

ORDINANCE NO. _____
(AMENDING ORDINANCE NO. 66, CODIFIED CHAPTER 18)

AN ORDINANCE OF THE BOROUGH OF CONNOQUENESSING, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, AMENDING ITS SEWERS AND SEWAGE DISPOSAL ORDINANCE, ORDINANCE NO. 66, CODIFIED AS CHAPTER 18, IN THE CODE OF ORDINANCES OF THE BOROUGH OF CONNOQUENESSING, SECTIONS 108 AND 109, RELATING TO BILLING PROCEDURES AND ENFORCEMENT.

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the residents of the Borough of Connoquenessing, County of Butler, Commonwealth of Pennsylvania; and

WHEREAS, the Borough of Connoquenessing has constructed sanitary sewers to benefit, improve, and accommodate residents of the Borough pursuant to the authority found in the Borough Code, Article XX, entitled Sanitary Sewers; and

WHEREAS, the Borough of Connoquenessing may enforce such regulations as it may ordain with reference to the use and maintenance of such sanitary sewerage system and treatment works; and

WHEREAS, the Borough of Connoquenessing wishes to amend the billing procedure and enforcement provisions provided in the Ordinance No. 66, Codified as Chapter 18, in the Code of Ordinances; and

WHEREAS, this Ordinance is enacted pursuant to the authority contained in the Borough Code, Act of February 1, 1965, P.L. 1656, No. 581, as amended, 53 P.S. 47001 et seq.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Connoquenessing, County of Butler, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

1. Connoquenessing Borough's Sewer and Sewage Disposal Ordinance, codified as Chapter 18, Part 1, Section 108, Subsection 1 (§18-108) in the Code of Ordinances of the Borough of Connoquenessing is hereby amended to read as follows:

"§18-108. Billing.

1. *Sewage Rates.* All owners of property and customers who are about to become or are users of sewage service rendered by the Borough shall pay for such sewage service in accordance with the schedule or rates then ordained and enacted by the Borough. The Schedule of Rates will be provided by Resolution and the Borough reserves the right to change sewage rates from time to time.

2. *Invoice for Sewage.* Invoices for sewage services and any additional charges for related services unless otherwise provided for herein shall be rendered on a monthly basis. Bills for sewage services shall be mailed to the address of the property owner or the customer until a different address is specified by the property owner or customer of the property.

3. *Liability of Payment of Invoices.* All invoices for sewage services, including late charges and interest, shall be the personal responsibility of the customer who has applied for service. In cases in which the customer who has applied for service is not the owner of the property, the following provisions shall apply:

A. Upon the failure to pay charges in accordance with the billing procedures established herein and such delinquency continues for a space of 60 days, a notice shall be sent to the customer indicating the intention to terminate service and indicating that outstanding delinquent balance, including interest. In the event the customer is not the owner of the property, a copy of the termination notice shall be sent to the property owner.

B. Upon the failure of the customer to make payment in accordance with the notice in subsection A, a second notice shall be sent to the customer with a copy to the owner of the property indicating the following information:

- (1) The outstanding balance and interest on the account.
- (2) The termination date.
- (3) Offer meeting with Sewage Financial Committee to arrange Payment Plan Agreement.

4. *Customer Changes.*

A. The customer and the owner of the properties served by the sewage service shall be responsible for notifying the **billing company and** Borough immediately of any change of ownership or change of the name of a customer receiving sewage services. Until such time as the **billing company and** Borough has received written notification of either the change of customer or the change of owner, and the **billing company and** Borough has had time to render a

final billing, the owner and/or customer shall remain liable until such time as the final bill has been paid by the owner and/or customer.

B. Any customer who moves shall be responsible for notifying the **billing company and** Borough of their forwarding address. Failure to receive a bill as a result of an incorrect address or otherwise, shall not excuse non-payment of sewer rent or extend the time for payment.

5. *Terms of Payment.* All invoices shall be payable monthly **to the billing company or** at the Borough office being due and payable on the due date of each month. Bills may be paid in person at the Borough office during regular business hours. Each customer who fails to pay in full any charge by the due date of the month the same shall become due and payable, shall be subject to interest at the rate of 1.5% per month. In addition, if any account is not paid in full within sixty (60) days after the same shall become due, the Borough shall have the right to terminate service from the delinquent premises and not to restore the same until all the delinquent charges and the cost of terminating and restoring service shall have been paid. If collection of an account requires legal action, the customer shall be liable for all costs and fees, including reasonable attorney's fees, as incurred by the Borough.

6. *Multi-Unit Building with Single Meters.* All owners of property having a multi-unit building or buildings thereon, which shall include, but not be limited to, buildings with more than one apartment or living quarters and/or buildings with more than one business establishment, presently having one water meter shall be metered at the current rates in the following manner:

A. Total meter reading in gallons shall be divided by the number of units in the building, thereby establishing the average reading in gallons per unit. The average reading shall be applied to the current schedule of rates for water and sewage service thereby establishing a cost per unit, but not less than the minimum monthly charges established in the schedule of rates for the Borough. The cost, in turn, shall be multiplied by the number of units in the building as established above to establish the bill to be rendered to the owner of the property.

7. *Mobile Home Parks.* The Borough recognizes that mobile home parks create a unique set of circumstances for supplying sewage service. Because of the diversity and uniqueness of mobile home parks, mobile home park owners shall have the option of election one of two methods for being billed for sewage services. In order to implement this procedure and to bring current mobile home parks into compliance with this resolution, all mobile home parks shall be notified of the options available to them under these rules and regulations. The mobile home park owners shall notify the Borough with thirty (30) days of the date of the notice of the option they are electing for the billing of sewage service to their mobile home park. Once a mobile home park owner has

elected a method of billing, they may only change such method of billing with the written permission of the Borough. Mobile home park owners may choose one of the following two options:

- A. A master meter will be placed on the main lines that provide water service to any mobile home park. The costs of such water meters shall be paid by the owner. The Borough will render a single monthly invoice to the mobile home park owner based on the amount of consumption registered on the master meter.
- B. The mobile home park owner can construct the sewer lines within the mobile home park in accordance with the specifications of the Borough and thereafter dedicate the lines and sufficient right of way to the Borough for its acceptance. If the Borough determines that the lines meet its specifications, individual meters shall be installed and thereafter the Borough shall render individual meter readings to each occupant of the mobile home.

2. Connoquenessing Borough's Sewer and Sewage Disposal Ordinance, codified as Chapter 18, Part 1, Section 109, (§18-109) in the Code of Ordinances of the Borough of Connoquenessing is hereby amended to read as follows:

“§18-109. Enforcement

1. *Inspection.* The sewage enforcement officer, manager of operations, the Borough Engineer, or any other authorized employee of the Borough upon showing proper credentials and identification, shall be permitted on all properties for the purpose of inspection, observation, sampling, testing, and retesting in accordance with the provisions of these rules and regulations. Any such inspection shall be conducted during reasonable hours.

2. *Compliance with Rules and Regulations.* If the owner or owners of any occupied building or buildings shall neglect or refuse to comply with the provisions of these rules and regulations, the Borough may serve written notice upon said owner or customers or other party in possession of the premises. Said written notice may require compliance with the provisions of the rules and regulations within sixty (60) days after service of such notice. If the work is not performed in the time limit established in the notice, the Borough may perform or cause to be performed such work and labor and furnish or cause to be furnished such materials as may be necessary to comply with the provisions of these rules and regulations at a cost and expense of such owner or owners, together with interest at the rate of 1.5% per month, and all charges and expenses incident thereto may be collected from the owner or owners for the use of the Borough as

debts are by law collectible or the said Borough may, by its proper officials, file a municipal claim wherefore against said premises as provided in the Pennsylvania Municipal Claims Law and other pertinent statutes.

3. *Further Policies and Procedures.* The Borough shall have charge and management of the sewer system and shall issue from time to time such additional policies and procedures governing the use, operation, and maintenance of said sewage system as it shall deem necessary.

4. *Termination Procedure.* In the event that a customer should fail to pay a sewage bill in accordance with these rules and regulations and such delinquency shall continue as provided hereinafter, the Borough shall have the right to terminate sanitary sewer service. In the event a sanitary sewage customer receives its water supply from well water, the termination procedure provided herein shall permit the Borough to disconnect or obstruct such customer from the sanitary sewer facilities. The procedure for terminating a customer shall be as follows:

A. Upon the failure to pay charges in accordance with the billing procedures established herein and such delinquency continues for a space of 60 days, a notice shall be sent to the customer indicating the intention to terminate service and indicating the outstanding delinquent balance, including interest. In the event the customer is not the owner of the property, a copy of the termination notice shall be sent to the property owner.

B. Upon the failure of the customer to make payment in accordance with the notice in subsection A, a second notice shall be sent to the customer with a copy to the owner of the property indicating the following information:

- (1) The outstanding balance and interest on the account.
- (2) The termination date.
- (3) Offer meeting with Sewage Financial Committee to arrange Payment Plan Agreement.

C. Following the second notice and at least three (3) days prior to termination, the Borough shall attempt to make personal contact either by telephone or in person with the customer or by posting the property with a second notice of termination which will indicate the termination date.

D. The failure of the customer to take action shall result in termination.

5. *Payment Plan Agreement.* A customer will be given an opportunity to meet with the Sewage Financial Committee to arrange a payment plan which plan shall provide the following:

- (A) The **customer/property** owners shall pay the Borough the total amount as determined by the Sewage Financial Committee to satisfy the delinquent balance, including interest and reasonable attorney's fees.
- (B) The **customer/property** owners shall pay the Borough payments **in three (3)** equal installments ~~as determined~~

 ~~reasonable by the Sewage Financial~~, commencing on a date agreed to by the Committee, and by the fifteenth day of each month thereafter to be applied first to interest, fees and costs with the balance to **the** reduction of the principal debt.
- (C) In addition to the monthly payments, the **customer/property** owners shall also pay the regular monthly usage charge. In the event the **customer/property** owners fail to make a payment to the Borough or fails to pay the regular monthly usage charge within thirty (30) days of the date due, the Borough may proceed to enforce its judgment and execute on same and may collect interest at the rate of 10% per year and all charges and expenses incidental thereto, against such premises as provided by the Borough Code and the Pennsylvania Municipal Claims Act.
- (D) Upon receipt of the final payment, the Borough shall satisfy any municipal lien of record with any fees associated in satisfying the liens being the responsibility of the property owner.
- (E) Upon default in payment, the Borough may terminate services after providing the **customer/property** owners with appropriate notice.
- (F) Upon breach of the Agreement, the employees of the Borough shall not be authorized to accept any further payment plans in order to avoid termination and shall only be authorized to accept payment in full of all outstanding balances including current charges, penalties, and interest.

6. *Attorney's Fees.* All invoices for accounts requiring legal action shall include attorney's fees in accordance with the Resolution of the Borough of Connoquenessing providing a schedule of attorney's fees in connection with the collection of delinquent sewer accounts as provided in the Pennsylvania Municipal Claims Law.

7. *Penalties.* Any person or property owner who shall violate any of the provisions of these rules and regulations shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

7. *Municipal Liens.*

- A. Each sewage service charge connection fee and any charges levied by these regulations shall be a debt due the Borough. If any charge shall not be paid within sixty (60) days after it shall be due and payable, the amount thereof, together with interest at the rate of 10% per year and a reasonable attorney's fee may be recovered by the Borough in a civil action or as provided in subsection C herein.
- B. In the event of failure to pay the sewage service charge, connection fee, or any other charges after they become delinquent, the Borough shall be authorized to remove or close the sewage connection and shall have the right to enter upon the property of the owner of the service for such purpose and to take such steps as may be necessary to accomplish such removal or closing or shutting off of service and the costs of such removal, as well as the expense of restoring any such service, shall be a debt due the Borough and may be recovered by civil action and such water or sewage service shall not again be turned on, nor the connections restored, until all service charges, including the expense of removal, closing, and restoration have been paid.
- C. All charges under these rules and regulations and resolution are hereby made a charge against the property and a lien therein to be levied and collected against the property in the name of the owner or reputed owner, occupier, mortgagee or any one beneficially interested therein as claims are a lien and collected under the Municipal Claims Law of the Commonwealth of Pennsylvania or by suit in **assumpsit** and not as an alternative but as an additional cumulative remedy, the Borough may require the shutting off sewage connections as set forth herein above. The Borough may use any or all of the remedies so provided by law and the use of any one remedy shall not preclude the use of the Borough's other rights and remedies.

8. *Complaint Procedures and Relief.*

A. *Designation of Responsible Personnel.* For any problem that arises concerning service to a customer, all such complaints shall be directed to the manager of operations for handling. For all complaints regarding billing or financial matters, the complaints shall be submitted to the Sewage Financial Committee.

B. *Procedure.*

(1) All complaints or requests for relief shall be submitted to the Sewage Financial Committee and such written notice shall contain the following:

(a) Statement of the problem or complaint.

(b) The relief requested.

(c) The reason(s) why such relief is justified.

(2) The Sewage Financial Committee shall review the complaint or relief requested and shall make a determination within **thirty (30)** days of the receipt of the written statement. Upon making such decision, the Sewage Financial Committee shall notify the customer in writing of their determination.

(3) If a customer is unhappy with the determination of the Sewage Financial Committee, said customer may request in writing that the matter be referred to the Borough Council for review.

(4) Upon receipt of a written request to review the Sewage Financial Committee decision, the Council shall review the written statement of the complaint, written determination by the Sewage Financial Committee, and such additional information as the Board may deem necessary to make a proper determination. The Board shall thereafter make a determination within thirty (30) days of the receipt of the written statement and notify the customer in writing.

3. All of the terms, conditions and general requirements of the Sewers and Sewage Disposal Ordinance, codified as Chapter 18 of the Code of Ordinances of the Borough of Connoquenessing, not inconsistent herewith, are hereby affirmed, restated and incorporated herein by reference.

4. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, illegal, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

5. All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

DULY ENACTED AND ORDAINED this _____ day of _____, 2009.

CONNOQUENESSING BOROUGH

By: _____
President

Mayor

ATTEST:

Borough Secretary