




BEGLEY, CARLIN & MANDIO, LLP

MEMORANDUM

CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED

TO: Perkasio Borough Council
FROM: Nathan D. Fox, Esquire 
DATE: January 30, 2017
RE: **Proposed Ordinance 1002 –Commission of Tax Collector**

Council:

A public hearing has been advertised for February 6, 2016, to discuss, consider, and potentially adopt Ordinance 1002 which amends Chapter 46 of the Perkasio Borough Code of Ordinances pertaining to the Commission of the Tax Collector, authorizing the Tax Collector to collect \$6.00 per tax bill collected or liened, beginning on January 1, 2018; and authorizing the Tax Collector to collect an additional fee of \$10.00 per duplicate billing, beginning on January 1, 2018.

Attached are the following:

- Ordinance 1002 attached as Exhibit "A;"
- Correspondence to the Intelligencer and the Bucks County Law Library attached as Exhibit "B;"
- Proof of Publication for Public Notice, published in the Intelligencer on January 22, 2017, attached as Exhibit "C."

Council must vote on the following Motion in order to effectuate this amendment:

**MOTION TO APPROVE ORDINANCE 1002, AMENDING
CHAPTER 46 OF THE PERKASIE BOROUGH CODE OF
ORDINANCES PERTAINING TO THE COMMISSION OF
THE TAX COLLECTOR.**

As always, if you have any questions of me, please do not hesitate to contact me.

EXHIBIT “A”

**PERKASIE BOROUGH
ORDINANCE NO. 1002**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE,
BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 46 OF THE
PERKASIE BOROUGH CODE OF ORDINANCES PERTAINING TO THE
COMMISSION OF THE TAX COLLECTOR**

WHEREAS, the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, after public hearing, the Borough Council deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend its Code of Ordinances to set the commission and payment of the Borough Tax Collector as specified herein;

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Perkasia Borough will be served by this Ordinance amendment.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. The Perkasia Borough Code of Ordinances shall be and is hereby amended as follows:

1. §46-3.B is amended to authorize the Tax Collector of the Borough of Perkasia to collect \$6.00 per tax bill collected or liened, beginning on January 1, 2018.
2. §46.3.C(2) is amended to authorize the Tax Collector of the Borough of Perkasia to collect an additional fee of \$10.00 per duplicate billing, beginning on January 1, 2018.

SECTION 2. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION 3. The Council of the Borough of Perkasia does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 6. This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 7. Under the authority conferred by the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio.

Approved by the Borough Council of the Borough of Perkasio, this _____ day of February, 2017.

Attest:

BOROUGH OF PERKASIE

Andrea L. Coaxum, Secretary

James Ryder, Council President

Examined and approved this ____ day of _____, 2017.

John Hollenbach, Mayor

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ENACTMENT AND SIGNATURE

EXHIBIT “B”

WILLIAM J. CARLIN
1926-2004
S. RICHARD KLINGES, III
1932 - 2011

THOMAS J. PROFY, III
JOHN P. KOOPMAN
JEFFREY P. GARTON
THOMAS R. HECKER
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January 17, 2017

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VIA E-MAIL ONLY

legals@calkins.com

Daily Intelligencer
ATTN: Legal Advertising
333 North Broad Street
Doylestown, PA 18901

***Re: Borough of Perkasië – Proposed Ordinance 1002 -- Public Hearing
Publication Date: Sunday, January 22, 2017***

Dear Sir/Madam:

Please place the enclosed Notice in the legal notice section of the Intelligencer on Sunday, January 22, 2017. Said Ordinance is the subject of a public hearing occurring on Monday, February 6, 2017. Please forward proof of publication and your statement for services rendered to this office. A copy of the draft of the Ordinance for consideration is enclosed.

If you have any questions, please do not hesitate to contact me. Thank you for your cooperation in this matter.

Very truly yours,

Nathan D. Fox

NDF/br

Enclosure

cc: Borough Manager (*via e-mail*)

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Bucks County Law Library
Bucks County Courthouse
55 East Court Street
Doylestown, PA 18901

RE: Public Hearing Notice – Proposed Ordinance No. 1002

To Whom It May Concern:

Enclosed please find a copy of Perkasio Borough proposed Ordinance No. 1002 which has been advertised for a Public Hearing on February 6, 2017, related to amendment of the Perkasio Borough Code of Ordinances. This copy is provided for review and inspection pursuant to Public Notice published in *The Daily Intelligencer*. Also, enclosed please find our check in the amount of \$10.00 to cover the cost of the fee for same.

Please maintain this copy for public inspection purposes. Should you have any questions of me or need anything further, please do not hesitate to contact me.

Very truly yours,

Nathan D. Fox

NDF/br

Enclosure

cc: Borough Manager (*via e-mail*)

EXHIBIT “C”

**NOTICE
BOROUGH OF PERKASIE**

NOTICE IS HEREBY GIVEN that the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, will conduct a public hearing on **Monday, February 6, 2017**, at **7:00 PM** at the Perkasia Borough Municipal Building, 620 West Chestnut Street, Perkasia, Pennsylvania. The public hearing has been advertised pursuant to the Municipalities Planning Code. The purpose of the hearing will be to consider the adoption of proposed **Ordinance 1002** which is summarized as follows:

If adopted, the proposed Ordinance would amend Chapter 46 of the Perkasia Borough Code of Ordinances Pertaining to the Commission of the Tax Collector, authorizing the Tax Collector to collect \$6.00 per tax bill collected or liened, beginning on January 1, 2018; and authorizing the Tax Collector to collect an additional fee of \$10.00 per duplicate billing, beginning on January 1, 2018.

The full text of the proposed Ordinance may be examined at the Perkasia Borough Municipal Building located at 620 West Chestnut Street, Perkasia Borough, Pennsylvania 18944, during normal business hours and a copy of the proposed Ordinance has been provided to the Bucks County Law Library. Nathan D. Fox, Esquire Solicitor to the Borough of Perkasia Begley, Carlin & Mandio, LLP 680 Middletown Boulevard Langhorne, PA 19047 1t J 22

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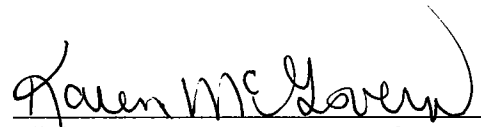
Ann Clark being duly affirmed according to law, deposes and says that he/she is the Legal Billing Co-ordinator of the CALKINS NEWSPAPER INCORPORATED, Publisher of The Intelligencer, a newspaper of general circulation, published and having its place of business at Doylestown, Bucks County, Pa. and Horsham, Montgomery County, Pa.; that said newspaper was established in 1886; that securely attached hereto is a facsimile of the printed notice which is exactly as printed and published in said newspaper on

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January 22, 2017
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and is a true copy thereof; and that this affiant is not interested in said subject matter of advertising; and all of the allegations in this statement as to the time, place and character of publication are true.



LEGAL BILLING CO-ORDINATOR



Affirmed and subscribed to me before me this 23rd day of January 2017 A.D.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Karen McGovern, Notary Public
Tullytown Boro, Bucks County
My Commission Expires Feb. 19, 2017
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES