

ORDINANCE NO. 105-2002

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA ADOPTING POLICIES AND PROCEDURES FOR THE COLLECTION OF ATTORNEYS FEES, CHARGES AND EXPENSES INCURRED BY THE TOWNSHIP IN THE COLLECTION OF DELINQUENT ACCOUNTS, DELINQUENT TAXES AND OTHER CHARGES; ESTABLISHING A SCHEDULE OF ATTORNEYS FEES TO BE COLLECTED IN CONNECTION THEREWITH; ESTABLISHING COLLECTION PROCEDURES; AUTHORIZING THE PROPER OFFICIALS TO TAKE APPROPRIATE ACTION TO IMPLEMENT THE ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, (the "Township") and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Statement of Policies. The Township of Centre hereby approves the Statement of Collection Policies and Procedures for the collection of delinquent unpaid taxes, user charges, utility charges and other charges (the "Account(s)") covered by the Pennsylvania Municipal Claims and Tax Lien Law, Act of May 16, 1923 (P.L. 207, No. 153), amended December 19, 1990 (53 P.S. §7101, et seq.) (The Municipal Claims Law), as further amended by Pennsylvania Act No. 1 of 1996, (P.L. 1, No. 1) (53 P.S. § 7106)(the "Act"), or such other policies and administrative statements as may be approved by the Board of Supervisors for the Township by resolution or other formal enactment from time to time.

Section 2. Schedule of Fees.

(a) The Township hereby approves adding to the amount of other charges for collection of assessments and claims, such attorneys fees reasonably and necessarily incurred by the Township in accordance with the Schedule of Fees, established by Resolution of the Township, from time to time, for services rendered by the Solicitor or other counsel for collection of assessments and claims, not to exceed such rates as charged for legal services to the Township, generally. These rates are hereby determined to be fair and reasonable compensation for the services set forth in Section 3(a.1) of the Municipal Claims Law as added by the Act.

(b) There shall be added to such fees 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.

(c) The amount of fees determined above shall be added to the Township's claim in each account.

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 liable for the Account (the "Account Debtor").

(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 attorney 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 Part 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 Berks County Tax Assessment Office.

(d) Each notice as described above shall include the following:

(1) The type of tax or other charge, the date it became due and the amount owed, including penalties and interest;

(2) 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;

(3) The manner in which the assessment or imposition of attorneys' fees may be avoided by payment of the Account;

(4) The place of payment for Accounts and the name and/or title of the Township official designated to be responsible for collection matters; and

(5) For the purpose of this Part and the implementation of attorneys' fees to be charged to such collection activities, the solicitor's hourly rate shall be the same as that would be otherwise chargeable to the

Township for other services rendered by the solicitor and as approved by the Board of Supervisors at their annual reorganization meeting.

Section 4. Related Action. 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. 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 parts of this Ordinance. It is hereby declared as the intent of the Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Inconsistent Ordinances Repealed. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective in accordance with law.

ENACTED and ORDAINED this 11 day of NOV, 2002.

TOWNSHIP OF CENTRE

By: [Signature]
Supervisor

By: Ronald E. Guepp
Supervisor

By: Clair L. Miller
Supervisor

Attest: Alexia Ginn
Secretary