

RESOLUTION NO. 3-96

<![if !supportEmptyParas]> <![endif]>

WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY

<![if !supportEmptyParas]> <![endif]>

RESOLUTION FIXING SEWAGE RATES AND CHARGES

<![if !supportEmptyParas]> <![endif]>

A RESOLUTION OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, 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 CHARGE 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 1996 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.

<![if !supportEmptyParas]> <![endif]>

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

<![if !supportEmptyParas]> <![endif]>

SECTION 1. That commencing with the date the sewer treatment system and sewer system is transferred from the Borough of West Mifflin to the West Mifflin Sanitary Sewer Municipal Authority (the "Authority") through December 31, 1996, and for each calendar year thereafter, there is hereby imposed and established for the use and service of the various sanitary sewer systems and sewer 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.

<![if !supportEmptyParas]> <![endif]>

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 such quantity of water as may be determined or estimated. Where water is furnished to any user as herein provided, whether by any municipality, utility company or municipal authority, the flow of water measured either by meter or by a flat rate 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,

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:

<![if !supportEmptyParas]> <![endif]>

a. WATER METER USERS

<![if !supportEmptyParas]> <![endif]>

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:

<![if !supportEmptyParas]> <![endif]>

RESIDENTIAL RATES

<![if !supportEmptyParas]> <![endif]>

<![if !supportEmptyParas]> <![endif]>

WATER USED PER YEAR**SEWAGE CHARGE**

First 60,000 gallons	\$1.78 per 1,000 gallons
Next 40,000 gallons	\$2.12 per 1,000 gallons
Next 100,000 gallons	\$3.18 per 1,000 gallons
Excess over 200,000 gallons	\$4.24 per 1,000 gallons

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

<![if !supportEmptyParas]> <![endif]>

PROVIDED, HOWEVER, THAT REGARDLESS OF THE AMOUNT OF WATER USED DURING THE CALENDAR YEAR, THERE IS A MINIMUM USERS FEE AND CHARGE OF SEVEN AND 50/100 (\$7.50) DOLLARS PER MONTH ON EACH USER, AND 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.

<![if !supportEmptyParas]> <![endif]>

COMMERCIAL AND INDUSTRIAL RATES

<![if !supportEmptyParas]> <![endif]>

<![if !supportEmptyParas]> <![endif]>

WATER USED PER YEAR**SEWAGE CHARGE**

First 100,000 gallons	\$2.12 per	1,000 gallons
Next 100,000 gallons	\$3.18 per	1,000 gallons
Next 300,000 gallons	\$4.24 per	1,000 gallons
Next 500,000 gallons	\$3.71 per	1,000 gallons
Excess over 1,000,000 gallons	\$3.18 per	1,000 gallons

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

<![if !supportEmptyParas]> <![endif]>

PROVIDED, HOWEVER, THAT REGARDLESS OF THE AMOUNT OF WATER USED DURING A YEAR, THERE IS A MINIMUM RENTAL FEE AND CHARGE OF EIGHTEEN (\$18.00) DOLLARS PER MONTH ON EACH USER, AND 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.

<![if !supportEmptyParas]> <![endif]>

<![if !supportEmptyParas]> <![endif]>

b. FLAT-RATE WATER USERS

<![if !supportEmptyParas]> <![endif]>

The following schedule of rates shall be applicable to water users whose water bills are based upon a flat rate as distinguished from those whose water bills are based upon meter readings; all flat-rate water residential customers will be billed upon an equivalent residential unit basis (ERU). The average residential usage is estimated as 20,000 gallons per quarter. Each residential flat-rate account shall be billed for sewage services based upon this average unless proof is established that the customer's usage is less.

<![if !supportEmptyParas]> <![endif]>

c. OTHER WATER USERS

<![if !supportEmptyParas]> <![endif]>

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 Sub-Section (a) of this section to the estimated quantity, unless proof is established that the customer's usage is less.

<![if !supportEmptyParas]> <![endif]>

SECTION 4. PENALTIES AND INTEREST

<![if !supportEmptyParas]> <![endif]>

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

<![if !supportEmptyParas]> <![endif]>

a. BILLS OF WATER USERS

<![if !supportEmptyParas]> <![endif]>

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 percent (10%) 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 percent (10%) 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 not less than quarterly, and due dates shall not be extended beyond April 30, July 31, October 31 and January 31; Provided, if the due date falls on a non-business day or holiday recognized by the Authority, then the due date shall be the next business day.

<![if !supportEmptyParas]> <![endif]>

SECTION 5. GENERAL PROVISION

<![if !supportEmptyParas]> <![endif]>

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 fees, charges, or assessments when due. All unpaid sewage fees, charges, or assessments, together with penalty and interest, shall become a lien on the realty.

<![if !supportEmptyParas]> <![endif]>

b. In the event the party under Sub-Section (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.

<![if !supportEmptyParas]> <![endif]>

c. The quantity of water which does not reach a metered water user's sewer, may be separately metered in accordance with requirements set by the Authority, and such separate metered water will not be included in the quantity upon which the sewage charges are calculated. A charge of \$10.75 per reading will be imposed.

<![if !supportEmptyParas]> <![endif]>

d. Subject to the prior written approval of the Authority, the commercial or industrial water user may install a sewage meter, in which event the sewage charge will be based upon the quantity of sewage so metered. A charge of \$10.75 per reading will be imposed.

<![if !supportEmptyParas]> <![endif]>

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.

<![if !supportEmptyParas]> <![endif]>

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 General Fund or Revenue Fund, as the case may be, 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.

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 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 quarterly billing cycle with the following due dates:

- a. The first quarterly payment shall be due on or before April 30th at face; the second quarterly payment shall be due on or before July 31st at face; the third quarterly payment shall be due on October 31st at face; and the final quarterly payment shall be due on or before January 31st at face.

- b. In the event that the quarterly payments are not paid by the due date, the same shall become delinquent and subject to said interest at the rate of ten percent (10%) per annum, and said penalty of ten percent (10%).

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 percent (10%) per annum, and the interest computed at a rate of ten percent (10%) per annum as heretofore stated, together with an attorney fee and/or commission of five percent (5%), 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 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.

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.

SECTION 10. This Resolution is not applicable to the Volunteer Fire Companies and West Mifflin Emergency Medical Service of the Borough of West Mifflin.

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.

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.

SECTION 13. This Resolution shall be effective from the date the sewer treatment system and sewer system is transferred from the Borough of West Mifflin to the West Mifflin Sanitary Sewer Municipal Authority (the "Authority") 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 charged. 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 period of January 1, 1997 through March 31, 1997, or, if applicable, shall be the minimum fee as set forth in Section 3 of this Resolution, and thereafter, all said fees, charges or assessments shall be based on the each succeeding quarter water use meter reading, or estimated quantity from April 1st through June 30th, thence from July 1st through September 30th, and thence from October 1st through December 31st, and thereafter, on each succeeding quarterly water use meter reading, from succeeding quarter to succeeding quarter; Provided, however, to compute the correct fees, charges or assessments due each quarter, the gross amount of water usage from prior quarters occurring in the same calendar year shall be added to the current quarter 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 quarters during the same calendar year to determine the proper rate to apply for any specific quarter. After the initial billing cycle, all subsequent billing cycles shall be due on the dates set forth in Section 7 of this Resolution.

<![if !supportEmptyParas]> <![endif]>

Any person whose water usage is based on a flat fee, or whose water usage is not computed by a meter shall be subject to the sewage fees, charges, or assessments that shall be computed on the basis of a FLAT FEE WATER USER, as set forth above in Section 3(b), or in accordance with Section 3(c), whichever is applicable under the circumstances.

<![if !supportEmptyParas]> <![endif]>

SECTION 14, This Resolution is intended to be read in pan 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 quarterly fee, charge or assessment.

<![if !supportEmptyParas]> <![endif]>

RESOLVED, this 3rd day of July 1996.

<![if !supportEmptyParas]> <![endif]>

ATTEST:

WEST MIFFLIN SANITARY SEWER
MUNICIPAL AUTHORITY

<![if !supportEmptyParas]> <![endif]>

Daniel Davis, Secretary

Anthony Panichelli, Chairman