

TOWNSHIP OF TILDEN

ORDINANCE NO. 111, 1996

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA ADOPTING PROCEDURES FOR THE COLLECTION OF ATTORNEYS FEES, CHARGES AND EXPENSES INCURRED BY THE TOWNSHIP IN THE COLLECTION OF DELINQUENT ACCOUNTS, DELINQUENT TAXES AND FEES AND ESTABLISHING A SCHEDULE OF ATTORNEYS FEES TO BE COLLECTED IN CONNECTION THEREWITH

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Declaration of Lien. All municipal claims lawfully imposed or assessed on any property in the Township of Tilden pursuant to the Municipal Claim and Tax Lien Law, the act of May 16, 1923, P.L. 207, No. 153, (53 P.S. §7101 et seq.), as amended, (the "Act"), in the manner and to the extent set forth in the Act, shall be and hereby are declared to be a lien on said property, together with all charges, expenses and fees incurred in the collection of any delinquent account, including reasonable attorneys fees added for failure to promptly pay, and said liens shall arise when lawfully imposed and assessed and shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property before any other obligation, judgment, claim, lien or estate with which said property may become charged, or for which it may become liable, save and except only the costs of the sale and of the writ upon which it is made, and the taxes imposed or assessed upon said property.

Section 2. Collection of Attorneys Fees. Attorneys fees incurred in the collection of any delinquent account shall be in an amount sufficient to compensate attorneys undertaking collection and representation of the Township in actions involving claims arising under the Act, and shall be determined in accordance with a Schedule of Attorneys Fees adopted by Resolution of the Township Supervisors.

Section 3. Procedures for Collection. The procedures for collection of attorneys fees, charges and expenses incurred by the Township in the collection of delinquent accounts, delinquent taxes and fees shall be as set forth in the Act.

Section 4. Entry of Judgment. If no affidavit of defense is filed within the time designated by the Act, judgment may be entered and damages assessed by the Prothonotary of Berks County, Pennsylvania by default, for want thereof. Such assessment shall include a fee for collection to the Township's attorneys in accordance with the Act.

Section 5. Unreasonable Attorney Fees. The Township shall not be liable to any attorney for the amount of any attorneys fees found to be unreasonable by the Court.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 8. Effective Date. This Ordinance shall become effective five (5) days after enactment.

ENACTED and ORDAINED this 5th day of December, 1996.

TOWNSHIP OF TILDEN

By: Roy W. Berkey
Supervisor

By: James W. Halyo
Supervisor

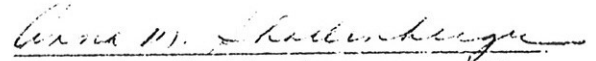
By: Eugene A. Schlegel
Supervisor

Attest: _____
Secretary

CERTIFICATION

I hereby certify that the foregoing ordinance was advertised on November 25, 1996 in the Reading-Eagle Times, a newspaper of general circulation in the Township of Tilden, Berks County, Pennsylvania, and was duly enacted and approved as set forth at a regular scheduled meeting of the Township of Tilden on December 5, 1996 at 7:00 P.M., prevailing time, in the Township Municipal Building, Tilden Township, Berks County, PA

ATTEST:


Anna M. Shollenberger, CMC
Secretary