

BILL NO. 57 2012

**AN ORDINANCE OF THE CITY OF READING TO IMPLEMENT A
BUSINESS TAX AMNESTY PROGRAM BETWEEN JUNE 17 AND
AUGUST 18, 2012 WHICH FORGIVES TAXPAYERS WHO PAY CERTAIN
PAST DUE PER CAPITA TAXES AND BUSINESS PRIVILEGE TAXES FROM
LIABILITY FOR REMAINING PAST DUE BUSINESS TAXES, INTEREST, AND
CIVIL AND CRIMINAL PENALTIES**

WHEREAS, the Council of the City of Reading believes that a Per Capita and Business Privilege Tax Amnesty Program will promote increased voluntary compliance by allowing taxpayers who pay certain Per Capita Taxes and Business Privilege Taxes owed to be free from liability as well as penalties and interest for prior noncompliance; and

WHEREAS, increased voluntary compliance with the Per Capita and Business Privilege Tax Ordinance will increase the City's tax revenues and reduce the City's collection costs; and

WHEREAS, it is the intent of Council to exempt taxpayers who fully pay certain past due Business Privilege Taxes from liability for any remaining past due penalties, interest, civil and criminal penalties otherwise imposed pursuant to the City of Reading Codified Ordinances Chapter 24 Special Taxation Parts 1 and 5.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Reading that:

SECTION 1. The City of Reading Citizens Service Center shall administer an *Amnesty Program for Per Capita and Business Privilege Taxes having undeclared liabilities owed* pursuant to Chapter 24 Special Taxation Parts 1 and 5 of the City of Reading Codified Ordinances. The Program shall be conducted during the period of June 18, 2012, through August 17, 2012, inclusive. ~~The Per Capita and Business Privilege Tax Amnesty Program shall not be eligible to citizens who are currently in collection or foreclosure for any municipal tax, fee, fine or utility payment or to any citizen who currently owns a property with delinquent property taxes.~~ *This Amnesty Program shall not be applied to any existing payment plan.*

SECTION 2. The Per Capita and/or Business Privilege Tax Amnesty Program shall be administered as follows:

A. Request for Per Capita and Business Privilege Tax Amnesty

In order to participate in the Program, the taxpayer shall make a Request for Per Capita and/or Business Privilege Tax Amnesty with the Citizens Service Center Manager in person, by mail or by telephone on any business day from June 17, 2012 through August 18, 2012, inclusive. *The Citizens Service Manager shall determine if the submission of an application form is also required.*

1. If the Request for Per Capita and Business Privilege Tax Amnesty is submitted to the City by mail:

- a. The Request must be ~~notarized~~ and postmarked by the United States Postal Service no later than August 18, 2012 to be accepted.
- b. The Request shall include information necessary to enable the calculation of the Per Capita Tax and Business Privilege Tax due for the portion of the Amnesty Period for which the taxpayer failed to fully pay.
- c. The required Business Privilege Tax Amnesty Payment, or the initial installment as set forth below, shall be included with the Request for Business Privilege Tax Amnesty.
- d. Payment shall be made by check or money order.

2. If a Request for Per Capita and Business Privilege Tax Amnesty is submitted to the City in person:

- a. The Request must be made at the Citizens Service Center, located on the First Floor of City Hall, 815 Washington Street, Reading PA, or as otherwise directed by the Citizens Service Manager, no later than the close of business on August 18, 2012 to be accepted.
- b. The Request shall include valid personal identification information necessary to enable the calculation of the Per Capita Tax and Business Privilege Tax due for the portion of the Amnesty Period for which the taxpayer failed to fully pay.
- c. The required Per Capita and/or Business Privilege Tax Amnesty Payment, or the initial installment as set forth *in Section B* below, shall be included with the Request for Per Capita and/or Business Privilege Tax Amnesty.
- d. Payment shall be made by cash, check, or money order.

~~3. If a Request for Business Privilege Tax Amnesty is submitted to the City by phone:~~

- ~~a. A taxpayer may request Amnesty by telephone by calling the number designated by the Citizens Service Center during normal business hours while the Amnesty Program is in effect, but no later than the close of business on August 18, 2012. The taxpayer must speak to an Amnesty Program employee to request the Amnesty and provide payment information.~~
- ~~b. At the time the Request is made, the taxpayer shall provide information necessary to enable the calculation of the Per Capita Tax and Business Tax due for the portion of the Amnesty Period for which the taxpayer failed to fully pay.~~
- ~~c. The taxpayer must remit the amount specified by the Citizens Service Center on or before August 18, 2012 by cash, check or money order by first class mail~~

B. Per Capita Tax and Business Privilege Tax Amnesty Payment

1. The required Per Capita Tax and/or Business Privilege Tax Amnesty Payment is the total amount of unpaid Per Capita Tax and/or Business Privilege Tax which first became due during the Amnesty Period, not including any penalties or interest.
2. An Installment Payment Plan may be requested and approved by the Citizens Service Manager as follows:

	Amount Due	Amount Down	Number of Payments
1.	\$0-\$250	Total amount Due	0
2.	\$251-\$500	\$250	2
3.	\$501 and above	\$250	4

C. Failure to Pay Installments

1. Failure of the taxpayer to fully pay any installment when due shall disqualify the taxpayer from receiving the forgiveness of any remaining past due Per Capita and/or Business Privilege Tax, interest, civil penalty, or criminal action applicable under this Ordinance and the total unpaid amount of Per Capita and/or Business Privilege Tax, penalties and interest shall become immediately due and payable. "Failure of the taxpayer to fully pay any Installment when due" means a failure of the taxpayer to tender payment for the entire amount owing by the applicable due date, or, if tender has been made, a failure of the City to receive full value for the tender by the due date because of a dishonored check or other reason.
2. In the event of a taxpayer's failure to fully pay any installment when due, penalties and interest shall be calculated under the provisions of Chapter 24 Special Taxation Parts 1 and 5 of the City of Reading Codified Ordinances without regard to the provisions of this Ordinance.

SECTION 3. Any taxpayer who pays in full all sums due in accordance with the Program shall be entitled to the following benefits:

- A. The City shall waive all remaining past due Per Capita and/or Business Privilege Tax which first became due before the beginning of the Amnesty Period, and interest and civil penalties imposed under Chapter 24 Special Taxation Parts 1 and 5, where such amounts are owed due to the nonreporting or underreporting of tax liabilities or the failure to pay Per Capita and/or Business Privilege Tax previously due.
- B. The City shall bring no criminal action against the taxpayer, based upon the nonreporting or underreporting of tax liability or the nonpayment of Per Capita and/or Business Privilege Tax previously due.

SECTION 4.

A. No refund or credit shall be granted for any amount of interest or penalty paid prior to the time the taxpayer makes a request for Per Capita and/or Business Privilege Tax Amnesty pursuant to this Ordinance.

B. Any taxpayer against whom a civil or criminal action for Per Capita and/or Business Privilege Tax liability was commenced as per Chapter 24 Special Taxation of the City of Reading Codified Ordinances shall not be eligible for the Program.

C. The Citizens Service Center Manager shall publicize the Program, be authorized to issue forms and instructions, and take other actions necessary to implement this Ordinance.

D. If the taxpayer disagrees with the calculation of the amount of Per Capita and/or Business Privilege Tax due to the City, PA Act 50 of 1998, the Local Taxpayers Bill of Rights, provides an appeal process. If the tax payer chooses to appeal, he may file a petition with the Citizens Service Center Manager. The petition must be in writing stating the facts of the issue and the position on the results of the calculation or assessment . The petition must be by certified mail and postmarked on or before ninety (90) days from the day the amount due was provided. A decision on the petition shall be issued in writing within sixty (60) days of the date a complete and accurate petition is received. If the Citizens Service Center does not reply in a timely manner, you may consider your petition approved. If you disagree with the decision, you may appeal to the Berks County Court of Common Pleas.

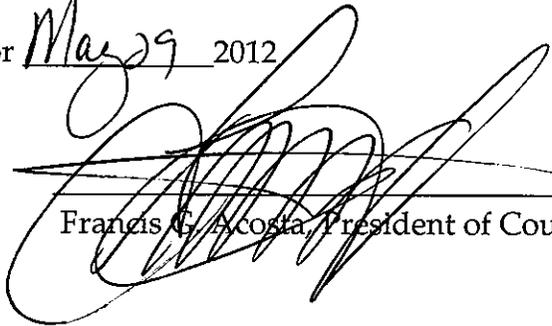
~~D. Any taxpayer who contests the Citizens Service Manager's calculation of the amount due under the Amnesty Program may request a hearing pursuant to Section 4.76.870 of Chapter 4.76 of Title 4 of the San Jose Municipal Code. For the purposes of that hearing, the Director's determination of the amount due shall be deemed to be an "assessment" within the meaning of Sections 4.76.860 and 4.76.870. The hearing shall be requested within ten (10) days following service of the assessment under Section 4.76.870. If no service is made within the meaning of Sections 4.76.860 and 4.76.870, the request for hearing shall be made no later than October 27, 2006.~~

SECTION 5: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

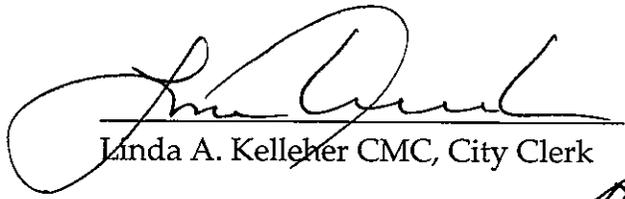
SECTION 6: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 7: This Ordinance, advertised in the May 21, 2012 Reading Eagle, shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted by Council on May 29 2012



Francis G. Acosta, President of Council


Linda A. Kelleher CMC, City Clerk

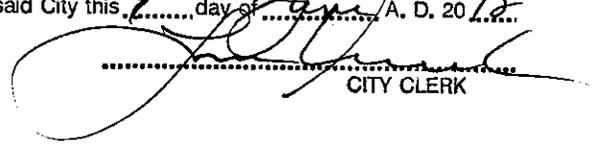
Taken to the Mayor's Office by  on 5/30/12

Received by the Mayor's Office by  on 5/30/12

Approved by the Mayor  on 5/30/12

Vetoed by the Mayor _____ on _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 29 day of May A. D. 20 12. Witness my hand and seal of the said City this 29 day of May A. D. 20 12.


CITY CLERK