

## RESOLUTION NO 27-98

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**A RESOLUTION OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING AND REPLACING RESOLUTIONS NO. 3-96 EFFECTIVE JULY 6, 1996, AND 3-96-C EFFECTIVE FEBRUARY 6, 1998, ENACTING, ESTABLISHING, FIXING AND IMPOSING SEWAGE RATES AND CHARGES FOR THE USE AND SERVICES OF THE VARIOUS SANITARY SEWER SYSTEMS IN THE SERVICE AREA OF THE AUTHORITY; ESTABLISHING THE BASIS FOR SUCH RATE OR CHARGES, AND PROVIDING THAT ALL USERS OF THE VARIOUS SEWAGE SYSTEMS IN THE SERVICE AREA BE CHARGED THE RATES SET FORTH COMMENCING WITH THE DATE THE SYSTEM IS TRANSFERRED TO THE AUTHORITY FROM THE BOROUGH OF WEST MIFFLIN FOR THE BALANCE OF THE CALENDAR YEAR 1998 AND FOR EACH CALENDAR YEAR THEREAFTER, FOR THE MAINTENANCE AND SUPPORT OF SANITARY SEWER SYSTEMS AND THE SANITARY SEWER TREATMENT SYSTEMS FOR THE AFORESAID PERIODS.**

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NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED as follows:

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SECTION 1. That commencing on July 1, 1998 through December 31, 1998, and for each calendar year thereafter, there is hereby imposed and established for the use and service of the various sanitary sewer systems and sewage treatment plants in the service area of the West Mifflin Sanitary Sewer Municipal Authority, a usage fee, charges and assessments to all property serviced by a sewer system and/or sewage treatment plant as hereinafter set forth. The imposed fee and charges for the use of the sewer system and sewage treatment plants shall be upon the owners, tenants, or occupants of the realty served by the sanitary sewer system and/or sewage treatment plant of the West Mifflin Sanitary Sewer Municipal Authority.

SECTION 2. That the rates, charges and fees for the use of the sanitary sewer lines and appurtenances, and/or for the use of the sewage treatment plants to all serviced premises within the service area of the Authority shall be measured by the quantity of water flowing into or consumed by each separate dwelling, apartment, business, commercial or industrial site, and shall be based on water usage tapes provided by Pennsylvania American Water Company. Where water is furnished to any user as herein provided, whether by any municipality, utility company or municipal authority, the flow of water measured by meter of said municipality, utility company or authority, shall be considered and deemed to be the basis for measuring the units of use as hereinafter set forth.

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### SECTION 3. GENERAL RATES:

The rates for said sewage use and/or sewage treatment plan use to premises serviced within the service area of the Authority shall be as follows:

#### a. WATER METER USERS

The following schedule of rates shall be applicable to users of metered water, and the charges shall be based on the annual quantity of water delivered to each water user as measured by the most recent available

water meter reading:

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#### RESIDENTIAL RATES

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Minimum Monthly Charge: \$12.08 for first 4,200 gallons

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#### WATER USED PER YEAR

#### SEWAGE CHARGE

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First 60,000 gallons	\$2.87 per 1,000 gallons
Next 40,000 gallons	\$3.41 per 1,000 gallons
Next 100,000 gallons	\$5.12 per 1,000 gallons
Excess over 200,000 gallons	\$6.83 per 1,000 gallons

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For the purposes of the usage rate any part or fraction of  
1,000 gallons shall be computed as 1,000 gallons.

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EACH USER SHALL BE REQUIRED TO PAY EACH BILLING CYCLE EITHER  
THE MINIMUM RESIDENTIAL USER'S FEE AND CHARGES OR THE COMPUTED  
RESIDENTIAL USER'S FEE AND CHARGES, WHICHEVER IS GREATER.

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#### COMMERCIAL AND INDUSTRIAL RATES

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Minimum Monthly Charge: \$28.98 for the first 4,200 gallons

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#### WATER USED PER YEAR

#### SEWAGE CHARGE

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First 100,000 gallons	\$3.41 per 1,000 gallons
Next 100,000 gallons	\$5.12 per 1,000 gallons
Next 300,000 gallons	\$6.83 per 1,000 gallons
Next 500,000 gallons	\$5.97 per 1,000 gallons

Excess over 1,000,000 gallons                      \$5.12 per 1,000 gallons

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For the purposes of determining the usage quantity any part or fraction of 1,000 gallons shall be computed as 1,000 gallons.

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EACH COMMERCIAL AND/OR INDUSTRIAL USER SHALL BE REQUIRED TO PAY EACH BILLING CYCLE EITHER THE MINIMUM USER'S FEE AND CHARGES OR THE COMPUTED COMMERCIAL AND/OR INDUSTRIAL USER'S FEE AND CHARGES, WHICHEVER IS GREATER.

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<![if !supportLists]>b.                      <![endif]>OTHER WATER USERS

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The quantity of water used by water users other than those referred in Sub-Section (a) and (b) above, shall be estimated by the Authority, and each such water user's sewage charge shall be calculated by applying the schedule of rates set forth in Subsection (a) of this section to the estimated quantity, unless proof is established that the customer's usage is less.

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c.                      HOMEOWNERS' SWIMMING POOLS

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Private homeowners who install new swimming pools may receive a one time adjustment for the water initially used to fill the pool upon providing to the Authority a copy of the receipt of purchase of the swimming pool, a copy of the Borough's pool permit and a statement of the number of gallons required to fill the pool. All subsequent water used to fill or refill the pool will not be adjusted.

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#### SECTION 4. PENALTIES AND INTEREST

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Sewage bills which are not paid promptly shall be subject to penalties and interest as follows:

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a.                      BILLS OF WATER USERS

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All sewage charges billed to water users other than municipalities shall be payable on or before the due date shown on the sewage bill. After such due date, a penalty of ten (10%) percent shall be payable, plus interest on any overdue bills, computed on both the amount of the bill added to the amount of the penalty, at the rate of ten (10%) percent per annum based on a 360 day year. Interest shall be computed for each day delinquent and interest shall begin on the day after the due date. Computation of the sewage charges shall be computed monthly; Provided, if the due date falls on a non-business day or a holiday recognized by the Authority, then the due date shall be the next business day.

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## SECTION 5. GENERAL PROVISIONS

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- a. The sewage bill will be sent to and shall be payable by the party to whom water bills are addressed, and in the case of all water users to whom no water bills are addressed, the sewage bill will be sent to and shall be payable by the occupants of the premises. However, regardless to whom the water bill is addressed or if there is an absence of an address, the sewage rental charge is owed, jointly and severally, by the occupants of the premises and by the recorded owners of the realty. Therefore, it is the duty of the recorded owners of the realty to make provisions that any occupant of the realty pays the sewage fee, charges, or assessments when due. All unpaid sewage fees charges, or assessments, together with penalty and interest, shall become a lien on the realty.

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- b. In the event the party under Subsection (a) of this section is not the owner of the property, the parties to whom the bill is sent may supply the Authority with the name of the owner, and the sewage bill will be sent to such owner.

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- c. The quantity of water which does not reach a metered water user's sewer may be separately metered with an additional separate Pennsylvania American Water Company meter, which must have written approval by the West Mifflin Sanitary Sewer Municipal Authority prior to installation.

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SECTION 6. That the collector of said sewage fee, charges or assessments shall be designated and appointed, from time to time, by Resolution, and shall receive such compensation for its services and expenses as determined, from time to time, by

the Board of the West Mifflin Sanitary Sewer Municipal Authority. The collector of said sewage fee, charges, or assessments shall, if required by the Board, furnish a Bond with corporate sureties acceptable to the Board of the Authority conditioned upon faithful performance of its duties as prescribed by the Authority and by Ordinances of the Borough of West Mifflin. The amount of the Bond shall be set by Resolution of the Board.

The collector of said sewage fee, charges or assessments shall turn over to the Authority for deposit by the Administrative Manager into the Authority's Revenue Fund, all receipts and monies received in payment of said sewage bills.

The Authority may, in lieu of having the funds turned over to the Administrative Manager, establish an Authority account for direct deposit by the said collector. The Administrative Manager and Board shall establish the procedure for deposit by the said collector, but all monies received by the Collector pursuant to this Resolution shall be deposited within seven (7) business days. Additionally, the Administrative Manager shall set the procedure and time intervals for period reconciliation and status reports on all accounts.

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SECTION 7. That all use fees, charges and/or assessments shall be a lien upon the realty charged with the payment thereof, from the first (1st) day due (the fifth day of each month) until paid together with any interest, penalty and cost due. The said use fee, charges or assessments, together with penalty and interest attached thereto, shall be due and payable on a monthly billing cycle.

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SECTION 8. The Authority 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 the Authority 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 the Authority hereunder, including the collection of the penalty of ten (10%) percent per annum, 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 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 the Authority or that will reduce the cost of the proceedings to the Authority.

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SECTION 9. The Authority shall provide the facilities and personnel necessary for the administration and application of this Resolution, and for the collection of the rentals, charges and assessments hereunder.

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SECTION 10. This Resolution is not applicable to the Volunteer Fire Companies, West Mifflin Emergency Medical Service (PRISM) of the Borough of West Mifflin and the Borough of West Mifflin, for in-kind services; and cemeteries with the exception if the cemetery has an occupied house, then the occupants will pay a sewage fee.

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SECTION 11. If any sentence, clause or section, or any part of this Resolution is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Resolution. It is hereby declared as the intent of the Authority that this would have been enacted had such unconstitutional, illegal or invalid sentence, clause or section, or part thereof not be included herein.

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SECTION 12. Any Resolution or parts of Resolutions which are contrary to or conflict with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

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SECTION 13. This Resolution shall be effective from July 1, 1998, and ending December 31, of the current year, except that the said fees and charges imposed for the first time shall become effective from the date this Resolution is enacted, and the sewage line use and/or sewage treatment use fees, charges or assessments shall continue in force on a calendar year basis, without reenactment, unless the rates are subsequently changed. Changes in the rates shall become effective on the date specified in the Resolution setting the new rates. The fees, charges or assessments for the initial billing cycle shall be due the date specified in said bill, and the amount due shall be computed by multiplying the rates set forth in Section 3 of this Resolution, to the quantity of water used as indicated by the water use meter reading or estimated quantity for the month, or, if applicable, shall be the minimum fee as set forth in Section 3 of this Resolution, and thereafter, all said fees, charges or assessment shall be based on the each succeeding monthly water use meter reading, or estimated quantity, from succeeding month to succeeding month; Provided, however, to compute the correct fees, charges or assessments due each month, the gross amount of water usage from prior months occurring in the same calendar year shall be added to the current month to determine the applicable rate to apply for that specific billing cycle, and each quantity of water usage shall be added to the gross water usage of prior month during the same calendar year to determine the proper rate to apply for any specific month. After the initial billing cycle, all subsequent billing cycles shall be due on the last day of each month.

SECTION 14. This Resolution is intended to be read in pari materia with Ordinance No. 976 of the Borough of West Mifflin enacted April 11, 1991 and is not intended to rescind Section 10 of said Ordinance, which provides for civil penalties for failure to pay any monthly fee, charge or assessment.

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RESOLVED, this 4 day of June 1998.

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ATTEST:

Michael Price, Secretary

WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY

Cynthia A. Sullivan, Chairman