

EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020 - ____

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF EXETER CODE OF ORDINANCES, TO ADD A CHAPTER 8 TO BE ENTITLED "ADMINISTRATION AND GOVERNMENT", TO INCLUDE A PART 1 TO BE ENTITLED "RECOVERY OF ATTORNEYS AND ADMINISTRATIVE FEES" TO PROVIDE A SCHEDULE OF FEES TO BE COLLECTED IN CONNECTION WITH COLLECTION OF DELINQUENT AND OVERDUE ACCOUNTS OWED THE TOWNSHIP 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, Ordinances of the Township of Exeter have been codified as the Code of Ordinances of Exeter Township; and

WHEREAS, Ordinances throughout the Code provide for filing of liens for collection of delinquent accounts; and

WHEREAS, the Board of Supervisors of Exeter Township Code of Ordinances desires to establish attorneys fees and administrative fees and costs incurred for collection of delinquent and overdue accounts owed the Township; and

WHEREAS, to accomplish this the Board of Supervisors desires to amend the Code of Ordinances of Exeter Township to add a new Chapter 8 to be entitled "Government and Administration", to include a new Part 1 to be entitled "Recovery of Attorneys and Administrative Fees".

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

SECTION 1. The Code of Ordinances of Exeter Township is amended to add a new Chapter 8 to be entitled "Government and Administration".

SECTION 2. The Code of Ordinances of Exeter Township, Chapter 8 entitled "Government and Administration" shall include Part 1 to be entitled "Recovery of Attorneys and Administrative Fees".

SECTION 3. The Code of Ordinances of Exeter Township, Chapter 8 entitled "Government and Administration", Part 1 entitled "Recovery of Attorneys and Administrative Fees" shall read in its entirety as follows:

§ 101. Schedule of Attorney's Fees

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 or property owners, as applicable, 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 of Township Ordinances, Resolutions and regulations:

- (a) Open file, review the account, and prepare and file a municipal lien - \$165.00;
- (b) Prepare, file and serve a Writ of Scire Facias - \$330.00;

- (c) Prepare and file a Civil Complaint - \$165.00;
- (d) Prepare and file a Writ of Execution - \$165.00;
- (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. .

§ 102. Assessment of Attorney's Costs and Expenses

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 shall be the responsibility of the delinquent account holders or property owners, as applicable, in other collection actions.

§103. Administrative Expenses, Fees and Costs.

All administrative expenses, fees and costs incurred or expended by the Township in seeking to collect or collecting delinquent and overdue accounts owed to the Township shall be the responsibility of the delinquent account holders or property owners.

SECTION 4. REPEAL OF ORDINANCES

Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed in so far as they are inconsistent with this Ordinance's provisions.

SECTION 5. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Exeter, Pennsylvania hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective at the earliest date permitted by law.

SECTION 7. CODE OF ORDINANCES

The Code of Ordinances of Exeter Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of Exeter Township upon enactment.

DULY ORDAINED and ENACTED as an Ordinance this ____ day of _____, 2020.

BOARD OF SUPERVISORS OF
EXETER TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

Chairman

Vice Chairman

Member

Member

Member

ATTEST:

Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. ____-2020 adopted by the Board of Supervisors of Exeter Township, Berks County, Pennsylvania at a regular meeting held on _____, 2020, pursuant to notice as required by law.

Dated: _____

Exeter Township Secretary