

ORDINANCE NO. 263

AN ORDINANCE OF EAST ROCKHILL TOWNSHIP AMENDING CHAPTER 1, ADMINISTRATION AND GOVERNMENT, OF THE CODE OF ORDINANCES OF EAST ROCKHILL TOWNSHIP BY ADDING PART 11, MUNICIPAL CLAIMS; INTEREST AND ATTORNEYS' FEES, WHICH ESTABLISHES A SCHEDULE OF ATTORNEY FEES TO BE CHARGED TO DELINQUENT PROPERTY OWNERS FOR LEGAL SERVICES REQUIRED TO COLLECT DELINQUENT MUNICIPAL CLAIMS AND ESTABLISHING A RATE OF INTEREST TO BE CHARGED AGAINST ALL UNPAID MUNICIPAL CLAIMS PURSUANT TO ACT I OF 1996.

PREAMBLE

*WHEREAS*, East Rockhill Township (hereinafter referred to as "*Township*") is required from time to time to enforce collection of delinquent accounts; and

*WHEREAS*, the expense of such enforcement and the record keeping and other services related to the collection, filing, satisfaction, assignment, and revival of municipal claims when absorbed by the Township would constitute a further demand on the Township's resources; and

*WHEREAS*, pursuant to the Municipal Claims Act, 53 P.S. §7106, which authorizes a municipality to assess and collect reasonable attorney fees for the filing and execution of municipal claims, the Board of Supervisors of East Rockhill Township hereby enacts the following schedule of attorneys fees to be assessed for the collection of municipal claims and liens; and

*WHEREAS*, Township has reviewed the subject of attorney fees for collection matters, and has determined that the fees set forth in this schedule hereby adopted are reasonable in amount for the services herein described; and

*WHEREAS*, pursuant to the Municipal Claims Act, 53 P.S. §7143, which authorizes a municipality to determine a rate of interest assessed against any municipal claim, the Board of Supervisors of East Rockhill Township hereby establishes the following interest rate on unpaid municipal claims and liens.

*NOW, THEREFORE*, the East Rockhill Township Board of Supervisors, pursuant to Pennsylvania law, hereby *ENACTS* and *ORDAINS* the following Ordinance amending Chapter 1 of the East Rockhill Township Code of Ordinances by adding Part 11, Municipal Claims; Interest and Attorneys' Fees, as follows:

**ARTICLE I.**

Chapter 1, Administration and Government, of the Code of Ordinances of East Rockhill Township is hereby amended by the addition of the following Part 11, Municipal Claims; Interest and Attorneys' Fees:

**PART 11**

**MUNICIPAL CLAIMS; INTEREST AND ATTORNEYS' FEES**

**§1-1101.**

Any property owner in the Township who has not paid promptly any municipal charge owing to the Township for which the property becomes charged or assessed pursuant to the Municipal Claims Act, 53 P.S. §7101 *et. seq.*, shall also be charged an amount sufficient to compensate the Township for its reasonable attorney fees incurred in the collection of such delinquent charges in accordance with the Township's schedule of attorneys fees attached hereto and incorporated herein as Appendix "A".

**§1-1102.**

At least thirty (30) days prior to assessing or imposing attorneys fees in connection with the collection of a delinquent account, including municipal liens, the Township shall, by United States Certified Mail, Return Receipt Requested, postage prepaid, mail to the owner of the property being so assessed, a notice that includes the following:

1. A statement of the Township's intent to impose or assess attorney fees within thirty (30) days of mailing the notice; and
2. The manner in which the imposition or assessment of attorney fees may be avoided by payment of the delinquent account.

**§1-1103.**

Pursuant to the authority set forth in the Municipal Claims Act, 53 P.S. 7101 *et. seq.*, the Township hereby establishes an interest rate of 10% per annum assessable against all municipal claims from the date of the completion of the work after it is filed as a lien, and on claims for taxes, water rents or rates, lighting rates, or sewer rates from the date of the filing of the lien therefore. The interest collectible on any municipal claim arising out of a municipal project for which the Township issued bonds to finance, however, shall be at the rate of interest of the bond issue for the project or 12% per annum, whichever is less.

**ARTICLE II.**

Repealer. All ordinances, parts of ordinances, and amendments thereof are repealed insofar as they are inconsistent with this Ordinance.

**ARTICLE III.**

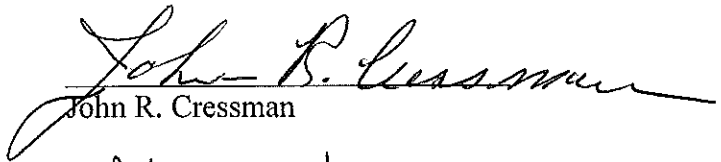
Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of East Rockhill Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

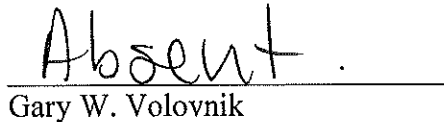
**ARTICLE IV.**

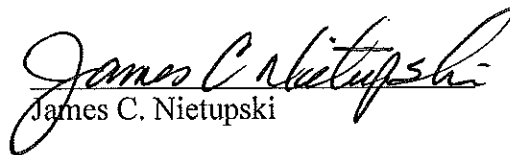
Effective Date. This Ordinance shall become effective five (5) days after its adoption.

*ENACTED AND ORDAINED* this 19 day of 2011, A.D., 2011, by the East Rockhill Township Board of Supervisors in lawful session duly assembled.

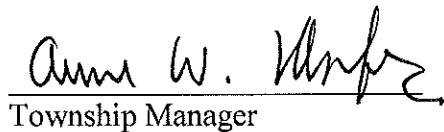
**EAST ROCKHILL TOWNSHIP  
BOARD OF SUPERVISORS**

  
John R. Cressman

  
Gary W. Volovnik

  
James C. Nietupski

ATTEST:

  
Township Manager

# APPENDIX A

## SCHEDULE OF FEES

East Rockhill Township hereby approves the following schedule of attorney fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principals set forth in the Municipal Claims Act, 53 P.S. §7101 *et. seq.*

<u>LEGAL SERVICES</u>	<u>FEE FOR SERVICES</u>
Filing of lien	\$150.00
Title Search	\$250.00
Preparation and Service of Writ of Scire Facias	\$400.00
Required additional notice and presentation of related Motions regarding Federal tax liens, judgments, and mortgages	\$150.00
Alternative service of legal pleadings	\$250.00
Entry of Judgment	\$150.00
Preparation of Writ of Execution and attendance at initial Sheriff's Sale	\$750.00
Preparation of documents for and attendance at each subsequent Sheriff's Sale	\$600.00
Review schedule of distribution and resolve distribution issues	\$250.00
Installment payment agreement at taxpayer's request	\$100.00
Services not covered above	attorneys - \$150.00/hr. paralegals - \$75.00/hr. law clerks - \$50.00/hr.

There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, including Sheriff's and Prothonotary's costs. The amount of fees determined as set forth above shall be added to the Township's claim in each account.