

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Springfield Township Board of Supervisors will hold a public hearing on Tuesday, October 8, 2024 at 7:00 p.m. in the Springfield Township Building located at 2320 Township Road, Quakertown, Pennsylvania, to obtain public comments and to consider, and if appropriate adopt an ordinance authorizing the imposition of attorneys' fees in connection with the collection of delinquent municipal claims and accounts. The ordinance sets forth a fee schedule for attorney's fees related to the collection of delinquent municipal claims, municipal liens, taxes, tax claims and tax liens. It provides a procedure for collection, contains a severability clause and an effective date.

A complete copy of the proposed Ordinance is available for copying and examination by the public at the Springfield Township Building located at 2320 Township Road, Quakertown, Pennsylvania and the office of this publication during regular business hours.

Scott A. MacNair, Esquire
Clemons Richter & Reiss, PC
Springfield Township Solicitor
2003 S. Easton Road, Ste. 300
Doylestown, PA 18901

ADVERTISE ONCE: TUESDAY, October 1, 2024

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF SPRINGFIELD, BUCKS COUNTY, PENNSYLVANIA, AUTHORIZING THE IMPOSITION OF ATTORNEYS' FEES IN CONNECTION WITH THE COLLECTION OF DELINQUENT MUNICIPAL CLAIMS AND ACCOUNTS

WHEREAS, pursuant to Section 1506 of the Second Class Township Code, the Board of Supervisors may make and adopt any ordinances necessary for the health and welfare of the Township and its citizens; and

WHEREAS, pursuant to Section 7106 of the Municipal Claims and Tax Liens Law, the Board of Supervisors may adopt an ordinance to impose attorneys' fees on the collection of delinquent accounts, including municipal claims, municipal liens, taxes, tax claims and tax liens; and

NOW THEREFORE, the Board of Supervisors of Springfield Township, in consideration of the foregoing, and the exercise of the police power, and in order to protect the health, safety and general welfare of the citizens of Springfield Township, Bucks County, Pennsylvania, does hereby **ENACT** and **ORDAIN** as follows:

Section 1. Title.

This Ordinance shall be known and may be cited as the "Springfield Township Attorney's Fee Schedule Ordinance".

Section 2. Fee Schedule

1. The township board of supervisors determines this fee schedule fair and reasonable for the services to be rendered by its solicitor or other legal counsel in the collection of delinquent municipal claims and accounts and hereby directs that the same be imposed, as applicable, upon the affected property owners (the "owner") and shall be imposed and recovered as part of each municipal claim against the affected real property in proceedings to recover delinquent municipal

claims, together with any additional out-of-pocket costs incurred by the township for necessary expenses in connection therewith.

2. Legal fees for the following services/actions shall be as follows:

A. *Municipal liens/claims.* Attorney fees in the amount of \$250.00 shall be added to the total delinquent amount of each municipal lien filed by the township in connection with the following legal services provided:

- (1) Prepare and file municipal lien.
- (2) Prepare order to satisfy and calculate payoff statements.
- (3) Prepare and mail correspondence.
- (4) Prepare proof of claim.

B. *Municipal claims.* Attorney fees for the collection of all other municipal claims and delinquent accounts shall be determined by the following table:

- (1) Attorney fees in the amount of \$250.00 shall be assessed for all claims not exceeding \$1,000.00.
- (2) Attorney fees in the amount of \$500.00 shall be assessed for all claims in excess of \$1,000.00 and not exceeding \$2,500.00.
- (3) Attorney fees in the amount of \$1,000.00 shall be assessed for all claims in excess of \$2,500.00 and not exceeding \$5,000.00.
- (4) Attorney fees in the amount of \$1,500.00 shall be assessed for all claims in excess of \$5,000.00 and not exceeding \$7,500.00.
- (5) Attorney fees in the amount of \$2,000.00 shall be assessed for all claims in excess of \$7,500.00 and not exceeding \$10,000.00.
- (6) Attorney fees for claims in excess of \$10,000.00 shall be charged according to the standard charge of the solicitor to the township in effect at the time of collection in connection with the following legal services provided:
 - (a) Prepare and file writ of scire facias.
 - (b) Reissue writ.
 - (c) Prepare and mail correspondence per Pa.R.C.P. 237.1.
 - (d) Prepare motion for alternate service.
 - (e) Prepare motion for summary judgment.

- (f) Prepare and file default judgment.
- (g) Prepare and file writ of execution for sheriff sale.
- (h) Attendance at sale and evaluate schedule of distribution and resolve issues ancillary to sale.
- (i) Miscellaneous litigation.

Section 3. Municipal Claim

For purposes of this part, the term "municipal claim" shall mean any claim identified, defined, prescribed or provided for under 53 P.S. §7106.

Section 4. Procedure for Collection

1. At least 30 days prior to assessing or imposing attorney's fees in connection with the collection of a delinquent account, the township shall by United States certified mail, return receipt requested, postage prepaid, mail to the owner the notice required by this section 4.
2. If within 30 days of mailing the notice in accordance with subsection 1, the certified mail is refused or unclaimed or the return receipt is not received, then at least ten days prior to assessing or imposing attorney's fees in connection with the collection of a delinquent account, the township shall, by United States first-class mail, mail to the owner the notice required by this section 4.
3. The notice required by this section shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the township and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the township to determine the owner's last post office address known to said collector and county assessment office.
4. The notice to the owner shall include the following:
 - A. A statement of the township's intent to impose or assess attorney's fees within 30 days of mailing the notice pursuant to subsection 1, or within ten days of the mailing of the notice pursuant to subsection 2.
 - B. The manner in which the imposition or assessment of attorney's fees may be avoided by payment of the delinquent account.

Section 5. Severability

The provisions of this Ordinance are severable. Should any part of the Ordinance be declared by final court order to be illegal or otherwise invalid, the balance of the Ordinance shall be unaffected by such declaration.

Section 6. Effective Date.

This Ordinance shall become effective five (5) days following its enactment.

ORDAINED AND ENACTED this _____ day of _____, 2024.

BOARD OF SUPERVISORS
SPRINGFIELD TOWNSHIP

ATTEST:

Richard Purcell, Township Manager

Bill Ryker, Chairman

Raymond Kade, Vice-Chair

James Hopkins, Member

David Long, Member

Lorna Yearwood, Member