

MUNICIPALITY OF NORRISTOWN  
A HOME RULE MUNICIPALITY  
MONTGOMERY COUNTY, PENNSYLVANIA

**Ordinance No. 22-06 of 2022**

**AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, APPROVING APPOINTMENT OF SOLICITOR, INTEREST ASSESSMENT, AND ATTORNEY FEES AND COLLECTION FEES ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS; REPEALING PRIOR INCONSISTENT ORDINANCES, RESOLUTIONS, AND PARTS THEREOF; AND PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.**

**WHEREAS**, to be fair to all taxpayers and other residents of the Municipality of Norristown (the "Municipality"), it is necessary for the Municipality to promptly recover unpaid, delinquent trash fee accounts and abatement of nuisance charges, if necessary, by legal proceedings; and

**WHEREAS**, the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended (the "Act"; capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Act), provides a statutory framework for Municipalities to collect unpaid Tax Claims and Municipal Claims; and

**WHEREAS**, Section 7101 of the Act authorizes a municipality levying Taxes, Tax Claims, Tax Liens, Municipal Claims and/or Municipal Liens that become delinquent (each, an "Unpaid Claim") to recover the Charges, Expenses, Commissions and Fees incurred in the collection of the Unpaid Claims (the "Collection Expenses") as Charges, Expenses and Fees included together with the applicable Unpaid Claim; *provided*, that such Collection Expenses are approved by Legislative Action of such municipality; and

**WHEREAS**, Section 7106 (a.1) of the Act requires that the applicable municipality adopt by ordinance a Schedule of Attorney Fees for any attorney fees incurred in connection with the filing, preservation, and collection of any Delinquent Account, including any Unpaid Claim; and

**WHEREAS**, the Municipal Council has determined after due deliberation and investigation, that it is in the best interest of the Municipality to collect certain Unpaid Claims pursuant to the Act and, after careful review of the Attorney Fees and Collection Fees set forth in this Ordinance, to approve and adopt such Attorney Fees and Collection Fees pursuant to this Legislative Action in accordance with the Act.

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED, ENACTED AND ADOPTED BY THE NORRISTOWN MUNICIPAL COUNCIL AS FOLLOWS:**

**Section 1. Attorney Fees and Collection Fees to be Added to the MCTLA Unpaid**

**Claims.** The Attorney Fees and Collection Fees set forth below are hereby adopted, approved, and determined to be reasonable, including, without limitation, as contemplated by 53 P.S. § 7106 of the Municipal Claims and Tax Liens Act (“MCTLA”). The Attorney Fees and Collection Fees set forth below shall be included and added to the applicable MCTLA Unpaid Claim in an amount equal to the amounts set forth in this Section 1.

(a) Attorney 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
Prepare Motion for Alternate Service	\$250.00
Prepare Motion to Consolidate Claims	\$250.00
Amend claim to add United States as defendant	\$250.00
Prepare Writ of Execution	\$800.00
Preparation for sheriff's sale; review schedule of distribution and resolve distribution issues	\$400.00
Prepare Motion to Continue Sheriff's Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Preparation and service of Subpoena	\$100.00
Presentation of Motion or Petition	\$ 50.00
Services not covered above	At an hourly rate between \$75.00-\$275.00 per hour

(b) Collection Fees.

Validation notice	\$ 25.00 per notice
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

In addition to the Collection Fees set forth under Subsection 1(b) above, the amount of out-of-pocket charges, costs, expenses, commissions and fees incurred in connection with the filing, preservation, and collection of the MCTLA Unpaid Claims, including, but not limited to, prothonotary fees and charges, sheriff fees and charges, postage expenses, title search expenses, vehicle identification number (VIN) search expenses, skip tracing and/or other investigatory service expenses, and the costs, fees, charges and/or expenses arising out of any payment by any credit card, debit card, or any other payment medium, are hereby approved and shall be included, upon incurrence, together with the applicable MCTLA Unpaid Claim.

**Section 2. Interest.** Interest will be assessed upon an Unpaid Claims at a rate of 10% per annum and added to an Unpaid Claims. The Municipality is permitted to waive any interest on any Unpaid Claim when the Municipality or any attorney and/or third-party collector authorize by Municipal Council to collect the Unpaid Claim believes, in its discretion, that such amount is *de minimis* or that the cost or burden of continuing collection outweighs the benefit of collecting the interest.

**Section 3. Appointment of Solicitor.** The Municipality appoints Michelle R. Portnoff, Esquire, as Solicitor for the limited purpose of collecting 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 Municipality.

**Section 4. Severability.** Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by legislation or a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, and shall remain in full force and effect.


**Section 5. Inconsistencies.** All prior ordinances, resolutions and/or other official acts or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**Section 6. Effective Date.** This Ordinance shall take effect on the earliest date permitted pursuant to applicable law.

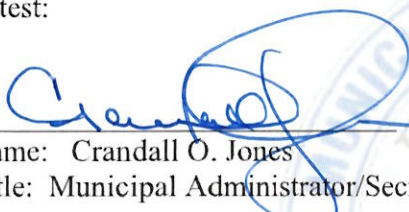
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**DULY ORDAINED, ENACTED AND ADOPTED BY THE NORRISTOWN  
MUNICIPAL COUNCIL THIS 6TH DAY OF DECEMBER 2022.**

**MUNICIPALITY OF NORRISTOWN**

By:   
Name: Thomas Lepera  
Title: Council President

Attest:

  
Name: Crandall O. Jones  
Title: Municipal Administrator/Secretary

[Seal]

