

# City of Philadelphia



(BILL NO. 020034)

## AN ORDINANCE

Amending Chapter 19-1800 of The Philadelphia Code, entitled "School Tax Authorization," by amending Section 19-1804, entitled "Authorization of Net Income Tax," to further authorize the Board of Education of the School District of Philadelphia to impose a tax on net income from real property and tangible and intangible personal property of residents of the School District of Philadelphia, and by making technical amendments; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 19-1800 of The Philadelphia Code is hereby amended to read as follows:

### CHAPTER 19-1800. SCHOOL TAX AUTHORIZATION

\* \* \*

§19-1804. Authorization of Net Income Tax.

\* \* \*

#### (2) Imposition of the Tax.

(a) Except as excluded in subsection (3), the Board is authorized to impose a tax for [Fiscal Year 1970] *the following Fiscal Years* for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to [such] *said* person *during the corresponding Tax Year as set forth in the table below*, including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate and of which such person is the substantial owner, [at the rate of two (2) percent] *at the following rates, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate:*

<u>For Fiscal Year(s)</u>	<u>On Net Income Received or Rate Credited During Tax Year(s)</u>	<u>Rate</u>
<i>1970 through 1976 inclusive</i>	<i>1969 through 1975 inclusive</i>	<i>2.00%</i>

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<i>1977 through 1983 inclusive</i>	<i>1976 through 1982 inclusive</i>	<i>4.3125%</i>
<i>1984 through 1996 inclusive</i>	<i>1983 through 1995 inclusive</i>	<i>4.96%</i>
<i>1997</i>	<i>1996</i>	<i>4.84%</i>
<i>1998</i>	<i>1997</i>	<i>4.79%</i>
<i>1999</i>	<i>1998</i>	<i>4.715%</i>
<i>2000</i>	<i>1999</i>	<i>4.6135%</i>
<i>2001</i>	<i>2000</i>	<i>4.5635%</i>
<i>2002</i>	<i>2001</i>	<i>4.5385%</i>
<i>2003</i>	<i>2002</i>	<i>4.50%</i>

(a.1) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1971 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1970 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of two (2) percent.

(a.2) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1972 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1971 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of two (2) percent.

(a.3) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1973 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1972 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of two (2) percent.

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(a.4) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1974 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1973 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of two (2) percent.

(a.5) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1975 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1974 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of two (2) percent.

(a.6) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1976 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1975 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of two (2) percent.

(a.7) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1977 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1976 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five-sixteenths ( $4 \frac{5}{16}$ ) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.8) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1978 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1977 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five-sixteenths ( $4 \frac{5}{16}$ ) percent, provided that, in the event the rate of any tax imposed hereunder is determined to

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exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.9) Except as excluded in subsection (3), the Board is authorized to impose a tax for Fiscal Year 1979 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible personal property, received or credited to said person during the tax year 1978 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five-sixteenths ( $4 \frac{5}{16}$ ) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax as the maximum permissible rate.

(a.10) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1980 for general school purposes, on every person who is a resident of The School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1979 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five-sixteenths ( $4 \frac{5}{16}$ ) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Chapter to impose such tax at the maximum permissible rate.

(a.11) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1981 for general school purposes, on every person who is a resident of The School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1980 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five-sixteenths ( $4 \frac{5}{16}$ ) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.12) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1982 for general school purposes, on every person who is a resident of The School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1981 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five-sixteenths ( $4 \frac{5}{16}$ ) percent, provided that, in the event the rate of any tax imposed hereunder is determined to

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exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.13) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1983 for general school purposes, on every person who is a resident of The School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1982 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five-sixteenths ( $4 \frac{5}{16}$ ) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.14) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1984 for general school purposes, on every person who is a resident of The School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1983 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.15) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1985 for general school purposes, on every person who is a resident of The School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1984 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six hundredths (4.96%) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by state, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.16) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1986 for general school purposes, on every person who is a resident of The School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1985 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%), provided that, in the event the rate of any tax imposed

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hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.17) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1987 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property received or credited to said person during the tax year 1986 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths (4.96%) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.18) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1988 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1987 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths (4.96%) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.19) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1989 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1988 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths (4.96%) percent, provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.20) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1990 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1989, including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths (4.96%) percent, provided that, in the event the rate of any tax imposed

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hereunder is determined to exceed any limitation imposed by statute, it is the intent of this Ordinance to impose such tax at the maximum permissible rate.

(a.21) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1991 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1990 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.22) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1992 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1991 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.23) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1993 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1992 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.24) Except as excluded in subsection 3 the Board is authorized to impose a tax for Fiscal Year 1994 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income tax from the ownership, lease, sale or other disposition of real property and tangible and intangible personal including the net income tax paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%) provided that, in the event the rate of any tax

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imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.25) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1995 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1994 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.26) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1996 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1995 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and ninety-six one-hundredths percent (4.96%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.27) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1997 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1996 including the net income of any trust or estate of which such person is the substantial owner at the rate of four and eighty-four one-hundredths percent (4.84%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.28) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1998 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1997 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and seventy-nine one-hundredths percent (4.79%), provided that, in the event the rate of any tax imposed

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hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.29) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 1999 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1998 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and seven hundred and fifteen one-thousandths percent (4.715%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.30) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 2000 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 1999 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and six thousand one hundred thirty-five ten-thousandths percent (4.6135%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.31) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 2001 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 2000 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of which such person is the substantial owner at the rate of four and five thousand six hundred thirty-five ten-thousandths percent (4.5635%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.

(a.32) Except as excluded in subsection 3, the Board is authorized to impose a tax for Fiscal Year 2002 for general school purposes, on every person who is a resident of the School District of Philadelphia on the net income from the ownership, lease, sale or other disposition of real property and tangible and intangible personal property, received or credited to said person during the tax year 2001 including the net income paid to any beneficiary of a trust or estate and the income of any trust or estate of

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which such person is the substantial owner at the rate of four and five thousand three hundred eighty-five ten-thousandths percent (4.5385%), provided that, in the event the rate of any tax imposed hereunder is determined to exceed any limitation imposed by statute, it is the intent of this subsection to impose such tax at the maximum permissible rate.]

\* \* \*

Section 2. The deletion from and addition to portions of Section 19-1804 of The Philadelphia Code effected by this Ordinance is not intended to change any rates of taxation or any other matter with respect to any Fiscal Year prior to Fiscal Year 2003, but is intended only to restate those rates in a more easily readable form.

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**Explanation:**

[Brackets] indicate matter deleted.  
*Italics* indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 11, 2002. The Bill was Signed by the Mayor on April 24, 2002.



Marie B. Hauser  
Chief Clerk of the City Council