

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 223-02-18

**AN ORDINANCE OF LOWER NAZARETH TOWNSHIP,
NORTHAMPTON COUNTY, ESTABLISHING FEES FOR
RETURN CHECK CHARGES; ESTABLISHING SERVICE
CHARGE FEES FOR CERTIFICATION AS TO THE
PAYMENT STATUS OF TAXES PREPARED BY THE TAX
COLLECTOR'S OFFICE; ESTABLISHING SERVICE
CHARGE FEES FOR PROVISION OF DUPLICATE
ORIGINAL TAX BILLS; REPEALING ORDINANCES,
RESOLUTIONS OR PARTS THEREOF IN CONFLICT
HEREWITH; PROVIDING FOR THE SEVERABILITY OF
PARTS OF THIS ORDINANCE DEEMED TO BE INVALID;
AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Lower Nazareth Township Tax Collector's office is often paid by way of check; and

WHEREAS, on occasion those checks either are drawn on closed accounts, accounts with insufficient funds or such problems that necessitate the check being returned or not honored initially by the bank; and

WHEREAS, this type of activity can result in a fee being assessed against Lower Nazareth Township's Tax Collector's Office; and

WHEREAS, the Lower Nazareth Township Tax Collector's Office is often requested to provide individuals, firms or corporations with a statement regarding the payment status of taxes; and

WHEREAS, the Lower Nazareth Township Tax Collector's Office is often requested to provide individuals, firms or corporations with duplicate original tax bills.

WHEREAS, the Township of Lower Nazareth recognizes the importance and significance of real estate tax certifications, being a certification of taxes paid on real estate located within the taxing jurisdiction, and the necessity on occasion to issue duplicate tax bills where the original may have been lost, stolen or misplaced after the original bill was issued, in order to effectuate the smooth and effective flow of commerce within the real estate market; and

WHEREAS, the Pennsylvania Commonwealth Court has held that the charging of fees for the aforesaid in the absence of a municipal ordinance would cause an elected official to violate Section 3(a) of the State Ethics Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Nazareth Township, County of Northampton, Commonwealth of Pennsylvania, pursuant to the authority granted it by the Second Class Township Code and Local Tax Collection Law hereby appoints the duly elected or appointed real estate tax collector, and his/her designee, as the municipal officer authorized to provide tax certifications and duplicate bills upon request by the public to collect fees as follows:

Section I. Establishment of Fees

A. RETURN CHECK FEE

1. Lower Nazareth Township hereby authorizes the Tax Collector's Office to impose a fee of \$50.00 per check being returned for insufficient funds commencing five (5) days after the effective date of this Ordinance.
2. The fee authorized hereby may be changed from time to time, by resolution of the Township, in the event the Township determines a need to change the initially authorized fee.

B. SERVICE FEE REGARDING TAX CERTIFICATION

1. Lower Nazareth Township hereby authorizes the Township Tax Collector's Office to impose a service fee of \$20.00 to be assessed to each person, firm or corporation requesting a certification as to the payment status of real estate taxes from the Lower Nazareth Township Tax Collector's Office.
2. The fee authorized hereby may be changed from time to time, by resolution of the Township, in the event the Township determines a need to change the initially authorized fee.

C. SERVICE FEE FOR DUPLICATE ORIGINAL TAX BILL

1. Lower Nazareth Township hereby authorizes the Township Tax Collector's Office to impose a service fee of \$10.00 to be assessed to each person, firm or corporation requesting a duplicate original tax bill.
2. The fee authorized hereby may be changed from time to time, by resolution of the Township, in the event Township determines a need to change the initially authorized fee.

SECTION II. Severability

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decisions shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the intention of the Board of Supervisors of the Township that this Ordinance would have been adopted if such invalid or unconstitutional provisions had not been included.

SECTION III. Repealer

Any Ordinance, Resolution and/or other regulation of the Township, or any parts of Ordinances, Resolutions and/or other regulations of the Township, in conflict herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or other regulations of the Lower Nazareth Township, County of Northampton, Commonwealth of Pennsylvania shall remain in full force and effect.

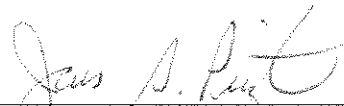
SECTION IV. Effective Date

This Ordinance shall become effective five (5) days after its adoption.


DULY ENACTED AND ORDAINED into an Ordinance this 28 day of February, 2018, by a majority of the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Commonwealth of Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present. As part of this Ordinance, the Board of Supervisors has directed that the Chairman, or Vice-Chair in the absence of the Chairman, execute this Ordinance on behalf of the Board.

**TOWNSHIP OF LOWER NAZARETH
BOARD OF SUPERVISORS**

ATTEST:



James S. Pennington, Chairman



Tammi Dravec, Secretary/Treasurer