

**BOROUGH OF EMSWORTH**

**ORDINANCE NO. 1011**

**AN ORDINANCE OF THE BOROUGH OF EMSWORTH, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA TO AMEND CHAPTER NINETY-FIVE OF THE CODIFIED ORDINANCES OF THE BOROUGH TO DESIGNATE PENNSYLVANIA MUNICIPAL SERVICE COMPANY AS THE COLLECTOR FOR DELINQUENT SEWAGE FEES AND TO IMPOSE ON DELINQUENT RATEPAYERS THE OBLIGATION TO PAY REASONABLE COSTS INCURRED BY THE DELINQUENT FEE COLLECTOR FOR COLLECTION OF DELINQUENT FEES, PENALTIES AND INTEREST.**

**WHEREAS**, the Pennsylvania legislature adopted Act 1 of 1996 and Act 20 of 2003 to allow municipalities to impose "reasonable costs" on delinquent ratepayers and to permit the delinquent fee collector to retain such reasonable costs; and

**WHEREAS**, the Council of the Borough of Emsworth desires to exercise all of its legal authority in accordance with legislative pronouncements set forth in Act 1 of 1996 and Act 20 of 2003, to encourage and facilitate the collection of delinquent fees and to eliminate the expense associated with collections by imposing reasonable costs on the delinquent ratepayer; and

**WHEREAS**, chapter 95 (Municipal Claims) of the codified ordinances of the Borough of Emsworth provides for the collection of attorney fees and "reasonable costs" in connection with municipal services to Borough residents.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Borough of Emsworth, County of Allegheny and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. Amendments to Chapter 95 (Municipal Claims). Chapter 95 of the codified ordinances is hereby amended as follows:

§ 95-1. Title.

This article shall be known as the "~~Tax, Tax Claim, Tax Lien,~~ ***Delinquent Sewer Collection, and Municipal Claim and Municipal Lien Attorney Fees and Servicing Charges, Expenses and Fees Ordinance.***"

***§ 95-2. Definitions. The following words and phrases shall have the meaning ascribed to them, as follows:***

***Borough - the Borough of Emsworth, Allegheny County, Pennsylvania.***

***Council - the Council of the Borough of Emsworth, Allegheny County, Pennsylvania.***

***Delinquent Sewage Collector – Pennsylvania Municipal Services Company, or another third-party sewage collector appointed by Council from time to time.***

***Gross Collections - The original fee plus applicable penalties and interest.***

**Person - any natural person, firm, partnership, association or corporation.**

§ 95-3-2. Expenses approved. [No Change.]

§ 95-4 -3. Attorney fees approved. [No Change.]

§ 95-5 -4. Procedures. [No Change.]

§ 95-6 Servicing Charges; Expenses and Fees Approved. [No Change.]

(A) [No change.]

(B) [No change.]

(C) [No change.]

**(D) Schedule for Delinquent Sewer Usage Collection. Council for the Borough approves the following Reasonable Costs to be paid to the Delinquent Sewer Collector by a person with delinquent sewer fees:**

- 1.) *A sum of (10%) of Gross Collections of all delinquent sewage fees plus Reasonable Costs prior to the initiation of enforced collection proceedings before the district court judge or other court; and*
- 2.) *The sum of (20%) of Gross Collections plus Reasonable Costs on or after the initiation of enforced collection proceedings before the district court judge or any other court. Said amount shall be deemed compensation for services rendered by the appointed delinquent sewage collector for the Borough in the collection of delinquent sewage fees.*
- 3.) *The term "Reasonable Costs", when used in this subsection (D) shall mean charges and expenses under Act 1of 1996 and Act 20 of 2003, and other parts of this Chapter 95, which may be imposed on a person with delinquent sewer fees, including but are not limited to the following:*

<i>First Delinquent Notice Fee/Commission</i>	<i>10% / notice</i>
<i>Second Delinquent Notice</i>	<i>\$20.00 / cycle</i>
<i>Termination Notice</i>	<i>\$45.00 / notice</i>
<i>Poster</i>	<i>\$75.00 / notice</i>
<i>Shut Off</i>	<i>\$55.00 / notice</i>
<i>Litigation Notice</i>	<i>\$25.00 / notice</i>
<i>Bankruptcy Claims</i>	<i>\$50.00 / account</i>
<i>Civil Complaint Preparation</i>	<i>\$50.00 / complaint</i>
<i>Lien Fees</i>	<i>\$50.00 / lien</i>
<i>Water Co. Landlord Tenant Processing Fee</i>	<i>\$50.00 / submission</i>
<i>Sherriff Sale Claims</i>	<i>\$50.00 / account</i>
<i>Non-Sufficient Funds</i>	<i>\$30.00/ check</i>
<i>Delinquent Part Payment Fee</i>	<i>\$3.00</i>

- 4.) *Such Reasonable Costs, together with and including costs, reimbursement for postage and other out-of-pocket expenses, shall be collected directly*

*from the delinquent ratepayers in accordance with Act 1of 1996 and Act 20 2003 and all other applicable laws.*

§ 95-7-6. When effective; retroactivity. [No Change].

§ 95-8 5-7. Assignment. [No Change].

Section 2. Repealer. As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

Section 3. Severability. The provisions of this Ordinance are severable. If any section, sentence or clause of this Ordinance 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 sections, sentences or clauses of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective upon adoption by the Council of the Borough of Emsworth.

ORDAINED AND ENACTED INTO LAW BY THE COUNCIL OF THE BOROUGH OF EMSWORTH, THIS 8 TH DAY OF DECEMBER, 2021.

**ATTEST:**

**BOROUGH OF EMSWORTH**



Cathy Jones  
Borough Secretary



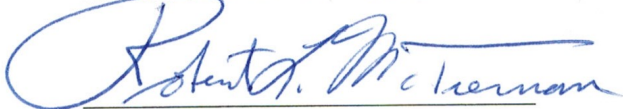
Kevin Yurkovich  
President of Council

EXAMINED and APPROVED this 8th day of December, 2021:



AmySue Lillie  
Mayor

APPROVED AS TO FORM:



Robert L. McTiernan  
Solicitor