

**TILDEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

Ordinance No. 221,2016

**AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, ADOPTING PROCEDURES AND FEE SCHEDULES FOR
THIRD PARTY COLLECTION OF DELINQUENT SEWER ACCOUNTS.**

WHEREAS, Tilden Township (the "Township") is a municipal corporation and Township of the Second Class, operating under the Pennsylvania 2nd Class Township Code, 53 P.S. 65101, et seq., with an address of 874 Hex Highway, Hamburg, Berks County, Pennsylvania 19526;

WHEREAS, the Township imposes certain sewer charges, including sewer rentals, tapping fees, and other lawful assessments on Township residents, businesses and properties in areas of the Township served by the public sewer system;

WHEREAS, the Township has certain delinquent accounts associated with sewer charges and rentals (the "Accounts"), which the Township desires to collect, in fairness to residents and businesses who timely and faithfully pay such charges;

WHEREAS, the Township has engaged a third party collection agency, (the "Agency") for the purpose of efficiently collecting the Accounts; and

WHEREAS, the Municipal Claims and Tax Liens Act (the "Act"), 53 P.S. §7101, et seq., authorizes the addition of "charges, expenses and fees incurred in the collection of any delinquent account" to the total amount payable with respect to unpaid sewer rentals and charges;

WHEREAS, the Township, by Resolution, previously established a schedule of attorney fees for services in connection with the collection of accounts, which were determined to be fair and reasonable compensation for the services performed in collecting certain Accounts; and

WHEREAS, the Township desires to amend the previously adopted schedule of fees by imposing additional Agency Fees for certain services in connection with the collection of certain delinquent accounts owed by the residents and/or property owners of the Township.

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Tilden Township Board of Supervisors, the Township Account Collection Procedure and Fees shall be as set forth below:

1. The Township shall engage the Agency for the purpose of collecting delinquent Accounts.

2. The engagement of the Agency shall be confirmed by a written agreement and the agreement shall be approved by the Township Solicitor and by a Resolution of the Township Board of Supervisors.

3. "Delinquent Account" - Any Township account having an unpaid balance after sixty (60) calendar days from the date upon which said account became due and payable shall be considered a Delinquent Account. This shall include, but not be limited to: fees and charges related to sewer, and shall include any principal amounts as well as any incurred penalties and interest as set forth in Township Ordinances or Resolutions setting such charges, penalties, and interest.

4. Schedule of Agency Fees. The Township hereby approves and adopts the following schedule of Agency Fees for services in connection with the collection of Delinquent Accounts, which is hereby determined to be fair and reasonable compensation for the services as set forth below:

a. For Primary Accounts. Agency fees are not to exceed 25% of the total amount collected.

b. There shall be added, to the above amounts, the reasonable out-of-pocket expenses of counsel in connection with each of these services, as itemized in the applicable bills, which shall be deemed to be part of the Agency Fees.

c. The amount of fees determined as set forth above shall be added to the Township's claim in each Account.

d. The Schedule of Fees may be modified from time to time by Resolution of the Board of Supervisors.

5. Collection Procedures - Agency Fees. The following collection procedures are hereby established to be the Policy of the Township related to the Agency and the imposition of Agency Fees:

a. Accounts may be assigned by the Township Manager or his/her designee to the Agency on or after the 61st day of the delinquency.

b. Between the 61st and 180th day of delinquency, the Agency shall make reasonable efforts at collecting the Account, including:

- i. Contacting the delinquent account holder by telephone;
 - ii. Contacting the delinquent account holder by mail;
 - iii. At the discretion of the Township Manager or his/her designee, utilizing other methods and procedures available to the Township to enforce collection of Delinquent Accounts, including terminating water service (for delinquent sewer accounts where the property is connected to a public or community water source) and filing of municipal liens to be performed in accordance with the Act and any other applicable statute or ordinance;
 - iv. Any other procedure performed in accordance with the with the terms of the Township's written agreement with the Agency.
- c. Any Agency Fees assessed shall be forwarded to the Agency in accordance with the terms of the Township's written agreement with the Agency.

ENACTED AND ORDAINED the 11th day of May, 2016 by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, in lawful session duly assembled.

**BOARD OF SUPERVISORS OF
TILDEN TOWNSHIP
Berks County, Pennsylvania**

By: David Schappell
(~~Vice~~) Chairman

ATTEST: Cheryl de Haas
(Assistant) Secretary

MUNICIPAL CERTIFICATION

I, Cheryl Haus (~~Assistant~~) Secretary of Tilden Township, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 221 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in Tilden Township, on Tuesday, May 3, 2016, and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on May 11, 2016.

[SEAL]

Cheryl A. Haus
(~~Assistant~~) Secretary