

Council of the City of York, PA
Session 2014
Bill No. 23
Ordinance No. 21

INTRODUCED BY:  David Satterlee

DATE: September 2, 2014

AN ORDINANCE

**OF THE CITY OF YORK, YORK COUNTY, PENNSYLVANIA, AUTHORIZING AN
INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE
IMPLEMENTATION OF THE YORK COUNTY REGIONAL CHESAPEAKE BAY
POLLUTANT REDUCTION PLAN.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the City of York, York County, Pennsylvania (the "Municipality"), as follows:

SECTION 1: Intergovernmental Cooperation. The cooperation with other nearby municipalities to implement a Regional Chesapeake Bay Pollutant Reduction Plan and to share in the costs of administering it is hereby authorized.

SECTION 2: Agreement. The Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan (the "Agreement") is attached hereto as Exhibit "A" and incorporated herein by reference. Provisions of the Agreement, include but are not limited to, the following:

- a. The Purpose in the Background and Section 3.
- b. Duration and Term in Section 10.
- c. Financing in Section 8.
- d. Organizational Structure for implementation in Section 4.

The Municipality is hereby authorized to enter into the Agreement. Further, the Municipality may modify the Agreement by subsequent resolution.

SECTION 3: Adoption of Ordinance. This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 *et seq.*, and the authority granted herein shall continue from year to year while the Municipality cooperates pursuant to the Agreement.

SECTION 4: Staff and Officials. The staff and officials of the Municipality are directed and empowered to take all actions necessary or convenient to implement this Ordinance and the Agreement.

SECTION 5: Inconsistency. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6: Effective Date. The Ordinance shall become effective five (5) days after date of enactment as provided by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that the Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan is adopted.

PASSED FINALLY: **September 16, 2014**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans = 5

NAYS: None.

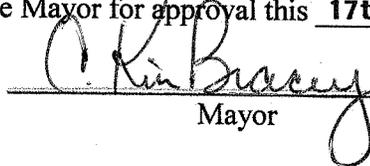

Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 17th day of September 2014.

Approved:


Mayor

9/17/14
Date

Vetoed:

Mayor

Date

Council of the City of York, PA
Session 2014
Bill No. 24
Ordinance No. 22

INTRODUCED BY: **Michael Ray Helfrich** DATE: **September 2, 2014**


AN ORDINANCE

Amending Article 349 "Admissions Tax" of the York City Codified Ordinances to update definitions, payment of taxes, and add exemptions and limitations.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, PA, that Article 349 "Admissions Tax" of the York City Codified Ordinances is hereby amended as attached hereto and made a part hereof.

PASSED FINALLY: **September 16, 2014**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None.

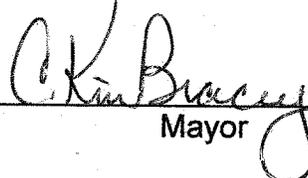

Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 17th day of September 2014.

Approved:


Mayor

9/17/14
Date

Vetoed:

Mayor

Date

Amended Bill No. 24, Ordinance No. 22, Session 2014

ARTICLE 349
Admissions Tax

349.01	Definitions.		
349.02	Tax imposed. Imposition of Tax.		
349.03	Amusement permits.	349.08	Suspension and revocation of permits; Council hearing.
349.04	Payment Collection of tax.	349.09	Application of taxes.
349.05	Reports.	349.10	Powers of Collector.
349.05	Late fees.	349.11	<u>Exemptions; Limitations</u>
349.06	Examination of records.	349.99	Penalty.
349.07	Estimated tax.		

CROSS REFERENCES

Power to tax - see Act 511 of 12-31-65
(53 P.S. §6901-6924)

349.01 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Admission" means a monetary charge of any character whatever, including donations, contributions and dues, or membership fees, periodical or otherwise, charged or paid for the privilege of attending or engaging in amusements. When such amusement is conducted at any ~~roof garden, night club, cabaret, or like~~ place furnishing a public performance ~~for profit~~ where the charge for admission is wholly, or in part, included in the price paid for refreshment, service, or merchandise, the "admission charge" to such amusement shall be deemed to be the amount of the charge or charges for cover charge, minimum charge, the charge for food and service during such performance and any unpaid charges prior to the performance if such charges entitled the payer to be present at the performance and are paid during or after such period. In the case of persons, except bona fide employees of the person conducting the amusement or municipal or State officers on official business, the admission charge includes those admitted free or at reduced rates at a time when and under circumstances under which an established price is charged to other persons. ~~In the case of persons having the permanent use of boxes or seats in place of amusement or a lease for the use of such box or seat in such place of amusement, the tax imposed by this article shall be computed on the established price for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder.~~

- (b) "Amusement" means all manner and form of entertainment within the City including among others, the following: theatrical performance, operatic performance, ~~motion picture exhibition, sound motion picture exhibition~~, carnival, circus, show, concert, lecture, swimming ~~or bathing~~ pool, vaudeville show, side show, amusement park and all forms of entertainment therein, dancing and any other form of diversion, pastime or recreation for which admission is charged or paid. "Amusement" does not include any form of entertainment, the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of religious, educational, governmental or charitable institutions that qualify as a purely public charity under the Pennsylvania Constitution, societies or veterans organizations or police or firemens pension organizations, or any form of entertainment conducted by a nonprofit organization or association exclusively for its members and their bona fide guests.
- (c) "Collector" means the License Tax Officer of the City of York.
- (d) "Person" means any natural person, entity, firm foundation, institution, individual, partnership, limited partnership, co-partnership, association or corporation, or unincorporated association, except the term person shall not include any political subdivision or municipal corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person," as applied to a corporation or association, shall include the officers thereof.
- (e) "Producer" means any person, as herein defined, conducting any place of amusement, as herein defined, where the general public, or a limited or select number thereof, may, upon the payment of an established price, attend or engage in any amusement, or any person, as herein defined, who is responsible for selling tickets and collecting admission to any qualifying amusement.
- (f) "Temporary amusement" means any amusement which is conducted or to be conducted at one location for a period of ten days or less.
- (g) "Yearly amusement" means any amusement which is conducted or to be conducted at one location for a period of more than ten days.
- (Ord. 78-1967 §2.)

349.02 TAX IMPOSED: IMPOSITION OF TAX.

~~A tax is hereby imposed for general revenue purposes upon the sale of admission to any amusement within the City, at the rate of five percent of the admission charged or paid, which tax shall be paid by the person so admitted. (Ord. 78-1967 §3.)~~

- (a) A tax is hereby imposed, for the general revenue purposes, at the rate of 5% of the price of admission to each and every amusement within the City of York, York County, Commonwealth of Pennsylvania.
- (b) Where the price of admission is based on a group rate or discount, the tax shall be based upon the gross admissions collected.
- (c) The maximum tax imposed on any single admission shall not exceed \$3.00.

349.03 AMUSEMENT PERMITS.

- (a) On and after January 1, 1968, any person desiring to conduct, or to continue to conduct any amusement within the City shall file with the Collector, an application for a yearly amusement permit or a temporary amusement permit, as the case may be, and shall pay the fee for such permit as required by this article. ~~A permit shall be issued for a yearly amusement at a fee of two dollars (\$2.00); a permit shall be issued for a temporary amusement at a fee of one dollar (\$1.00).~~

(b) Every application for such permit or permits shall be made upon a form prescribed, prepared and furnished by the Collector, and shall set forth the name under which the applicant conducts or intends to conduct an amusement, whether the applicant conducts or intends to conduct a yearly or temporary amusement, the location of the amusement covered by the application, and such other information as the Collector may require. If the applicant conducts or intends to conduct an amusement at more than one location within the City, a separate application shall be filed and a permit fee paid for each such location. In the case of a temporary amusement, the date and length of time such amusement is to be conducted shall be set forth, and the application shall **include a statement of consent of the lessee or owner of the location of said amusement including the state-the name, and address of the owner, lessee or custodian of the premises on which such amusement is to be conducted, and signature.** The application shall be signed by the applicant, if a natural person, and in the case of an association or partnership, by a member or partner thereof, and in the case of a corporation, by an officer thereof.

(c) Every applicant, at the time of making such application, shall pay to the Tax Administration Office a permit fee of \$25.00 for each temporary or yearly permit.

(d) Upon the approval of each application and the payment of any permit fee herein required, the Collector shall grant and issue to each applicant a yearly or temporary amusement permit for each place of amusement. Amusement permits shall not be assignable and shall be valid only for the person and place of amusement in whose name they are issued, and shall at all times be conspicuously displayed at the place for which they are issued. All yearly amusement permits shall expire December 31 next succeeding the date upon which they were issued unless sooner suspended, surrendered or revoked for cause by the proper authorities of the City. All temporary permits shall expire at the time specified therein.

(e) In the case, of loss, defacement or destruction of any permit, the person to whom the permit was issued shall apply to the Collector for a new permit for which a fee of ~~fifty cents (50¢)~~ **\$10.00** shall be charged. (Ord. 78-1967 §4.)

349.04 COLLECTION PAYMENT OF TAX.

(a) Each producer holding a permit shall, on or before the last day of each month following the end of each quarter of each year after the effective date of this article, transmit to the Business Administrator, or his designee, on a form prescribed and prepared by him, a report of the amount of tax collected by him during the preceding quarter of the year. Said report shall be submitted under oath or affirmation of the producer. Quarters of the year shall end as follows: March 31, June 30, September 30, and December 31. Reports shall be due, respectively for each quarter, on or before April 30, July 31, October 31 and January 31.

(b) Every producer holding a temporary permit shall, within 30 days of the expiration of the temporary permit, transmit to the Business Administrator, or his designee, on a form prescribed or prepared by him, a report of the amount of tax collected by him during the term of the temporary permit. Said report shall be submitted under oath or affirmation of the producer.

(c) Each producer, at the time of making each and every report required by this section, shall compute and pay to the Office of the Business Administrator, the taxes collected by him and due to the City during the period for which the report is made.

~~(a) — Every person conducting any amusement, within the City shall collect the tax imposed by this article, and shall be liable to the City as an agent thereof, for the payment of the same into the City Treasury, through the Collector, as hereinafter provided in this article.~~

~~(b) — Where permits are obtained for conducting temporary amusements by persons who are not the owners, lessees or custodians of the places where the amusements are to be conducted, the tax imposed by this article shall be paid by the owner, lessee or custodian of such place where such temporary amusement is held or conducted, unless paid by the person conducting the amusement. (Ord. 78-1967 §5.)~~

~~349.05 REPORTS.~~

~~(a) Every person conducting a yearly amusement shall, on or before the tenth day of each month after January 1, 1968, transmit to the Collector on a form prescribed and prepared by him under oath or affirmation, a report of the total admissions charged or collected during the preceding month, and the total amount of tax due from such person upon such admission.~~

~~(b) Every person conducting a temporary amusement shall at the close of each day on which such amusement is held, after the effective date of this section, transmit to the Collector on a form prescribed and prepared by him under oath or affirmation, a report of the total admissions charged or collected during the day and the total amount of tax due from such person upon such admission.~~

~~(c) Every person conducting an amusement, at the time of making the reports required by this section, shall pay to the Collector the total amount of taxes due to the City during the period for which the report is made. However, such person may deduct therefrom two percent thereof providing payment is made on or before the due date thereof. All such taxes shall bear interest at the rate of one percent per month, or fractional part of a month, from the day they are due and payable, until paid. (Ord. 78-1967 §6.)~~

349.05 LATE FEES.

If any person conducting an amusement shall neglect or refuse to make any report of payment as herein required, an additional ten percent of the amount of the tax shall be added by the Collector and collected. All such taxes shall be recoverable by the City Solicitor as other debts due the City are now by law recoverable. **All such taxes shall bear interest at the rate of 1% per month or fraction thereof from the day they are due and payable, until paid.**

349.06 EXAMINATION OF RECORDS.

If the Collector is not satisfied with the report and payment of tax made by any person conducting an amusement under the provisions of this article, he is hereby authorized and empowered to make a determination of the tax due by such person, based upon the facts contained in the report, or upon any information within his possession, or that shall come into his possession, and for this purpose, the Collector is authorized to examine the books, papers, tickets, ticket stubs and records of any person conducting an amusement taxable under this article, to verify the accuracy of any report or payment made under the provisions thereof, or to ascertain whether the tax imposed by this article has been paid. (Ord. 78-1967 §8.)

349.07 ESTIMATED TAX.

If any person conducting an amusement shall neglect or refuse to make any report and payment of tax required by this article, or if, as a result of any investigation by the Collector a report is found to be incorrect, the Collector shall estimate the tax due by such person and determine the amount due by him for taxes, penalties and interest thereon. (Ord. 78-1967 §9.)

349.08 SUSPENSION AND REVOCATION OF PERMITS; COUNCIL HEARING.

The Collector may suspend, or, after hearing, revoke an amusement permit whenever he finds that the holder thereof has failed to comply with any of the provisions of this article. Upon suspending or revoking any amusement permit, the Collector shall request the holder thereof to surrender to him immediately, all permits, or duplicates thereof, issued to him and the holder shall surrender promptly all such permits to the Collector as requested. Whenever the Collector suspends an amusement permit, he shall notify the holder immediately and Council shall afford him a hearing if requested, within five days of such notice. After such hearing Council shall either rescind the order of suspension, or good cause appearing therefore, shall continue the suspension or revoke the permit. (Ord. 78-1967 §10.)

349.09 APPLICATION OF TAXES.

All taxes, interest and penalties collected or received under the provisions of this article shall be paid into the City treasury for use and benefit of the City. (Ord. 78-1967 §11.)

349.10 POWERS OF COLLECTOR.

The Collector is hereby authorized and directed to make and keep such records, prepare such forms, make such regulations and take such other measures as may be necessary or convenient to carry this article into effect and may in his discretion, require reasonable deposits to be made by applicants for temporary permits.

349.11 EXEMPTIONS; LIMITATIONS.

(a) The tax herein levied and imposed shall not be charged and collected on admissions where the maximum venue capacity is 100 persons or less, based on the permitted occupancy capacity of the venue as determined by applicable building codes, or where the admission prices are is \$5.00 or less.

(b) The tax herein levied and imposed shall not be charged and collected on admissions to any form of amusement which is sponsored, organized, and promoted by, and whose benefits inure to, a political subdivision or municipal corporation within the Commonwealth of Pennsylvania.

(c) The tax herein levied and imposed shall not apply to membership dues, fees or assessments for charitable, religious, beneficial or nonprofit organizations, so long as the charge and collection of such tax is prohibited by applicable law.

(d) The tax herein levied and imposed shall not apply to admissions to motion-picture exhibitions and sound motion-picture exhibitions having no form of live entertainment, vaudeville or theatrical performance in connection therewith, to the extent the charge and collection of such tax is prohibited by applicable law.

(e) The tax herein levied and imposed shall not apply to membership, membership dues, fees or assessments, donations, contributions or monetary charges of any character whatsoever paid by the general public, or a limited or select number thereof, for such persons to enter in to any place, indoors or outdoors, to engage in any activities, the predominant purpose or nature of which is exercise, fitness, health maintenance, improvement or rehabilitation, health or nutrition education, or weight control, so long as the charge and collection of such tax is prohibited by applicable law.

(f) The tax herein levied and imposed shall only apply to admissions to bowling alleys or bowling lanes, to the extent permitted by applicable law.

(g) The tax herein levied and imposed shall not apply to racetracks, so long as the charge and collection of such tax is prohibited by applicable law.

349.99 PENALTY.

Any person or any officer, agent, servant or employee, thereof, who fails, neglects or refuses to comply with any of the terms or provisions of this article, or any regulation or requirement made pursuant thereto and authorized thereby shall, upon conviction thereof be fined not more than one thousand dollars (\$1,000) and costs of prosecution for each offense, to be collected as other fines and costs are by law collectible and, in default of payment thereof, shall be imprisoned for not more than ninety days (90 days). The fine imposed by this section shall be in addition to any other penalty imposed by any other section of this article.

(Ord. 1-2009. Passed 1-6-09.)

Council of the City of York, PA
Session 2014
Bill No. 25
Ordinance No. 23

INTRODUCED BY: **Michael Ray Helfrich**

DATE: **September 2, 2014**

AN ORDINANCE

Amending Article 730 "Neighborhood Improvement Ordinance," Subsection 730.99(B) "Violation Ticket Penalties," to make it consistent with Article 730.99(A) "Violation Ticket Fines."

BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that Bill No. 16 of Session 2014 establishing Article 730 "Neighborhood Improvement Ordinance," Subsection 730.99(B) "Violation Ticket Penalties" is hereby amended as follows:

730.99 FINES AND PENALTIES

A. Violation Ticket Fines

1. After any warning as allowed in Section 730.99(A)(6), for the first offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of Twenty-five (\$25.00). For the second offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of Fifty (\$50.00) Dollars.
2. For the third offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of One Hundred and Fifty (\$150.00) Dollars.
3. For the fourth or subsequent offense of a violation of this Article within a twelve (12) month period, or a continuous offense which has not been remedied, violation tickets shall be issued in the amounts of Three Hundred (\$300.00) Dollars.
4. Any person who receives a violation ticket for any violation of this Article, except 730.06, may within ten (10) days, admit the violation, waive any right to a hearing and pay the fine in full satisfaction.
5. Any person who violates Section 730.06 Illegal Dumping shall pay a fine of One Thousand (\$1,000.00) Dollars for a violation of 730.06(A) or Five Thousand (\$5,000.00) Dollars for a violation of 730.06(B) for each offense, plus all direct and indirect costs incurred by the City for the clean-up and abatement of the violation.
6. An individual whose first violation is a property maintenance violation on their own property or rented property in their name, shall receive one and only one warning which shall be on record as a violation ticket with no fine attached. Subsequent violations of the neighborhood improvement ordinance shall be subjected to the fines as outlined in Section 730.99(A)(1-5).
 - a. Upon delivery of notice of warning, a copy of the Neighborhood Improvement Ordinance shall also be attached to said notice.

B. Violation Ticket Penalties

1. If the person in receipt of a twenty five (\$25.00) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10.00) dollar penalty for days eleven (11) through twenty (20).

2. If the person in receipt of a fifty (\$50.00) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a fifteen (\$15.00) dollar penalty for days eleven (11) through twenty (20).
3. If the person in receipt of a one hundred ~~and fifty (\$100.00)~~ **(\$150.00)** dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25.00) dollar penalty for days eleven (11) through twenty (20).
4. If the person in receipt of a ~~one hundred and fifty (\$150.00) dollar, two hundred and fifty (\$250.00) dollar, three hundred (\$300.00) dollar or five hundred (\$500.00) dollar~~ violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a fifty (\$50.00) dollar penalty for days eleven (11) through twenty (20).
5. If the person in receipt of a on thousand (\$1,000.00) dollar or five thousand (\$5,000.00) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a one hundred (\$100.00) dollar penalty for days eleven (11) through twenty (20).
6. Failure of the person to make payment or request a hearing within twenty (20) days of a violation ticket shall make the person subject to a citation.

C. Citation Fines

1. Any person, firm or corporation who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Article, except Section 730.06, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than one hundred (\$100.00) dollars, not more than one thousand (\$1,000.00) dollars on each offense or imprisoned no more than ninety (90) days, or both.
2. Any person, firm, or corporation who shall fail, neglect or refuse to comply with the provisions of Section 730.06 of this Article shall, upon conviction, be ordered to pay a fine of not less than one thousand dollars, not more than five (\$5,000.00) dollars on each offense or imprisoned no more than ninety (90) days, or both. In addition, the Magisterial District Judge may impose any other such remedy deemed proper, including, without limitation, an order to clean up unlawful dump sites.

D. Restitution

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

PASSED FINALLY: **September 16, 2014**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

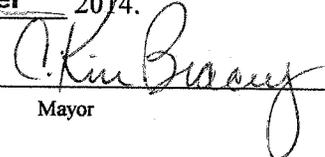
NAYS: None


 Carol Hill-Evans, President of Council

ATTEST:

Presented to the Mayor for approval this 17th day of September 2014.


 Dianna L. Thompson-Mitchell, City Clerk

Approved:  9/17/14
 Mayor Date

Vetoed: _____
 Mayor Date