

ORDINANCE NO. 2016-1

AN ORDINANCE OF THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2011-1 LEVYING A TAX ON EARNED INCOME AND NET PROFITS TO: (1) AMEND THE DEFINITIONS OF "COLLECTOR", "LOCAL TAX ENABLING ACT", "TAX", AND "TAXING AUTHORITY", AND ADD A DEFINITION FOR "TAXPAYER"; AND (2) AUTHORIZE THE ENGAGEMENT OF A THIRD-PARTY COLLECTION AGENCY TO PURSUE AND COLLECT DELINQUENT TAX IN CERTAIN SITUATIONS AND TO PROVIDE FOR PAYMENT OF COLLETION FEES BY TAXPAYER

WHEREAS, under the authority of the Local Tax Enabling Act, 53 P.S. §6924.101, *et seq.*, and other applicable law, the Township of Marion, Berks County, Pennsylvania (the "Township") enacted Ordinance No. 2011-1 dated November 17, 2011, establishing regulations regarding taxation of earned income and net profits of individual residents of the Township and on individual non-residents of the Township from any work, business, profession, or activity of any kind engaged within the boundaries of the Township; and

WHEREAS, the Township now desires to amend Ordinance No. 2011-1 to amend the definitions of "Collector", "Local Tax Enabling Act", and "Tax", to add a definition for "Taxpayer", and to authorize the engagement of a third-party collection agency to pursue and collect certain delinquent taxes.

NOW THEREFORE, 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.** Section 1 entitled "Definitions", of Ordinance 2011-1 is hereby amended and restated in its entirety to amend the definitions of "Collector", "Local Tax Enabling Act", and "Tax" and to add a definition for "Taxpayer", as follows:

**"Section 501. Definitions.** All terms defined in the Local Tax Enabling Act shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

- A. Collector. The Berks County Tax Collection Commission, d/b/a Berks County Earned Income Tax Collection Bureau.
- B. Enactment. This Ordinance.
- C. Governing Body. The Board of Supervisors of the Township of Marion, Berks County, Pennsylvania.

- D. Local Tax Enabling Act. The Local Tax Enabling Act, as set forth in 53 P.S. §6924.101 *et seq.*, as amended from time to time, or other statutory law.
- E. TCD. Any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.
- F. TCC. The tax collection committee established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.
- G. 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.
- H. Taxpayer. An employer or taxpayer that is liable for Tax.
- I. Tax Return. A form prescribed by the Collector for reporting the amount of Tax or other amount owed or required to be withheld, remitted, or reported under this Enactment or the Local Tax Enabling Act.
- J. Tax Year. The period from January 1 to December 31.
- K. Taxing Authority. The Township of Marion, Berks County, Pennsylvania.

**SECTION 2.** Ordinances No. 2011-1 is hereby amended to add a new Section 8 entitled "Third Party Collection Agency", as follows:

**"Section 8. Third Party Collection Agency.** The Taxing Authority and the Collector hereby authorize an engagement of a third-party collection agency 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 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. Such authorization is pursuant to the Municipal Claims and Tax Lien Act, 53 P.S. §7101, *et seq.*"

**SECTION 3.** Ordinance 2011-1 is hereby amended by renumbering the current Section 8 entitled "Severability" and Section 9 entitled "Purpose / Amendment and Restatement/Repeal" to Section 9 and Section 10, respectively.

**SECTION 4.** Promptly after adoption of this Ordinance, the Township will provide a copy of this Ordinance to the Berks County Earned Income Tax Collection Bureau. If the Township later rescinds, limits, or changes the scope of the authorization set forth in this Ordinance, then the Township will immediately notify the Berks County Earned Income Tax Collection Bureau.

**SECTION 5.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION 7.** All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

**SECTION 8.** This Ordinance shall become effective in accordance with the law.

ENACTED AND ORDAINED this 26<sup>th</sup> day of May, 2016.

TOWNSHIP OF MARION  
Berks County, Pennsylvania



Peter I. Wallace, Chairman

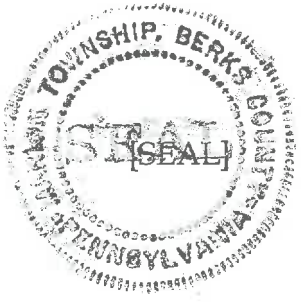


Roy H. Zartman, Vice Chairman



Franklin M. Troutman

Attest:

  
(Assistant) Secretary

MUNICIPAL CERTIFICATION

I, Jason Lee Brown, (Assistant) Secretary of the TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was advertised in the *Reading Eagle*, a daily newspaper of general circulation in Berks Township, on Wednesday, May 18, 2016, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on May 26, 2016.



Jason Lee Brown  
(Assistant) Secretary