

LOWER MOUNT BETHEL TOWNSHIP

NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-03  
(Duly Adopted March 02, 2020)

AN ORDINANCE OF LOWER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA SPECIFYING THE PROCEDURE AND ESTABLISHING A REASONABLE ATTORNEY'S FEE SCHEDULE AND COSTS OF COLLECTION FOR DELINQUENT MUNICIPAL SANITATION FEE CLAIM ACCOUNTS, IMPOSING THE COST OF SUCH COLLECTION UPON THE DELINQUENT RATEPAYER, ALSO TO BE KNOWN AS THE "ACT 20 ORDINANCE FOR THE COLLECTION OF DELINQUENT SANITATION FEES", AND PROVIDING FOR A PARTIAL REPEALER, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

**WHEREAS**, Lower Mount Bethel Township ("**Township**") is a political subdivision, municipal corporation, and Second Class Township of the Commonwealth of Pennsylvania, being a body both corporate and politic, situated in Northampton County, duly established and lawfully existing under and pursuant to the Second Class Township Code and General Municipal Law of the Commonwealth of Pennsylvania, 53 P.S. §§ 65101 *et seq.*, as amended; and

**WHEREAS**, the Township is authorized and empowered to establish a program for the collection, removal, and disposal of refuse and recycling from residential units in the Township pursuant to certain provisions of the Second Class Township Code, the General Municipal Law, and the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. Section 4000.101 *et seq.* ("Act 101" of 1988), and the Township has established such a program and operation ("**Program**"); and

**WHEREAS**, the Commonwealth of Pennsylvania authorizes the establishment of fees and assessments for the Program; and

**WHEREAS**, the Township has established and assesses a Refuse Collection Fee (Sanitation Assessment) to offset and pay for the cost of the Program (hereinafter the "**Sanitation Fee or Sanitation Fees**", as the case may be); and

**WHEREAS**, the Township must reasonably provide services to those residents who promptly pay their Sanitation Fees; and

**WHEREAS**, Lower Mount Bethel Township has encountered considerable difficulty and expense in collecting its delinquent Sanitation Fee charges; and

**WHEREAS**, the Township deems it to be in the best interest of the citizens of the Township to impose the cost of collecting delinquent Sanitation Fees directly upon the delinquent ratepayer; and

**Whereas**, the Board of Supervisors of the Township deem it appropriate and desire to provide for a procedure to collect delinquent Sanitation Fees, and establish a schedule of attorney fees and related costs for the professional services necessary to collect the delinquent Sanitation Fees; and

**WHEREAS**, this Ordinance is enacted pursuant to the Municipal Claims and Tax Lien Law, Act 20 of 2003, and codified at 53 P.S. Section 7106 and 53 P.S. Section 7143.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Lower Mount Bethel Township that the following shall constitute the Act 20 Ordinance for the Collection of Delinquent Sanitation Fees (“**Ordinance**”):

**Section 1. Short Title.** This Ordinance may be known as the “Act 20 Ordinance for the Collection of Delinquent Sanitation Fees” and may be referenced by that title.

**Section 2. Establishment of Process and Authorization for Addition of Attorney Fees and Costs to Delinquent Sanitation Fees.** Hereinafter, for every delinquent Sanitation Fee claim, charge, tax, assessment, levy or obligation owed to Lower Mount Bethel Township, there shall be added to such claim, charge, tax, assessment, levy or obligation such attorney's fees, costs, charges, and expenses incurred in the collection process subsequent to proper notification to ratepayers of the intent to impose attorney's fees on such delinquent Sanitation Fees. Such additional charges shall be collected in addition to such interest and penalties as are allowed by law. The additional charges shall further be collected in the same manner and with the full authority as other municipal claims of any nature, and shall be deemed to be a municipal claim and collectable and lienable as such.

**Section 3. Establishment and Approval of a Schedule of Attorney Fees and Costs.** Any such attorney fees and costs as are authorized by Section 2 of this Ordinance shall be reasonable, and the same are hereby established as fee rates which are attached hereto and made a part hereof as Schedule "A". Said Schedule “A” of fees is hereby deemed and approved to be reasonable, fair, and necessary in order to allow the Township to collect such Sanitation Fees due to it. This Schedule “A” may be amended by a duly enacted Ordinance from time to time.

**Section 4. Authorization and Direction to Add Attorney Fees and Costs of Schedule “A” to Delinquent Sanitation Fees.** Any person or entity empowered to collect delinquent Sanitation Fees on behalf of the Township is authorized and directed to add the attorney fees and costs for such collection to the delinquent Sanitation Fees, as are incurred to the extent allowed and set forth on Schedule "A". Such attorney fees and costs collected pursuant to this Ordinance shall be in addition to any claim, penalty, interest, costs or fees already part of the delinquent Sanitation Fee account or assessment.

**Section 5. Addition of Attorney Fees and Costs to Delinquent Sanitation Fees after Enactment of this Ordinance; Procedure for Giving Prior Notice of Such Additions to the Ratepayer as Provided by Law.** Attorney fees and costs incurred to the extent set forth on Schedule "A" shall be added to all unpaid or delinquent Sanitation Fees arising or imposed subsequent to the date of enactment and adoption of this Ordinance, or which become delinquent or are re-determined to be delinquent subsequent to such date. Prior to the time when such attorney fees and costs are added to any underlying claim for Sanitation Fees, the collector shall first give the ratepayer such notice as required by law. The collector shall so notify the ratepayer by sending such notice to the property owner's or ratepayer's last known address by mailing notices in the manner prescribed by the Act of the Pennsylvania General Assembly, known as Act 20 of 2003, and codified at 53 P.S. Section 7106 and 53 P.S. Section 7143, also known as the "Municipal Claims and Tax Lien Law".

**Section 6. Codification.** This Ordinance shall be entered and codified into the Township of Lower Mount Bethel Code of Ordinances at the next available opportunity.

**Section 7. Repealer.** Any ordinance, resolution, and/or other regulation of the Township, or any parts of ordinances, resolutions, and/or other regulations of the Township which are inconsistent herewith are hereby repealed, but only to the extent of the inconsistency. Specifically, Township Ordinance 2011-04, known as the "Delinquent Assessment Collection Procedures and Attorneys' Fee Schedule Ordinance" enacted July 11, 2011, and Ordinance 2015-04, captioned as "An Ordinance Amending Section 4(a) Of The Delinquent Assessment Collection Procedures And Attorneys' Fee Schedule Ordinance, Adopted As Ordinance 2011-04, By Restating The Attorney Fees For Services In Connection With The Collection Of Accounts", etc. adopted December 14, 2015, are hereby deemed to be repealed only to the extent they apply to the collection of delinquent Sanitation Fees, which inconsistencies shall be replaced and superseded by this Ordinance.. All other provisions of the ordinances, resolutions, and/or other regulations of Lower Mount Bethel Township, Northampton County, Pennsylvania shall remain in full force and effect.


**Section 8. Severability and Saving.** The provisions of this Ordinance are declared to be severable. If any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance shall be held invalid, illegal, and/or unconstitutional, then it is the intent of the Board of Supervisors that it would have enacted the remainder of this Ordinance and Schedule "A" irrespective of said invalid, illegal, and/or unconstitutional portion, and the same invalid, illegal, and/or unconstitutional portion shall not affect the validity of this Ordinance as a whole or any other part or provisions hereof, other than the part so judged to be invalid, illegal, or held unconstitutional.

**Section 9. Effective Date.** This Ordinance shall become effective five (5) days after enactment and adoption, as required by law.


**[The remainder of this page is blank – the Ordinance concludes on the following page.]**

**DULY ENACTED AND ORDAINED**, this 2nd day of March, 2020 by the Board of Supervisors of the Township of Lower Mount Bethel, Northampton County, Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present. As part of this Ordinance, the Board of Supervisors has directed that the Chairman, or Vice-Chair in the absence of the Chairman, execute this Ordinance on behalf of the Board.

**TOWNSHIP OF LOWER MOUNT BETHEL  
BOARD OF SUPERVISORS**

By:   
Michael Deberardinis, Chairman

**ATTEST:**

  
Melissa Mastrogiovanni  
Township Secretary  
(seal)

[Schedule "A" is on the following page.]

## SCHEDULE "A"

### SCHEDULE OF ATTORNEY FEES, COSTS, AND SERVICE CHARGES FOR COLLECTION OF DELINQUENT SANITATION FEES

**I. Account Management:**

- 1) Delinquent account servicing fee, including records imaging and detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, and supplies used to generate delinquent notices and to establish monthly payment plan—10% of tax, penalty and interest due.

**II. Certified Notice and Civil Litigation:**

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|---|----------|
| 2) Prepare and mail Thirty-day Delinquent Notice. | \$50.00  |
| 3) Prepare District Judge complaint.              | \$75.00  |
| 4) Preparation of District Judge Hearing          | \$150.00 |
| 5) Docketed District Judge hearing.               | \$100.00 |
| 6) File Municipal Claim                           | \$75.00  |

**III. Appeals, Arbitration and Sheriff Sale:**

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| 6) Scheduled or posted Constable execution sale.                                     | \$350.00 |
| 7) Prepare Arbitration complaint.  | \$150.00 |
| 8) Prepare General Docket Proceeding.  | \$375.00 |
| 9) Trial, arbitration or mediation.  | \$350.00 |
| 10) Negotiate and prepare subsequent payment plan agreement.                         | \$75.00  |
| 11) Prepare Writ of Scire Facias Sur tax lien in furtherance<br>of Sheriff Tax Sale. | \$600.00 |
| 12) Sheriff Sale Claim Notice  | \$50.00  |
| 13) Prepare Reissue Writ.  | \$125.00 |
| 14) Title search for Sheriff sale.   | \$250.00 |
| 15) Title search bring down  | \$50.00  |
| 16) Enter default judgment.  | \$225.00 |
| 17) Issue Writ of Execution in Sheriff Sale.   | \$700.00 |
| 18) Sheriff Sale/Trial Postponement  | \$100.00 |
| 19) Scheduled or posted Sheriff Sale.  | \$500.00 |

## Schedule "A", continued

### IV. Miscellaneous:

20)	Non-litigation legal work.	\$80.00/hr
21)	Litigation legal work.	\$100.00/hr
22)	All other clerical work not itemized above.	\$50.00/hr
23)	Special search for defendant locale	\$100.00
24)	Motion for Alternate Service	\$200.00
25)	Partial payment fee – where payment received does not pay account in full.	\$3.00
26)	Fee for check returned from bank (NSF, Acct. Closed, etc.).	\$29.00