

**AVIS BOROUGH
CLINTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 306 OF 2023

AN ORDINANCE AMENDING THE BOROUGH MUNICIPAL CLAIMS AND LIENS
ORDINANCE AND ADOPTING SCHEDULE OF ATTORNEY FEES TO BE ADDED TO
THE AMOUNT COLLECTED AS PART OF MUNICIPAL CLAIMS FOR DELINQUENT
ACCOUNTS

WHEREAS, the Borough has in place a Sewer Ordinance that provides for the regulation and control of the storage, collection, removal and disposal of sewage in a compulsory and legal manner; and

WHEREAS, it is necessary for the Borough to recover promptly, including by legal proceedings, if necessary, the amount of delinquent unpaid costs, fees, or indebtedness relative to matters for which a municipal claim exists or may arise; and

WHEREAS, the General Assembly of Pennsylvania has authorized the adding of the amount of reasonable attorney fees to the total amount payable with respect to municipal claims, but only if the municipal entity involved has approved, by Ordinance, a schedule of reasonable attorney fees; and

WHEREAS, the Borough has reviewed the subject of attorney fees for collection matters and has determined that the fees set forth in the schedule hereby adopted are reasonable in amount for the services herein described and rendered.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Avis as follows:

SECTION I.

Chapter 368, Municipal Claims and Liens is hereby amended to add the following language:

§368-1 Collection Procedures.

The following Collection Procedures are hereby established:

- (a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account or other cost, fee, or indebtedness for which a municipal claim may be entered, the Borough shall mail or cause to be mailed, in accordance with statute, a notice of such intention to the owner of record established by current real estate tax records (the "Debtor").

- (b) All notices required by the Ordinance shall be mailed in accordance with statute to the Debtor's last known post office address as recorded in the Tax Assessment Office of Clinton County, Pennsylvania.
- (c) Each notice as described above shall include the following:
 - (i) The amount of the claim, including penalty and interest;
 - (ii) A statement of the Borough's intent to impose or assess attorney fees within thirty (30) days after the mailing of the notice in accordance with subsection (a);
 - (iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the amount due; and
 - (iv) The place of payment for amounts due and the name and telephone number of the Borough official designated as responsible for collection matters.

§ 368-2 Schedule of Fees.

- (a) The Borough hereby approves the following schedule of attorney fees for services in connection with the collection of a delinquent account or other cost, fee, or indebtedness for which a municipal claim may be entered, 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 53 P.S. §7106(a.1):

<u>LEGAL SERVICES</u>	<u>FEE FOR SERVICES</u>
Municipal Claim Hourly Rate	\$125.00

- (b) There shall be added to the above amounts 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, as set forth above, shall be added to the Borough's claim in each case.

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Nothing in this chapter shall be interpreted to limit any owner against whom an attorney's fee is assessed from seeking an adjudication of the reasonableness of the attorney's fee to be imposed in accordance with §7106(a.1) of the Pennsylvania Municipal Claims and Liens Act (Title 53).

SECTION II. 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 Ordinance.

SECTION III. Repealer.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

SECTION IV. Severability.

If any section, clause, sentence, or provision of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any other part or portion of the Ordinance not so adjudged invalid.

SECTION V. Effective Date.

This Ordinance shall become effective on the earliest date provided by applicable law.

ATTEST:

BOROUGH OF AVIS

Brian S. Stover
Secretary

By: Jack W. Raab
President

APPROVED this 1 day of May, 2023.

[Signature]
Mayor