

**UPPER MERION TOWNSHIP  
MONTGOMERY COUNTY, PA**

**Ordinance No. 2020-**

**AN ORDINANCE APPROVING COLLECTION PROCEDURES, APPOINTMENT OF SOLICITOR, INTEREST ASSESSMENT, CREDIT CARD AND DEBIT CARD CHARGES, AND FEES AND COSTS TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS**

WHEREAS, to be fair to all property owners and other residents of Upper Merion Township (the “Township”), it is necessary for the Township to recover promptly unpaid, delinquent sewer fee accounts (collectively, the “Unpaid Claims”), if necessary, by legal proceedings; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended (the “Act”), authorizes the addition of attorney fees, charges, costs, expenses, commissions and fees to the total payable with respect to the Unpaid Claims, but only if the municipality involved has approved by ordinance a schedule of such fees; and

WHEREAS, the Township has determined that it is in the best interest of all property owners and other residents to have vigorous enforcement of all Unpaid Claims and other unpaid charges, utilizing the procedures set forth in the Act, except in cases of serious hardship, which the Township will address on a case-by-case basis pursuant to uniform policies; and

WHEREAS, the Township has reviewed the subject of interest and attorney fees for collection matters, and has determined that the fees set forth in this Ordinance are reasonable in amount for the services herein described.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE TOWNSHIP AS FOLLOWS:

**Section 1. Fees to be Added to the Unpaid Claims.** The Township hereby approves the following fee schedule for the collection of the Unpaid Claims, which fees shall be added to the Unpaid Claims:

(a) Legal Fees.

Initial review and sending first legal demand letter	\$175.00
File Lien and prepare Satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00

Prepare and mail letter under Pa. R.C.P. 237.1	\$ 50.00
Prepare Default Judgment	\$175.00
Research, prepare and obtain Re-issued Writ	\$175.00
Prepare Praecipe to Amend	\$100.00
Prepare Motion to Amend	\$150.00
Present Motion to Amend	\$ 50.00
Obtain vehicle identification number (VIN) for mobile home	\$100.00
Prepare Motion for Alternate Service	\$250.00
Present Motion for Alternate Service	\$ 50.00
Prepare Motion to Consolidate Claims	\$250.00
Present Motion to Consolidate Claims	\$ 50.00
Prepare Motion to Add United States as Defendant	\$175.00
Present Motion to Add United States as Defendant	\$ 50.00
Prepare Writ of Execution	\$800.00
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400.00
Prepare Motion to Continue Sheriff Sale	\$ 50.00
Present Motion to Continue Sheriff Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Present Petition for Free and Clear Sale	\$ 50.00
Services not covered above	At an hourly rate between \$75.00-\$275.00 per hour

(b) Collection Fees.

Notice of delinquent claim and fee shifting	\$ 40.00 per notice, plus applicable postage
Bookkeeping fee for payment plan of 3 months or less	\$ 25.00
Bookkeeping fee for payment plan of more than 3 months	\$ 50.00
Handling fee for returned check	\$ 25.00

**Section 2. Costs to be Added to the Unpaid Claims.** In addition to the fees set forth in Section 1 above, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in the collection of the Unpaid Claims, including, but not limited to, postage, title searches, VIN searches, prothonotary fees and charges, and sheriff fees and charges, shall be added to the Unpaid Claims.

**Section 3. Credit Card and Debit Card Charges.** The Township authorizes any attorney or private collector collecting the Unpaid Claims to accept payment of the Unpaid Claims by credit card or debit card. When payment is made by credit card or debit card, any fees charged by the credit card company, debit card company, credit card servicing agent, or debit card servicing agent shall be charged immediately to the credit card or debit card used to make payment. This applies to credit card or debit card payments made by mail, telephone, over the internet, or in person.

**Section 4. Interest.** Interest will be assessed upon the Unpaid Claims at a rate of 10% per annum and added to the Unpaid Claims.

**Section 5. Collection Procedures.** The following collection procedures are hereby established in accordance with the Act:

(a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Unpaid Claim account, the Township or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the property owner or other entity liable for the account (collectively, the "Property Owner").

(b) If the certified mail notice is undelivered, then, at least ten (10) days prior to assessing or imposing such attorney fees, the Township or its designee 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 Township or such other address obtained by the Township from the county tax assessment office.

(d) Each notice as described above shall include the following:

(i) The type of municipal claim or other charge, the year that it became due and the amount owed, including penalty and interest;

(ii) A statement of the Township's intent to impose or assess attorney fees no earlier than thirty (30) days after receipt of the first notice, or no earlier than ten (10) days after receipt of the second notice;

(iii) The manner in which the imposition or assessment 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 Township's representative designated as responsible for collection matters.

**Section 6. Related Action.** The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

**Section 7. Appointment of Solicitor.** The Township appoints Michelle R. Portnoff, Esquire, as Solicitor for the limited purpose of collecting the Unpaid Claims and hereby authorizes her, and all attorneys employed by Portnoff Law Associates, Ltd., to sign any and all documents, including municipal claims and liens, on behalf of the Township.

**Section 8:** Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

**Section 9:** The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any Court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

**Section 10.** This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Township of Upper Merion.

ORDAINED AND ENACTED by the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania.

ENACTED this 3rd day of December, 2020.

UPPER MERION TOWNSHIP

BY: \_\_\_\_\_  
William Jenaway, Chairperson  
BOARD OF SUPERVISORS

Attest: \_\_\_\_\_  
Anthony T. Hamaday  
Township Secretary