

ORDINANCE NO: **484** of 2011
BOROUGH OF FOREST CITY, SUSQUEHANNA COUNTY
COMMONWEALTH OF PENNSYLVANIA

AN ORDINANCE SETTING FORTH A SCHEDULE OF ATTORNEY FEES FOR SERVICES RENDERED BY THE BOROUGH SOLICITOR IN THE COLLECTION OF VARIOUS DELINQUENT FEES AND OTHER CHARGES AS AUTHORIZED BY THE BOROUGH IN ITS APPLICABLE ORDINANCES.

WHEREAS, Under the Pennsylvania Municipal Claims and Tax Lien Law, the Borough is empowered to make such municipal liens for the collection of delinquent unpaid taxes, user charges, utility charges and other charges (herein individually an "account" and collectively "accounts") established by the Borough as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough;

WHEREAS, Under Section 3 of the Pennsylvania Municipal Claims and Tax Lien Law, the Borough is empowered to impose reasonable attorney fees as an authorized expense for the collection of a Municipal Claim for failure to pay said lien promptly;

Be It Ordained and Enacted by the Borough of Forest City, Susquehanna County, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same that the Borough of Forest City hereby authorizes the following:

Section 1. Attorney Fees

§ 1.01. Policies and procedures.

The policies and procedures of the Borough of Forest City, Susquehanna County, Commonwealth of Pennsylvania (the Borough), for the collection of delinquent unpaid taxes, user charges, utility charges and other charges (herein individually an "account" and collectively "accounts") established by the Borough, from time to time, whether pursuant to this code or otherwise, which are covered by the Pennsylvania Municipal Claims and Tax Lien Law, Act of May 16, 1923 (P.L. 207, No. 153), amended December 19, 1990 (P.L. 1092, No. 199) (53 P.S. § 7101, et seq.) (the Municipal Claims Law), as further amended by Pennsylvania Act No. 1 of 1996, (P.L. 1, No. 1) (53 P.S. § 7106) (the "Act"), shall be as enacted from time

to time by ordinance of the Borough and/or established from time to time by resolution of the Council of the Borough, as appropriate.

§ 1.02. Schedule of fees.

- A. The Borough hereby approves the following schedule of attorney fees for services in connection with the collection of accounts, which fees are hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3 (a.1) of the Pennsylvania Municipal Claims Law

Legal Service

Fee For Service

Initial review and sending first demand letter

Hourly amount equal to the Solicitor's then current regular charges to the Borough

File lien and mailing second demand letter

\$75

Prepare Writ of Scire Facias

\$50

Obtain reissued writ

\$50

Prepare and mail letter under Pa. R.C.P.

\$35

§ 237.1

Prepare motion for alternate service

\$100

Prepare motion for summary judgment and related judgment

Hourly amount equal to the Solicitor's then current regular charges to the Borough

Prepare Writ of Execution

\$75

Attendance at sale; review schedule of distribution and resolve distribution issues

Hourly amount equal to the Solicitor's then current regular charges to the Borough

Services not covered above

Hourly amount equal to the Solicitor's then current regular charges to the Borough

- B. There shall be added to the above amounts the reasonable out-of-pocket expenses of legal counsel in connection with each of these services, as itemized in the applicable legal counsel bills, which shall be deemed to be part of the fees.

- C. The amount of fees determined as set forth above shall be added to the Borough's claim in each account.

§ 1.03. Collection procedures.

The following specific collection procedures for the Borough, relating to the imposition and collection of

attorney fees, are hereby established by the Borough in accordance with the Act:

- A. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, the Borough shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the account debtor).
- B. If, within 30 days after mailing the notice in accordance with Subsection A, the certified mail to any account debtor is refused or unclaimed or the return receipt is not received, then at least 10 days prior to the assessing or imposing such attorney fees, the Borough shall mail or cause to be mailed, by first class mail, a second notice to such account debtor.
- C. All notices required by this chapter shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the Borough or such other address as it may be able to obtain from the Berks County Tax Assessment Office.
- D. Each notice as described above shall include the following:
 - (1) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;
 - (2) A statement of the Borough's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice;
 - (3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and
 - (4) The place of payment for accounts and the name and telephone number of the Borough official designated as responsible for collection matters.

§ 1.04. Additional actions authorized.

The proper officials of the Borough are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this chapter.

§ 1.05. Severability; repealer.

- A. The provisions of this chapter shall be severable, and if any of the provisions shall be held to be

unconstitutional or illegal, such decision shall not affect the validity of any remaining provisions of this chapter. It is hereby declared that it is the legislative intent that this chapter would have been adopted had such unconstitutional or illegal provision not been included.

ARTICLE II - Interest Rate on Municipal Liens

§ 2.01. Interest rate on municipal liens of record.

Fines assessable for the violations of any provisions of this Ordinance and the codes may be established by the governing body by resolution from time to time without the necessity of formal amendment.

§ 1.02. Repealer; effectiveness.

Except to the extent specifically set forth herein, the Codes of the Borough of Forest City as previously amended, shall remain unchanged and in full force and effect. All provisions of the Codes of the Borough of Forest City, ordinances, resolutions and parts thereof inconsistent with the provisions of this article are hereby repealed. This article shall become effective upon enactment.

ORDAINED, ENACTED and EFFECTED into law by the Council of Forest City Borough, this 1st day of August, 2011.

ATTEST:

FOREST CITY BOROUGH

By: 

Secretary

By: 

Council President

EXAMINED and APPROVED this 1st day of August, 2011.

By: 

Mayor