

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 5, Administrative Code and Chapter A167, Township Schedule Of Fees, To Authorize Certain Attorney Fees And Charges And To Authorize Payment By Debit And Credit Cards In The Collection Of Delinquent Township Accounts.

The Board of Commissioners of the Township of Lower Merion does hereby enact and ordain:

Section 1. The Code of the Township of Lower Merion, Chapter 5, Administrative Code, Article X, Finance and Budget, § 5-64.2, Collection of municipal accounts, sub-section A thereof, Schedule of Fees, shall be amended and a new sub-section E shall be added, to provide as follows:

Article X, Finance and Budget

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§ 5-64.2. Collection of municipal accounts.

- A.** Schedule of fees. In the event legal services are rendered to the Township in connection with the collection of delinquent accounts (account) pursuant to the Municipal Claim and Tax Lien Law, as amended, the Township may collect, in addition to the amount of the claim or lien, interest and penalty, attorneys' fees and expenses, including postage, as set forth in Chapter A167. The amount of fees and expenses determined according to the Schedule of Fees shall be added to the Township's claim in each account.

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E. Credit and Debit Card Charges. The Township authorizes an attorney or private collector collecting unpaid municipal claims on behalf of the Township to accept payment of the unpaid municipal claims by credit or debit card. Where payment is made by credit or debit card, any fees charged by the credit card or debit card company and/or credit card 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 cards made by mail, telephone, over the internet, or in person.

Section 2. The Code of the Township of Lower Merion, Chapter A167, Schedule of Fees, Chapter 5, Administrative Code, Schedule of attorney fees for services in connection with the collection of accounts, shall be amended to provide as follows:

Chapter A167, Schedule of Fees

Chapter 5, Administrative Code

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Schedule of attorney fees for services in connection with the collection of accounts:

Legal services

Send notice letter	\$40
Open file and send initial demand letter	\$160
File lien and send second demand letter	\$175
Prepare writ of scire facias	\$175
Obtain reissued writ	\$30
Prepare and mail letter under Pa.R.C.P. § 237.1	\$30
Prepare motion for alternate service	\$175
Prepare default judgment	\$175
Prepare writ of execution	\$800
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400
Services not covered above	At an hourly rate between \$60-\$225 per hour

There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, [including postage fees](#), as itemized in the applicable counsel bills, which shall be deemed to be part of the fees. [Charges for the use of credit and debit cards will be charged by the card provider to the card used for making payment.](#)

Section 3. Nothing in this Ordinance or in Chapters 5 and A167 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 5 and A167 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5 This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this day of , 2017.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary