

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 179

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING A SCHEDULE OF ATTORNEY FEES INCURRED IN THE COLLECTION OF ANY DELINQUENT ACCOUNT, INCLUDING MUNICIPAL CLAIMS, MUNICIPAL LIENS, TAXES, TAX CLAIMS AND TAX LIENS, IMPOSING SUCH FEES ON DELINQUENT ACCOUNT DEBTORS, AND IMPOSING OUT OF POCKET EXPENSES ON DELIQUENT ACCOUNT DEBTORS.

WHEREAS, to be fair to all rate payers for municipal services and taxpayers in Rush Township, it is found to be necessary for Rush Township to promptly recover the amount of unpaid charges, including if necessary by legal proceedings; and

WHEREAS, the cost of reasonable attorney fees to be incurred in the attempted collection of unpaid charges could make legal proceedings to recover said charges financially unfeasible; and

WHEREAS, 53 P.S. §7106 allows municipalities to recover reasonable attorney fees in actions to collect unpaid charges provided a schedule of attorney fees is approved by ordinance; and

WHEREAS, Rush Township has determined that it is in the best interest of all rate payers for municipal services and taxpayers in Rush Township to adopt a schedule of attorney fees to allow recovery of reasonable attorney fees pursuant to 53 P.S. §7106;

NOW, THEREFORE, it is hereby ORDAINED and ENACTED as follows:

Section 1. Schedule of attorney fees.

In the collection of any delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, Rush Township may impose on the delinquent debtor attorney fees based on the hourly rate of Rush Township's Solicitor and the amount of hours necessary to perform the action to collect the account. At the time of the enactment of this Ordinance the hourly rate is \$100.00. The \$100.00 hourly rate may be changed from time to time by Resolution, but shall automatically change with any vote by Rush Township at a public meeting to change the approved hourly rate of its Solicitor.

Section 2. Out of pocket expenses.

In the collection of any delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, Rush Township may impose on the delinquent debtor reasonable out of pocket expenses in connection with the collection of the delinquent account, including filing

fees, satisfaction fees, copying fees, postage fees including certified mailing required by 53 P.S. §7106, and other such fees.

Section 3. Collection procedures.

The notice provisions stated in 53 P.S. §7106(a.3) are incorporated herein.

Section 4. Repealer.

All prior Ordinances inconsistent with any provisions of this Ordinance are repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal or unenforceable, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed separate, distinct and independent from the remainder of this Ordinance, and such finding shall not affect the enforceability of the remainder of this Ordinance.

Section 6. Effective Date.

This Ordinance shall be effective upon enactment or on the first date allowed by law thereafter, whichever occurs first.

ORDAINED and ENACTED this 21st day of February, 2013.

ATTEST:

Walter Fenstermacher
Secretary

RUSH TOWNSHIP
BOARD OF SUPERVISORS

Ray Eric Gillad
Steve [unclear]
Jeanine Motroni