

**EAST VINCENT TOWNSHIP  
BOARD OF SUPERVISORS**

**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 235**

**“Tax Credits for Volunteer Fire Company Service Members”**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST VINCENT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, CHAPTER 24 (TAXATION; SPECIAL), TO ADD A NEW PART 6 ENTITLED “VOLUNTEER FIRE COMPANY SERVICE TAX CREDITS” ESTABLISHING A VOLUNTEER FIRE COMPANY SERVICE CREDIT PROGRAM; ENACTING REAL ESTATE AND EARNED INCOME TAX CREDITS FOR VOLUNTEER MEMBERS OF THE RIDGE FIRE COMPANY, LIBERTY STEAM FIRE COMPANY, AND KIMBERTON FIRE COMPANY; AND ESTABLISHING ADMINISTRATIVE PROCEDURES AND APPEALS.**

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The Board of Supervisors of East Vincent Township does hereby **ENACT** and **ORDAIN**:

**SECTION I. - Amendment to the Code.**

The Codified Ordinances of East Vincent Township, Chapter 24 (Taxation; Special), is hereby amended to add a new Part 6 entitled “Volunteer Fire Company Service Tax Credits”, as follows::

**PART 6**

**VOLUNTEER FIRE COMPANY SERVICE TAX CREDITS**

**§24-601. Scope and Purpose.**

1. *Scope.* The scope of this Ordinance relates to the Act of November 21, 2016 (P.L. 1509, No. 172) and the incentives it intends to provide to municipal volunteers of fire companies.
2. *Purpose.* The purpose of this Ordinance is to authorize the Township to enact a tax credit against an active fire company volunteer’s tax liability as a financial incentive to: (i) acknowledge the value of volunteer fire protection services provided by active volunteers; and (ii) encourage

individuals to volunteer, or for former volunteers to consider rejoining as active volunteers, in a volunteer fire company.

**§24-602. Definitions.**

The following words and phrases when used in this ordinance shall have the meanings given to them in this Part 6 unless the context clearly indicates otherwise.

*Active Volunteer* – A volunteer for a volunteer fire company listed in Section 24-603.3. that has complied with, and is certified under, the Volunteer Service Credit Program. A volunteer does not include a social member who is otherwise not certified.

*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 Credit Program.

*Emergency Responder* – A volunteer who responds to an emergency call with the entity identified in Section 24-603.3.

*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 located in the Township owned and occupied as the domicile of an active volunteer.

*Township* – East Vincent Township, Chester County, Pennsylvania.

*Volunteer* – A volunteer member of a volunteer fire company.

*Volunteer Service Credit Program* – The program established by the Act of November 21, 2016 (P.L. 1509, No. 172) authorizing municipalities to provide incentives to municipal volunteers of fire companies.

**§24-603. Volunteer Service Credit Program.**

1. *Establishment.* The Township hereby establishes a Volunteer Service Credit Program. The goal of the program is to encourage membership and service in the Township’s volunteer fire companies.
2. *Program Criteria.* The Township shall establish, by resolution of the Board of Supervisors, the annual criteria that must be met to qualify for credits under the program based on the following:

- A. The number of emergency response calls to which a volunteer responds;
  - B. The level of training and participation in formal training and drills for a volunteer;
  - C. The total amount of time expended by a volunteer on administrative and other support services, including but not limited to:
    - (1) Fundraising;
    - (2) Providing facility or equipment maintenance; and
    - (3) Financial bookkeeping;
  - D. The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of the volunteer fire company; and
  - E. The total number of years the volunteer has served.
3. *Eligible Entities.* The Volunteer Service Credit Program is available to residents of the Township who are volunteers of the following volunteer fire companies that provides service to the Township:
- A. Ridge Fire Company.
  - B. Liberty Steam Fire Company.
  - C. Kimberton Fire Company
4. *Eligibility Period.* A volunteer must meet the minimum criteria, set by resolution pursuant to this Section 24-603, during the eligibility period to qualify for the tax credits established under Sections 24-604 and 24-605. A volunteer may apply for the tax credit established under Section 24-604 or the tax credit established under Section 24-605 in any year, but
- A. For the 2019 taxable year, and each subsequent taxable year thereafter, the eligibility period shall run from November 1st of the prior year until October 31 of the following year.
5. *Recordkeeping.* The chief(s) of the fire companies identified in Section 24-603.3, above, shall keep specific records of each volunteer's activities in a service log to establish credits under the Volunteer Service Credit Program. Service logs shall be subject to review by the Board of Supervisors, the State Fire Commissioner and the State Auditor General. The chief(s) shall annually transmit to the Township a notarized eligibility

list of all volunteers that have met the minimum criteria for the Volunteer Service 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 shall post the notarized eligibility list in an accessible area of his/her fire company’s facilities.

6. *Application.* Volunteers who have met the minimum criteria of the Volunteer Service Credit Program shall sign and submit an application for certification to their chief by no later than October 31 of the year for which “active volunteer” status is claimed. The chief shall certify the application if the volunteer has met the minimum criteria of the Volunteer Service 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. An active volunteer may receive the tax credit established under Section 24-604 or the tax credit established under Section 24-605 in any year, but not both tax credits in any year.
7. *Municipal Review and Eligibility Appeals.* The Township Manager shall review the applications for credit under the Volunteer Service Credit Program and shall cross reference them with the notarized eligibility list. The Board of Supervisors shall approve all applicants that are on the notarized eligibility list. All applicants approved by the Board of Supervisors shall be issued a tax credit certificate by the Township Manager by no later than December 15. Those applicants whose applications are denied because they are not eligible “active volunteers” may appeal that denial to the Board of Supervisors and ask for reconsideration within 10 days of receiving the notice of denial. The decision by the Board of Supervisors shall be final. The Board of Supervisors shall decide all appeals by no later than December 15 and notify the appellants by December 20. The Township Manager shall issue tax credit certificates to all successful appellants by December 20 and add them to the final Official Tax Credit Register.
8. *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 Real Property Tax Credit recipients shall be sent to the Township Manager by no later than December 31. The Township shall issue updates, as needed, of the official Tax Credit Register to the following:
  - A. The Township;
  - B. Chief of the volunteer fire company; and
  - C. Tax Officer for the Township Tax Collection District.

9. *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 a fire company identified in Section 24-603.3, above.
- B. An injured emergency responder shall provide documentation from a licensed physician with the application required under Section 24-603.6 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 required under Section 24-603.6, 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 (5) consecutive tax years.

**§24-604. Earned Income Tax Credit.**

- 1. *Tax Credit.* Each active volunteer who has been certified under the Township Volunteer Service Credit Program, and who has not applied for and received a Real Property Tax Credit under Section 24-605, shall be eligible to receive a tax credit of up to \$500.00 of the Earned Income Tax levied by the Township. When an active volunteer's earned income tax liability is less than the amount of the tax credit permitted pursuant to this Section, the tax credit shall equal the individual's tax liability.
- 2. *Claim.* An active volunteer with an Earned Income Tax credit certificate, who has not received a Real Property Tax Credit under Section 24-605 in that tax year, may file a claim for the tax credit on their Township earned income tax liability when filing a final return for the preceding calendar year with the Tax Officer for the Township's Tax Collection District.
- 3. *Rejection of Tax Credit Claim.*
  - A. 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, or if the taxpayer applied for and received a Real Property Tax Credit pursuant to Section 24-605 for that tax year.

- B. 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 pursuant to Section 24-606.
- C. Taxpayers shall have thirty (30) days to appeal the decision of the Tax Officer.

**§24-605. Real Property Tax Credit.**

1. *Tax Credit.* Each active volunteer who has been certified under the Township's Volunteer Service Credit Program, and who has not applied for and received an Earned Income Tax Credit under Section 24-604, shall be eligible to receive a real property tax credit of up to twenty percent (20%) of the Township tax liability on qualified real property, or \$500.00, whichever is less. If the tax is paid in the penalty period, the tax credit shall only apply to the base tax year liability.

2. *Claim.*

A. An active volunteer with a tax credit certificate, who has not applied for and received an Earned Income Tax Credit under Section 24-604 may file a claim for the tax credit on their qualified real property tax liability for the Township's real estate tax levy. The tax credit shall be administered as a refund by the Township. An active volunteer shall file the following with the Township Manager:

- (1) A true and correct receipt from the Township's real estate tax collector of the paid Township real property taxes for the tax year for which the claim is being filed;
- (2) The tax credit certificate;
- (3) Photo identification; and
- (4) Documentation that the tax paid was for qualified real property as defined in this Ordinance.

B. If the active volunteer qualifies for a Real Property Tax credit and provides all documents required under this subsection, the Township Manager shall issue the tax refund to the active volunteer.

3. *Rejection of the Tax Credit Claim.*

A. The Township Manager shall reject the claim for a Township real property tax credit if the taxpayer fails to provide the documents required under

Section 24-605.2, or if the taxpayer received an Earned Income Tax Credit pursuant to Section 24-604 for that tax year.

- B. If the Township Manager 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 pursuant to Section 24-606.
- C. Taxpayers shall have thirty (30) days to appeal the decision of the Township Manager.

**§24-606. Appeals.**

1. *Earned Income Tax Credit Appeals.*

- A. Any taxpayer aggrieved by a decision under Section 24-604 shall have a right to appeal said decision.
- B. A taxpayer shall have thirty (30) days to appeal a decision or rejection of a claimed credit by the Tax Officer.
- C. All appeals of decisions under Section 24-604 shall be made in accordance with the applicable tax appeal regulations, policies and procedures adopted by the Tax Collection Committee or the Tax Collector under The Local Tax Enabling Act.

2. *Real Property Tax Credit Appeals.*

- A. Any taxpayer aggrieved by a decision under Section 24-605 shall have a right to appeal said decision.
- B. A taxpayer shall have thirty (30) days to appeal a decision or rejection of a claimed credit by the Township Manager.
- C. All appeals of decisions under Section 24-605 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.

3. *“Active Volunteer” Eligibility Appeals.* Any appeals from an initial determination by the Board of Supervisors that a resident taxpayer is not eligible for “active volunteer” status shall be decided by the Board of Supervisors in accordance with Section 24-603.7.

**SECTION II. - Severability.**

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

**SECTION III. - Failure to Enforce Not a Waiver.**

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

**SECTION IV. - Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION V. - Repealer.**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED** and **ENACTED** by the Board of Supervisors of East Vincent Township, Chester County, Pennsylvania, this \_\_\_\_ day of November, 2018.

**EAST VINCENT TOWNSHIP  
BOARD OF SUPERVISORS**

By:   
\_\_\_\_\_  
**Mark Duaphy, Chairman**

By:   
\_\_\_\_\_  
**Edmund J. Dracup, Vice Chairman**

By:   
\_\_\_\_\_  
**Jane Peronteau, Supervisor**