

City of Philadelphia



Philadelphia, September 22, 2016

CERTIFICATION: This is to certify that Bill No. 160551, was presented to the Mayor on the eighth day of September, 2016, and was not returned to the Council with his signature at a meeting held September 22, 2016 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 160551)

AN ORDINANCE

Amending Section 10-1002 of The Philadelphia Code, entitled "Sheriff's Fees," by revising fees, commissions and reimbursements for various functions and services performed by the Sheriff and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-1002 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-1000. FEES.

* * *

§ 10-1002. Sheriff's Fees.

City of Philadelphia

BILL NO. 160551 continued

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(1) Real Estate Executions. Any writ of execution or any other writ or order issued out of any Court requiring the levy or seizure of lands and tenements or selling the same according to law:

- (a) For receiving, processing and service, [\$100.00] *\$150.00*.
- (b) For conducting sale, and processing same, [\$200.00] *\$300.00*.

In addition, a commission of eight percent (8%) will be charged on the highest successful bid processed by the Sheriff [provided that the amount of same does not exceed five thousand (5,000) dollars, and two (2) percent will be charged on every dollar in excess of five thousand (5,000) dollars].

In addition, the purchaser shall pay the Sheriff any fee of the Prothonotary for the acknowledgement of the Sheriff's deed and the fee of the Department of Records for recording the same.

(c) For sending letter of notice of sale to defendants as per the Pennsylvania Civil Rules of Procedure, [\$40.00] *\$60.00*.

(d) For staying sale after advertising and before conducting sale, [\$100.00] *\$150.00*.

(2) Personal Property Executions and Attachments for Common Pleas. Any writ of execution or any other writ or order requiring levy or seizure of personal property or selling the same according to law.

- (a) For receiving, processing and service, [\$100.00] *\$150.00*.
- (b) For conducting sale and processing same, [\$50.00] *\$75.00*.
- (c) For filing of property claim and processing, [\$40.00] *\$50.00*.
- (d) For petition to intervene, stay, set aside, [\$40.00] *\$75.00*.

(e) For appraisalment of personal property by virtue of any act or ordinance, [\$40.00] *\$75.00*.

(f) For each watchman to take care of property levied upon or taken in legal custody, when necessary or requested for each eight-hour period or any fraction thereof, [\$200.00] *\$300.00*.

(g) For receiving and processing each wage claim, rent claim or exemption claim, [\$20.00] *\$30.00*.

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BILL NO. 160551 continued

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In addition, the Sheriff shall charge and receive as an official fee, a commission of eight percent (8%) of the total amount realized from sale, levied upon by the Sheriff, or other funds held in escrow [, provided that the amount of same does not exceed five thousand (5,000) dollars and two (2) percent on every dollar in excess of this amount shall be charged in addition].

In addition, the Sheriff shall charge all costs necessary to transport, store, and protect any goods or livestock levied upon or attached to be paid by the plaintiff, petitioner or party requiring same to be incurred.

(h) For all Municipal Court executions, [~~\$60.00~~] *\$90.00*.

(i) Posting of Sheriff sale bills, [~~\$50.00~~] *\$75.00*.

(3) Writs of Summons, Complaints, Bill in Equity, Rule, Decree, Order, Citation, Subpoena, Interrogatories, Official Notice, Replevins without Bond, Mortgage Foreclosure, Foreign Attachment, Fraudulent Debtors Attachment, Revival of Judgment, Injunction. (All forms of legal process not otherwise provided for elsewhere or requiring the actual seizure of goods.)

(a) For receiving, processing and service, [~~\$100.00~~] *\$150.00*.

(b) For each additional defendant serviced, [~~\$20.00~~] *\$30.00*.

(c) For enforcement of any injunction or court order for each day of enforcement or any fraction thereof the City shall be reimbursed for all City incurred costs, after an initial filing fee paid by the petitioner, [~~\$2,000.00~~] *\$3,000.00*.

(d) For Municipal Court services, [~~\$60.00~~] *\$90.00*.

(e) The actual cost of the Deputy Sheriff's salary, including overtime, for any period beyond the normal eight (8) hours working day from Monday to Friday. (The normal working day does not include Saturday, Sunday or any official holiday.)

(4) Replevins with Bond, Writs of Possession, Writs of Foreign Attachment or Fraudulent Debtors Attachments Requiring Seizure of Goods.

(a) For receiving, processing and service, [~~\$200.00~~] *\$300.00*.

(b) For each additional day or any portion thereof necessary to carry out said writ, [~~\$100.00~~] *\$150.00*.

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BILL NO. 160551 continued

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In addition, the Sheriff shall charge all costs necessary to transport, store and protect any goods or livestock taken under the aforesaid writs to be paid by the plaintiff, petitioner, or party requiring the same to be incurred.

(5) Warrants, Capias, Decree, Attachment for Contempt, Order of Court when the Defendant's Body Is Taken into Custody on Order of Court.

(a) For receiving, processing and service, [~~\$100.00~~] *\$150.00*.

(6) Miscellaneous.

(a) For the execution of any matter directed to the Sheriff or required by law or rule of court the performance of which is not herein mentioned, the Sheriff shall receive the same official fees, commissions and legal costs, including mileage, as for similar service herein specifically provided for. Flat mileage fee for service of any writ, complaint, court order or any other writ, [~~\$16.00~~] *\$25.00*.

(b) Funeral or sick orders of court regarding prisoners: From County Prison to any funeral parlor within the City limits – during normal working hours, \$66.00.

(c) From Graterford Prison to any funeral parlor within the City limits during normal working hours, \$86.00.

From any [~~other~~] *city, county or* state institution to any funeral parlor within the City limits, the actual costs of the Deputy Sheriff's salary, including overtime, if any, plus mileage [~~of twenty-two and one half (22½) cents per mile~~] *in an amount determined by applying the standard mileage rate established by the Internal Revenue Service*, and toll or bridge fees.

SECTION 2. This Ordinance shall take effect 30 days after it becomes law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.