

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF RADNOR, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 260, TAXATION, ARTICLE VI, LOCAL SERVICES TAX, SECTION 260-96, TO PROVIDE FOR THE COLLECTION OF CHARGES AND COSTS INCURRED IN THE COLLECTION OF DELINQUENT LOCAL SERVICES TAXES.

WHEREAS, The Board of Commissioners of Radnor Township, pursuant to the authority of the Local Tax Enabling Act, 53 P.S. 6924.101, *et seq.*, as amended, and the Radnor Township Code of Ordinances imposes a Local Services Tax; and

WHEREAS, The Township incurs legal and other costs when it collects delinquent Local Services Taxes from taxpayers; and

WHEREAS, The Board of Commissioners has determined that the cost of collecting delinquent taxes, including reasonable attorneys' fees, shall be paid by each delinquent taxpayer whose action necessitates such costs to be incurred.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Board of Commissioners of Radnor Township that Chapter 260 Taxation, Article VI, Local Services Tax, §260-96, is hereby amended to read as follows:

Section 1.

§ 260-96. Collections costs; attorneys' fees.

- A. In the event that any tax under this article remains due or unpaid 30 days after the due dates set forth in this article, the Director may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.
- B. If for any reason the tax is not paid when due, interest at the rate of 1% per month, or fraction of a month, on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 10% shall be added to the flat rate of such tax for nonpayment thereof.
- C. In addition to all interest and penalties as are allowed by law, there shall be added to each delinquent Local Services Tax such costs, attorneys' fees, charges and expenses as are incurred by the Township in the delinquent collection process.
- D. Such fees and charges shall be reasonable and the same are hereby established in a cost rate schedule as set forth in Subsection E. of this section. The rate schedule below is

hereby determined to be reasonable, fair and necessary in order to allow the Township to collect past-due sums.

E. Any entity empowered to collect Local Service Taxes on behalf of the Township is directed to add such costs of collection as are incurred as set forth in the schedule below. Such entity which incurs costs of collection shall be entitled to retain an amount equal to the sums as set forth in the schedule below. Any sums collected pursuant to this section shall be in addition to any tax penalty, interest or other costs already part of the delinquent account or assessment.

Schedule of Collection Costs

(1) Taxpayer notification and administration.

- (a) Taxpayer late filing or underpayment notice\$10.00
- (b) Employer late filing notice or underpayment penalty notice for quarterly or annual Earned Income Tax or Local Services Tax Return. Ten percent of the tax, penalty and interest due – minimum charge \$50.....\$50.00
- (c) Delinquent account servicing fee, including records imaging or other detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, supplies and postage used to generate delinquent notices and to establish monthly payment plans – 10% of tax, penalty and interest due – minimum charge \$50\$50.00
- (d) Partial payment fee – where payment received does not pay account in full\$3.00
- (e) Fee for check returned from bank (NSF, account closed, etc.).....\$29.00
- (f) Notice of intent to file civil suit.....\$50.00

(2) Wage attachment.

- (a) Taxpayer notice prior to wage attachment.....\$25.00
- (b) Employer wage attachment notice\$25.00

(3) Litigation.

- (a) Prepare Magisterial District Court complaint.....\$75.00

- (b) Prepare for Magisterial District Court hearing\$100.00
- (c) Attend Magisterial District Court trial or hearing.....\$150.00
- (d) Attend Constable execution sale.....\$350.00
- (e) Prepare arbitration complaint/appeal\$150.00
- (f) Attend arbitration trial.....\$350.00
- (g) Enter default judgment.....\$150.00
- (h) Issue Sheriff's writ of execution.....\$250.00
- (i) Attend Sheriff's sale\$250.00
- (j) Non-litigation legal work.....\$70.00/hr.
- (k) Litigation legal work.....\$80.00/hr.
- (l) All other clerical work not itemized above.....\$50.00/hr.

(4) This schedule may be amended from time-to-time by separate Resolution of the Township of Radnor.

Section 2.

Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 3.


Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Section 4.

Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

18th of March 2013


RADNOR TOWNSHIP

By: 

Name: Elaine P. Schaefer

Title: President

ATTEST:


Robert A. Zienkowski, Secretary