

ORDINANCE NO. 957

AN ORDINANCE OF THE BOROUGH OF PITCAIRN ALLEGHENY COUNTY COMMONWEALTH OF PENNSYLVANIA FOR THE IMPOSITION OF ATTORNEY'S FEES ON ALL DEBTS, CLAIMS, TAXES, ASSESSMENTS OR MUNICIPAL CHARGES OF ANY NATURE; PROVIDING FOR THE COLLECTION OF THE SAME IN THE SAME MANNER AS ALL MUNICIPAL CLAIMS; PROVIDING THAT SUCH EXPENSES MAY BE ASSESSED AND ADDED TO ALL MUNICIPAL CLAIMS AND CHARGES; PROVIDING A MECHANISM TO DETERMINE LEGAL FEES, COSTS AND EXPENSES.

WHEREAS, the Borough of Pitcairn has encountered considerable expense in collecting delinquent taxes, assessments, charges and other municipal claims; and

WHEREAS, the Borough of Pitcairn should not be burdened by additional charges since it is not equitable to taxpayers who promptly pay their taxes and municipal charges; and

WHEREAS, the Borough of Pitcairn deems it the best interest of the residents of the Borough of Pitcairn to impose costs of collection on all delinquent taxpayers; and

BE IT ORDAINED AND ENACTED by the Borough of Pitcairn, Allegheny County, Pennsylvania, as follows:

SECTION I: This Ordinance shall be known as the Cost of Collections Ordinance.

SECTION II: Hereinafter, for every delinquent claim, charge, tax assessment, levy or obligation owed to the Borough of Pitcairn, there shall be added to such claim, charge, tax, assessment, levy or obligation such attorney's fees, charges, and expenses incurred in the collection process subsequent to proper notification to taxpayers of the intent to impose attorney's fees on delinquent obligations. 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 for purposes of collection and obtaining a lien on property.

SECTION III: Such fees shall be reasonable and the same are hereby established in a fee rate as attached hereto and made a part hereof as Schedule A. Said schedule of fees is hereby deemed to be reasonable, fair, and necessary in order to allow the Borough of Pitcairn to collect such amounts due. This schedule may be amended from time to time by Ordinance.

SECTION IV: Any person or entity empowered to collect amounts on behalf of the Borough of Pitcairn is directed to add such fees as are incurred to the extent allowed and set forth on Schedule A.

SECTION V: Attorney fees incurred to the extent set forth on Schedule A shall be added to all unpaid municipal claims of any nature arising or imposed subsequent to the effective date of this Ordinance which become delinquent or are predetermined to be delinquent subsequent to the effective date of this Ordinance. Prior to the time when such fees are added to any underlying claim, the tax collector shall first give the taxpayer such notice as required by law. The tax collector or other collector shall so notify the taxpayer by sending such notice to the taxpayer's last known address by mailing notices in substantially the forms of notice as are attached as Exhibits B and C in accordance with the Statutes cited herein.

SECTION VI: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinance or parts thereof are specifically repealed.


SECTION VII: 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 Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

THIS ORDINANCE ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF PITCAIRN ON THIS 23 DAY OF December, 2008.

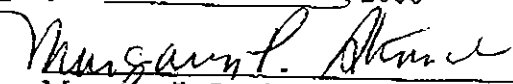
ATTEST:


Patricia A. Logo, Borough Manager

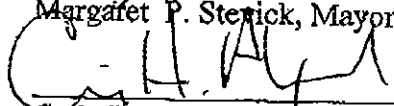
BOROUGH OF PITCAIRN:


John M. Bova, President
Pitcairn Borough Council

EXAMINED AND APPROVED by me this _____ day of _____, 2008


Margaret P. Sterick, Mayor

APPROVED AS TO FORM:


Craig H. Alexander, Esquire
Solicitor

FEE SCHEDULE

DBLINQUENT TAX AND CLAIM ATTORNEY FEE SCHEDULE

All items are flat fees except item number 12 and number 21

1	Opening file and verifying data	\$135.00
2	Preparing and sending letter to taxpayer regarding payment	\$ 50.00
3	Correspondence per Pa. RCP Section 237.1	\$ 25.00
4	Preparing magistrate complaint and effectuating service of process.	\$ 75.00
5	Appearing at magistrate's hearing	\$250.00
6	Preparing arbitration complaint	\$150.00
7	Appearing at arbitration trial	\$350.00
8	Preparation of complaint in Common Pleas and effectuating service	\$175.00
9	Negotiation and preparation of payment plan agreements	\$ 25.00
10	Preparing and filing lien, letter to taxpayer, accounting for funds received.	
	Preparing and filing satisfaction of lien.	\$150.00
11	Preparing writ of scire facias sur tax lien in furtherance of sheriff sale of land	\$150.00
	Re-issuance of writ	\$ 25.00
12	Title search for sheriff sale.	Cost item to be paid to title searcher
13	Taking default judgment.	\$125.00
14	Issuance of writ of execution	\$750.00
15	Continuing Sheriff Sale	\$ 25.00
16	Processing NSF checks	\$ 25.00
17	Credit Check	\$ 25.00
18	Filing claim in Bankruptcy	\$ 25.00
19	Filing Petition to assess damages or attorney fees.	\$ 50.00
20	Attending Sheriff's Sale	\$400.00
21	Amending tax liens, trials, pleading for litigation or other legal work not itemized above.	
	Attorney - Hourly Rate - \$200.00	Non Attorney - Hourly Rate - \$60.00

EXHIBIT A

THIRTY (30) DAY NOTICE
CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTAGE PREPAID
OR PERSONAL SERVICE

TO: FULL NAME OF EACH TAXPAYER WITH ADDRESS

FROM THE BOROUGH OF PITCAIRN

TYPE(S) OF TAX/CLAIM: _____

YEARS INVOLVED: _____

THE PURPOSE OF THIS NOTICE IS TO APPRISE THE TAXPAYER(S) NAMED ABOVE THAT THE TAXES OR MUNICIPAL CLAIMS IDENTIFIED HEREIN ARE NOW DELINQUENT. IT IS THE INTENT OF THE BOROUGH NAMED ABOVE TO IMPOSE ATTORNEY'S FEES ON YOU WHICH ARE INCURRED IN THE COLLECTION OF THE ABOVE TAX. A COPY OF THE ORDINANCE IMPOSING THOSE FEES WITH THE FEE SCHEDULE IS ATTACHED. THESE ATTORNEY'S FEES WILL BEGIN TO ACCRUE AFTER THIRTY (30) DAYS HAVE EXPIRED FROM THE DATE OF THIS NOTICE. YOU CAN AVOID THE IMPOSITION OF SUCH FEES BY PAYING THE DELINQUENT ACCOUNT WHICH IS IDENTIFIED ABOVE. TO DO SO, REMIT PAYMENT TO THE TAX COLLECTOR IDENTIFIED BELOW. A STATEMENT OF YOUR ACCOUNT IS ATTACHED TO THIS NOTICE.

NAME AND ADDRESS OF TAX COLLECTOR:

MONROEVILLE TAX OFFICE
2700 MONROEVILLE BLVD.
MONROEVILLE, PA 15146-2388

DATE OF THIS NOTICE: _____

SIGNATURE: _____

Personal Service (via hand delivery) Certification

I, _____, hereby certify and return that on the _____ day of _____, 20____, at _____ a.m./p.m. that I served a hand delivered a copy of this Notice to _____ at _____

Signature

TEN (10) DAY NOTICE
FIRST CLASS MAIL, POSTAGE PREPAID

TO: FULL NAME OF EACH TAXPAYER WITH ADDRESS:

FROM: THE BOROUGH OF PITCAIRN

TYPE(S) OF TAX/CLAIM: _____
YEARS INVOLVED: _____

THE PURPOSE OF THIS NOTICE IS TO APPRISE THE TAXPAYER(S) NAMED ABOVE THAT THE TAXES OR MUNICIPAL CLAIMS IDENTIFIED HEREIN ARE NOW DELINQUENT. IT IS THE INTENT OF THE BOROUGH NAMED ABOVE TO IMPOSE ATTORNEY'S FEES ON YOU WHICH ARE INCURRED IN THE COLLECTION OF THE ABOVE TAX. A COPY OF THE ORDINANCE IMPOSING THOSE FEES WITH THE FEE SCHEDULE IS ATTACHED. THESE ATTORNEY'S FEES WILL BEGIN TO ACCRUE AFTER TEN (10) DAYS HAVE EXPIRED FROM THE DATE OF THIS NOTICE. YOU CAN AVOID THE IMPOSITION OF SUCH FEES BY PAYING THE DELINQUENT ACCOUNT WHICH IS IDENTIFIED ABOVE. TO DO SO REMIT PAYMENT TO THE TAX COLLECTOR IDENTIFIED BELOW. A STATEMENT OF YOUR ACCOUNT IS ATTACHED TO THIS NOTICE.

NAME AND ADDRESS OF TAX COLLECTOR:

MONROEVILLE TAX OFFICE
2700 MONROEVILLE BLVD.
MONROEVILLE, PA 15146-2388

DATE OF THIS NOTICE: _____

SIGNATURE: _____

EXHIBIT C

INSTRUCTIONS ON MAILING OF NOTICES

The form must be completed in full. All information, including the date of mailing, names, last known addresses, taxing entity, type of tax, years claimed and the amounts claimed must be accurate. A copy of the Cost of Collection Ordinance and the tax bill must be attached. The Thirty Day Notice must be sent by certified mail or served personally via hand delivery as set forth in the Ordinance. If sent certified, attach the receipt to our copy of the notice. When the green card is returned, attach it to our copy. If the green card is not returned, or if the notice is returned undelivered for any reason, then send the Ten Day Notice. It need not be sent by certified mail. If the Thirty Day Notice is served via hand delivery, the person who actually effectuated service must fill out the Personal Service (via hand delivery) Certification as to their name, date of service, to whom they served, location of service, and sign the Certification. Again the person who prepares the Notice must sign it to verify all the information provided is accurate. Our copies of the Notices and signed Certifications must be retained as proof of the mailing or personal service of the Notices.

EXHIBIT D

