

## ARTICLE 347

### Municipal Claims for Delinquent Accounts - Schedule of Attorneys Fees to be Added

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347.01 Statement of Policies. In all matters where the City undertakes recovery efforts by legal proceedings or otherwise, to collect unpaid taxes, unpaid water/sewer and stormwater user fee accounts and other municipal claims, liens and accounts, the cost of attorneys fees, together with all other charges, expenses, fees and costs incurred, shall be added to the total payable with respect to such unpaid taxes, unpaid water/sewer and stormwater user fee accounts and other unpaid municipal claims, liens and accounts.

#### 347.02 Schedule of Fees.

Subject to revision from time to time, the City hereby approves the following schedule of attorney fees for services rendered in connection with the collection of unpaid taxes, unpaid water/sewer accounts, unpaid municipal claims, liens and accounts, unpaid stormwater user fee accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below:

- (a) Administrative Charge. Any administrative fee incurred for mailing the notice of delinquency, not to exceed \$50.00, being a cost of collection under the Municipal Claim and Tax Liens act, shall be assessed.
- (b) Interest. Interest will be assessed upon all delinquent municipal claims and/or delinquent real estate taxes at a rate of 10% per annum.
- (c) In matters for which a private attorney has been retained by the Office of the City Solicitor on a non-contingency fee basis, attorneys fees and collection fees as follows:

#### Attorney Fees.

Initial review and sending first legal Demand letter \$175.00

File lien and prepare Satisfaction \$250.00

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2.

Prepare Writ of Scire Facias	\$250.00
Prepare and mail letter under Pa.R.C.P. §237.1	\$ 50.00
Research, prepare and obtain re-issued Writ	\$175.00
Prepare Praecipe to Amend	\$100.00
Prepare Motion to Amend	\$150.00
Prepare Motion for Alternate Service	\$250.00
Prepare Default Judgment	\$175.00
Prepare Motion to Consolidate Claims	\$250.00
Amend claim to add United States as defendant	\$250.00
Prepare Writ of Execution	\$800.00
Preparation for sheriff's sale; Review Schedule of Distribution and Resolve Distribution Issues	\$400.00
Prepare Motion to Continue Sheriff Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Preparation and service of Subpoena	\$100.00
Presentation of Motion or Petition	\$ 50.00
Services not covered above	An hourly rate to be determined by the City Solicitor between \$75.00 to \$275.00 per hour.
<u>Collection Fees.</u>	
Validation notice	\$25.00 per notice
Notice of delinquent claim and fee shifting	\$40.00 per notice, plus applicable postage.

Handling fee for returned check \$25.00

Bookkeeping fee for payment plan of 3 months or less \$25.00

Bookkeeping fee for payment plan of more than 3 months \$25.00

- (d) Other Collection Expenses. In addition to the Collection Fees set forth under Subsection 1(c) above, the amount of out-of-pocket collection expenses incurred in connection with the filing, preservation and collection of the 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 unpaid claim.
- (e) In matters for which a private attorney has been retained by the Office of the City Solicitor on a contingency fee basis, the contingency fee shall not exceed twenty percent (20%) of the delinquent claim.
- (f) The Office of the City Solicitor shall have authority to determine whether a matter shall be handled on a contingency fee basis or a non-contingent fee basis.
- (g) The amount of charges, expenses, commissions and fees determined as set forth above shall be added to the City's claim in each Account.
- (h) Providing guaranteed payoff to third parties. \$25.00

347.03 Collection Procedures. The following collection procedures are hereby established in accordance with the Municipal Claims and Tax Liens Act:

(a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Account, the City of Bethlehem 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 "Property Owner").

(b) If the certified mail notice is undelivered, then, at least ten (10) days prior to the assessing or imposing such attorney fees, the City of Bethlehem shall mail or cause to be mailed, by first class mail, a second notice to the Property Owner.

(c) All notices required by this Ordinance shall be mailed to the Property Owner's last known post office address as recorded in the records or other information of the City of Bethlehem, 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:
  - (i) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;
  - (ii) A statement of the City of Bethlehem's intent to impose or assess attorney fees within thirty (30) days after the mailing of the first notice, or within ten (10) days after the mailing of the second notice;
  - (iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the Account; and
  - (iv) The place of payment for Accounts and the name and telephone number of the City of Bethlehem representative designated as responsible for collection matters.

347.04 Related Action. The proper officials of the City are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

(Ord. 3988. Passed 12/21/99; Ord. 4303. Passed 2/15/05; Ord. 2023-36. Passed 10/17/23; Ord. 2024-18. Passed 6/18/24)