ORDINANCE NO. 241

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) OF THE TOWNSHIP BY AUTHORIZING COLLECTION AGENCY FEES

The Board of Supervisors of Maidencreek Township, under authority of the Municipal Claims and Tax Lien Act, and its Second Class Township Code hereby enacts and ordains as follows:

Ordinance 223, Part II General Legislation Chapter 195 Taxation is hereby amended by adding New Article VI entitled "Collection Agency Fees" to include the following new sections:

§195-60. Definitions. The following terms shall have the meanings set forth herein:

a. Collector. The Berks County Earned Income Tax Collection Bureau.

b. Enactment. This Ordinance.

c. Governing Body. The Township of Maidencreek.

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. Maidencreek Township.

§195-61. Authorization. The Taxing Authority acknowledges 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 Tax collected from any such Taxpayer.

§195-62. 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.

§195-63. Severability. The provisions of this Enactment are severable and if any of its provisions are ruled invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect or impair any of the remaining provisions of this Enactment. It is

declared to be the intention of the Governing Body that this Enactment would have been adopted if such invalid or unconstitutional provision had not been included.

§195-64. <u>Adoption</u>. This Ordinance shall become effective immediately upon its enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Maidencreek Township, County of Berks, Pennsylvania, in lawful session duly assembled, this _____ day of _____, 2016.

MAIDENCREEK TOWNSHIP
BOARD OF SUPERVISORS

BY:_____
Joseph E. Rudderow, III, Chairman

_____
Claude Beaver, Supervisor

_____
David Franke, Supervisor

Attest:

_____
Diane Hollenbach, Manager