

BOROUGH OF DICKSON CITY**ORDINANCE No. 1 - 2017****AN ORDINANCE
ESTABLISHING THE SCHEDULE OF A FEE
TO BE CHARGED IN CONNECTION WITH ADMINISTRATION
OF COLLECTION OF ACT 537 TAXES
FOR ADDITIONAL COPIES OF BOROUGH REAL ESTATE TAX BILLS AND
REPEALING PRIOR ORDINANCES**

WHEREAS, the Borough of Dickson City passed Ordinance No, 12 of 2007, recognizing after the issuance of a tax bill, requests for additional copies and/or replacement bills are made which require the issuance of a another copy;

WHEREAS, the Borough Council of the Borough of Dickson City recognizes the importance and significance of real estate tax bills to the smooth and effective flow of commerce within the real estate market and the benefit of timely receipt of tax revenue by units of government and compliance with local, state and federal laws;

WHEREAS, certain expenses are incurred and additional time expended in the issuance or re-issuance of such copies by both the Borough and the elected Borough Tax Collector and/or designees; and

WHEREAS, the Borough is concerned that the charging of fees for tax bills in the absence of a municipal ordinance may cause an elected official to violate, *inter alia*, 65 Pa.C.S.A. § 1103 of the Public Official and Employee Ethics Act , as amended, or other Acts and/or laws of the Borough, Commonwealth or United States; and in compliance, in

part with the Local Tax Collection Law 72 P.S. § 5511.36a .

WHEREAS, the Borough provides a separate office, telephone, internet, computer, envelopes, stamps, access during business hours to a copier/facsimile machine, envelopes, printer, ink cartridges, furniture, and paper for the additional copies of Borough tax bills described hereunder.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of Dickson City Borough, Lackawanna County, Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted by the Authority of the same, that:

Section 1.00 General

Section 1.01. Appointment of Officer(s) and designees to Issue Copies of Tax Bills and reservation of rights.

- (1) The Borough hereby: (a) appoints the locally elected Tax Collector as a municipal officer authorized to provide additional copies of Borough tax bill(s) upon request by the public, subject to the terms hereof, and (b) reserves to the Borough at all times its rights to make available for distribution such copies of additional tax bill(s) and fees related thereto for persons other than the elected Tax Collector, including but not limited to Section 1.01 subsection (3) hereof, providing for allowance at all times of additional persons and means of making available additional copies of Borough tax bill(s).
- (2) A "Borough tax bill(s)" is defined exclusively as a tax levied on real estate as assessed by the Borough of Dickson City.
- (3) The Borough reserves the right, from time to time or at any time, to make additional copies of Borough tax bills available upon request from such other

designated Borough officers, employees or appointed agents, and/or allow such information, additional copy of a tax bill or data to be available or accessed from a Borough designate location, site or provider, by any means including but not limited to electronic. Further no fee or charge shall be collected or paid to the elected Tax Collector for such additional copies of Borough Tax bills described in this subsection (3). Further, the Borough may by further action make such additional Borough tax bill copy/data described in this subsection available at a charge or fee in its discretion or to waive same.

- (4) Nothing herein creates any charge or fee for the Borough tax bill initially issued by the elected Tax Collector as part of his/her office nor does it vary the budgeted salary of the Tax Collector.

Section 1.02. Charge.

- (1) The Borough hereby authorizes the assessment of a single charge of two (\$2.00) dollars, per Borough tax bill per assessed property for request made to the elected Tax Collector for an additional copy of a Borough tax bill, as defined, and furnished by his/her office; and
- (2) No other charges for instruments, certificate(s), or certification of taxes paid on real estate, data on disk or copies of other information or documents are hereby authorized for the elected Tax Collector, and fees and charges for same are to the extent allowed by law prohibited.

Section 1.03. Reimbursement/Payment.

The Tax Collector shall assess and collect such two (\$2.00) dollar charge requested from

his/her office and forward same to the Borough for deposit to its general fund. The Tax Collector shall include in his monthly report the number of tax bill(s) issued and amount received. The Tax Collector shall be reimbursed for the costs associated with the collection as allowed by law which are determined to be in the amount of one (1.00) dollar, subject to withholdings as required by law, the balance shall remain with the Borough.

Section 1.03 School District

Nothing herein is intended to allow for the charging of a fee or charge for a copy of a Mid Valley School District ("School District") tax bill or tax bill from any other taxing body. Nothing herein prohibits the School District or other body from assessing or levying a fee or charge for additional copies of such entities own tax bill, as may be permitted by law.

Section 2.0 Severability, Repeal, and Enactment

Section 2.01. Severability: If any sentence, clause, phrase, section, or part of this Ordinance is, for any reason, determined to be invalid, illegal or unconstitutional, such determination 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 Council that this Ordinance would have been adopted had such unconstitutional, illegal, or Invalid sentence, clause, section or part thereof not been included in this Ordinance. Further, with respect to any determination as to effectiveness for payment for services to any designee, it is declared as the intent of Council this ordinance shall be construed as being effective as of such time and retained by such person at the earliest date as is allowed by law.

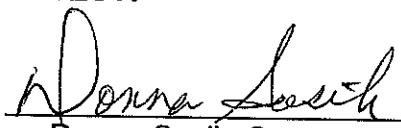
Section 2.02. Repeal of Prior Ordinances. Any prior Ordinances or parts thereof inconsistent with the terms of this Ordinance are hereby repealed, upon the Tax Collector

elected in the municipal election 2017 taking office on the date established by law in year 2018. Nothing herein shall be construed to repeal the assessment or collection of any fee under Ordinance 12 of 2007 as amended by Ordinance No. 2 of-2016, as the same existed prior to the effective date of this Ordinance.

Section 2.03. Enactment/Effective date. This Ordinance shall be effective and enforceable upon date the Dickson City Borough Tax Collector as may be elected in the municipal election 2017 qualifies for such office on the date established by law in year 2018.

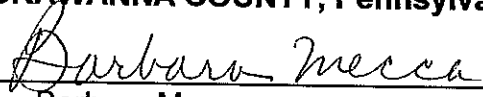
Ordained and passed into law this 30th day of January, 2017.

ATTEST:



Donna Sosik, Secretary

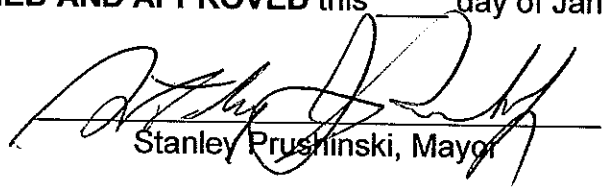
**BOROUGH OF DICKSON CITY,
LACKAWANNA COUNTY, Pennsylvania**

BY: 

Barbara Mecca
President of Council

[SEAL]

EXAMINED AND APPROVED this _____ day of January, 2017



Stanley Prushinski, Mayor

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