

OFFICIAL

BOROUGH OF AVALON

ORDINANCE NO. 1228

AN ORDINANCE OF THE BOROUGH OF AVALON ADOPTED PURSUANT TO ACT NO. 1 OF 1996, 53 P.S. § 7106(a.1), ADOPTING A SCHEDULE OF ATTORNEY FEES TO BE IMPOSED OR ASSESSED IN THE COLLECTION OF DELINQUENT ACCOUNTS FOR UNDERTAKING THE COLLECTION AND REPRESENTATION OF THE BOROUGH FOR CLAIMS UNDER THE MUNICIPAL CLAIM AND TAX LIEN LAW.

WHEREAS, on February 7, 1996, the General Assembly of the Commonwealth of Pennsylvania enacted Act No. 1 of 1996, 53 P.S. § 7106(a.1), authorizing the Borough of Avalon to adopt by Ordinance, a schedule of attorney fees to be assessed or imposed on the collection of delinquent accounts; and

WHEREAS, Council of the Borough of Avalon, after careful review, deems the following schedule of attorney fees to be usual, customary and reasonable for the collection of delinquent municipal accounts.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF AVALON, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE AUTHORITY OF SAME THAT:

1. The Schedule of Attorney Fees attached hereto and made a part hereof as Exhibit "A", is hereby adopted.

2. At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of

delinquent accounts, the Borough shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner, the notice required by this Ordinance.

3. If within thirty (30) days of mailing the notice, the certified mail is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Borough shall, by United States first class mail, mail to the owner the notice required by this Ordinance.

4. The notice required by this Ordinance shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the Borough and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the municipality to determine the owner's last post office address known to said collector and county assessment office.

5. The notice shall include the following:

(a) A statement of the Borough's intent to impose or assess attorney fees within thirty (30) days of mailing the notice pursuant to the authority granted in Section 2 of this Ordinance and Act No. 1 of 1996 or within ten (10) days of the mailing of the notice pursuant to Section 3 of this Ordinance and Act No. 1 of 1996.

(b) The manner in which the imposition or

assessment of attorney fees may be avoided by payment of the delinquent account.

6. Any Ordinance of parts of Ordinances conflicting herewith be and the same are hereby repealed insofar as they conflict herewith.

7. This Ordinance shall be effective immediately.

ORDAINED AND ENACTED into law this 21st th day of May, 1996.

BOROUGH OF AVALON

BK Harry W. Dilmore
Harry W. Dilmore,
President of Council

ATTEST:

Joan A. Welsh
Joan A. Welsh
Secretary

EXAMINED AND APPROVED by me this
21st day of May, 1996.

Daniel K. Bricmont
Daniel K. Bricmont, Mayor

**SCHEDULE OF ATTORNEY FEES TO BE IMPOSED OR ASSESSED
IN THE COLLECTION OF DELINQUENT ACCOUNTS
FOR UNDERTAKING
THE COLLECTION AND REPRESENTATION OF THE BOROUGH
FOR CLAIMS UNDER THE MUNICIPAL CLAIM AND TAX LIEN LAW**

Attorney fees to be imposed or assessed shall be based upon the time spent by attorneys who perform municipal services for undertaking the collection and representation of the Borough. The hourly rates are based upon their expertise and experience and the rates charged for the collection and representation of the Borough for claims under the Municipal Claim and Tax Lien Law shall be those rates charged the Borough of Avalon for other municipal matters, approved by Borough Council and which shall be periodically reviewed and adjusted.

The owner shall also be billed for disbursements and other charges relating to the attorney services rendered including filing fees and internally-generated charges as photocopying and facsimile transmissions.

Borough herein establishes a minimum legal fee for the collection and representation of the Borough for claims under the Municipal Claim and Tax Lien Law which minimum fee shall be the sum of \$200.00.