

WAYNE TOWNSHIP
RESOLUTION #0503
DELINQUENT SEWER POLICY

WHEREAS, Wayne Township Ordinance No. 53 provides for imposition of a sewer use charge upon all users of the public sanitary sewer serving Wayne Township; and,

WHEREAS, the sewer use charge, and penalties, are set forth in the latest Sewer Rate Resolution adopted by the Wayne Township Sewer Authority; and,

WHEREAS, The Sewer Rate Resolution provides that sewer use charges will be billed on the first of the month and shall be paid not later than the 15th of the month or shall be subject to a 10 percent penalty, and further assesses interest on delinquent accounts of one-half percent per month or any fraction thereof until paid; and,

WHEREAS, procedures for collection of delinquent accounts have been implemented over the years without formal adoption; and

WHEREAS, the Wayne Township Sewer Authority by separate resolution dated March 21, 2005 has adopted the delinquent collection policy herein; and

WHEREAS, Wayne Township under lease rental agreement provides for the operation of the Wayne Township Sewer System including collection;

NOW THEREFORE, BE IT RESOLVED and it is hereby resolved that the policy for collection of delinquent sewer use charges shall be as follows:

SECTION 1. OWNER OCCUPIED STRUCTURE:

Section 1.1 An owner who becomes three or more months delinquent in paying the sewer bill will be sent a certified letter notifying the owner:

1. They are in violation of Ordinance No. 53.
2. Penalties for continued violation.
3. Thirty days are provided for payment in full or establishment of a payment plan.
4. A complaint will be filed with the district justice after thirty days and all associated costs added to the account.
5. Judgements remaining unpaid after thirty days will be collected by sheriff's sale of personal and real property.

Section 1.2 An owner's refusal to accept delivery of the certified notice will result in the complaint being filed immediately with the district justice.

SECTION 2. TENANT OCCUPIED STRUCTURE:

Section 2.1 When a tenant becomes three or more months delinquent in paying the sewer bill, a certified letter will be sent notifying the owner of the property:

1. The tenant's account is delinquent and has been subject to penalty and interest.

2. The owner of the premises remains ultimately liable for payment of the bill.
3. They are in violation of Ordinance No. 53.
4. Penalties for continued violation.
5. Thirty days are provided for payment in full or establishment of a payment plan.
6. A complaint will be filed with the district justice after thirty days and all associated costs added to the account.
7. Judgements remaining unpaid after thirty days will be collected by sheriff's sale of personal and real property.

Section 2.2 An owner's refusal to accept delivery of the certified notice will result in the complaint being filed immediately with the district justice.

Section 2.3 Tenant accounts that are chronically delinquent will be terminated and the monthly sewer bill will become the direct responsibility of the property owner.

SECTION 3. Nothing in this resolution shall prohibit township personnel from attempting collection by personal contact or other informal means prior to enlisting the collection methods described in Section 1 and Section 2.

SECTION 4. This procedure is for internal use only and failure to adhere to the procedures contained herein shall not constitute a defense to the charges and shall not be grounds for dismissal of the charges or in any way relieve the owner of liability.

SECTION 5. All resolutions or parts of resolutions not in accord with this Resolution are hereby repealed insofar as they are inconsistent with this Resolution.

APPROVED AND ADOPTED this 21st day of March 2005.