

TOWNSHIP OF STRASBURG

Lancaster County, Pennsylvania

ORDINANCE NO. 102

AN ORDINANCE OF THE TOWNSHIP OF STRASBURG TO AUTHORIZE THE INCLUSION OF REASONABLE ATTORNEYS' FEES AND ESTABLISH A RATE OF INTEREST UPON MUNICIPAL LIENS WHICH MAY BE FILED ON BEHALF OF THE TOWNSHIP.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Strasburg, Lancaster County, Pennsylvania, as follows:

Section 1. Purpose and Intent. By Act 1 of 1996, the General Assembly amended the Municipal Claim and Tax Lien Law, Act of May 16, 1923, P.L. 207, No. 153, as amended, 53 P.S. §7101 et seq., to specifically authorize inclusion of attorneys' fees incurred in the collection of delinquent accounts as part of a municipal lien. Act 1 requires that municipalities and municipal authorities adopt a schedule of attorneys' fees. Act 1 further requires that, prior to imposing attorneys' fees, the municipality or municipal authority notify the owner of the property with the delinquent account by certified mail of the municipality's or municipal authority's intent to recover these fees and the manner by which the assessment of the fees may be avoided by payment of the delinquent account. It is the intention of the Board of Supervisors in enacting this Ordinance to comply with the requirements of Act 1 of 1996.

Section 2. Definitions. Unless otherwise stated, the following words shall, for the purposes of this Ordinance, have the meanings herein indicated:

DELINQUENT ACCOUNT - Any sums due and owing to the Township which have not been paid within the time required by the Township's ordinances, resolutions, rules, regulations or policies including, but not limited to, sewer rates and tapping fees, or any other charge which may lawfully be imposed by the Township and for which a municipal claim may be filed.

HOURLY RATE - The hourly fee charged by the Township Solicitor to the Township consistent with the ordinary and customary charges by the Township Solicitor for similar services in the community, but in no event shall the hourly rate exceed the rate charged by the Township Solicitor to the Township when fees are not reimbursed by or otherwise imposed upon delinquent customers of the Township.

TOWNSHIP - Strasburg Township, Lancaster County, Pennsylvania.

TOWNSHIP SOLICITOR - The person or law firm appointed by the Board of Supervisors to serve as legal counsel to the Township.

Section 3. Imposition of Attorneys' Fees for Collection of Delinquent Accounts. The Board of Supervisors specifically authorizes the recovery of attorneys' fees incurred by the Township in the collection of delinquent accounts from the person or persons who are responsible for the payment of such delinquent accounts. The Board of Supervisors authorizes the Township Manager, Township Secretary or the Assistant Secretary to take all actions required by applicable law to enable the Township to recover attorneys' fees incurred from the persons responsible for this cost and to include such attorneys' fees in municipal claims. This authorization includes, but is not limited to, sending notification to such persons of the intention of the Township to impose attorneys' fees incurred in collection efforts upon such persons.

Section 4. Schedule of Attorneys' Fees for Services Related to Collection of Delinquent Accounts. The Township shall impose attorneys' fees upon persons who have delinquent accounts in accordance with the following schedule of the minimum time required by the Township Solicitor for the listed service times the hourly rate of the Township Solicitor in effect at the time the Township Solicitor performed the service on behalf of the Township:

<u>Service</u>	<u>Minimum Time</u> <u>(tenth of hours)</u>
Prepare collection letter, including review of Township information	0.4
Obtain and review deed of property	0.2
Prepare certification of amount owing to Township and transmit certification to Township	0.3
Prepare Municipal Lien	0.5
File Municipal Lien	0.2
Forward copy of Municipal Lien to Township	0.2
Prepare civil action complaint before Magisterial District Judge for collection of account	0.7
Prepare for and attend hearing before Magisterial District Judge concerning civil action to collect delinquent account	2.5
Prepare and file Satisfaction of Municipal Lien	0.2

Section 5. Recovery of Additional Attorneys' Fees in Specific Circumstances. The services and minimum times expended by the Township Solicitor for the services set forth in Section 4 of this Ordinance are based upon the experience of the Township Solicitor and upon standard collection practices. Should the person or persons responsible for payment of a delinquent account take action which will require the Township Solicitor to perform additional or more time consuming services than contemplated by Section 4, it is the intention of the Township to recover all of its attorneys' fees so incurred. Such actions include, but are not limited to, filing of counterclaims, challenging the legal power of the Township to impose and collect the fee, rate, charge or other cost or similar actions.

Section 6. Interest on Municipal Liens. All delinquent accounts and obligations which may be subject to lien pursuant to the Municipal Claims and Tax Liens Act, Act of May 16, 1923, P.L. 207, No. 153, as amended, 53 P.S. §7101 et seq., or any other statute, rule, regulations, or authority which shall permit the filing of liens or collection of municipal claims and obligations, shall be subject to interest at the rate of ten (10%) percent per annum from the date of the filing of the municipal lien.

Section 7. Recovery of Fees and Costs. All court costs, filing fees, service fees, certified mailing costs, and similar costs, fees, and charges shall be the obligation of the property owner and shall, to be extent allowed by law, be included in any municipal lien.

Section 8. 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. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 9. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Strasburg as provided by law.

DULY ORDAINED AND ENACTED this 27th day of December, 2016, by the Township of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF STRASBURG
Lancaster County, Pennsylvania

By: 
(Vice) Chairman
Board of Supervisors

Attest:


Manager/Secretary

[TOWNSHIP SEAL]