

**TYRONE TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-62

**AN ORDINANCE APPROVING THE COLLECTION PROCEDURES AND
ADOPTING A SCHEDULE OF ATTORNEY FEES TO BE ADDED TO THE AMOUNT COLLECTED
AS PART OF MUNICIPAL CLAIMS FOR DELINQUENT SANITARY SEWER ACCOUNTS AND
OTHER MUNICIPAL CHARGES**

WHEREAS, to be fair to all rate payers and taxpayers of Tyrone Township (the “Township”) it is necessary to recover promptly the amount of delinquent and other municipal charges, and if necessary, through legal processing; and

WHEREAS, in the past the amount recovered in such proceedings has been depleted by the cost or reasonable attorney fees incurred by the Township in the proceedings, thereby making, in the case of smaller claims, enforcement not financially feasible; and

WHEREAS, the General Assembly of Pennsylvania enacted, as an amendment to the Municipal Claims and Tax Collection Act, Act No. 1 of 1996 (the “Act”), which authorizes the adding of the amount of reasonable attorney fees and costs to the total payable with respect to unpaid sanitary sewer bills and other municipal claims, but only if the municipality involved has approved by ordinance or resolution a schedule of reasonable attorney fees; and

WHEREAS, the Township has determined that it is in the best interest of all the rate payers and tax payers to have vigorous enforcement of all delinquent and other unpaid charges, utilizing the procedures set forth in the Act; and

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

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township as follows:

1. Schedule of Fees.

- (a) The 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 Section 3(a.1) of the Act:

Legal Services	Fee for the Services
Initial Review and Send Demand Letter and Title Report	\$250.00
File Lien, Prepare Writ of Scire Facias, File Writ, Service of Writ by Sheriff	\$500.00

Prepare and Mail Notice of Intent to Enter Default Judgment Under Pa.R.C.P. 237.1; Prepare Default Judgment, Notices, Pleadings and Affidavits	\$500.00
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Prepared Writ of Execution, Notice of Sheriff Sale and Affidavits; Attendance at Sale; Review Schedule of Distribution and Resolve Distribution Issues	\$1,000.00
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Services Not Covered Above:

Satisfaction of Municipal Lien	\$50.00
Satisfaction of Judgment	\$50.00
Review of Bankruptcy (including Proof of Claim)	\$250.00
Motion for Relief from Automatic Stay	\$700.00
Motion for Special Service	\$600.00
Petition to Reassess Damages	\$275.00
Forbearance Agreement	\$200.00
All Other Services	\$200.00 per hour

- (b) The above amounts are exclusive of the reasonable out-of-pocket expenses of counsel in connection with each of these services, including, but not limited to filing fees, title search fees, Sheriff's fees, advertising fees and postage fees, which shall be added into and itemized in the applicable counsel bills and shall be deemed to be a part of the fees.
- (c) The amount of fees and costs determined, as set forth above shall be added to the Township's claim in each account.

2. Collection Procedures. The following collection procedures are hereby established in accordance with the Act:

- (a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an account, the Township shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the rate payer or other entity liable for the account (the "Account Debtor").
- (b) If within thirty (30) days after mailing the notice in accordance with subsection (a), the certified mail to an Account Debtor is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to the assessing or imposing such attorney fees, the Township shall mail or cause to be mailed, by first class mail, a second notice to such Account Debtor.
- (c) All notices required by this Ordinance shall be mailed to the Account Debtor's last known post office address as recorded in the records or other information of the Township, or such other address as it may be able to obtain from the County Office of Tax Assessment.
- (d) Each notice as described above shall include the following:
 - (i) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;
 - (ii) A statement of the Township's intent to impose or assess attorney fees thirty (30) days after the mailing of the first notice, or ten (10) days after the mailing of the second notice;

- (iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and
- (iv) The place of payment for the account and the name and telephone number of the Township official designated as responsible for the collection matter.

3. Related Action. The proper officials of the Township are hereby authorized and empowered to take such additional action as they deem necessary or appropriate to implement this Ordinance.

SEVERABILITY. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance.

EFFECTIVE DATE. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Tyrone Township as provided by law.

ADOPTED this 5th day of September 2018.

ATTEST:

BOARD OF SUPERVISORS
TYRONE TOWNSHIP

Nancy T. Black
Township Secretary NANCY T. BLACK

By: R. L. Raub
Chairman
Russell L. Raub

