

**TOWNSHIP OF TULPEHOCKEN,
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015-2

AN ORDINANCE OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, AMENDING, RE-ADOPTING AND SETTING A SCHEDULE OF ATTORNEYS' FEES TO BE COLLECTED IN CONNECTION WITH THE COLLECTION OF DELINQUENT MUNICIPAL ACCOUNTS PURSUANT TO ACT NO. 1 OF 1996.

WHEREAS, Act No. 1 of 1996 (53 P.S. §7106) authorizes a municipality to include in the amount of a municipal lien the attorneys' fees incurred by the municipality relating to said lien, provided that the municipality has enacted an ordinance to approve a schedule of attorney fees; and

WHEREAS, the Township is authorized to commence other actions to collect delinquent accounts other than filing of liens against the property; and

WHEREAS, the Township may seek to recover delinquent amounts via commencement of personal judgments against the owner of the property served by the delinquent account; and

WHEREAS, the Township desires to recover the fees and costs it incurs in collection actions other than liens against delinquent account holders; and

WHEREAS, the Township desires to set forth the fees and costs to be recovered in actions commenced to collect delinquent accounts.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Tulpehocken, Berks County, Pennsylvania, as follows:

Section 1. The following fees shall be charged by the Township Solicitor for the services indicated, for liens against properties and other collection actions and shall be the responsibility of the delinquent account holders in connection with collection of

delinquent and overdue accounts owed to the Township for municipal services, including, but not limited to, sewer and solid waste disposal service charges and abatement of violations:

- (a) Open file, review the account, and prepare and file a municipal lien - \$150.00;
- (b) Prepare, file and serve a Writ of Scire Facias - \$250.00;
- (c) Prepare and file a Civil Complaint - \$150.00;
- (d) Prepare and file a Writ of Execution - \$150.00
- (e) Attend Sheriff's Sale - \$500.00;
- (f) Other services not covered above, including without limitation the services outlined below, will be billed at the regular hourly rates charged by the Township Solicitor for other legal services provided to the Township:
 - 1. Preparation of payment letters confirming payment plan agreements;
 - 2. Attendance before Magisterial District Judges at hearings on Civil Complaints;
 - 3. Calculation of payoffs and preparation of satisfaction of liens and judgment documents;
 - 4. Additional research for execution on real estate and personal property; and
 - 5. Preparation of alternative service pleadings;
 - 6. Miscellaneous letters and telephone calls to mortgage holders, title companies and others regarding payoff figures;
 - 7. Checking records to obtain mortgage information;
 - 8. Preparation of settlement letter;
 - 9. Preparation of proofs of claim for bankruptcy. .

Section 2. All costs and expenses incurred by the Township Solicitor in connection with the above services shall also be included in liens against the properties and responsibility of by delinquent account holders in other collection actions.

Section 3. 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 effect.

Section 4. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED this 10th day of June, 2015.

BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By:

Gary A. Dech

Chairman

Richard A Kramer

Member

Justin H. Fick

Member

ATTEST: Christy Flaherty
Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2015-2 of Tulpehocken Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on June 10, 2015.

WITNESS my hand and seal this 10th day of June, 2015.

Christy Flaherty
Secretary, Tulpehocken Township