

CHAPTER 20
TAXATION
PART 1
PER CAPITA TAX

§20-11. Purpose

The purpose of this Article is to impose a per capita tax upon all persons resident in Oakland Township, Butler County, Pennsylvania, of the age of eighteen (18) years and upwards in the amount of ten dollars (\$10.00) per year.

Ord. No. 1-61, 3/6/61, as amended 1/16/78.

§20-12. Definitions

- A. **Landlord:** as used in this Article shall mean every owner of an estate in land that leases all of part of said estate to another person.
- B. **Person:** as used in this Article shall mean every natural person.
- C. **Resident:** as used in this Article shall mean every adult eighteen (18) years of age or older who lives within the jurisdiction of Oakland Township.
- D. **Tenant:** as used in this Article shall mean every individual eighteen (18) years of age or older who lives within the jurisdiction of Oakland Township and who leases all or part of an estate in land from a landlord.

Ord. No. 1-61, 3/6/61, as amended 1/16/78, as amended by 96-1, 6/3/96.

§20-13. General Provisions

- E. All persons, male or female, resident within Oakland Township, Butler County, Pennsylvania, of the age of eighteen (18) years and upwards shall pay such per capita tax of ten dollars (\$10.00) per person to the regularly qualified tax collector for the collection of Township taxes within Oakland Township, Butler County, Pennsylvania, as and when the same are billed by the collector for payment.
- F. The said tax shall be collected under the terms, provisions, requirements, obligations and penalties as created by existing law applicable to the collection of real estate taxes or any law for the collection of taxes that may be hereafter enacted.
- G. Every landlord shall, within thirty (30) days of entering into a written or oral lease, be responsible for reporting to the Oakland Township Tax

Collector, the name(s) and address(es) of each tenant renting from the landlord.

Ord. No. 1-61, 3/6/61, as amended by Ord. No. 96-1, 6/3/96.

§20-14. Tax Collector Responsibilities

- H. To insure compliance with the terms of this Article and to insure payment of the tax with penalties and interest as are herein imposed, the tax collector of Oakland Township, Butler County, Pennsylvania, is hereby authorized, empowered and directed to take such action as he may deem necessary or advisable to insure payment of the tax together with all penalties, interests and costs of collection and is hereby invested with the powers given the collector of taxes for the collection of occupation taxes for the collection of the same, and the tax collector shall receive as compensation for the collection of all taxes, penalties and interest herein imposed the same commission as he receives for the collection of real estate taxes.
- I. The Tax Collector shall report to the Board of Supervisors of Oakland Township, Butler County, Pennsylvania, the amount of all taxes, penalties and interest collected by him under this Article and make payment thereof as provided by law.

§20-15. Authority

That this Article has been adopted under the authority vested in the Board of Supervisors of Oakland Township by Act No. 481 of 1947, Session of the Legislature of Pennsylvania P.L. 1145 as amended, the terms and provisions of which are hereby acknowledged and adopted.

Ord. No. 1-61, 3/6/61.

CHAPTER 20

PART 2

EXCISE TAX

§ 20-21. Purpose

The purpose of this Article is to provide for the assessment, levy, and collection of an excise tax, for general revenue purposes, upon salaries, wages, commissions, and other compensation earned on and after January 1, 1966, by residents of the Township of Oakland, and salaries, wages, commissions, and other compensation earned on and after January 1, 1966, by nonresidents of the township of oakland on the net profits earned on and after January 1, 1966, of businesses, professions or other activities conducted by such residents, and on the net profits earned on and after January 1, 1966, of businesses, professions or other activities conducted in the township of oakland, by nonresidents; requiring the filing of returns and giving of information by employers and those subject to the said tax; imposing on employers the duty of collecting the tax at the source and paying the same to the township of oakland; providing for the administration, collection and enforcement of said tax; and declaring violations on the provisions of this ordinance to be misdemeanors, and imposing penalties for said violations.

§ 20-22. Definitions

Unless otherwise expressly stated, the following terms shall have, for the purpose of this Article, the meaning herein indicated except where the context indicates or requires a different meaning.

1. **Association:** A partnership, limited partnership or any other form of unincorporated enterprise owned by two (2) or more persons.
2. **Board:** The Board of Supervisors of the Township of Oakland.
3. **Business:** Any enterprise, activity, agency, profession, trust, or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, agent, broker, co-partnership, association or other entity.
4. **Compensation Earned, Compensation Paid, or Earnings:** All salaries, wages, commissions, bonuses, incentive payments, gains of a person derived from his services or labor without the aid of capital, and/or other sums of compensation or remuneration in cash or in property received by an individual and paid directly or through an agent by an employer for services rendered, except such payments or compensation exempted by law.
5. **Corporation:** A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania or any other state, territory, or foreign country or dependency.

6. **Employer:** An individual, co-partnership, association, corporation, governmental body or unit or agency, or any other entity who or that employs one (1) or more persons on a salary, wage, commission, or other compensation basis.
7. **Net Profits:** The net gain from the operation of a business, profession, or enterprise, after provisions for all costs and expenses incurred in the conduct thereof either paid or accrued in accordance with the accounting system used and without deduction of taxes based on income.
8. **Nonresidents:** An individual, co-partnership, association, or other entity domiciled outside the Township of Oakland.
9. **Person:** Every natural person, co-partnership, firm, fiduciary, or association. Whenever used in any clause prescribing and imposing a penalty, the term person as applied to association shall mean the partners or members thereof, and as applied to corporation shall mean the officer thereof.
10. **Resident:** An individual, co-partnership, association or other entity domiciled in the Township of Oakland, Butler County, Pennsylvania.
11. **Taxable Period:** The calendar year, a fiscal year, or period less than twelve (12) months for which a return is required to be filed by a taxpayer.
12. **Taxpayer:** A person, whether an individual, co-partnership, association, or any other entity, required hereunder to file a return of earnings or net profits, or to pay a tax based thereon.

Ord. No. 1-1966, 1/1/66.

§ 20-23. Imposition of Tax

13. An excise tax for general revenue purpose of one percent (1%) per annum is hereby imposed upon:
 - a) Salaries, wages, commissions and other compensation earned by residents of the Township of Oakland; and on
 - b) Salaries, wages, commission and other compensation earned by nonresidents of the Township of Oakland for work done or services performed or rendered in the Township of Oakland; and on
 - c) Net profits earned by businesses, professions or other activities conducted by residents of the Township of Oakland; and on

- d) The net profits earned by of businesses, professions or other activities conducted in the Township of Oakland, by nonresidents of the Township of Oakland.
14. The taxes levied under A.1 and A.2 of this Section shall related 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 taxes levied under A.3 and A.4 of this Section shall related to and be imposed upon the net profits of any business, profession or enterprise carried on by any person as owner or proprietor either individually or in association with some other person or persons.
15. Provided, however, that where the fiscal year of a business, profession or other activity differs from the calendar year, the tax shall be applicable to the net profits of the fiscal year.

Ord. No. 1-1966, 1/1/66.

§ 20-24. Tax Collector

16. The duly elected Tax Collector or such other person or officer as is authorized by law to collect Township taxes, is hereby designed Receiver of Taxes imposed by this Article. He shall collect and receive all such taxes, shall furnish a receipt for their payment and shall keep a record showing the amount received by him for each taxpayer under this Article, and the date of each receipt, and shall pay over to the Township of Oakland, according to law, the amount of the taxes collected in accordance with this Article, and the rules and regulations prescribed and relating to the administration and enforcement of the provisions of this Article.
17. The Receiver of Taxes shall report monthly to the Township of Oakland Board of Supervisors, under oath or affirmation, the total monies received by or through him, and pay over to the Township, according to law, the money then in his hands due the Township of Oakland.
18. The Receiver of Taxes shall receive such compensation as the Board of the Township of Oakland shall according to law determine.
19. The Receiver of Taxes, with the approval of the Board of the Township of Oakland, is empowered to prescribe rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Article, including provision for the re-examination and correction of returns and payments. Such rules and regulations shall be inscribed in a book kept for that purpose, by the Receiver of Taxes, and held open to the inspection of the public.

20. The Receiver of Taxes shall give such bond to the Township of Oakland as the Board and laws of the Commonwealth of Pennsylvania shall require, to be approved in such form as the Board shall direct, conditioned for the faithful performance of the duties of the Receiver of Taxes.

Ord. No. 1-1966, 1/1/66.

§ 20-25. Declaration and Payment of Tax

21. Every taxpayer, who during the taxable period can reasonably be expected to earn net profits, shall make and file with the Receiver of Taxes, on the form prescribed by the Receiver of Taxes, a declaration setting forth the amount of net profits anticipated by him for such taxable period and subject to tax, the amount of estimated tax imposed thereon by this Article, and such other relevant information as the Receiver of Taxes may require.
22. The declaration of estimated tax shall be filed on or before the 15th day of April of the taxable period and the estimated tax thereon shall be paid in equal quarterly installments, the first installment of which shall accompany the declaration and the other quarterly installments on or before the 15th day of the following July, October, and January, except that in lieu of January 15 estimate, the taxpayer may file and pay on final return by January 31.
23. Where the taxpayer, who has filed a declaration required hereinabove shall thereafter reasonably be expected to earn during the taxable period, additional net profits, or finds that he has overestimated his net profits, he may file and amended declaration with the Receiver of Taxes setting forth such relevant information as the Receiver of Taxes may require.
24. Every taxpayer who receives earnings not subject to the provisions of Section 205 relating to collection at source, shall on or before April 15, each year, and on or before the 15th day of the following July, October, and January, make and file with the Receiver of Taxes, a return setting forth the aggregate amount of such earnings received by him during the preceding three (3) month period, i.e. January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31, respectively, together with such other information as the Receiver of Taxes may require. Every taxpayer making such return shall, at the time of filing thereof, pay to the Receiver of Taxes, the amount of tax shown as due thereon.
25. Every taxpayer, whether subject to withholding, or not, and whether he paid on quarterly estimates or not, shall file a final individual return on

or before April 15, of each year, for the previous calendar year, and pay the balance of any tax which might be shown to be due thereon.

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

Ord. No. 1-1966, 1/1/66.

§ 20-26. Collection at the Source

27. Every employer who employs one (1) or more persons within the Township of Oakland, Pennsylvania, on a salary, wage, commission or other compensation basis, shall deduct monthly, or more frequently than monthly, at the time of payment of compensation, etc. due by him to any employee subject to this tax, the tax of one percent (1%) of the amount of compensation, etc. for such period. Such employer shall within thirty (30) days, make a return and pay over to the Receiver of Taxes the amount of the tax so deducted. In addition, employer shall file such annual return and other statements as required by laws of this Commonwealth.
28. Such return shall be on a form prescribed by the Receiver of Taxes procured at the expense of the Township of Oakland, and obtainable from the Receiver of Taxes.
29. Said return shall set forth the name and residence of each employee subject to this tax employed during all or part of the preceding quarterly period of the year, the total amount of compensation, etc. earned by each employee during the preceding quarterly period of the year, and any other pertinent information that may be required.
30. Provided, however, that the failure or omission by an employer either residing within or outside of the Township of Oakland, to deduct such tax and to make such return to the Receiver of Taxes or such other person as the Board may designate, shall not relieve an employee from the payment of such tax and the compliance with such regulations, with respect to making returns and payment thereof, as may be established under this Article.

Ord. No. 1-1966, 1/1/66.

§ 20-27. Enforcement, Rules and Regulations and Inquisitional Powers of the Receiver of Taxes

31. The Receiver of Taxes is hereby authorized to examine the books, papers and records of any employer or supposed employer or of any taxpayer or supposed taxpayer, in order to verify the accuracy of any return made, or if no return is made, to ascertain the amount of tax due by any person under this Article. Every such employer or supposed employer or taxpayer is hereby directed and required to give to the Receiver of Taxes facilities and opportunity for such examinations and investigations as are hereby authorized. The Receiver of Taxes is hereby authorized to examine any person under oath concerning any compensation, etc., which was or should have been returned for taxation, and to this end, may compel the production of books, papers and records and the attendance of all persons before such Receiver of Taxes, whether as parties or witnesses, whom the Receiver of Taxes believes to have knowledge of such salaries, wages, commissions, compensation earned, or net profits earned.
32. Any information gained by the Receiver of Taxes or any other employee, agent, or official of the Township of Oakland, as a result of any returns, investigations, hearings, or verifications, or any other proceeding, manner or means connected with the operation of this Article shall be confidential, except for official purposes, and except in accordance with property judicial order, or as otherwise provided by law. Any disclosure of any such information contrary to the provisions of this Section, shall constitute a violation of this Article whether or not at the time of such divulging, said person divulging the same shall hold any official capacity or office or be an employee or agent, or in any other manner connected with the operation of this Article. Any person who, except as permitted by provisions of this Article, divulges any information which is confidential under the provisions of this Subsection, shall, upon conviction thereof before any District Magistrate, be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each offense and costs, and in default of payment of said fine and costs, to be imprisoned in the Butler County Prison for a period not exceeding thirty (30) days.

Ord. No. 1-1966, 1/1/66.

§ 20-28. Interest and Penalties

All taxes imposed by this Article remaining unpaid after they shall have become due shall bear interest in addition to the amount of the unpaid tax, at the rate of six percent (6%) per annum, and the persons upon whom such taxes are imposed shall be further liable to a penalty of one-half percent (1/2%) of the amount of the unpaid tax for each month or fraction of a month for the first six (6) months of nonpayment.

Ord. No. 1-1966, 1/1/66.

§ 20-29. Collection of Unpaid Taxes

All taxes imposed by this Article, together with all interest and penalties shall be recoverable by the Township Solicitor as other debts of like amount are recoverable.

Ord. No. 1-1966, 1/1/66.

§ 20-210. Violations and Penalties

Any person convicted before any District Magistrate of violating any of the provisions or requirements of this Article, or of failing, neglecting, or refusing to pay any tax penalties or interest imposed under this Article or refusing to permit the Receiver of Taxes or such other person as may be authorized by law under this Article, to examine his books, records and papers; or of knowingly making any incomplete, false, or fraudulent returns; or of attempting to do any thing whatever to avoid the payment or collection of the whole or any part of the tax imposed under this Article shall be subject to a fine or penalty not exceeding five hundred dollars (\$500.00), for each offense, and the costs of prosecution thereof, and, in default of payment thereof, to undergo imprisonment in the County Prison for a period not exceeding thirty (30) days.

Ord. No. 1-1966, 1/1/66.

§ 20-211. Applicability

This Article shall not apply to any person or property as to whom or which it is beyond the legal power to impose the tax or duties herein provided for by the Township Board of Supervisors.

Ord. No. 1-1966, 1/1/66.

CHAPTER 20

ARTICLE 3

REAL ESTATE TRANSFER TAX

§20-11. Purpose

The purpose of this Article is to provide for the levying, assessment and collection of a tax for general revenue purposes upon a transfer of an interest in real property to the extent that the transfers are subject to tax imposed by the commonwealth of Pennsylvania, pursuant to 72 p.s., §8101-c, et seq., authorized by article xi-d, "local real estate transfer tax," 72 p.s., §8101-d, et. seq., and administered, collected and enforced under the "local tax enabling act," 53 p.s., §6901, et seq., providing a severability clause; and providing an effective date.

§20-12. Short Title

This Article shall be known as the "Realty Transfer Tax Article of the Township of Oakland."

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-13. Authority

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within the Township of Oakland, regardless of where the documents making the transfer are made, executed or delivered or where the actual settlements on such transfer took place as authorized by Article XI-D, "Local Real Estate Transfer Tax," 72 P.S., §8101-D, et seq.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-14. Definitions

1. **Association:** A partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two (2) or more persons other than a private trust or decedent's estate.
2. **Corporation:** A corporation, joint stock association, business trust or banking institution which is organized under the laws of this Commonwealth, the United States or any other state, territory, foreign country or dependency.
3. **Document:** Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding

thirty (30) years or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under Section 102 of this Article.

4. **Family Farm Corporation:** A corporation of which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock of the corporation is continuously owned by members of the same family. The business or agriculture shall not be deemed to include:
 - a) Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
 - b) The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
 - c) Fur farming;
 - d) Stockyard and slaughterhouse operations; or
 - e) Manufacturing or processing operations of any kind.
5. **Members of the Same Family:** Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.
6. **Person:** Every natural person, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment or both. The term "person" as applied to associations shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.
7. **Real Estate:**
 - a) All lands, tenements or hereditaments within the Township of Oakland, including without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interest which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.
 - b) A condominium unit.

- c) A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

8. Real Estate Company: A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate ninety percent (90%) or more of the ownership interest in which is held by thirty-five (35) or fewer persons and which:

- a) Derives sixty percent (60%) or more of its annual gross receipts from the ownership or disposition of real estate; or
- b) Holds real estate, the value of which comprises ninety percent (90%) or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

9. Title to Real Estate:

- a) Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including, without limitation, an estate in fee simple, life estate or perpetual leasehold; or
- b) Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximately those of an estate in fee simple, life estate or perpetual leasehold including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty (30) years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

10. Transaction: The making, executing, delivering, accepting or presenting for recording of a document.

11. Value -

- a) In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of indebtedness is assumed and ground rents or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate, provided that where such

documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in actual consideration for the contract of sale;

- b) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or of the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;
- c) In the case of an easement or other interest in real estate, the value of which is not determinable under Clause 1 or Clause 2, the actual monetary worth of such interest; or
- d) The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures, or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-35. Imposition of Tax; Interest

- 12. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction of any part thereof, a tax at the rate of one percent (1%) of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty (30) days of acceptance of such document or within thirty (30) days of becoming an acquired company.
- 13. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

14. It is the intent of this Article that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. §6901, et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Township of Oakland under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half (1/2) of the rate, and such one-half (1/2) rate shall become effective without any action on the part of the Township of Oakland, provided, however, that the Township of Oakland and any other political subdivision which imposes such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half (1/2) of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under "The Local Tax Enabling Act."

15. If for any reason the tax is not paid when due, interest, at the rate in effect at the time the tax is due, shall be added and collected.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-36. Exempt Parties

The United States, the Commonwealth or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this Article. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-37. Excluded Transactions

16. The tax imposed by Section 304 shall not be imposed upon:

- a) A transfer to the Commonwealth or to any of its instrumentalities, agencies or political subdivision by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one (1) year from the date of condemnation.
- b) A document which the Township of Oakland is prohibited from taxing under the Constitution or statutes of the United States.
- c) A conveyance to the municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax-delinquent property at Sheriff Sale or Tax Claim Bureau Sale.

- d) A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.
- e) A transfer of division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by co-tenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- f) A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.
- g) A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.
- h) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- i) A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.
- j) A transfer for no or nominal actual consideration from trustee to successor trustee.
- k) A transfer
 - (1) for no or nominal actual consideration between principal and agent or straw party; or
 - (2) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Section.

Where the document by which title is acquired by a grantee or state of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

- l) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where it may be reasonably determined that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Article.
- m) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) years.
- n) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt to the grantee or a transfer to a nonprofit industrial development agency or authority.
- o) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:
 - (1) The grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and
 - (2) The agency or authority has the full ownership interest in the real estate transferred.
- p) A transfer by a mortgagor to the holder of a bona fide mortgage in a default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.
- q) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

- r) A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, [68A Stat. 3, 26 U.S.C., §501(c)(3)] and which has as its primary purposes preservation of land for historic, recreational, scenic, agricultural or open space opportunities.
 - s) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five percent (75%) of each class of the stock thereof.
 - t) A transfer between members of the same family or an ownership interest in a real estate company or family farm corporation.
 - u) A transaction wherein the tax due is one dollar (\$1.00) or less.
 - v) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.
17. In order to exercise any exclusion provided in this Section, the true full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Article.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-38. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof

Except as otherwise provided in Section 306, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this Article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-39. Acquired Company

18. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly ninety percent (90%) or more of the total ownership interest in the company within a period of three (3) years.

19. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Article.
20. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition with the Recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-310. Credits Against Tax

21. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
22. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purpose of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of tax due upon the transfer.
23. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
24. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.
25. If the tax due upon the transfer is greater than the credit given under this Section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-311. Extension of Lease

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-312. Proceeds of Judicial Sale

The tax herein imposed shall be fully paid and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made, except the state realty transfer tax, and the Sheriff or other officer conducting said sale shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-313. Duties of Recorder of Deeds

26. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983, (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Township based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania Realty Transfer Tax, without compensation from the Township.
27. In order to ascertain the amount of taxes due when the property is located in more than one (1) political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a state of value showing what taxes are due each municipality.
28. On or before the tenth (10th) of each month, the Recorder shall pay over to the Township all local realty transfer taxes collected less two percent (2%) for the use of the County, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collection of the Pennsylvania Realty Transfer Tax. The two percent (2%) commission shall be paid to the County.
29. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall rerecord the deed or record the additional realty transfer tax from only when both the state and local amounts and rerecording or recording fee has been tendered.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-314. Statement of Value

Every document lodged with or presented to the Recorder of Deeds for recording shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Article. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this Section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Article.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-315. Violations and Penalties

30. If any part of any underpayment of tax imposed by this Article is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.
31. In the case of failure to record a declaration required under this Article on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five percent (5%) of the amount of such tax if the failure is for not more than one (1) month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding fifty percent (50%) in the aggregate.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-316. Lien

The tax imposed by this Article shall become a lien upon the lands, tenements or hereditaments, or any interest therein lying, being situated, wholly or in part, within the boundaries of the Township, which lands, tenements, hereditaments or interest therein are described in, or conveyed by, or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Article, said lien to begin at the time when the tax under this Article is due and payable and continue until discharged by payment or in accordance with the law, and the solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Butler County in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S., §7101 et seq., its supplements and amendments.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-317. Enforcement

All taxes imposed by this Article, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

§20-318. Regulations

The Board of Supervisors of the Township of Oakland is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. §8101-C, et seq., are incorporated into and made a part of this Article.

Ord. No. 1-1987, 7/6/87, repealing Ord. No. 2-1974, 10/7/74.

CHAPTER 20
PART 4
OCCUPATION PRIVILEGE TAX

§20-41. Purpose

The purpose of this Article is to levy a tax upon the privilege of engaging in an occupation within the Township in the sum of ten dollars (\$10.00), providing for the collection thereof, the administration and enforcement thereof and providing a penalty for the violation thereof.

§ 20-22. Definitions

As used in this Article, unless the context indicates clearly a different meaning, the following words shall have the meanings set forth below:

1. **Collector:** The person or firm appointed by Resolution of the Oakland Township Supervisors from time to time for the collection and administration of the tax levied by this Article.
2. **Compensation:** Salaries, wages, commissions, fees, bonuses, gross receipts or any other earned income.
3. **Employer:** Any person, individual, partnership, limited partnership, unincorporated association, association, institution, trust corporation, governmental agency or any other engaged in business or situated in the Township employing one (1) or more employees engaged in any occupation.
4. **Occupation:** Any livelihood, job, trade, profession, business or enterprise of any kind including services, domestic or other, for which any compensation is received.
5. **Tax:** The tax imposed by this Article.
6. **Taxpayer:** Any natural person liable for the tax levied by this Article.
7. **Township:** The area within the limits of Oakland Township, Butler County, Pennsylvania.

Ord. No. 1-1982.

§ 20-23. Levy and Amount of Tax

For general revenue purposes, a tax is hereby levied on the privilege of engaging in an occupation within the Township in any calendar year. Each natural person who exercises such privilege for any length of time and earns over three thousand two hundred dollars (\$3,200.00) in any calendar year shall pay a tax in the amount of ten dollars (\$10.00) in accordance with the provisions of this Article.

Ord. No. 1-1982.

§ 20-24. Collection through Employers

8. Every employer not registered under the provisions of the Earned Income Tax Article of Oakland Township, Butler County, Pennsylvania, shall within fifteen (15) days after the effective date of this Article or within fifteen (15) days after first becoming an employer, register with the Collector the employer's name, address and such other information as the Collector may require.
9. Each employer shall deduct the full amount of the tax from the compensation of any taxpayer earning three thousand two hundred dollars (\$3,200.00) or more and shall remit the full amount of such tax collected together with a return on the form prescribed by the Collector to the Collector on or before the soonest quarterly filing date following the taxpayer's earning three thousand two hundred dollars (\$3,200.00) as listed below:

Quarterly Ending	Filing Date
March 31	April 30
June 30	July 31
September 30	October 31
December 31	January 31

1. Any employer who discontinues business or ceases operation shall within fifteen (15) days after discontinuing business or ceasing operation, file the return herein required and pay the tax due to the Collector.
2. The failure of any employer to deduct tax shall not relieve the employee from the duty to file a return and pay the tax. Any employer who fails to deduct the tax as required by this Section, or who fails to pay such tax to the Collector, shall be liable for such tax in full, without deduction of the fee hereinafter provided, as though the tax had originally been levied against such employer.
3. As to employees who present official receipts evidencing prior payment of this tax to the Collector, either directly or by collection through other employers, the employer shall not deduct the tax but shall maintain adequate records concerning such employees.
4. Each employer may deduct and retain a fee equal to two percent (2%) of the total amount of tax collected through the employer pursuant to this Section.

Ord. No. 1-1982.

§ 20-25. Direct Payment by Taxpayers

Every taxpayer who is self-employed or whose tax for any other reason is not collected under Section 404 of this Article shall file a return on the form prescribed by the Collector and shall pay the tax directly to the Collector on the earliest return date following the calendar quarter when such taxpayer become subject to the tax as follows:

Quarterly Ending	Filing Date
March 31	April 30
June 30	July 31
September 30	October 31
December 31	January 31

§ 20-26. Resident Taxpayers

Both resident and nonresident taxpayers shall, by virtue of engaging in an occupation within the Township, be subject to the tax and the provisions of this Article.

Ord. No. 1-1982.

§ 20-27. Administration and Enforcement

1. The Collector, on behalf of the Township, shall collect and receive the taxes, interest, fines and penalties imposed by this Article, and shall maintain records showing the amounts received and the dates such amounts were received. The Collector shall prescribe and issue all forms necessary for the administration of the tax and may adopt and enforce regulations relating to any matter pertaining to the administration of this Article, including, but not limited to, requirements for collection through employers, requirements for deductions, requirements for evidence and records and provisions for the examination and correction of the returns.
2. The Collector and agents designated by him may examine the records of any employer or supposed employer or of any taxpayer or supposed taxpayer in order to ascertain the tax due or verify the accuracy of any return. Every employer or supposed employer and every taxpayer or supposed taxpayer shall give the Collector and any agent designated by him the means, facilities and opportunity for the examination hereby authorized.

Ord. No. 1-1982.

§ 20-28. Collection

The Collector shall collect, by suit or otherwise, all taxes, interest, fines and penalties due under this Article. If for any reason any tax is not paid when due, interest at the rate of six percent (6%) per year of the amount of unpaid tax and an additional penalty of one half of one percent (0.5%) of the amount of unpaid tax for each month or fraction of month during which the tax remains unpaid, shall be added and collected. Whenever suit is brought for the recovery of unpaid tax, the taxpayer shall, in addition, be liable for the costs of collection, as well as for interest and penalties. The Collector

may accept payment under protest of the tax claimed by the Township in any case where a person disputes the Township's claim to the tax. If a Court of competent jurisdiction thereafter decides that there has been an overpayment to the Collector, the Collector shall refund the amount of the overpayment to the person who paid under protest.

Ord. No. 1-1982.

§ 20-29. Violations and Penalties

Any person who violates any provision of this Article or any regulation adopted pursuant to it, shall, upon conviction thereof, before the District Magistrate, be subject to a fine of not more than three hundred dollars (\$300.00) or, in default of payment of such fine, shall be subject to imprisonment in Butler County Prison for a period not exceeding thirty (30) days.

Ord. No. 1-1982.