

AN ORDINANCE OF THE BOROUGH OF SMITHTON, WESTMORELAND COUNTY, PENNSYLVANIA GOVERNING THE SEWER RENTALS AND CHARGES TO BE LEVIED UPON THE USERS OF SAID SYSTEM WITHIN THE BOUNDARIES OF THE BOROUGH OF SMITHTON AND ADOPTING PENALTIES FOR THE FAILURE TO PAY SAID RENTALS AND CHARGES.

WHEREAS, the Municipal Authority on behalf of the Borough of Smithton has caused to be constructed or erected in said Borough a sanitary sewer system and a sanitary sewage treatment plant; and

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

WHEREAS, said rentals and charges must be put into effect by November 1, 1998 in order to enable the Authority and Borough to make the required payments.

NOW, THEREFORE, the Borough Council of the Borough of Smithton, 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 ADOPTION OF SCHEDULE OF RATES AND CHARGES.

- 1. There is hereby imposed sewer rentals or charges for the use of the Borough sanitary sewers to be payable by the owners of all properties serviced thereby.**
- 2. All owners of property connected or capable of connection to the Borough sanitary sewer system and all owners of property who may hereafter connect to and use the same shall pay the following charges:**

a. The sum of thirty-nine dollars (\$39) shall be billed to each equivalent dwelling unit (EDU) each month. The definition of an EDU is fully set forth in the Rules and Regulations adopted in Ordinance No. 177 as the Rules and Regulations under which the Smithton sanitary sewer system shall operate.

b. On all connections made after the 1st day of January, 1999, the tap into the sewer main and/or the 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 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 dollars (\$100.).

ORDAINED AND ENACTED by the Borough Council of the Borough of Smithton,
Westmoreland County, Pennsylvania this 14th day of October, 1998.

BOROUGH OF SMITHTON

ATTEST:

Michelle Catthers

Secretary

By



President of Council

EXAMINED AND APPROVED this 14th day of October, 1998.



Mayor