

Chapter 71
CLAIMS, MUNICIPAL

ARTICLE I
Attorney Fees

§ 71-1. Applicability.

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[HISTORY: Adopted by the Borough Council of the Borough of Westfield as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Attorney Fees
[Adopted 7-26-2000 by Ord. No. 277]

§ 71-1. Applicability.

This article shall apply to all municipal claims allowed and authorized by the law of the Commonwealth to be assessed by the Borough of Westfield, including, but not limited to liens for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, and sewage rental rates, to the fullest extent authorized by law (hereinafter "delinquent accounts"), whether heretofore or hereafter assessed or filed.

§ 71-2. Schedule of fees.

The following schedule of attorney fees is to be utilized and followed in the assessment of attorney fees in the collection of any delinquent account and the corresponding fees shall be added and included in the collection of the same at the time of the filing of the municipal claim by or for the Borough of Westfield or as soon thereafter as may be convenient or proper:

Claim Amount	Attorney Fee
Under \$1,000.00	\$200.00
\$1,000.00 to \$2,500.00	\$400.00
\$2,501.00 to \$5,000.00	\$800.00
\$5,001.00 to \$7,500.00	\$1,000.00
\$7,501.00 to \$10,000.00	\$1,500.00
\$10,001.00 to \$25,000.00	\$2,000.00
Over \$25,000.00	8% of the claim amount

§ 71-3. Notice.

Prior to assessing or imposing attorney fees in connection with a delinquent account, the Borough of Westfield shall provide notice of the Borough's intention to assess or impose attorney fees in connection with this article as may be required by the Act of May 16, 1923, P.L. 207, No. 153, as amended or supplemented, 53 P.S. § 7106.

§ 71-4. Addition of interest.

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this article, interest equal to 10% per annum shall be assessed and accrue on the claim from the date of the completion of the work after it is filed as a lien, and on claims for taxes, water rents or rates, or sewer rents and rates, from the date of the filing of the lien therefor; provided, however, that if a municipal claim is filed arising out of a municipal project which required the Borough to issue bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of interest of the bond issue or at the rate of 12% per annum, whichever is less. No notice prior to the assessment or imposition of interest as set forth herein shall be required. Such interest shall be added to the municipal claim and collected therewith.

§ 71-5. Assessment of penalty.

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this article, a penalty equal to 5% of the delinquent account shall be added to the municipal claim and collected therewith when the delinquent account remains unpaid for 90 days after the assessment shall have been levied, or as soon thereafter as may be convenient or proper. No notice prior to the assessment or the imposition of a penalty as set forth herein shall be required.