

**TOWNSHIP OF LOWER SOUTHAMPTON**

**BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 613**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 448 OF THE LOWER SOUTHAMPTON TOWNSHIP CODE OF ORDINANCES TO ESTABLISH A VOLUNTEER SERVICES TAX CREDIT INCENTIVE**

**WHEREAS**, Lower Southampton Township (the “Township”) is a municipality organized and existing under the Second Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §6501, et. Seq. (1995, Nov. 9, P.L. 350, No. 60, § 1); and

**WHEREAS**, the Commonwealth of Pennsylvania enacted Act 172 of 2016, amended by Act 91 of 2020 (35 Pa. C.S. §§79A01-79A33), which provides municipalities with the option to offer a real estate or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies through a volunteer service credit program; and

**WHEREAS**, the Township has determined that the public health, safety, and welfare would benefit from the creation of such a volunteer service credit program; and

**WHEREAS**, the Board of Supervisors desires to amend Chapter 24, adding Article X, title “Volunteer Services Tax Credit Incentive”, to the Code, in order to establish a tax credit to qualified volunteers.

**NOW THEREFORE**, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of the Township of Lower Southampton, Bucks County, Pennsylvania, that the Code is hereby **AMENDED** as follows:

**I. ADD Article X, Volunteer Services Tax Credit Incentive**, to the Code as follows:

**§24-1001 Establishment.**

The volunteer services tax credit incentive ordinance is hereby established and shall be known as the “Volunteer Services Tax Credit Incentive.”

**§24-1002 Authority.**

The Volunteer Services Tax Credit Incentive is authorized pursuant to the Act 172 of 2016, Title 35 Health and Safety.

**§24-1003 Purpose.**

The purpose of the Volunteer Services Tax Credit Incentive is to acknowledge the value and dedication of volunteer firefighters and emergency medical services and to encourage others to become involved as active volunteers in Lower Southampton Township.

#### **§24-1004 Definitions.**

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

##### **Qualified Property**

A residential real property within Lower Southampton Township owned and occupied as the primary residence of a Volunteer.

##### **Tax Collector**

The individual or entity elected or appointed to collect real estate property taxes.

##### **Township**

Lower Southampton Township, Bucks County, Pennsylvania.

##### **Volunteer**

A member of a volunteer fire company or a nonprofit emergency medical service agency that permanently resides in the Township.

#### **§24-1005 Eligibility for Volunteer Services Tax Credit.**

- A.** Eligible Entities. The Volunteer Services Tax Credit Incentive is available to Volunteers of the following fire companies and nonprofit emergency medical services agencies that provide service to the Township.
- (1)** Tri-Hampton Rescue Squad
  - (2)** Lower South Fire Company
  - (3)** Feasterville Fire Company
- B.** Eligible Persons. The Volunteer Services Tax Credit Incentive is available to Volunteers of an Eligible Entity described in §1005 A. and otherwise meets the requirements of described herein §1005 D.
- C.** Eligibility Period. Each year the eligibility period for the Volunteer Services Tax Credit Incentive will run from December 1 to November 30.
- D.** Criteria for fire companies and nonprofit emergency medical services agencies. Volunteers must meet the following annual criteria to qualify for a tax credit or rebate:
- (1)** The Volunteer must be a permanent resident of the Township; and

- (2)** The Volunteer must meet one of the following annual criteria to qualify for a tax credit or rebate:

    - (i)** The Volunteer has responded to at least 25% of the company's calls during the previous year; or
    - (ii)** The Volunteer has accrued at least 25 hours of service at an Eligible Entity listed in §1005 A by participation in the following activities:

      - (a)** Response to emergency calls;
      - (b)** Formal training and drills;
      - (c)** Administrative and support services; or
      - (d)** Fundraising.
- E.** Eligibility List. The Chief, President or Chief of Operations shall transmit a notarized Eligibility List to the Township Manager and/or designee no later than December 15<sup>th</sup> of each year. The Township Manager and/or designee shall approve all applicants that are on the notarized Eligibility List.
- F.** Application.
- (1)** Selection of Benefit. Volunteers shall be eligible for a tax credit either from earned income tax or real property tax. Volunteers submitting an application for a tax credit shall select the applicable tax for the credit.
  - (2)** Any Volunteer that has met the minimum criteria of the Volunteer Services Tax Credit Incentive shall sign and submit an application for certification to their chief or president. The chief or president shall sign the application if the Volunteer has met the minimum criteria of the Volunteer Services Tax Credit Incentive. The application shall then be forwarded to the Township for final review and processing. Applications shall not be accepted after April 30<sup>th</sup> of each year.
- G.** Township Review. The chief or president of each Eligible Entity listed under §1005 A shall keep specific records of each Volunteer's activities in a service log under the Volunteer Services Tax Credit Incentive. Services logs shall be subject to review by the Board of Supervisors, the Director of Finance and the Township Manager. The chief or president shall have notarized a list of Volunteers belonging to the Eligible Entity who have met the criteria for the Volunteer Services Tax Credit Incentive. The Eligibility List shall be posted in an accessible area of the Eligible Entity's facilities.
- H.** Injured Volunteers.
- (1)** A Volunteer that is injured during an emergency response call may be eligible for future tax credits and rebates under the Volunteer Services Tax Credit Incentive. 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 §1005 A.

- (2) A Volunteer shall provide documentation from a licensed physician with the application required under §1005 F(1).
  - (3) An injured Volunteer shall annually submit updated documentation from a licensed physician stating that the injury still exists and prevents the individual from qualifying under the Volunteer Services Tax Credit Incentive. The injured Volunteer shall again be deemed an eligible Volunteer for the tax year. An injured Volunteer shall only be deemed an eligible Volunteer for a maximum of five consecutive tax years.
- I. Official Tax Credit Register. The Township shall keep an official Tax Credit Register of all Volunteers that were issued tax credit certificates and verify that a Volunteer is an owner-occupant of the Qualified Property.

#### **§24-1006 Real Property Tax Credit.**

- A. A Volunteer who owns a Qualified Property in the Township and who had paid their Real Estate Tax in the current application year, and who has been certified under the Volunteer Services Tax Credit Incentive shall be eligible to receive a Real Estate Tax credit of up to 100% of the Township tax liability on the Qualified Property, not to exceed the amount of \$250 each year per Volunteer.
- B. Claim. A Volunteer with a tax credit certificate may file a claim for the tax credit of their Qualified Property tax liability for the Township's real estate tax levy. The credit will not be printed on real estate tax bills. The tax credit shall be administered as a refund in the form of a rebate check issued by the Township. Applications will not be accepted by the Township after January 31st of each year. Rebate checks will be issued by June 30<sup>th</sup> of each year. A Volunteer shall file the following with the Township Finance Director:
- (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 certificate.
  - (3) A copy of the photo identification.
  - (4) Documentation that the tax paid was for Qualified Property.
- C. Rejection of the tax credit claim.
- (1) The Township Finance Director shall reject the claim for the Township real property tax credit if the Volunteer fails to provide the documents required under §1006B(1)-(4).

- (2) If the Township Finance Director rejects the claim, the Volunteer 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 pursuant to this Article.
- (3) Volunteers shall have 30 days to appeal the decision of the Township Finance Director.

#### **§24-1007 Earned Income Tax Credit.**

- A. A Volunteer may instead file for a \$250 tax credit on their earned income tax liability when filing a final return for the year for their Township earned income taxes. Volunteer applicants approved by the Township shall be issued a \$250 tax credit certificate for earned income tax liability. The certificate must be submitted by the Volunteer applicant when filing their local earned income tax for the prior tax year in the current calendar year.
- B. Return. A Volunteer may claim a tax credit provided for under this Article when filing a joint return. The tax return form shall provide a mechanism for separating the liability of an individual for any earned income tax imposed by the Township.

#### **§24-1008 Procedures.**

The Township Manager and/or designee shall develop and make public procedures and necessary forms to implement the Volunteer Services Tax Credit Incentive. Such procedures and forms shall be developed within one-hundred twenty (120) days of approval of this Ordinance and will be publicly available on the Township's website.

#### **§24-1009 Appeals.**

- A. Earned income tax credit appeals.
  - (1) Any Volunteer aggrieved by a decision under this Article shall have a right to appeal the decision. A Volunteer shall have 30 days to appeal a decision or rejection of claim.
  - (2) All appeals under 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.
- B. Real property tax credit appeals.

- (1) Any Volunteer aggrieved by a decision under this Article shall have a right to appeal the decision. A Volunteer shall have 30 days to appeal a decision or rejection of claim.
- (2) All appeals of decisions under this Article shall follow the provisions of the 53 Pa.C.S. Subchapter C, Chapter 84, known as the Local Taxpayers Bills of Rights.

#### **§24-1010 Penalties for false reporting.**

The following shall apply:

- (1) Any person who knowingly makes or conspires to make a false service record report under this Article commits a misdemeanor of the first degree punishable by a fine of \$2,500.
- (2) Any person who knowingly provides or conspires to provide false information that is used to compile a service record report under this Article commits a misdemeanor of the first degree punishable by a fine of \$2,500.

#### **II. Partial Repealer.**

Any provisions of the Lower Southampton Township Code of Ordinances that are inconsistent herewith, or in conflict with any of the terms hereof, are, to the extent of said inconsistencies or conflicts, hereby specifically repealed. All other provisions of the Lower Southampton Township Code of Ordinances shall remain in full force and effect.

#### **III. Severability.**

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Lower Southampton Township Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

**IV. Effective Date**

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

**ORDAINED** and **ENACTED** this 9th day of October, 2024.

BOARD OF SUPERVISORS

Attest:

\_\_\_\_\_  
Township Manager

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