

ORDINANCE 1381-2012

ORDINANCE OF THE CITY OF COATESVILLE ENACTING AS CHAPTER 182 ENTITLED "MUNICIPAL LIENS" A SECTION OF THE CITY CODE AUTHORIZING, ASSESSING, IMPOSING, RATIFYING AND ADOPTING A SCHEDULE OF ATTORNEY FEES (AS WELL AS COSTS) TO BE ASSESSED IN THE COLLECTION OF ALL DELINQUENT ACCOUNTS FOR WHICH A MUNICIPAL CLAIM MAY BE LAWFULLY IMPOSED OR ASSESSED ON ANY PROPERTY IN THE COMMONWEALTH BY A CITY AND AUTHORIZING THE AMENDMENT OF SUCH SCHEDULE FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL; PROVIDING FOR NOTICE BEFORE ASSESSING FEES; AUTHORIZING ASSESSING, RATIFYING AND IMPOSING A PENALTY OF FIVE PERCENT (5%) OF THE AMOUNT OF ANY DELINQUENT ACCOUNT AS A PENALTY FOR THE NONPAYMENT THEREOF ON ALL PROPERTY IN THE COMMONWEALTH BY THE CITY; AUTHORIZING, ASSESSING, RATIFYING AND IMPOSING INTEREST ON ALL MUNICIPAL CLAIMS WHICH MAY BE LAWFULLY IMPOSED OR ASSESSED ON PROPERTY IN THE COMMONWEALTH BY THE CITY; PROVIDING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES OR PARTS; AND AMENDING CITY CODE SECTION 108-1 W (2) TO SUPPLY A SCHEDULE OF FEES CONSISTENT WITH SECTION 3 OF SAID ORDINANCE AND PROVIDING THAT SAID SECTION OF THE CITY CODE CAN THEREAFTER BE AMENDED BY RESOLUTION OF THE CITY COUNCIL.

WHEREAS, The City of Coatesville, is a Third Class City and Home Rule Municipality of the Commonwealth with a business address of One City Hall Place, Coatesville, Chester County, Pennsylvania; and,

WHEREAS, the law of the Commonwealth of Pennsylvania authorizes the filing of Municipal Claims as liens against real property in the Commonwealth for unpaid accounts due to the City pursuant to authority generally recited at 53 P.S. § 7101 et seq. as amended; and,

WHEREAS, the law of the Commonwealth further authorizes the City to adopt a schedule of attorney fees to be assessed for the collection of delinquent accounts and to determine, assess and collect interest on all municipal claims and authorizes the imposition of a five percent (5%) penalty for the collection of delinquent accounts; and

WHEREAS, The City desires to implement, adopt, affirm and ratify the assessment of said costs, penalty and interest in its Municipal Claims and to supply a schedule for legal fees incurred in the collection of municipal liens through authorized collection procedures and to make such schedule of fees subject to amendment from time to time by Resolution of City Council.

NOW THEREFORE IN CONSIDERATION OF ITS AUTHORITY UNDER THE CITY CODE, AND THE LAW OF THE COMMONWEALTH, INCLUDING THE AUTHORITY RECITED HEREIN, be it ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the City of Coatesville as follows:

SECTION I: ENACTING AS CHAPTER 182 OF THE CITY CODE (previously reserved) A SECTION ENTITLED "MUNICIPAL LIENS"

§108-1-W will read as follows:

Fee schedule paid to legal counsel for the collection of delinquent municipal claims pursuant to the fee schedule identified in Chapter 182 which is incorporated herein by reference and subject to modification by Resolution of City Council which said fee schedule attached to the aforementioned Chapter 182 Municipal Lien section of the City Code is incorporated herein by reference as though set forth at length.

SECTION II: APPLICATION OF ORDINANCE

This Ordinance shall apply to all Municipal Claims allowed and authorized by the law of the Commonwealth to be assessed by the City, including, but not limited to liens for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewage rates, lighting rates and power rates to the fullest extent authorized by law (hereinafter "Delinquent Accounts"), whether heretofore or hereafter assessed or filed.

SECTION III: SCHEDULE OF ATTORNEY FEES

The attached schedule of attorney fees is to be utilized and followed in the assessment of attorney fees in the collection of any Delinquent Account and the corresponding fees shall be added and included in the collection of the same at the time of the filing of the Municipal Claim by or for the City or as soon thereafter as may be convenient or proper. This schedule of attorney fees (and itemization of fees and costs to be charged in collection procedures) shall be subject to amendment from time to time as needed hereafter by Resolution of the City Council. The schedule attached hereto shall constitute an adoption of a fee schedule of approved values found to be reasonable for the services rendered. The attached Exhibit "A" shall act to amend and replace the fee schedule set forth at 108-1.W (2) and to make same subject to future amendment by Resolution of City Council.

SECTION IV: NOTICE

Prior to assessing or imposing attorney fees in connection with a delinquent account, the City shall provide notice of the City's intention to assess or impose attorney fees in connection with this ordinance as may be required by the Act of May 16, 1923, P.L. 207, No. 153, as amended or supplemented, 53 P.S. section 7106.

SECTION V: ADDITION OF INTEREST

In all proceedings where a Municipal Claim is filed as a lien against real property for delinquent accounts which are the subject of this ordinance, interest equal to ten percent (10%) per annum shall be assessed and accrue on the claim from the date of the completion of the work

**(Exhibit "A")
COATESVILLE CITY**

**FEE AND COST SCHEDULE FOR MUNICIPAL LIENS
(STATUTORILY AUTHORIZED TO BE ASSESSED)**

CLAIM AMOUNT	ATTORNEY FEES (added at time of filing (municipal lien – covers first two procedures identified below)
Under \$1,000.00	\$250.00
\$1,000.00 - \$2,500.00	\$500.00
\$2,501.00 - \$5,000.00	\$1,000.00
\$5,001.00 - \$7,500.00	\$1,500.00
\$7,501.00 - \$10,000.00	\$2,000.00
\$10,001.00 - \$25,000.00	\$2,500.00
over \$25,000.00	10% of the claim amount

<u>OPERATION</u>	<u>PROTHONOTARY (CHESTER COUNTY)</u>		<u>SHERIFF (CHESTER COUNTY)</u>
	<u>FEE</u>	<u>COSTS</u>	<u>COSTS</u>
Create file for debtor, generate and send Notice Letter.	\$150.00	\$.00	\$.00
Prepare Lien, File Lien, Service of Lien and Cover Letter Transmitting Lien	\$100.00 ¹	\$ 31.00	\$.00
Preparation, filing and service of Writ of Sci.Fa. and Sheriff's Service Form	\$150.00	\$ 10.00	\$150.00
Re-issuance of Writ			

¹ First two listed fees of \$150.00 and \$100.00 in chart above total \$250.00 attorney fee applicable to claim amounts of \$1,000.00 or less as identified in chart. This amount is increased to equal the amount of the claim as set forth in the chart. For instance, if the claim is for \$3,000. the first two fees will be adjusted to add \$250.00 for a total fee added to the Municipal Claim at the time of filing the Municipal Lien in the amount of \$500.00. Thereafter, the additional fees and costs will be strictly in accordance with the schedule as listed herein.

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of Sci.Fa. (if nec.)	\$ 25.00	\$0.00	\$0.00
Preparation, Review, Filing of Praecipe for Writ of Execution and Writ of Execution for Sheriff's Sale	\$600.00	\$ 28.00	\$ 150.00
Prepare & mail correspondence Per Pa.R.C.P. §237.1	\$ 25.00		
Motion for alternate service	\$175.00		
Motion for Summary Judgment	\$175.00		
Prepare and file Default Judgment	\$125.00		
Charge for check which Does not clear	\$ 40.00		
Title Search (If necessary)	\$ 75.00	\$0.00	\$ 0.00

NOTES:

- A. Prothonotary and Sheriff's Costs may change from time to time, but will be assessed at rate charged by either Prothonotary or Sheriff.
- B. For Miscellaneous Litigation, the hourly rate of \$135.00 will be charged to the debtor, plus expenses for such things as excess postage, photocopies, etc.
- C. Debtors will be charged a \$40.00 charge for checks which do not clear.
- D. Debtors will be charged for advertising for judicial sale, if applicable.

after it is filed as a lien, and on claims for taxes, water rents or rates, lighting rates or sewer rates, from the date of the filing of the lien therefore; provided, however, that if a municipal claim is filed arising out of a municipal project which required the City to issue bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of interest of the bond issue or at the rate of twelve percent (12%) per annum, whichever is less. No notice prior to the assessment or imposition of interest as set forth herein shall be required. Such interest shall be added to the Municipal Claim and collected therewith.

SECTION VI: ASSESSMENT OF PENALTY

In all proceedings where a Municipal Claim is filed as a lien against real property for delinquent accounts which are subject of this ordinance, a penalty equal to five percent (5%) of the delinquent account shall be added to the Municipal Claim and collected therewith when the delinquent account remains unpaid for ninety (90) days after the assessment shall have been levied, or as soon thereafter as may be convenient or proper.

No notice prior to the assessment or the imposition of a penalty as set forth herein shall be required.

SECTION VII: SAVINGS CLAUSE

Should any part or provision of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder of this ordinance which shall remain fully binding, enforceable, and valid, and such illegal, unenforceable or void part and/or provision shall be amended to the extent necessary to conform with the law. The Council of the City hereby declares its intention that it would have adopted this ordinance had it not contained such invalid, illegal or unenforceable part or provision, and that it would have adopted this ordinance had it contained such parts or provisions as subsequently amended to conform to the law.

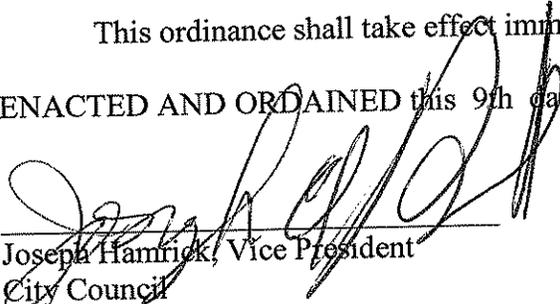
SECTION VIII: REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IX: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption hereof.

ENACTED AND ORDAINED this 9th day of April, 2012.



Joseph Hamrick, Vice President
City Council

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ATTEST:



Gary Rawlings, City Manager