

CHAPTER 5

ATTORNEY FEES

BOROUGH OF WYALUSING
ORDINANCE NO. 5

AN ORDINANCE CHAPTER NO. 5, ATTORNEY FEES, OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The purpose of this Ordinance is to regulate Attorney Fees as authorized under the Borough Code found at 53 P.S. § 7106 Municipal claims first lien; cities of first class; docketing; judgment; execution

(a) All municipal claims, municipal liens, taxes, tax claims and tax liens which may hereafter be lawfully imposed or assessed on any property in this Commonwealth, and all such claims heretofore lawfully imposed or assessed within six months before the passage of this act and not yet liened, in the manner and to the extent hereinafter set forth, shall be and they are hereby declared to be a lien on said property, together with all charges, expenses, and fees incurred in the collection of any delinquent account, including reasonable attorney fees.

The Borough of Wyalusing hereby ordains and enacts as follows:

§1. STATEMENT OF POLICIES.

The borough hereby approves the Statement of Collection Policies for delinquent unpaid taxes, user charges and other items covered by the Municipal Claims Act ("Accounts"), as presented to this meeting, and which is to be filed with the enacted counterpart of this chapter.

§2. SCHEDULE OF FEES.

A. The borough hereby approves the following schedule of attorney 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 Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act"):

Legal Services

Fees for Services

Initial review and sending first demand letter	\$100
File lien and mailing second demand letter	\$100
Prepare writ of scire facias	\$100
Obtain reissued writ	\$100
Prepare and mail letter under Pa. R.C.P. Section 237.1	\$100
Prepare motion for alternate services	\$100
Prepare motion for summary judgment and related judgment	\$100
Prepare writ of execution	\$100
Attendance at sale; review schedule of distribution and resolve distribution issues	\$300
Services not covered above	\$100/hr.

B. There shall be added to the above amounts the reasonable out-of-pocket expenses of Counsel in connections 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, as set forth above shall be added to the borough's claim in each account.

§ 3. COLLECTION PROCEDURES.

The following collection procedures are hereby established in accordance with Act No. 1:

A. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, the borough 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. At least 10 days prior to the assessing or imposing such attorney fees, the borough shall mail or cause to be mailed, by first-class mail, a second notice to such account debtor.

C. All notices required by this chapter shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the borough, or such other address as it may be able to obtain from the Borough Office of Assessment and Revision of Taxes.

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 penalty and interest;

(2) A statement of the borough's intent to impose or assess attorney fees within 30 days after the mailing of the first notice or within 10 days after the mailing of the second notice;

(3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and

(4) The place of payment for accounts and the name and telephone number of the borough official designated as responsible for collection matters.

§ 4. RELATED ACTION.

The proper officials of the borough are hereby authorized and empowered to take such additional action, as they may deem necessary or appropriate to implement this chapter.

THIS ORDINANCE shall take effect immediately upon adoption.