011, §6)

§24-1007. Exemption Upon Property.

The exemption from taxes authorized by this Part shall be upon the property exempted and shall not terminate upon the sale, conveyance, bequest or other alienation of such property.

(*Ord. 2364*, 12/12/2011, §7)

§24-1008. Effective Date of Ordinance.

This Part shall become effective immediately upon approval by both the Carnegie Borough Council and the Carlynton School District.⁵

(*Ord. 2364*, 12/12/2011, §8)

§24-1009. Expiration of Part.

The provisions contained in this Part shall expire 5 years to the day from the effective date of this Part unless affirmatively re-enacted by both Carnegie Borough Council and the Carlynton School District.

(*Ord. 2364*, 12/12/2011, §9)

⁵Editor's Note: The exemption from taxes authorized by *Ord. 2364* became effective March 15, 2012, the date the Carlynton School District approved its Resolution No. 447-12, approving the exemption from taxes authorized by this Part.

Part 11**Delinquent Tax and Municipal Claim Attorney's Fees****§24-1101. Short Title.**

This Part shall be known as the "Delinquent Tax and Municipal Claim Attorney Fees Ordinance."

(*Ord. 2151, 5/9/2000*)

§24-1102. Fee Approval.

The following schedule of attorney fees is hereby adopted and approved as reasonable attorney fees to be imposed in connection with the collection of municipal claims pursuant to Act 1 of 1996:

- A. Attorneys—\$85 per hour as recorded and charged in the units of $\frac{1}{10}$ th of an hour for all time devoted to enforcement and collection.

(*Ord. 2151, 5/9/2000*)

§24-1103. Notice.

The notice required by §3(A.3) of the Act, as amended, 53 P.S. §7103, shall be provided in accordance therewith and shall be incorporated into the first and all subsequent collection or delinquency notices sent by the Borough or its agent or counsel.

(*Ord. 2151, 5/9/2000*)

§24-1104. Fees to Be Accrued and Claims to Be Filed.

Fees, in an amount as established, from time to time, by resolution of Borough Council, shall be accrued for all efforts in collection from and after the 30th day following the notice provided under §24-903 hereof, on all accounts referred to counsel for enforcement. Fees accumulated in respect to enforced collection shall be certified by duly appointed counsel for the Borough and, if not collected in due course with the debt as by voluntary agreement, shall be included in all claims (including liens) filed on behalf of the Borough in the course of enforcement including, if accrued before lien, in any claim originally filed with the Prothonotary.

(*Ord. 2151, 5/9/2000; as amended by Ord. 2384, 12/10/2012*)

Part 12**Installment Payment Plan for Collection of Delinquent Real Estate Taxes****§24-1201. Election by Taxpayer to Pay Delinquent Installment Taxes.**

In the event a taxpayer elects to make installment payments of their delinquent local taxes, the Borough of Carnegie hereby authorizes the duly elected Tax Collector to enter into an agreement to collect delinquent taxes pursuant to a written installment payment plan and directs its Tax Collector to accept installment payment of delinquent real estate taxes in the following manner:

A. The Tax Collector is hereby authorized to enter into a written payment plan with a delinquent taxpayer upon payment of one-tenth of the delinquent taxes and penalty currently assessed against a parcel of real estate together with the payment of any outstanding costs or attorney fees due and payable because of Borough actions or the Borough Tax Collector's actions instituted to collect said taxes.

B. Said payment plan shall require that the delinquent taxpayer to make nine additional monthly payments of one-tenth of the delinquent taxes outstanding plus an additional sum of 10 percent interest assessed on said outstanding delinquent tax arrearages.

C. As long as said delinquent taxpayer continues to make the required payments of said plan, neither the Tax Collector or the Borough shall take any action to file any additional liens or take any other steps authorized by law to collect delinquent real estate taxes.

(Ord. 2238, 8/8/2005, §1)

§24-1202. No Discount.

No discount payment shall be permitted for installment payments.

(Ord. 2238, 8/8/2005, §2)

