

## ORDINANCE NO. 2017

AN ORDINANCE OF SOUTH LONDONDERRY TOWNSHIP ESTABLISHING 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**, South Londonderry 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 Township of South Londonderry hereby enacts the following schedule of attorneys' fees to be assessed for the collection of municipal claims and liens; and

**WHEREAS**, the Township has reviewed the subject of attorneys' 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 Township of South Londonderry hereby establishes the following interest rate on unpaid municipal claims and liens.

**NOW, THEREFORE**, the South Londonderry Township Board of Supervisors, pursuant to Pennsylvania law, hereby **ENACTS** and **ORDAINS** the following Ordinance establishing attorneys' fees and interest rates to be charged when collecting municipal claims as follows:

### ARTICLE I.

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

##### **Section 1. Attorneys' Fees**

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 attorneys' fees incurred in the collection of such delinquent charges in accordance with the Township's schedule of attorneys' fees set forth within the Township's annual Fee Schedule Resolution.

## **Section 2. Notice Prior to Attorneys' Fees**

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:

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

## **Section 3. Interest Rate**

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 South Londonderry 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.

