

Chapter 14

Delinquent Accounts

Part 1

Collection of Delinquent Municipal Accounts, Attorneys' Fees and Interest

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Part 1**Collection of Delinquent Municipal Accounts, Attorneys' Fees and Interest****§14-101. Definitions.**

Unless otherwise stated, the following words shall, for the purpose of this Part, have the meanings herein indicated:

Borough—the Borough of Akron, Lancaster County, Pennsylvania.

Borough Solicitor—the persons or law firms appointed by Council to serve as legal counsel to the Borough in accordance with the Borough Code.

Delinquent account—any sums due and owing to the Borough which have not been paid within the time required by the Borough's ordinances, resolutions, rules, regulations or policies, including, but not limited to, taxes, streetlight taxes, sanitary sewer charges and fees, potable water charges and fees, removal of nuisances, refuse collection, recovery of charges under the Pennsylvania Municipalities Planning Code and the Borough's Stormwater Management Code, or any other charge which may lawfully be imposed by the Borough and for which a municipal claim may be filed.

Hourly rate—the hourly rates, costs and expenses charged by the Borough Solicitor to the Borough consistent with the ordinary and customary charges by the Borough Solicitor for similar services in the community, but in no event shall the hourly rates, costs and expenses exceed the rate charged by the Borough Solicitor to the Borough when fees, costs and expenses are not reimbursed by or otherwise imposed upon delinquent customers of the Borough.

(Ord. 00064, 1/14/2013, §1)

§14-102. Imposition of Attorney Fees for Collection of Delinquent Accounts.

Akron Borough specifically authorizes the recovery of attorney fees incurred by the Borough in the collection of delinquent accounts from the person or persons who are responsible for the payment of such delinquent accounts. Akron Borough Council authorizes the Borough Secretary or other person designated by resolution of Akron Borough Council, from time to time, to take all actions required by applicable law to enable the Borough to recover attorney fees incurred from the persons responsible for payment cost and to include such attorney fees in municipal claims. This authorization includes, but is not limited to, sending notification to such persons of the intention of the Borough to impose attorney fees incurred in collection efforts upon such persons.

(Ord. 00064, 1/14/2013, §1)

§14-103. Schedule of Attorney Fees for Services Related to Collection of Delinquent Accounts.

The Borough shall impose attorney fees upon persons who have delinquent accounts in accordance with the following schedule of the minimum time required by the Borough Solicitor for the listed service multiplied by the hourly rate of the Borough Solicitor in effect at the time the Borough Solicitor performed the service on behalf of

the Borough:

Service	Minimum Time (tenth of an hour)
Prepare collection warning letter, including review of Borough information	0.75
Obtain and review deed of property	0.5
Prepare certification of amount owing to Borough and transmit certification to Borough	0.5
Prepare municipal lien	1.0
File municipal lien	0.35
Forward copy of municipal lien to Borough	0.2
Prepare civil action complaint before Magisterial District Justice for collection of account	0.75
Prepare for and attend hearing before Magisterial District Justice concerning civil action to collect delinquent account	2.5
Prepare and file satisfaction of municipal lien	0.5

(Ord. 00064, 1/14/2013, §3)

§14-104. Recovery of Additional Attorney Fees and Expenses in Specific Circumstances.

The services and minimum times expended by the Borough Solicitor for the services set forth in §14-103 above are based upon the experience of the Borough Solicitor and upon standard collection practices. Should the person or persons responsible for payment of a delinquent account take action which will require the Borough Solicitor to perform additional or more time consuming services than contemplated in §14-103, it is the intention of the Borough to recover all of its attorney fees and expenses so incurred, and such recovery is hereby authorized. Such actions include, but are not limited to, filing of counterclaims, challenging the legal power.

(Ord. 00064, 1/14/2013, §1)

§14-105. Interest.

1. Interest will be charged at a rate of 10 percent per annum on all municipal claims from the date of completion of the work after it is filed as a lien, and on all claims for taxes, water rents or rates, lighting rates, sewer rents or rates, and for all other claims from the date the payment is delinquent, which shall be after 30 days following billing when not otherwise specified in the Part.

2. This Part is meant to supplement, but not supercede, other Sections of the Code or other legislation specifically allowing for the collection of attorney fees and expenses.

(Ord. 00064, 1/14/2013, §1)