

Chapter 60

ATTORNEYS' FEES, COLLECTION OF

[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl 5-13-1996 as Ord. No. 113. Amendments noted where applicable.]

§ 60-1. Legislative 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, 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 by ordinance adopt a schedule of attorneys' fees. Act 1 further requires that, prior to imposing attorneys' fees, the municipality must notify the owner of the property with the delinquent account, by certified mail of the municipality's intent to recover these fees and the manner by which 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 chapter to comply with the requirements of Act 1 of 1996.

§ 60-2. Definitions.

Unless otherwise stated, the following words shall, for the purpose of this chapter, 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 charges for trash collection, water service, removal of nuisances 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 — The Township of West Earl, Lancaster County, Pennsylvania.

TOWNSHIP SOLICITOR — The person or law firm appointed by the Board of Supervisors to serve as legal counsel to the township in accordance with Section 1101 of the Second Class Township Code.¹

§ 60-3. Imposition of attorneys' fees for collection of delinquent accounts.

1. Editor's Note: See 53 P.S. § 65101 et seq.

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 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.

§ 60-4. 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:

Service	Minimum Time (tenth of hours)
Prepare collection warning 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 District Justice for collection of account	0.7
Prepare for and attend hearing before District Justice concerning civil action to collect delinquent account	2.5
Prepare and file satisfaction of municipal lien	0.2

§ 60-5. Recovery of additional attorneys' fees in specific circumstances.

The services and minimum times expended by the Township Solicitor for the services set forth in § 60-4 of this chapter 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 § 60-4, 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.