

ORDINANCE 2026-01

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODIFIED ORDINANCES OF LOWER ALLEN TOWNSHIP, 2023, AS AMENDED, CHAPTER 146, ARTICLE 1 ATTORNEY FEES FOR DELINQUENT MUNICIPAL CLAIMS, APPOINTING THE TOWNSHIP SOLICITOR AND ALLOWING FOR THE APPOINTMENT OF A COLLECTION AGENCY AND FEES BY RESOLUTION

WHEREAS, to be fair to all taxpayers and other residents of Lower Allen Township (the “Township”), it is necessary for the Township to recover promptly unpaid, delinquent refuse fee accounts, if necessary, by legal proceedings; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended (the “Act”), provides a statutory framework for Municipalities to collect unpaid Tax Claims and Municipal Claims; and

WHEREAS, § 7101 of the Act authorizes a municipality levying Taxes, Tax Claims, Tax Liens, Municipal Claims and/or Municipal Liens that become delinquent (each, an “Unpaid Claim”) to recover the Charges, Expenses, Commissions and Fees incurred in the collection of the Unpaid Claims (the “Collection Expenses”) as Charges, Expenses and Fees included together with the applicable Unpaid Claim; *provided*, that such Collection Expenses are approved by Legislative Action of such municipality; and

WHEREAS, § 7106(a.1) of the Act requires that the applicable Municipality adopt by ordinance a schedule of Attorney Fees for any Attorney Fees incurred in connection with the filing, preservation and collection of any Delinquent Account, including any Unpaid Claim; and

WHEREAS, the Township has determined after due deliberation and investigation, that it is in the best interest of the Township to collect certain Unpaid Claims pursuant to the Act (such Unpaid Claims, “MCTLA Unpaid Claims”) and, after careful review of the Attorney Fees and Collection Fees set forth in this Ordinance, to approve and adopt such Attorney Fees and Collection Fees pursuant to this Legislative Action in accordance with the Act.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED, ENACTED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP AS FOLLOWS:

Section 1. Solicitor Fees and Collection Agency Fees to be Added to the MCTLA Unpaid Claims. The Solicitor Fees and Collection Agency Fees set forth below are hereby adopted, approved and determined to be reasonable, including, without limitation, as contemplated by § 7106 of the Act. The Solicitor Fees and Collection Agency Fees set forth below shall be included and added to the applicable MCTLA Unpaid Claim in an amount equal to the amount set forth in this Section 1.

(a) **Solicitor Fees**: As set forth in the Township's annual Fee Schedule adopted by Resolution of the Lower Allen Township Board of Commissioners.

(b) **Collection Agency Fees**: As set forth in the Township's annual Fee Schedule adopted by Resolution of the Lower Allen Township Board of Commissioners. The Collection Agency Fee may be assessed as a percentage of the applicable MCTLA Unpaid Claim.

In addition to the Collection Agency Fees set forth under Subsection 1(b) above, the amount of out-of-pocket charges, costs, expenses, commissions and fees incurred in connection with the filing, preservation and collection of the MCTLA Unpaid Claims, including, but not limited to, prothonotary fees and charges, sheriff fees and charges, postage expenses, title search expenses, vehicle identification number (VIN) search expenses, skip tracing and/or other investigatory service expenses, and the costs, fees, charges and/or expenses arising out of any payment by any credit card, debit card or any other payment medium, are hereby approved and shall be included, upon incurrence, together with the applicable MCTLA Unpaid Claim.

Section 2. Interest. Interest will be assessed upon the Unpaid Claims at a rate of 10% per annum and added to the Unpaid Claims. The Township is permitted to waive any interest on any Unpaid Claim when the Township or any attorney and/or third-party collector collecting the Unpaid Claim believes, in its discretion, that such amount is *de minimis* or that the cost or burden of continuing collection outweighs the benefit of collecting the interest.

Section 3. Appointment of Solicitor. The Board of Commissioners has appointed the Township Solicitor for the purpose of collecting the Unpaid Claims and hereby authorizes the Township Solicitor and the Assistant Township Solicitor to sign any and all documents, including municipal claims and liens, on behalf of the Township.

Section 4. Appointment of Collection Agency. The Board of Commissioners has appointed a Collection Agency by Resolution for the purpose of collecting the Unpaid Claims.

Section 5. Severability. Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by legislation or a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall take effect on the earliest date permitted pursuant to applicable law.

ENACTED AND ORDAINED into an Ordinance this 26th day of January 2026.

ATTEST
(Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant) Secretary

(Vice) President