

**OFFICIAL
WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY.
ALLEGHENY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 152-18

A RESOLUTION OF THE WEST MIFFLIN SANITARY SEWAGE MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING AND FIXING CHARGES FOR COSTS, EXPENSES AND FEES TO BE ADDED TO DELINQUENT ACCOUNTS PURSUANT TO THE ACTS OF THE COMMONWEALTH OF PENNSYLVANIA, AND /OR THE POLICY OF THE OF THE AUTHORITY AND/FURTHER AUTHORIZING A FEE TO BE CHARGED TO ANY ACCOUNT AND ACCOUNT HOLDER WHO HAS TENDERED A NEGOTIABLE INSTRUMENT WHICH WAS DISHONORED OR STOPPED PAYMENT BY THE DRAWEE FOR ANY REASON; WHICH FEES AND CHARGES SHALL BE ADDED TO CUSTOMERS USING AND SERVED BY THE SEWERS, SEWAGE SYSTEM, OR SEWAGE TREATMENT WORKS OF THE WEST MIFFLIN SANITARY SEWAGE MUNICIPAL AUTHORITY.

WHEREAS, Act 1 of 1996, effective April 1, 1996, as amended, and Act 20 of 2003 enacted August 14, 2003, 53 P.S. § 7101. et seq., as amended, the Commonwealth of Pennsylvania authorizes recovery of all penalties, interest, costs, fines, charges, expenses and fees, including reasonable attorney fees on all municipal claims and delinquent accounts; and

WHEREAS, the aforesaid Acts also authorizes the West Mifflin Sanitary Sewage Municipal Authority herein after referred to as the (“Authority”) to impose or assess reasonable attorney fees together with all costs and fees in collection of claims, accounts, municipal claims and liens; and,

WHEREAS, it is in the best interest of the public health, safety, and welfare of the Authority and for the users of the Authority’s sewage lines and treatment plants to be reimbursed by the delinquent account holder for all penalties, interest, costs, fines, charges, expenses and fees including reasonable attorney fees that were incurred in the collection and the cost of managing of all of its delinquent sewage accounts and claims.

NOW, THEREFORE, be it Enacted and Resolved by Board of Directors of the Authority, and it is hereby by enacted and resolved by the authority of the same that in addition to the principal sewage rental charge, penalty and interest due on any sewage claim or sewage account as set forth in Resolutions and /or motions or any amendments thereto, the Authority hereby establishes the following additional fee schedules and additional charges as authorized by law to be imposed on delinquent accounts and delinquent account claims owed to the Authority of which charges are in addition to any other Resolution or motion enacted or adopted by the Authority assessing costs, penalties, interest and fees:

1. An additional six dollars (\$6.00) collection and accounting fee shall be added each month to each delinquent account owed to the Authority that remains delinquent for sixty days from the date first billed. The additional six dollar (\$6.00) delinquent fee will be added for each additional month that the delinquent account remains delinquent until the entire account becomes current. Each account that becomes delinquent in payment for any portion of the bill or for any amount due for a period of sixty days or longer will be assessed the delinquent accounting and collection fee until the entire account balance is made current.

2. Each delinquent account owed to the Authority that is scheduled for shut off of services due to said delinquency in the account shall be assessed and charged a property posting fee of 15.00 for the posting of the notice of termination of services. Each individual posting of the realty of a notice to terminate services will result in a charge of \$15.00 dollars being assessed and charged to the said posted delinquent account for each posting.

3. Each property to which water service has been terminated due to the aforesaid delinquency shall be assessed a \$30.00 service charge upon submission to the PAWC, plus an additional \$5.00 accounting and management fee; provided, however, if the Water Company

terminates water services, a fee of \$30.00 to reinstate water service plus an additional \$5.00 accounting and management fee will be assessed to the account holder for water turn-on. The amount charged to the Authority by the Water Company shall increase as the amount assessed and charged for the service to the account may increase for reinstatement of services.

4. If payment is made by any negotiable instrument that is dishonored for any reason, i.e. (NSF, Closed Account, Stop Payments, etc.), then the rate payer, or user of the sewerage collection and treatment system of the Authority, shall be assessed and charged \$38.00 dollars for each dishonored negotiable instrument. In the event that the Bank's fee charged for dishonored check increases, then the aforesaid amount of \$38.00 will be increased an equal amount and shall be charged to the drawer of the check or to the maker of the negotiable instrument delinquent account, or to the account.

5. Cost of postage and/or certified mail shall be assessed and charged at the actual postage cost to the delinquent account.

6. Notary Public fees shall be assessed and charged at the actual cost incurred to the delinquent account.

7. Fees for on line payments at www.ltspayments.com and in person payments shall be charged and assessed to the rate payer. The current fee is \$1.50 for each ACH transaction and \$1.50 for each online credit card or debit card charge; provided however, if the online clearing company fees increase, then the fee charged by said clearing company shall be the fee imposed.

8. All sewage payments made by credit, debit card or ACH account being paid over the phone, a fee of \$3.95 shall be added to the sewer user fees due. In the event that the clearing house or bank increases its charge to process a credit card or debit card transaction, then

the additional increase in cost shall be automatically added to the aforesaid processing charge.

9. Fees for title searches and certifications shall be \$30.00 per certification and paid by the title company or the buyer of the real estate.

10. This Resolution relates to costs and legal fees incurred in the collection of delinquent sewage accounts of the West Mifflin Sanitary Sewage Municipal Authority. Any sewage account that is not fully paid on or before the due date of the first delinquency notice, (sixty days from the initial bill) is hereby declared to be a delinquent account subject to these charges set forth in this Resolution. Provided however, dishonored negotiable instruments fees are assessed and charged the aforesaid \$38.00 fee with the return of any check unpaid for any reason even if the account is not delinquent. The costs and fees that are to be assessed to the delinquent accounts are to be paid directly to the designated Authority's collector of sewage user's fees, and shall be kept by the aforesaid collector and/or the collector's attorneys who prosecute the claims as payment for the collection, management, and accounting fees. Any cost prepaid by the Authority to the appointed Collector for the collection of said delinquent accounts that is recovered from the delinquent account users shall be remitted to the Authority to the extent of the monies that were recovered from and were paid by the delinquent account holder. The Authority shall advance posting payments of \$15.00 per posting to the designated Authority's Collector prior to the postings, or such posting cost shall be off set from the monthly amounts due the Authority. The Authority shall pay the shutoff cost either directly to the Water Company or to the Authority's Collector to pay to the Water Company upon billing by the Water Company. In the event that any of the delinquent accounts are rental property, the Owner of the rental realty is responsible for these additional cost and fees in addition to any unpaid usage charges, penalties

and interest. Landlords are required to register all rental realty and properties with the Authority's designated Collector of the Sewage accounts, and Landlords who have registered with the designated Collector that the realty is a rental property with a tenant(s) shall receive a notice of a delinquency in the tenant's account within thirty days after the account becomes delinquent.

11. That in addition to all costs incurred, the schedule of legal and administrative fees that the designated Collector of sewage usage fees or his designated attorney or agent are authorized to charge in the collection of delinquent sewerage accounts are as follows:

Schedule of Legal Fees

(a) The Authority hereby approves the following schedule of legal fees for services in connection with the collection of accounts, which fees are hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principals set forth in Section 3 of the Municipal Claims Law as added by Act 1 of 1996 and any amendments thereto:

FEE FOR SERVICES

Preparing and sending demand letter regarding payment of delinquency	\$75.00 Assessed to the delinquent account
Filing of lien	\$150.00 Assessed to the Delinquent Account
Title search	\$250.00 Assessed to the Delinquent Account
Preparation and Service of Writ of Scire Facias	\$ 750.00 Assessed to delinquent account
Required additional notice and presentation of related motions regarding federal tax liens, judgments and	\$150.00 Assessed to delinquent account

mortgages

Alternative service of legal pleadings	\$250.00 Assessed to delinquent account
Entry of Judgment	\$150.00 Assessed to delinquent account
Preparation of Writ of Execution and attend initial Sheriff sale	\$750.00 Assessed to delinquent account
Preparation of documents and attendance at second Sheriff sale	\$600.00 Assessed to delinquent account
Review schedule of distribution And resolve distribution issues account	\$250.00 Assessed to delinquent account
Installment payment agreement at taxpayer's request	\$100.00 Assessed to delinquent account
Services not covered above	\$150.00/hr. – attorney \$75.00/hr. – paralegals \$50.00/hr. – law clerks

(b) All Court filing fees, Sheriff fees, poundage fees, advertising fees, postage and notary fees or any other cost assessed by the Court or by the Department of Court Records will be added to the delinquent account in the amounts incurred.

12. Any Resolution conflicting with this Resolution is hereby repealed to the extent of such conflict. It is hereby declared to be the intent of The Board of Directors of the West Mifflin Sanitary Sewer Municipal Authority that the parts, sections, paragraphs, sentences, clauses and phrases of this Resolution are severable. If it is determined by any Court of proper Jurisdiction that any part, sentence, section, paragraphs, sentences, clauses and phrases are declared unconstitutional, illegal or otherwise invalid, that invalidity shall not affect any of the remaining

parts, sections, paragraphs, sentences, clauses or phrases of this Resolution as it is the intent of said Board to have adopted this Resolution had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof had not been included herein.

13. Any Resolution or parts of Any Resolution and /or Motion conflicting with the terms and provisions of this Resolution shall be and the same are hereby repealed to the extent of such conflict only. All other Resolutions and any amendments thereto or any motions thereto not in conflict with this resolution shall remain in full force and effect.

RESOLVED AND ADOPTED this 1st day of February, 2018.

WEST MIFFLIN SANITARY SEWER
MUNICIPAL AUTHORITY

ATTEST:


Secretary

By 
Chairmen