

ORDINANCE NO. 1995 - 2

ORDINANCE AUTHORIZING THE MARION TOWNSHIP TAX COLLECTOR TO COLLECT A FEE FOR ALL TAX CERTIFICATIONS AND DUPLICATE TAX BILLS FOR PROPERTIES LOCATED IN MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AND TO AUTHORIZE A FEE FOR CHECKS RETURNED TO ANY MARION TOWNSHIP OFFICE OR AGENT DUE TO INSUFFICIENT FUNDS

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WHEREAS, the Marion Township Tax Collector ("Tax Collector") is the collector of taxes imposed by Marion Township on properties located in Marion Township, Berks County, Pennsylvania; and

WHEREAS, the Tax Collector holds duplicate tax bills for properties located within the Township of Marion and is often called upon to issue copies of such duplicate tax bills to property owners and others; and

WHEREAS, the Tax Collector is often called upon to issue tax certifications to third parties certifying that taxes have been paid on real estate located within the Township of Marion; and

WHEREAS, in the absence of statutory authority and without the express grant of authority by the Board of Supervisors of Marion Township, the Tax Collector may not have the inherent authority to collect fees for issuing copies of duplicate tax bills or tax certifications; and

WHEREAS, because the Tax Collector is an agent of the Township of Marion for the collection of Marion Township taxes on properties located within the Township of Marion, the Board of Supervisors of Marion Township have the power to authorize the Tax Collector to collect reasonable fees for the issuance of copies of duplicate tax bills and tax certifications; and

WHEREAS, at times checks written to Marion Township or its agents may be returned due to insufficient funds and the Board of Supervisors of Marion Township have the power to charge and collect a reasonable fee to the drawer or submitter of any such returned check.

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Marion, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**Section 1.** The Tax Collector for the Township of Marion has the authority and is hereby empowered to charge and collect a fee in advance of, or concurrently with, issuing a copy of a duplicate tax bill or a tax certification, and the Tax Collector shall have no obligation to issue a copy of a duplicate tax bill or a tax certification without the advance payment of such fee by the party requesting such service. The amount of the aforesaid fee may be set, from time to time, by Resolution of the Board of Supervisors of Marion Township.

**Section 2.** Notwithstanding the foregoing, the Tax Collector or the Board of Supervisors of Marion Township shall have the right and authority to waive such fees in individual cases based upon a finding of financial hardship.

**Section 3.** All fees collected under authority of this Ordinance for duplicate tax bills or for tax certifications shall be paid to the Tax Collector.

**Section 4.** The drawer or submitter of any check which is submitted to Marion Township or its agents and which is returned due to insufficient funds shall be charged a fee as may be set from time to time by Resolution of the Board of Supervisors of Marion Township.

**Section 5. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 6. Severability.** If any sentence, clause, section or part of this ordinance is for any reasons found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 7. Effective Date.** This ordinance shall be effective five (5) days after the date of its enactment.

Enacted and ordained as an ordinance of the Township of Marion, Berks County, Pennsylvania, this 25<sup>th</sup> day of MAY, 1995.

BOARD OF SUPERVISORS OF  
MARION TOWNSHIP, BERKS COUNTY,  
PENNSYLVANIA

Richard A. Meber  
Chairman

Harold E. Zedman  
Supervisor

Kenneth L. Keppley  
Supervisor

Attest:

Doris E. Yankauer  
Township Secretary