

**ORDINANCE NO. 2012-13**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF RADNOR AMENDING ARTICLE II, CHAPTER 260 OF THE RADNOR TOWNSHIP CODE, RELATING TO THE MERCANTILE TAX, TO CHANGE THE TAX YEAR AND REPORTING PERIOD FROM A FISCAL YEAR TO A CALENDAR YEAR, TO CREATE A SHORT TAX YEAR AND REPORTING PERIOD FROM JULY 1, 2012 TO DECEMBER 31, 2012 TO ACCOMMODATE THE CHANGE IN TAX YEARS AND REPORTING PERIODS, AND TO ADJUST THE MERCANTILE LICENSE REQUIREMENTS TO COORDINATE WITH THE PAYMENT OF THE MERCANTILE TAX.**

*WHEREAS*, the Board of Commissioners of Radnor Township, pursuant to the authority of the Local Tax Enabling Act 53 P.S. §6924.101 *et seq.*, as amended, and the Radnor Township Home Rule Charter, and in order to increase the ease and efficiency in the reporting, payment and collection of the Radnor Township Mercantile Tax, intends to amend its Mercantile Tax Ordinance to make administrative changes to the tax to change the tax year and reporting period from a fiscal year to a calendar year; to create a short tax year and reporting period from July 1, 2012 to December 31, 2012 to accommodate the change in tax years and reporting periods, and to adjust the Mercantile License requirements under the Mercantile Tax Ordinance to coordinate with the payment of the Mercantile Tax.

***NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED*** by the Board of Commissioners of Radnor Township, as follows:

**Section 1.** Amendment of Section 260-20, Chapter 260, Article II, of the Radnor Township Code.

The definition of "LICENSE YEAR" as contained in Section 260-20, Chapter 260, Article II of the Radnor Township Code shall be amended to read as follows

**LICENSE YEAR**

The twelve-month period beginning the first day of January.

All other definitions in Section 260-20 shall remain unchanged.

**Section 2.** Amendment of Section 260-22, Chapter 260, Article II, of the Radnor Township Code.

Section 260-22 of Chapter 260, Article II of the Radnor Township Code is hereby amended to read as follows:

**§260-22. Mercantile license required; fee.**

Every person desiring to continue to engage in or hereafter to begin to engage in the business of wholesale or retail or wholesale and retail, vendor or dealer in goods, wares and merchandise and any person conducting a restaurant or other place where food, drink or refreshments are sold in the Township shall apply for and procure a mercantile license for his place of business or, if more than one, for each of his places of business in the Township from the Collector, who shall issue the same upon payment of a fee of \$10 for a wholesale or retail license for his place of business or, if more than one, for each of his places of business in the Township for such license year.

If the person applying for a mercantile license has engaged and is continuing to engage in business in the Township and already is in possession of a valid mercantile license to expire at the end of the calendar year, the person shall make application and pay for the following year's mercantile license at the time of the filing of that person's mercantile tax return, by completing the mercantile tax form and making payment for the mercantile license fee contemporaneously therewith.

If the person applying for a mercantile license intends to begin to engage in business in the Township and does not possess a valid mercantile license, the person shall make application to and pay for a mercantile license at or before that person begins to engage in business in the Township, by completing an appropriate application for such license with the Township and making payment to the Township for the mercantile license fee contemporaneously therewith.

**Section 3.** Amendment of Section 260-24, Chapter 260, Article II, of the Radnor Township Code.

Subsection A of Section 260-24 of Chapter 260, Article II of the Radnor Township Code is hereby amended to read as follows:

**§260-24. Imposition of tax; applicability.**

**A.** Assessment of tax; rate. A tax to provide revenue for general Township purposes is hereby levied, assessed and imposed upon every person engaging in any of the following occupations or businesses in the Township, at the rate hereinafter set forth, and such persons shall pay a mercantile tax for each year, beginning January 1, at such rate, subject to the exemptions hereinafter set forth:

- (1) Wholesale vendors or dealers in goods, wares and merchandise of every kind, at the rate of three mills on each dollar of the gross volume of business transacted by him during the license year.
- (2) Retail vendors or dealers of goods, wares and merchandise of every kind, and all persons engaged in conducting restaurants or other places where food, drink or

refreshments are sold, at the rate of three mills on each dollar of the gross volume of business transacted by him during the license year.

In all other respects, Section 260-24 shall remain unchanged.

**Section 4.** Amendment of Section 260-25, Chapter 260, Article II, of the Radnor Township Code.

Subsection B of Section 260-25 of Chapter 260, Article II of the Radnor Township Code is hereby amended to read as follows:

**B.** Every person subject to the payment of the tax hereby imposed who has commenced his business less than one full year prior to the beginning of a license year shall compute the estimated gross volume of business for that year by multiplying by 12 the monthly average of the actual gross amount of business transacted by him during the months he was engaged in business prior to January 1.

In all other respects, Section 260-25 shall remain unchanged.

**Section 5:** Amendment of Section 260-26, Chapter 260, Article II, of the Radnor Township Code.

Section 260-26 of Chapter 260, Article II of the Radnor Township Code is hereby amended to read as follows:

**§260-26. Taxpayer returns.**

**A.** General requirements. Every return, as hereinafter required by this article, shall be made upon a form furnished by the Collector thereof under the penalties of perjury. Every person making such return shall furnish all information requested therein and certify the correctness thereof.

**B.** Tax returns.

- (1)** Every person subject to the tax imposed by this article who has commenced his business at least one full year prior to the beginning of the license year shall, on or before the 15<sup>th</sup> day of May following, file with the Collector a return setting forth his name, his business and business address and such other information as may be necessary to compute the actual gross volume of business transacted by him during the license year and the amount of tax estimated to be due.

- (2) Every person subject to the tax imposed by this article who has commenced his business less than one full year prior to the beginning of the license year shall, on or before the 15<sup>th</sup> day of May following, file with the Collector a return setting forth his name, his business, business address and such other information as may be necessary to compute the actual gross volume of business transacted by him during the license year and the amount of tax estimated to be due.
- (3) Every person subject to the tax imposed by this article who commences business subsequent to the beginning of the license year shall, within 60 days from the date of commencing such business, file with the Collector a return setting forth his name, business and business address and such information as may be necessary to compute the actual gross volume of business transacted by him during the license year and the amount of tax estimated to be due.
- (4) Every person subject to the payment of the tax imposed by this article who engages in a business which is temporary, seasonal or itinerant by its nature shall, within seven days from the day he completes such business, file with the Collector a return setting forth his name, his business and business address and such information as may be necessary in arriving at the actual gross amount of business transacted by him during such period and the amount of the tax due.

C. Final tax return.

- (1) On or before May 15 of each year, every person subject to the tax hereby imposed shall make a final return to the Collector, showing the actual volume of business transacted by the taxpayer during the preceding license year. Such final return shall state the amount of the gross volume of business as set forth in the first tax return, the amount of tax paid at the time of filing the first tax return and the amount of tax due upon the final computation.
- (2) Any person ceasing to do business during the license year shall, within 14 days from the date of ceasing to do business, file a final return showing the actual gross volume of business conducted during that portion of the license year in which said person was actually in business, and pay the tax due as computed thereon.

**Section 6.** Amendment to Chapter 260, Article II, of the Radnor Township Code to enact Section 260-39, as follows:

**Section 260-39. Short Tax Year and Reporting Period to Effectuate Conversion From Fiscal to Calendar Year.** To effectuate the conversion from a fiscal tax year ending June 30<sup>th</sup> to a calendar tax year during the year 2012, for purposes of the year 2012 only, there shall be a short tax year covering the period beginning July 1, 2012 and ending December 31, 2012. For purposes of payment of estimated taxes for 2013 only,

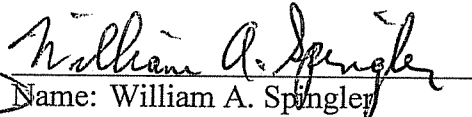
the estimated tax to be paid for the tax year 2013 shall be calculated based upon a calculation of double the taxable gross receipts for the short calendar year beginning July 1, 2012 and ending December 31, 2012.

**Section 7.** This Ordinance shall become effective one (1) day after enactment or upon recordation of this Ordinance within the Township's official Ordinance Book, whichever comes later.

**ENACTED AND ORDAINED** this 10 day of September, 2012.

RADNOR TOWNSHIP


By:



Name: William A. Spingler

Title: President

ATTEST:

  
Robert A. Zienkowski, Secretary