

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, CONCERNING THE SEWER RENTALS AND CHARGES TO BE LEVIED UPON THE USERS OF SAID SYSTEM WITHIN THE BOUNDARIES OF THE TOWNSHIP OF SOUTH HUNTINGDON AND ADOPTING PENALTIES FOR THE FAILURE TO PAY SAID RENTALS AND CHARGES.

WHEREAS, the Township of South Huntingdon has caused to be constructed or erected in said Township a sanitary sewer system which will be connected to the newly built sanitary sewage treatment plant, situate in the Borough of Smithton; and

WHEREAS, in order for the Municipal Authority of the Borough of Smithton to operate said system and to pay the debt service of the loan obtained from Pennvest for the construction of said system, it shall be necessary to collect certain sewer rentals and/or charges; and

WHEREAS, said rentals and charges must be put into effect by the 1st day of April, 1999, in order to enable the Authority and Township to make the required payments.

NOW, THEREFORE, the Board of Supervisors of the Township of South Huntingdon, Westmoreland County, Pennsylvania hereby ORDAINS AND ENACTS the following rentals and charges pursuant to the authority granted to it by the laws of the Commonwealth of Pennsylvania as follows:

SECTION ONE: IMPOSITION OF RENTALS AND CHARGES AND OF SCHEDULE OF RATES AND CHARGES.

1. There is hereby imposed sewer rentals or charges for the Township sanitary sewers to be payable by the owners of all properties situate within the Service Area, identified on Exhibit "A" attached hereto.
2. All owners of property, buildings or structures within the Service Area connected or capable of connection to the Township sanitary sewer system and all owners of property, buildings or structures within the Service Area who may hereafter connect to and use the same shall pay the following charges:
 - a. The sum of thirty-nine dollars(\$39.00) shall be billed to each equivalent dwelling unit(EDU). The definition of an EDU is fully set forth in the Rules and Regulations adopted in Ordinance No. 77 as the Rules and Regulations under which the South Huntingdon sanitary sewer system shall operate.
 - b. On all connections made after the 1st day of April, 1999, except as to existing structures on properties within the municipal Service Area, which are serviced by sewers constructed with monies received by the Township of South Huntingdon through the Community Development Block Grant Program, the tap into the sewer main and/or service lateral will be installed by the Municipal Authority of the Borough of Smithton. The charge for such connection shall be \$500.00 for each EDU, which is to be served by the connection, or the total cost of the connection, whichever is greater.

SECTION TWO: PAYMENT OF CHARGES AND PENALTIES.

1. Bills for the sewer rentals or charges imposed by this Ordinance shall be rendered each month by the Municipal Authority of the Borough of Smithton. All sewage charges shall be payable within ten(10) days after the bill therefore is rendered. If the bill shall be paid within the said ten (10) days after the rendition thereof, a five (5%) percent discount from the gross amount of the bill shall be allowed. If the bill remains unpaid after the said ten (10) day period, the gross amount of the bill shall be due. In the event the bill remains unpaid for a period of thirty (30) days, there shall be added to the gross amount interest at the rate of one (1%) percent per month, or any part thereof, until said bill has been fully paid, i.e. said interest shall begin to be computed on the thirty-first (31st) day after the bill has been rendered.

SECTION THREE: LIEN FOR UNPAID CHARGES.

1. Any sewer rental or charge not paid within thirty (30) days from the billing date shall be a lien upon the property charged with

the payment thereof from the first day of the following month. Such sewer rentals or charges, if not paid after thirty (30) days notice, may be collected as provided by law, by an action in assumpsit or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien.

2. In addition to the imposition of a lien for the filing of an action for assumpsit, the Municipal Authority of the Borough of Smithton shall be authorized to enter into an agreement with the Municipal Authority of Westmoreland County (Water Company), its successors and/or assigns, to terminate the water service to the delinquent user at such time as the amount due exceeds one hundred (\$100.00) dollars.

If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Huntingdon, Westmoreland County, Pennsylvania this 4th day of January, 1999.

TOWNSHIP OF SOUTH HUNTINGDON

By: Scott Painter

ATTEST: Cindy Thorne
Secretary