

ORDINANCE NO. 168

AN ORDINANCE OF NOCKAMIXON TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 1 OF THE NOCKAMIXON TOWNSHIP CODE OF ORDINANCES TO PROVIDE A RATE OF INTEREST AND SCHEDULE OF ATTORNEYS' FEES FOR COLLECTION OF MUNICIPAL AND TAX CLAIMS AND LIENS, INCLUDING CLAIMS AND LIENS FOR REMOVAL AND ABATEMENT OF NUISANCES

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

WHEREAS, the Pennsylvania Municipal Claims and Tax Liens Act ("Act") provides that Nockamixon Township ("Township") may file municipal claims and liens for unpaid fees and other charges;

WHEREAS, the Act allows the Township to collect attorneys' fees incurred as part of the collection of municipal claims, municipal liens, taxes, tax claims and tax liens, including liens for the removal of nuisances, provided the Board of Supervisors of Nockamixon Township ("Board") enacts an ordinance adopting an attorneys' fees schedule;

WHEREAS, the Act provides that attorney fees incurred as part of the collection of municipal claims, municipal liens, taxes, tax claims and tax liens, including liens for the removal of nuisances, shall be in an amount sufficient to compensate attorneys undertaking collection and representation of a municipality or its assignee in any actions in law or equity involving claims arising under the Act;

WHEREAS, the Act further provides for interest to accrue on claims and liens at a rate specified by the Township, but not to exceed a certain percentage;

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Pennsylvania law;

NOW, THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Nockamixon Township, Bucks County, Pennsylvania as follows:

I. Chapter 1 of the Nockamixon Township Code of Ordinances is **AMENDED** to **ADD** the following:

Article II Attorneys' Fees and Interest – Municipal Claims and Tax Liens

Section 1-20 Applicability.

This Part shall apply to all Township municipal claims and tax liens governed by the Pennsylvania Municipal Claims and Tax Liens Act (53 P.S. §§ 7101 *et seq.*) (“Act”), unless otherwise specified in the Township’s Ordinances. The attorneys’ fees and interest provided for in this Part are in addition to any costs, expenses, and penalties provided for in the Township’s Ordinances, and any charges, expenses, and fees (as that phrase is defined in the Act) provided for in the Act.

Section 1-21 Definitions.

ACT – The Pennsylvania Municipal Claims and Tax Liens Act (53 P.S. §§ 7101 *et seq.*).

MUNICIPAL CLAIM – This term shall have the same meaning specified in Section 7101 of the Act (53 P.S. § 7101).

TAX LIEN – This term shall have the same meaning specified in Section 7101 of the Act (53 P.S. § 7101).

Section 1-22 Attorneys’ Fees Schedule.

1. The Township and/or its authorized agents shall impose and collect attorneys’ fees, charges, and expenses in accordance with the Act and the Township’s Ordinances upon all municipal claims and tax liens governed by the Act.

A. Prior to assessing or imposing attorneys’ fees, the Township shall provide such notice as may be required by the Act.

B. The Township, including its Solicitor, may take all actions allowed by law to enable the Township to recover incurred attorneys’ fees, charges, and expenses from any person responsible for this cost and to include such attorneys’ fees, charges, and expenses in municipal claims and tax liens governed by the Act. This authorization includes, but is not limited to, sending notification to the responsible person(s) of the Township’s intent to impose incurred attorneys’ fees.

C. Attorneys’ fees shall be assessed at a rate of \$150 per hour, or the then-current hourly rate of the Township Solicitor.

D. Other attorney-related charges and expenses – such as, but not limited to, filing fees for the Bucks County Court of Common Pleas, title search fees, and postage costs – incurred by the

Township as part of the lien process shall be included as part of all municipal claims and tax liens governed by the Act.

Section 1-23 Interest.

1. The Township and/or its authorized agents shall impose and collect interest in accordance with the Act and the Township's Ordinances upon all municipal claims and tax liens governed by the Act.
2. Interest of ten per cent (10%) per annum shall accrue on all municipal claims and tax liens from the dates specified in Section 7143 of the Act (53 P.S. § 7143).

II. Partial Repealer

All other provisions of the Nockamixon Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Township's Code of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

IV. Effective Date

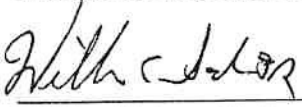
All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ENACTED AND ORDAINED this 18 day of April, 2019.

ATTEST:


Heather DiSario, Secretary

NOCKAMIXON TOWNSHIP
BOARD OF SUPERVISORS

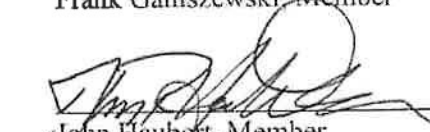

William Sadow, Chair

Carl Bahnck, Vice-Chair



David DiPalantino, Member

Frank Ganiszewski, Member



John Haubert, Member