

RESOLUTION 12-18b

A RESOLUTION OF THE WESTERN BUTLER COUNTY AUTHORITY, BUTLER COUNTY, PENNSYLVANIA, ADOPTING TERMINATION AND COLLECTION FEES IN THE COLLECTION OF DELINQUENT SEWAGE ACCOUNTS

WHEREAS, the Western Butler County Authority (hereinafter referred to as “the Authority”) periodically encounters delinquent sewer ratepayers;

WHEREAS, the Authority has determined that it is necessary to establish procedures and fees for the collection of delinquent sewer accounts that are owed to the Authority;

WHEREAS, the Authority uses various provisions of the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 et seq., and the Water Services Act, 53 P.S. § 3102.101 et seq., to collect its delinquent sewer charges;

WHEREAS, the Authority desires to set forth the guidelines by which collection procedures will be utilized against delinquent sewer accounts;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Western Butler County Authority, this _____ day of _____, 2018, as follows:

Section 1. Termination of Service. The following procedures are hereby established in accordance with 53 P.S. § 3012.101 et seq.:

- 1.1 **Notice of Delinquency.** If the delinquent ratepayer neglects or fails to pay, for a period of thirty (30) days from the initial due date, a rental, rate or charge for sewer service, the Authority shall mail or cause to be mailed, by USPS Priority Mail, a Delinquency Notice to the delinquent ratepayer or other entity liable for the account (the “Account Debtor”). An administrative fee actually incurred for mailing the Delinquency Notice, not to exceed \$10.00, shall be assessed against the Account Debtor. The Notice shall state that failure to pay the past due amount, including penalties and interest, and the \$10.00 administrative fee will result in termination of water service. The Authority shall be responsible with all postage costs associated with said Notice.
- 1.2 **Posting of Written Notice.** At least ten (10) days prior to the termination of water service, the Authority shall post a written notice on the main entrance of the premises. The Notice shall state that failure to pay the past due amount, including penalties and interest, and the administrative fees result in termination of water service, a fee of \$25.00 shall be assessed.

- 1.3 The Authority will comply with all applicable federal, state and local laws, including the Utility Service Tenants Rights Act, when instituting water shut-off procedures against a ratepayer.
- 1.4 Service Termination. If the delinquent ratepayer has not paid the full balance, including all penalties, interest and administrative fees, after the date listed in Section 1.3 above, the Authority shall terminate water service. A termination fee of \$60.00, shall be assessed against the Account Debtor. An additional termination fee of \$30.00 will be charged to all Pennsylvania American Water customers.
- 1.5 Reinstatement of Service. Water service will not be reinstated until all account balances are paid in full, including all fees, charges, penalties and interest.

Section 2. Liens and Judgments.

- 2.1 The WBCA Solicitor is hereby empowered to lien the realty for any delinquent amount, and additionally, to enforce collection of any delinquent fees, charges or assessments by reducing the lien to judgment and executing on said judgment in accordance with law. In addition to the power to lien realty and to proceed to sheriff sale on said realty to satisfy any delinquent amount due WBCA under this Resolution, the Solicitor is also permitted to proceed in assumpsit against the owner of the realty and/or against the user of the water, either jointly or severally, to collect any and all monies due WBCA hereunder, including the collection of the penalty of ten (10%) percent and the interest computed at a rate of ten (10%) percent per annum as heretofore stated, together with an attorney fee and/or commission of five (5%) percent, as permitted by statute for the collection of delinquent municipal claims, and to reduce any award to judgment and to execute said judgment against any and all assets of the delinquent sanitary sewer user who is the actual user and/or the realty owner, jointly and severally. When any Statute or Resolution permits a larger interest rate, penalty, or attorney's fee other than that stated herein, then the Solicitor shall have the prerogative to proceed under said Statute or Resolution or any part of any Statute or Resolution that will produce the greatest return to WBCA or that will reduce the cost of the proceedings to WBCA.

Section 3. Effective Date and Retroactivity.

This Resolution shall take effect on the date of enactment set forth below.

Section 4. Severability.

If any one or more of the provisions or terms of this Resolution shall be held invalid for any reason whatsoever, then, such provision or terms shall be deemed severable from the remaining provisions or terms of this Resolution to the maximum extent possible and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 5. Repealer.

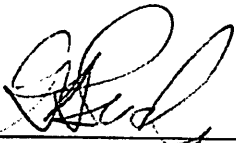
Any resolution of the Authority conflicting with this Resolution shall be and the same is hereby repealed in so far as the same affects this Resolution.

Section 6. Amendments.

The Authority may, by resolution, from time to time, establish additional collection procedures, servicing charges, expenses, and fees, and, if it so desires, alter, amend and supplement the procedures, servicing charges, expenses, and fees established herein for the collection of delinquent accounts.

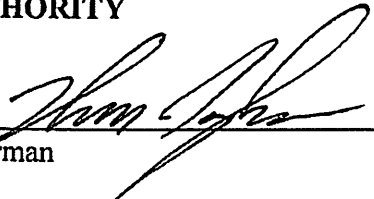
RESOLVED AND ENACTED THIS 6 DAY OF DECEMBER, 2018.

ATTEST:



Secretary

**WESTERN BUTLER COUNTY
AUTHORITY**



Chairman