

**TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE 2017-266

**AN ORDINANCE TO ESTABLISH AN EARNED INCOME TAX CREDIT FOR
VOLUNTEERS OF THE WORCESTER VOLUNTEER FIRE DEPARTMENT**

WHEREAS, volunteer firefighters are the primary providers of fire protection service throughout the Commonwealth of Pennsylvania; and,

WHEREAS, the responsibilities of volunteer firefighters have expanded over the years to include rescue, hazardous materials response, and terrorism prevention, which has significantly increased the training needed by these volunteers; and,

WHEREAS, due to increased training obligations and other factors, the number of volunteer firefighters in Pennsylvania has dramatically decreased in recent years, from an estimated 300,000 in 1976 to about 72,000 at present day; and,

WHEREAS, the annual cost to Pennsylvania taxpayers to replace volunteer firefighters with paid fire service statewide has been estimated at \$6 billion; and,

WHEREAS, Act 172 of 2016 allows municipalities to adopt a tax credit for the volunteer firefighters who serve our community; and,

WHEREAS, by supporting volunteer firefighters, municipalities can help to sustain and strengthen volunteer fire departments throughout the Commonwealth, at a great savings to all taxpayers.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED THAT:

1. Township Code Chapter 135 is hereby amended to include Article VII, as follows:

ARTICLE VII

**Earned Income Tax Credit to Qualifying Volunteers
serving the Worcester Volunteer Fire Department**

§ 135-38. Earned Income Tax Credit. Each Qualifying Volunteer of the Worcester Volunteer Fire Department ("Department"), who is certified as such in accordance with the provisions of this Article, shall be entitled to receive an earned income tax credit in an amount of up to one thousand dollars (\$1,000.00) per year. The credit shall be applied to that portion of the earned income tax that is payable to Worcester Township and cannot exceed the volunteers liability to the township, for the Earned Income Tax due on wages/net profits earned in that tax year. By resolution the Board of Supervisors may adjust the amount of the earned income tax credit at any time, in its sole discretion.

§ 135-39. Qualifying Volunteer. A Qualifying Volunteer shall be defined as:

- a) A volunteer who has attained an annual participation score of 23% or greater in the Department's Length of Service Award Program, as described in Exhibit A. The

volunteer must have served as an active volunteer in good standing for the entire calendar year. By resolution the Board of Supervisors reserves the right to revise the minimum participation score and/or any of the criteria utilized in the Length of Service Award Program, or to create other qualifying criteria to be utilized in lieu of the Length of Service Award Program criteria, in whole or in part, at its sole discretion.

- b) A volunteer who has been injured during a response to an emergency call and who can no longer serve as an active volunteer because of the injury. A volunteer so injured and unable to serve shall be deemed a Qualifying Volunteer until December 31 of the year of the fifth anniversary of the date of injury.
- c) A volunteer who holds one of the following Department positions in good standing, for a minimum of nine (9) months in the calendar year: Fire Chief, President, Vice President, Secretary, Treasurer, Chairman of Trustees and Chairman of Relief Trustees. For the purpose of determining a Qualifying Volunteer, one person only may serve in each position at any time.

§ 135-40. Certification of Qualifying Volunteers. On or before January 15 of each year volunteers shall sign and submit an application for a Qualifying Volunteer to the Fire Chief. The Fire Chief shall review all applications submitted, sign each application, and indicate on each application if he recommends the volunteer to be certified as Qualifying Volunteer or not. On or before January 30 of each year the Fire Chief shall forward all applications received, with all supporting documentation, to the Board of Supervisors. The Board of Supervisors shall review the applications and supporting documentation and shall, by a motion of the Board, certify all Qualifying Volunteers, on or before March 1 of each year. Only those volunteers certified by the Board of Supervisors shall receive the earned income tax credit, and this credit may be utilized for any earned incomes taxes paid or payable to the Township during or for the previous calendar year only.

§ 135-41. Appeal. A volunteer may appeal the decision of the Board of Supervisors to not certify him or her as a Qualifying Volunteer by submitting a written request for binding arbitration to the Township Secretary within ten (10) days of the date of the Board's decision. The binding arbitration shall be conducted in accordance with the rules of the American Arbitration Association, and any costs for the arbiter and the proceeding only shall be shared equally by the parties.

§ 135-42. Exemption Certificate. Within ten (10) days of the date the Board of Supervisors certifies Qualifying Volunteers, the Township Secretary shall issue an Exemption Certificate to each Qualified Volunteer, which shall be in a form acceptable to the Tax Collector appointed by the Montgomery County Tax Collection Committee to collect the earned income tax.

2. Miscellaneous provisions.

- a. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.

- b. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- c. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 19th day of April, 2017.

FOR WORCESTER TOWNSHIP

By: _____
Susan G. Caughlan, Chair
Board of Supervisors

Attest: _____
Tommy Ryan, Secretary

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EXHIBIT A

**Worcester Volunteer Fire Department
Length of Service Award Program**

1. Volunteers shall earn:
 - a. one (1) point for each emergency call attended;
 - b. one (1) point for each non-emergency activity attended, including but not limited to special event traffic control;
 - c. one (1) point for each Worcester Volunteer Fire Department drill event attended; and,
 - d. points for each Worcester Volunteer Fire Department special event attended, including but not limited to fire prevention programs, Santa Run and Chicken BBQ, with the number of points for each type of event to be established by the Department.
2. The Worcester Volunteer Fire Department Treasurer, or his or her designee, shall maintain an accurate activity log of all above-noted Department events, and the volunteers who attend each event, by month, and shall report this information to the Fire Chief.
3. The Fire Chief shall review and certify the activity log for each month.
4. A volunteer's annual participation score shall be calculated as follows:

$$\text{annual participation score} = \frac{\text{number of points earned in the calendar year}}{[\text{number of emergency calls}] + [\text{number of drill events}] \text{ in the calendar year}}$$