

RESOLUTION 72-02

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A RESOLUTION OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING RESOLUTIONS 3-96, 29-98, 54-00 AND 67-02 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 FOR THE BALANCE OF THE CALENDAR YEAR 2002 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:

1. That commencing on September 1, 2002 through December 31, 2002, 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 ("WMSSMA") fees, charges and assessments to all property serviced by a sewer system and/or sewage treatment plant as hereinafter set forth. The imposed fees 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 plants of the WMSSMA or the interceptor and plant operated by the Allegheny County Sanitary Authority ("ALCOSAN") utilized by customers within the service area of WMSSMA.

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 WMSSMA 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 data 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. If no water is billed during any billing period and the water service is still active, the minimum charge shall be billed to the customer.

3. GENERAL RATES.

The rates for said sewer system and/or sewage treatment plant use to premises serviced within the service area of WMSSMA shall be as follows:

(A) Water Meter Users.

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The schedule of rates listed on [Attachment A](#) is applicable to all users of metered water and the charges shall be based upon the monthly quantity of water delivered to each water user as measured by the most recent available water meter reading. For the purpose of

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

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(B) Other Water Users.

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It is also provided that the quantity of water used by water users other than those referred to in Subsection A and B above shall be estimated by WMSSMA and each such water user sewage charge shall be calculated by applying the schedule of rates set forth herein to the estimated quantity unless proof is established that the customer's usage is less.

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(C) Swimming Pools.

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WMSSMA will issue a one time adjustment for the water used for the initial fill of new swimming pools upon the owner providing to WMSSMA a copy of the receipt of purchase or installation of the swimming pool, a copy of the Borough's pool permit and the statement of the number of gallons required to fill the pool. All subsequent water use to fill or refill the pool will not be adjusted.

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4. PENALTIES AND INTEREST.

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

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 WMSSMA, then the due date shall be the next business day.

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5. GENERAL PROVISIONS.

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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.

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 WMSSMA with the name of the owner, and the sewage bill will be sent to such owner.

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 WMSSMA. 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 WMSSMA conditioned upon faithful performance of its duties as prescribed by WMSSMA 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 WMSSMA for deposit by into WMSSMA's Revenue Fund, all receipts and monies received in payment of said sewage bills.

WMSSMA may, in lieu of having the funds turned over to them, establish an account for direct deposit by the said collector. The 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 Board shall set the procedure and time intervals for period reconciliation and status reports on all accounts.

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.

8. The WMSSMA 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 WMSSMA 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 WMSSMA 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 WMSSMA or that will reduce the cost of the proceedings to WMSSMA.

9. WMSSMA 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.

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 insofar as the property is utilized by the Borough of West Mifflin for public purposes. Any portion of the property utilized by the Borough of West Mifflin or any other exempt entity for private purposes or for leased purposes shall be subject to these charges on a pro rata basis. Moreover, the Resolution is not applicable for cemeteries with the exception that the cemetery has an occupied house and the occupants will pay a sewage fee. This Resolution is applicable to tenants of the West Mifflin Borough.

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 WMSSMA that this would have been enacted had such unconstitutional, illegal or invalid sentence, clause or section, or part thereof not be included herein.

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.

13. This Resolution shall be effective from September 1, 2002, 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 on [Attachment A](#) 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 on [Attachment A](#) 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.

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.

RESOLVED, this 8th day of August 2002.

WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY

ATTEST:

William G. Kiger, Chairman

John P. Schmidt, Secretary