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House Bill 1823, Printer's Number 3020

**Amending the Second Class Township Code –
Clarifying the imposition of penalties and late fees for certain township services**

PROPOSAL/SUMMARY: This bill amends the Second Class Township Code by amending Article XVI of the Code to *clarify* that a township may impose penalties and late fees on solid waste rates and charges, sewer rental fees, water rents and charges for other township services that are not expressly collected under Article XXXIII (Collection of Assessments) of the Code. The bill also prohibits penalties and late fees from being imposed unless a charge is delinquent by no less than thirty days. Consistent with existing law, the amount of the delinquency, penalties and late fees will constitute a lien against the property receiving the services and may be collected by action of assumpit or as otherwise provided by law.

To address a court decision, the bill was amended by the House Local Government Committee to further require a township to provide notice of the delinquency and the amount and rate of penalties and late fees to the owner of the property receiving the service, by first class mail, at least twenty days prior to the filing of any municipal claim to recover the delinquency, penalties and late fees.

EXISTING LAW: Under current law, ordinances enacted by townships of the second class “shall prescribe the fines and penalties which may be imposed” for violations (Section 1601(c.1)). Furthermore, the provisions of the Second Class Township Code authorize water rents (Section 2604), sewer rentals (Section 2511) and refuse charges (Section 2105), but do not reference late fees and penalties for nonpayment, notwithstanding Section 1601. Under Article XXXIII of the Code, collections on certain assessments may not begin prior to 90 days of delinquency. The additional paragraph proposed by the bill would clarify that this provision does not apply to such routine service charges, consistent with authorizations in the other municipal codes.

This legislation was introduced pursuant to a resolution approved by the membership of the Pennsylvania State Association of Township Supervisors (Resolution 15-12).