

**RESOLUTION NO. 2896
BOROUGH OF MILLVALE
COUNTY OF ALLEGHENY**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MILLVALE, ALLEGHENY COUNTY,
PENNSYLVANIA, ESTABLISHING REASONABLE ATTORNEY COSTS OF COLLECTION FOR
DELINQUENT REAL ESTATE TAX ACCOUNTS AND IMPOSING THE COST OF SUCH
COLLECTION UPON THE DELINQUENT TAXPAYER.**

WHEREAS, the Borough of Millvale has encountered considerable expense in collecting its delinquent taxes, assessment charges, and other municipal claims; and

WHEREAS, the Borough of Millvale must reasonably provide services to those taxpayers who promptly pay their taxes and municipal charges; and

WHEREAS, the Borough of Millvale deems it to be in the best interest of the citizens of the Borough to impose the cost of delinquent collections directly upon the delinquent taxpayer; and

WHEREAS, this Resolution is enacted pursuant to the Borough Code and the Municipal Claims and Tax Lien Law.

NOW, THEREFORE, BE IT RESOLVED by the COUNCIL OF THE BOROUGH OF MILLVALE AS FOLLOWS:

Section 1. This Resolution shall be known as the Municipal Claim and Tax Collection Resolution.

Section 2. Hereinafter, for every delinquent claim, charge, tax, assessment, levy or obligation owed to the Borough of Millvale, 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. They 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 and collectable and lien able as such.

Section 3. 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 to collect such sums due it. This schedule may be amended by Resolution.

Section 4. Any person or entity empowered to collect sums on behalf of the Borough is directed to add such fees as are incurred to the extent allowed and set forth on Schedule "A". Such sums collected pursuant to this Resolution shall be in addition to any tax, penalty, interest, costs or fees already part of the delinquent account or assessment.

Section 5. Attorney fees incurred to the extent set forth on Schedule "A" shall be added to all unpaid real estate tax claims of any nature arising or imposed subsequent to the date of adoption of this Resolution, or which become delinquent or are re-determined to be delinquent subsequent to this date. Prior to the time when such fees are added to any underlying claim, 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 the manner prescribed by the Act of the Pennsylvania General Assembly, known as Act 20 of 2003.

Section 6. Any resolution in conflict with this Resolution shall be deemed to have been repealed to the extent of the conflict. If any portion of this Resolution or Schedule is deemed to be illegal or unconstitutional , then it is the intent of Council that it would have enacted the balance of this Resolution and Schedule irrespective of said invalid portion.

Section 7. This Resolution shall become effective immediately.

RESOLVED this 10th day of May 2023 by the Millvale Borough Council in meeting assembled.

ATTEST:

BY:  James Machajewski, Jr., Council President

BY:  Eddie T. Figas, Manager/Secretary

EXAMINED AND APPROVED on this 10th day of May 2023.

ATTEST:

BY:  Brian P. Spoales, Mayor

SCHEDULE “A”

SCHEDULE OF MUNICIPAL CLAIM RECOVERY COSTS ATTORNEY FEES AND SERVICE CHARGES

I. Account Management:

- I) Delinquent account servicing fee, including records imaging and detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, and supplies used to generate delinquent notices and to establish monthly payment plan-10% of tax, penalty and interest due.

II. Certified Notice and Civil Litigation:

- 2) Prepare and mail Thirty-day Delinquent Notice. \$50.00
- 3) Prepare District Judge complaint. \$75.00
- 4) Preparation of District Judge Hearing \$150.00
- 5) Docketed District Judge hearing. \$100.00

III. Appeals, Arbitration and Sheriff Sale:

- 6) Scheduled or posted Constable execution sale. \$350.00
- 7) Prepare Arbitration complaint. \$150.00
- 8) Prepare General Docket Proceeding. \$375.00
- 9) Trial, arbitration or mediation. \$350.00
- 10) Negotiate and prepare subsequent payment plan agreement. \$75.00
- 11) Prepare Writ of Scire Facias Sur tax lien in furtherance of Sheriff Tax Sale. \$600.00
- 12) Sheriff Sale Claim Notice \$50.00
- 13) Prepare Reissue Writ. \$125.00
- 14) Title search for Sheriff sale. \$250.00
- 15) Title search bring down. \$50.00
- 16) Enter default judgment. \$225.00
- 17) Issue Writ of Execution in Sheriff Sale. \$700.00
- 18) Sheriff Sale/Trial Postponement. \$100.00
- 19) Scheduled or posted Sheriff Sale. \$500.00

IV. Miscellaneous:

- 20) Non-litigation legal work. \$80.00/hr
- 21) Litigation legal work. \$100.00/hr
- 22) All other clerical work not itemized above. \$50.00/hr
- 23) Special search for defendant locale. \$100.00
- 24) Motion for Alternate Service. \$200.00