

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 142

**AN ORDINANCE APPROVING COLLECTION
PROCEDURES AND AUTHORIZING ADOPTION OF A
SCHEDULE OF ATTORNEYS' FEES TO BE ADDED TO THE
AMOUNT COLLECTED AS PART OF MUNICIPAL LIENS
AND CLAIMS FOR DELINQUENT ACCOUNTS.**

WHEREAS, to be fair to all taxpayers in Washington Township, it is necessary for this Township to recover promptly the amount of delinquent unpaid taxes and other municipal charges, and if necessary, by legal proceedings; and

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

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted an amendment to the Municipal Claims Act, Act No. 1 of 1996 (the "Act"), 53 P.S. §7106, as amended, which authorizes the adding of the amount of reasonable attorneys' fees to the total payable with respect to unpaid taxes and other municipal claims, but only if the municipality involved has approved by ordinance a schedule of reasonable attorneys' fees; and

NOW, THEREFORE, be it enacted and ordained and it is hereby enacted and ordained by the Board of Supervisors of Washington Township as follows:

SECTION 1: Statement of Policies. Washington Township hereby approves a collection policy for delinquent unpaid taxes, user charges and other items covered by the Municipal Claims Act ("Accounts").

SECTION 2: Schedule of Fees.

(a) Washington Township hereby approves the following schedule of attorneys' 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 principles set forth in the Act, 53 P.S. §7106 as amended:

Legal Services	Fee For Services
Initial review and sending first demand letter	\$ 50.00
File lien and mailing second demand letter	\$ 50.00
Prepare Writ of Scire Facias	\$ 30.00
Obtain Re-issued Writ	\$ 20.00
Prepare/mail letter under Pa. R.C.P. §237.1	\$ 25.00
Prepare Motion for Alternate Service	\$ 75.00
Prepare Motion for Summary Judgment	\$125.00
Brief on Motion for Summary Judgment	\$150.00
Prepare Writ of Execution	\$ 30.00
Attendance at Sale; Review Schedule of Distribution and Resolve Distribution Issues	Regular hourly rate for litigation matters.
Services not covered above	Solicitor's regular hourly rate for litigation matters.

(b) In each case, the fee schedule set forth immediately above contemplates routine legal work in the production of the documentation listed. In the event that the complexity of any particular Account requires substantially more time than would be considered routine under the circumstances, then the solicitor may charge a reasonable fee based on a regular hourly rate for litigation matters based on actual time expended.

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

(d) The amount of fees determined as set forth above shall be added to the Township's claim in each Account.

(e) The amount of the fees as set forth above shall increase by four (4%) percent per year on January 1 of each year beginning January 1, 1999. For services not covered above, the amount shall always equal the solicitor's regular hourly rate for litigation matters.

SECTION 3: 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 attorneys' 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 taxpayer or other entity (the "Account Debtor") liable for the Account.

(b) If within thirty (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 ten (10) days prior to the assessing or imposing such attorneys' 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 Assessment and Revision of Taxes.

(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 attorneys' fees within thirty (30) days after the mailing of the first notice, or within ten (10) days after the mailing of the second notice;
- (iii) The manner in which the assessment or imposition of attorneys' fees may be avoided by payment of the delinquent Account; and
- (iv) The place of payment for Accounts and the name and telephone number of the Township official designated as responsible for collection matters.

SECTION 4: Implementation. The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

SECTION 5: Severability. The provisions of this ordinance shall be severable and if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6: Repealer. All ordinances or parts of ordinances in consistent with any of the provisions of this ordinance are hereby repealed insofar as they are inconsistent with this ordinance.

SECTION 7: Construction. If, in the construction and interpretation of this ordinance, there appears to be a conflict or ambiguity, every effort shall be made to read and

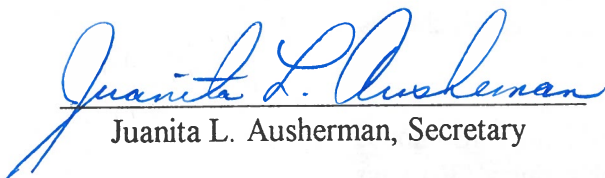
interpret the conflicting or ambiguous provisions in a manner which permits the fair application of the ordinances of Washington Township. It is the intention of the Board of Supervisors that any Court construing or interpreting this and other Washington Township ordinances will make every reasonable attempt to allow their enforcement.

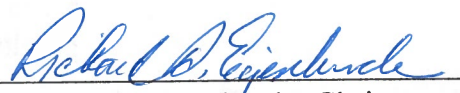
SECTION 8: Effective Date. This ordinance shall become effective five (5) days after its adoption.

DULY ORDAINED AND ENACTED this 6th day of October, 1997 in lawful session duly assembled.

Attest:

TOWNSHIP OF WASHINGTON
BOARD OF SUPERVISORS


Juanita L. Ausherman, Secretary

By 
Richard D. Eigenbrode, Chairman



