

TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO 2016- 1

AN ORDINANCE OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING COLLECTION OF AGENCY FEES FOR COLLECTION OF DELINQUENT TAXES FROM THE DELINQUENT TAXPAYER

WHEREAS, the Township of Tulpehocken is a second class township in the Commonwealth of Pennsylvania; and

WHEREAS, the Township of Tulpehocken utilizes Berks County Earned Income Tax Collection Bureau ("Collector") for collection of some of its taxes; and

WHEREAS, the Collector desires to engage a third-party collection agency to pursue delinquent taxpayers and employers; and

WHEREAS, the Collector desires to collect the fee charged by the third-party collection agency for recovery of the delinquent taxes directly from the delinquent taxpayer or employer; and

WHEREAS, as a municipality in the Commonwealth of Pennsylvania, Tulpehocken Township's assessment and collection of taxes is governed by the Local Tax Enabling Act, 53 P.S. §6924.101, et.seq., and the Municipal Claims and Tax Lien Act, 53 P.S. §7101, et. seq.; and

WHEREAS, per Section 7106 of the Municipal Claims and Tax Lien Act, 53 P.S. §7106, for a municipality to recover fees for collection of delinquent accounts, the municipality is required to pass an Ordinance establishing the fee permitted to be charged for recovery of the delinquent account; and

WHEREAS, the Board of Supervisors of the Township of Tulpehocken desires to authorize the Collector to utilize a third-party collection agency to recover delinquent taxes from employers and taxpayers and recover the fee for recovery of the delinquent account directly from the delinquent employer or taxpayer; and

WHEREAS, the Board of Supervisors of the Township of Tulpehocken desires to authorize the fee for recovery of delinquent taxes by a third-party collection agency through the Collector at a fee not to exceed twenty-five percent (25%) of the amount of the tax collected from the delinquent employer or taxpayer.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania under the authority of the Local Tax Enabling Law 53 P.S. §6924.101, et.seq., the Municipal Claims and Tax Lien Act, 53 P.S. §7101, et. seq., and other applicable law as follows:

SECTION 1. Definitions. The following terms shall have the meanings set forth herein:

- a. Collector: The Berks County Earned Income Tax Collection Bureau.
- b. Enactment: Ordinance 2016-1 enacted May 11, 2016.
- c. Governing Body: The Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania.
- d. Tax: All local earned income taxes, other taxes, penalties, interest, and costs that the Collector collects on behalf of the Taxing Authority under the Local Tax Enabling Act, 53 P.S. §6924.101 et. seq., or other statutory law.
- e. Taxpayer: An employer or taxpayer that is liable for Tax.
- f. Taxing Authority: The Township of Tulpehocken, Berks County, Pennsylvania.

SECTION 2. Authorization. The Taxing Authority acknowledges that the Collector may engage one or more third-party collection agencies to pursue and collect delinquent Tax in situations where the amount of delinquent Tax owed is relatively small and it is therefore cost-prohibitive for the Collector to dedicate the upfront resources necessary to pursue such delinquent Tax. The Taxing Authority hereby approves of the imposition on and collection of a fee from any delinquent Taxpayer by any third-party collection agency engaged by the Collector, provided such fee does not exceed twenty-five percent (25%) of the amount of the Tax collected from any such Taxpayer.

SECTION 3. Notice. Promptly after adoption of this Enactment, the Taxing Authority will provide a copy of the Enactment to the Collector. If the Taxing Authority later rescinds, limits, or changes the scope of the authorization set forth in this Enactment, then the Taxing Authority will immediately notify the Collector.

SECTION 4. Severability. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.


SECTION 5. Repealer. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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SECTION 6. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Tulpehocken Township, Berks County, Pennsylvania, this 11th day of May, 2016.

**BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**



Nancy G. Dech

Chairman

Richard A. Kamen

Vice Chairman

Alexander K. Fuchs

Member

ATTEST:

Christy Flaherty

Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2016-1 adopted by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania at a public meeting held on May 11, 2016, pursuant to notice as required by law.

Dated: 5/11/16

Christy Flaherty
Township Secretary

