

## Chapter 23

### ATTORNEY FEES

§ 23-1. Establishment of procedures.

§ 23-4. Authority.

§ 23-2. Schedule of fees.

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§ 23-3. Collection procedures; notices.

**[HISTORY: Adopted by the Borough of Montoursville 6-16-1997 by Ord. No. 371. Amendments noted where applicable.]**

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#### § 23-1. Establishment of procedures.

The borough hereby approves the statement of collection procedures for delinquent unpaid taxes, user charges and other items covered by the Municipal Claims Act ("accounts").<sup>1</sup>

#### § 23-2. Schedule of fees.

- A. The borough hereby approves attorney fees in an amount equal to the Solicitor's regular hourly charge for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for services provided in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act").<sup>2</sup>
- B. There shall be added to the attorney fees the reasonable out-of-pocket expenses of counsel in connection with each of these services, as itemized in the applicable counsel bills, which shall be deemed to be part of the fees.
- C. The amount of fees determined as set forth above shall be added to the borough's claim in each account.

#### § 23-3. Collection procedures; notices.

The following collection procedures are hereby established in accordance with Act No. 1:

- A. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, the borough shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the "account debtor").
- B. If, within 30 days after mailing the notice in accordance with Subsection A, the certified mail to any account debtor is refused or unclaimed or the return receipt is not received,

<sup>1</sup> Editor's Note: See 53 P.S. § 7101 et seq.

<sup>2</sup> Editor's Note: See 53 P.S. § 7101 et seq.

then at least 10 days prior to the assessing or imposing such attorney fees, the borough shall mail or cause to be mailed, by first class mail, a second notice to such account debtor.

- C. All notices required by this chapter shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the borough, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.
- D. Each notice as described above shall include the following:
- (1) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;
  - (2) A statement of the borough's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice;
  - (3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and
  - (4) The place of payment for accounts and the name and telephone number of the borough official designated as responsible for collection matters.

**§ 23-4. Authority.**

The proper officials of the borough are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this chapter.

**§ 23-5. When effective.**

This chapter shall be effective immediately.