

TOWNSHIP OF WHITPAIN

ORDINANCE NO. 420

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], BY AMENDING CHAPTER 136 [TAXATION], BY CREATING ARTICLE VIII [COLLECTION OF DELINQUENT REAL ESTATE TAXES] TO CREATE A PENALTY, INTEREST AND FEE SCHEDULE FOR COLLECTION OF DELINQUENT REAL ESTATE TAXES

CERTIFICATION

I, ERIC TRAUB, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 420.



Eric Traub, Township Manager

Sept. 18, 2024

ENACTED: 9-17-2024

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WHEREAS, The Board of Supervisors of Whitpain Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety and welfare of the residents of Whitpain Township;

WHEREAS, it is necessary and prudent for Whitpain Township to recover promptly its levied and unpaid delinquent real estate taxes, and if necessary, to accomplish such recovery through legal proceedings; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. §7101, *et seq.* (the "MCTLA"), authorizes the addition of interest, costs, charges, expenses and fees, including reasonable attorney fees, to the total payable with respect to unpaid taxes; and

WHEREAS, The Board of Supervisors of Whitpain Township has determined that it is in the best interest of all taxpayers and residents to enforce the payment of delinquent real estate taxes; and

WHEREAS, The Board of Supervisors of Whitpain Township has determined that the addition of interest, costs, charges, expenses and fees to the total payable with respect to unpaid taxes is reasonable and just

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1. **Amendment to Part II [General Legislation], to amend Chapter 136 [Taxation], by creating Section VIII [Collection Of Delinquent Real Estate Taxes].**

The Code of the Township of Whitpain, Part II [General Legislation], to amend Chapter 136 [Taxation], by creating Section VIII [Collection Of Delinquent Real Estate Taxes] as follows:

Chapter 136 [Taxation]

Section VIII [Collection of Delinquent Real Estate Taxes]

§ 136-69 Alternative Collector.

In addition to the authorization for the collection of taxes pursuant to the Real Estate Tax Sales Law (“RETSL”), 72 P.S. §5860.201 et seq, the Montgomery County Tax Claim Bureau is appointed as alternative collector and is authorized and directed to file liens for existing delinquent real estate taxes with the Prothonotary of Montgomery County in accordance with the provisions of the Municipal Claims and Tax Liens Act, 53 P.S. §7101, et seq.

§ 136-70 Interest Charged.

In accordance with the MCTLA and RETSL, interest shall be charged on taxes so returned from and after but not before the first day of the month following the return. Interest shall be charged at the rate of nine per centum (9%) per annum.

§ 136-71 Reasonable Charges, Expenses and Fees.

Pursuant to Section 7106 of the MCTLA, it is hereby established that the reasonable charges, expenses and fees incurred in the collection of any delinquent account under the MCTLA are hereby fixed at five percent (5%) of the total amount of the delinquent taxes (including interest and penalties), and that additional reasonable attorney’s fees incurred in the collection of any delinquent taxes shall be fixed at one percent (1%) of the total amount of the delinquent taxes (including interest and penalties), and that said charges for attorney’s fees and for all charges, expenses and fees set forth herein, shall be paid to the County of Montgomery through the Montgomery County Tax Claim Bureau in lieu of payment of commission pursuant to Section 207 of RETSL.

§ 136-72 Enabling.

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

SECTION 3. **Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 4. **Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.


SECTION 5. **Effective Date.**

This Ordinance shall become effective immediately after enactment.

ORDAINED AND ENACTED this 17th day of September 2024, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

[Seal]



SCOTT M. BADAMI, *Chair*

Attested by:



JEFFREY CAMPOLONGO, *Secretary*