

**HATFIELD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 671**

**AN ORDINANCE ESTABLISHING A VOLUNTEER SERVICE TAX
CREDIT PROGRAM; ENACTING TAX CREDITS FOR VOLUNTEER
MEMBERS OF VOLUNTEER FIRE COMPANIES; AND ESTABLISHING
ADMINISTRATIVE PROCEDURES AND APPEALS**

WHEREAS, Act 172 of 2016 authorizes the governing body of a municipality to establish a Volunteer Service Tax Credit Program to provide tax relief to Volunteer Firefighters living within the municipality;

WHEREAS, the Township of Hatfield desires to establish such a program to provide tax relief to Volunteer Firefighters who live in the Township and are active members of either Hatfield Fire Company or Colmar Volunteer Fire Company;

WHEREAS, the goal of this program is to encourage the participation of new members and to retain current members of both volunteer fire companies and to ensure the long term viability of volunteer firefighters within the community;

WHEREAS, the First Class Township Code authorizes the Board of Commissioners to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens;

WHEREAS, the Board of Commissioners of the Township of Hatfield, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Township of Hatfield will be served by establishing a Volunteer Service Tax Credit Program.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of Hatfield Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION 1. CODE AMENDMENTS. THE TOWNSHIP OF HATFIELD CODE IS HEREBY AMENDED AS FOLLOWS:

- A. Chapter 254, entitled “Taxation,” of the Hatfield Township Code of Ordinances is hereby amended to add a new Article XIV, entitled, “Volunteer Service Tax Credit Program.”**

- B. Chapter 254, Article XIV, entitled “Volunteer Service Tax Credit Program,” is hereby amended to add the following sections and will read as follows:**

§ 254-97 Volunteer Service Tax Credit Program Established

Pursuant to Act 172 of 2016, the Hatfield Township Board of Commissioners hereby establishes a Volunteer Service Tax Credit Program to be administered in accordance with said Act and the Hatfield Township Code of Ordinances.

§ 254-98 Definitions.

The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise.

Active Volunteer. A volunteer for a volunteer fire company or nonprofit emergency medical service agency listed as an eligible entity in this Article, who has complied with and is certified under the Volunteer Service Tax Credit Program.

Earned Income Tax. A tax on earned income and net profits levied under Chapter 3 of the act of December 31, 1965 (P.L. 1257, No.511), known as The Local Tax Enabling Act.

Eligibility Period. The timeframe when volunteers may earn credit under the Volunteer Service Tax Credit Program.

Emergency Responder. A volunteer who responds to an emergency call with one of the eligible entities listed in this Article.

Emergency Response Call. Any emergency call to which a volunteer responds, including travel directly from and to a volunteer's home, place of business or other place where he/she shall have been when the call was received.

Qualified Real Property. A residential real property owned and occupied as the domicile of an active volunteer.

Volunteer. A member of a volunteer fire company or a nonprofit emergency medical service agency.

§ 254-99 Program Criteria

- A.** The Board shall establish, by resolution, the annual criteria that must be met to qualify for credits under the program based on the following:
- (1)** The number of emergency response calls to which a volunteer responds.
 - (2)** The level of training and participation in formal training and drills for a volunteer.
 - (3)** The total amount of time expended by a volunteer on administrative and other support services, including but not limited to:
 - (i)** fundraising;
 - (ii)** providing facility or equipment maintenance;
 - (iii)** financial bookkeeping.
 - (4)** The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of a volunteer fire company.
 - (5)** The total number of years the volunteer has served.

§ 254-100 Eligible Entities

The Volunteer Service Tax Credit Program is available to residents of the Township who are volunteers of the following volunteer fire companies below:

- (1)** Hatfield Volunteer Fire Company
- (2)** Colmar Volunteer Fire Company

§ 254-101 Eligibility Period

A volunteer must meet the minimum criteria, set by resolution under this section, during the eligibility period to qualify for the tax credits established by this Article.

- (1)** The eligibility period for 2017 under the Volunteer Service Tax Credit Program shall run from January 20, 2017 until November 15, 2017.
- (2)** The eligibility period for 2018, and each subsequent year thereafter, shall run from January 1 until September 30 of the year for which the tax credit would apply.

§ 254-102 Recordkeeping

The chief of each eligible volunteer fire company shall keep specific records of each volunteer's activities in a service log to establish credits under the Volunteer Service Tax Credit Program. Service logs shall be subject to review by the Board of Commissioners, the State Fire Commissioner and the State Auditor General. The chief, or Supervisor, shall annually transmit to the Township a notarized eligibility list of all volunteers that have met the minimum criteria for the Volunteer Service Tax Credit Program. The notarized eligibility list shall be transmitted to the Township no later than November 15 of each year for which "active" volunteer status is claimed. The chief or supervisor shall post the notarized eligibility list in an accessible area of the volunteer agency's facilities.

§ 254-103 Application

Volunteers that have met the minimum criteria of the Volunteer Service Tax Credit Program shall sign and submit an application for certification to their chief or Supervisor by no later than October 31 of the year for which "active volunteer" status is claimed. The chief shall sign the application if the volunteer has met the minimum criteria of the Volunteer Service Tax Credit Program, and forward the notarized eligibility list to the Township Manager by no later than November 15 of each year. Those whose eligibility applications were denied will be notified in writing by the same date.

§ 254-104 Municipal Review and Eligibility Appeals

- A.** The Township Manger shall review the applications for credit under the Volunteer Service Tax Credit Program and shall cross reference them with the notarized eligibility list. The Board of Commissioners shall approve all applicants that are on the notarized eligibility list. All applicants approved by the Board of Commissioners shall be issued a tax credit certificate by the Township Manager by no later than December 15.
- B.** Those applicants whose applications were denied because they were not eligible "active volunteers" may appeal that denial to the entire Board of Commissioners and ask for reconsideration within 10 days of receiving the notice of denial. The Board of Commissioners shall decide all appeals by no later than December 15 and notify the appellants by that date. The decision by the Board of Commissioners shall be final. The Township Manager shall issue all successful appellants tax credit certificates by December 15 and add them to the final Official Tax Credit Register.

§ 254-105 Official Tax Credit Register

The Township shall keep an official Tax Credit Register of all active volunteers that were issued tax credit certificates. The list of Earned Income Tax Credit recipients shall be sent to the Tax Officer and the list of any Real Property Tax Credit recipients shall be sent to the Township Treasurer by no later than December 31. The Township Manager shall issue updates, as needed, of the official Tax Credit Register to the following:

- (1) Board of Commissioners;
- (2) Chief of the volunteer fire companies;
- (3) Tax officer for the township Tax Collection District.

§ 254-106 Injured Volunteers.

- A. An emergency responder that is injured during an emergency response call may be eligible for future tax credits. The injury must have occurred while responding to, participating in, or returning from an emergency response call with one of the eligible entities listed in this Article.
- B. An injured emergency responder shall provide documentation from a licensed physician with the application for certification stating that their injury prevents them from performing duties to qualify as an active volunteer. In such a case, the injured emergency responder shall be deemed an active volunteer for that tax year.
- C. An injured emergency responder shall annually submit the application for certification along with updated documentation from a licensed physician stating that the injury still exists and prevents them from qualifying as an active volunteer. The injured emergency responder shall again be deemed an active volunteer for that tax year. An injured emergency responder shall only be deemed an active volunteer for a maximum of five consecutive tax years.

§ 254-107 Earned Income Tax Credit

- A. **Tax Credit.** Each active volunteer who has been certified under the Township Volunteer Service Tax Credit Program shall be eligible to receive a tax credit of up to \$500 of their Earned Income Tax liability levied by the Township. When an active volunteer's earned

income tax liability is less than the amount of the tax credit, the tax credit shall equal the individual's tax liability.

- B. Claim.** An active volunteer taxpayer with an Earned Income Tax Credit certificate may claim a tax credit against their earned income tax liability levied by the Township when filing their final return for the preceding calendar year with the Tax Officer for the Tax Collection District.
- C. Rejection of a Claim.** The Tax Officer shall reject a claim for a tax credit if the taxpayer is not on the official Tax Credit Register issued by the Township Manager. If the Tax Officer rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for the rejection and provide the method of appealing the decision. Appeals about a taxpayer's eligibility for "active volunteer" status shall be resolved as set forth in this Article.

§ 254-108 Real Property Tax Credit

- A. Tax Credit.** Each active volunteer who has been certified under Hatfield Township's Volunteer Service Tax Credit Program shall be eligible to receive a real property tax credit of 20% of their Township real property tax liability.
- B. Claim.** An active volunteer taxpayer with a Real Property Tax Credit certificate may claim a tax credit against their qualified real property tax liability levied by the Township, including the Township's general fund millage and special tax levies. The tax credit shall be administered as a refund by the Township Treasurer. An active Volunteer shall file the following with the Township Treasurer:
 - (1) A true and correct receipt from the township real estate tax collector of the paid Township real property taxes for the tax year in which the claim is being filed.
 - (2) The tax credit certificate.
 - (3) Photo identification.
 - (4) Documentation that the tax paid was for qualified real property as defined in this ordinance.

If the active volunteer provides all documents required under this subsection, the Township Treasurer shall issue the tax refund to the active volunteer.

- C. Rejection of the Tax Credit Claim.** The Township Treasurer shall reject the claim for a township real property tax credit if the taxpayer fails to provide the required documentation. If the Township Treasurer rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for the rejection and provide the method of appealing the decision.

§ 254-109 Appeals

The process for appealing decisions made pursuant to this Article shall be as follows:

A. Earned Income Tax Credit Appeals.

- (1)** Any taxpayer aggrieved by a decision regarding eligibility for an earned income tax credit pursuant to the Township's Volunteer Service Tax Credit Program shall have a right to appeal said decision.
- (2)** A taxpayer shall have 30 days to appeal a decision or rejection of a claimed credit by the Tax Officer in accordance with the County Tax Collection Committee Appeals Board.
- (3)** All appeals of decisions regarding rejection of a taxpayer's claim for an earned income tax credit pursuant to this Article shall be made to the Montgomery County Tax Collection Committee Appeals Board.

B. Real Property Tax Credit Appeals.

- (1)** Any taxpayer aggrieved by a decision regarding eligibility for a real property tax credit pursuant to the Township's Volunteer Service Tax Credit Program shall have a right to appeal said decision.
- (2)** A taxpayer shall have 30 days to appeal a decision or rejection of a claimed credit by the Township Treasurer.
- (3)** All appeals of decisions regarding rejection of a taxpayer's claim for a real property tax credit pursuant to this Article shall follow the provisions of 2 Pa.C.S. Chapter 5, Subchapter B (relating to practice and procedure of local agencies), and 2 Pa.C.S. Chapter 7, Subchapter B (relating

to judicial review of local agency action), also known as the "Local Agency Law."

C. "Active Volunteer" Eligibility Appeals.

Any appeals from an initial determination by the Board of Commissioners that a resident taxpayer is not eligible for "active volunteer" status shall be decided by the Board of Commissioners.

SECTION 2. REPEALER.

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 3. REVISIONS.

The Hatfield Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION 4. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of adoption.

SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.

The failure of Hatfield Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, this _____ day of _____, 2017.

ATTEST:

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS:**

Aaron Bibro, Township Manager/Secretary

By: _____
Thomas C. Zipfel, President