

## TOWNSHIP OF WARWICK

Lancaster County, Pennsylvania

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ORDINANCE NO. 276

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AN ORDINANCE OF THE TOWNSHIP OF WARWICK, LANCASTER COUNTY, PENNSYLVANIA, AUTHORIZING THE ADDITION OF ANY CHARGES, COSTS, EXPENSES, COMMISSIONS, AND ATTORNEY FEES INCURRED BY THE TOWNSHIP FOR THE COLLECTION OF DELINQUENT ACCOUNTS, ASSESSMENTS, TAXES, AND OTHER AMOUNTS OWING TO THE TOWNSHIP, INCLUDING THE CHARGES, COSTS, EXPENSES, COMMISSIONS, AND ATTORNEY FEES OF THIRD-PARTY COLLECTION AGENCIES RETAINED BY THE TOWNSHIP, TO THE SUMS DUE AND OWING TO THE TOWNSHIP.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, as follows:

Section 1. The purpose of this Ordinance is to promptly recover delinquent accounts, assessments, taxes, and other amounts ("Unpaid Claims") which are owing to the Township. The Township, through its Board of Supervisors, is charged by Section 607(1) of The Second Class Township Code with the exercise of its legislative, executive, and administrative powers in order to ensure the sound fiscal management of the Township. It is the intent of the Board of Supervisors to shift the cost of collection of Unpaid Claims to the persons responsible for payment of the Unpaid Claims rather than forcing compliant taxpayers, residents, and property owners to bear the cost.

Section 2. The Township Manager may retain, by and with the approval of the Board of Supervisors, such third-party collection agencies as are deemed appropriate to collect Unpaid Claims.

Section 3. In the event the Township incurs any costs, charges, attorneys' fees, commissions, or other expenses ("Collection Expenses") whether directly or through the use of a third-party collection agency in connection with or related to collecting Unpaid Claims, the person or persons responsible for payment (the "Delinquent Persons") shall be required to pay the Collection Expenses which shall be added to and be part of the Unpaid Claims. The imposition of Collection Expenses shall be subject to any prior notice required to be given to the Delinquent Persons by Pennsylvania statutory law.

Section 4. The Collection Expenses of third-party collectors retained by the Township for their collection services as set forth in the applicable collection services agreement with the Township are hereby legislatively approved by the Township. Any attorney fees imposed upon Delinquent Persons by third-party collectors as the result of the referral of the Unpaid Claims for legal action shall be based upon the provisions of the collection services agreement between the Township and the third-party collector. Any attorney fees imposed upon Delinquent Persons by the Township for legal services rendered by the Township Solicitor shall be based upon the fee schedule of the Township Solicitor in effect from time to time. Such fees shall be the actual fees charged by the Township Solicitor for the services performed. The present fee schedule of the Township Solicitor is attached hereto as Exhibit A and is incorporated herein. This fee schedule shall be revised from time to time to reflect the changes in the rates charged to the Township by the Township Solicitor without the necessity to amend this Ordinance. In no event shall the hourly rate imposed upon Delinquent Persons exceed the rate charged by the Township Solicitor to the Township.

Section 5. The Township Manager is hereby authorized to refer Unpaid Claims to a third-party collector which has been previously retained and is currently engaged by the Township for legal action or to the Township Solicitor.

Section 6. Any third-party collector retained to collect Unpaid Claims on behalf of the Township is directed to add its charges, expenses, commissions, and fees to Unpaid Claims.

Section 7. Attorney fees shall be added to Unpaid Claims after giving Delinquent Persons such prior notice as is required by law.

Section 8. The Township Manager is hereby authorized to take such additional action as the Township Manager may deem necessary or appropriate to implement this Ordinance.

Section 9. Interest shall be assessed upon the Unpaid Claims at the rate of ten (10%) percent per annum and shall be added to the Unpaid Claims when a municipal claim has been filed to the extent authorized by 53 P.S. §7143 or any corresponding future statute.

Section 10. Except to the extent inconsistent herewith, the provisions of Ordinance No. 212 as codified at Chapter 292, Article IV, of the Code of Ordinances of the Township of Warwick shall remain in full force and effect as previously enacted. All other ordinances and parts of ordinances are repealed insofar as they are inconsistent with this Ordinance.

Section 11. The provisions of this Ordinance, insofar as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to collect any Unpaid Claims, to enforce any right or penalty, or to punish any offense under any such ordinances or regulations aforesaid.

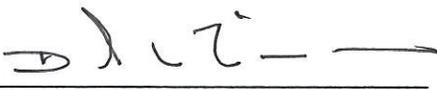
Section 12. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section,

sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

Section 13. This Ordinance shall take effect and be in force five (5) days after its enactment.

DULY ORDAINED AND ENACTED this 6<sup>th</sup> day of April, 2016, by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WARWICK  
Lancaster County, Pennsylvania

Attest:   
(~~Assistant~~) Secretary

By:   
(~~Vice~~) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]

EXHIBIT A

Morgan, Hallgren, Crosswell & Kane, P.C.

2016 Fee Schedule

	<u>Hourly Rate</u>
William C. Crosswell	\$180.00/hr.
Anthony P. Schimaneck	\$175.00/hr.
Josele Cleary	\$175.00/hr.
Robert E. Sisko	\$175.00/hr.
Jason M. Hess	\$170.00/hr.
Other Attorneys	Not to exceed \$180.00

In addition, out-of-pocket expenses will be required to be reimbursed, including, but not limited to, photocopying, long distance telephone charges, filing and recording fees, and travel expenses.