



ORDINANCE # 1166

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF STROUDSBURG IN THE COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA TO AMEND CHAPTER 18 “SEWERS AND SEWAGE DISPOSAL”, SECTION §18-204 ENTITLED “RENTAL PAYMENT SCHEDULE, PENALTIES, LIENS WATER DISCONNECTIONS”, OF THE STROUDSBURG BOROUGH CODE

WHEREAS, the burden of unpaid sewer rentals and charges falls upon all of the residents of the Borough in the form of higher sewer rentals and charges for paying residents and business owners; and

WHEREAS, the Borough Council finds that it is imperative to implement a system of collection of unpaid and delinquent sewer rentals and charges to more justly allocate the costs and expenses of operation of the Borough’s sanitary sewer system;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Stroudsburg in the County of Monroe, Commonwealth of Pennsylvania that Chapter 18-204 shall be amended to read as follows:

“1. All bills for sewer rental and quarterly service charges shall be dated and shall be due and payable within fifteen (15) days of the date thereof. For any sewer rental or quarterly service charge not paid within fifteen (15) days of the date thereof, interest at the rate of ten percent per annum shall be added to the total amount due until payment is tendered.

2. If any person refuses or neglects to pay charges for sewer rental or quarterly services charges as provided herein within ninety (90) days of the date of such bill, the Borough may collect the amount of the bill together with accrued interest thereon in any manner provided by law, including by the filing of a lien in the nature of a municipal lien, which shall be collected in the manner provide by law for the collection of such liens. The Borough may elect to collect the charges by assigning its claim to a collection agent and/or may cause water service to the property to be discontinued. With respect to accounts remaining unpaid for ninety (90) days, the procedure set forth below shall be followed:

A. Delinquencies without Payment Agreements.

- i. All notices or demands sent by the Borough pursuant to this Subsection 2 shall be sent by certified mail to the property owner. Copies of any such notices or demands shall be sent to any tenants or other residents of the affected property.
- ii. The Borough Manager or his or her agent shall notify the property owner, in writing, of the total amount due, demanding that payment be made in full within thirty (30) days. A copy of the letter shall be sent to any tenants or

other residents of the affected property. If the property owner has not paid the account by the end of the thirty (30) day period, the Borough may file a lien according to the following procedures:

(a). The total amount due to the Borough will be calculated, including interest charges as imposed pursuant to Subsection 1 above, as well as the costs to file and satisfy the lien, and the lien will be filed in the Office of the Monroe County Prothonotary.

(b). Another demand for payment will be sent to the property owner after the lien has been filed. Payment will be required within 10 days of the demand letter, which will be sent by certified mail.

(c). The lien will be removed only upon payment-in-full of the lien amount, together with additional accrued interest.

iii. The Borough may also act to have the water service to the property disconnected in accordance with this Subsection 3 set forth below.

B. Delinquencies with a Payment Agreement.

i. The Borough may enter into a payment agreement for a delinquent account, providing for installment payments of the delinquent amounts over a period not to exceed one year.

ii. During the term of any payment agreement, the property owner must make timely payments thereunder, as well as make timely payments of current charges.

iii. If the account holder fails to make two consecutive payments, the Borough Manager or his or her agent will send a letter via certified mail to the account holder requesting payment of missed payments within 10 days.

iv. The process to collect delinquent amounts will then follow the procedures set forth in Subsection 2(A) above.

C. Owners in Bankruptcy.

i. An owner in bankruptcy is responsible for paying sewer rental charges for the periods subsequent to the date of the filing of the petition in bankruptcy. During the pendency of a bankruptcy, the owner's property will not be liened without court approval, nor will court action to collect the delinquency be initiated. However, other remedies available to the Borough with respect to delinquent accounts may be exercised with respect to accounts of owners in bankruptcy for post-petition delinquencies. The Bankruptcy Code permits the Borough, in specified circumstances, to require payment of security deposits. Accordingly, if the account of an owner in bankruptcy was already delinquent at the time the petition in bankruptcy was filed, then at any time after 20 days after the petition was filed, the Borough may require the owner to pay a security deposit for

continued service in an amount equal to the average of the last four (4) quarterly bills. The security deposit shall be refunded upon the owner's making timely payment of four successive quarterly bills.

- ii. If the account of an owner in bankruptcy becomes delinquent post-petition, the Borough may also follow its usual procedures to terminate water service to the owner's property, and notwithstanding anything herein to the contrary, action may be taken to collect post-petition debt as may be authorized under law.

3. If any sewer rental and quarterly service charge is not paid within 90 days of said bill, the Borough may disconnect water service to the property charged. Water service to the charged property shall not be restored until all delinquent bills and penalties against the same are paid in full. In addition, prior to restoring service, the Borough may require the property owner to pay a security deposit, which shall be in the amount of two times the amount of the last quarterly sewer bill. If the Borough elects to disconnect water service, the procedures set forth below shall be followed:

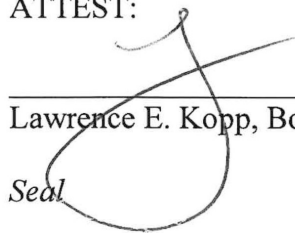
A. If the account is delinquent for a period in excess of ninety (90) days and the property owner or tenant thereof has not entered into a satisfactory payment agreement, then the Borough, shall assign that claim to the Brodhead Creek Regional Authority.

B. The Brodhead Creek Regional Authority will follow its established procedures for service disconnection, which procedures shall comply with 53 P.S. § 2261 and shall include not less than ten (10) days' notice of shutoff, which notice shall be given by both mail and posting in accordance with law.

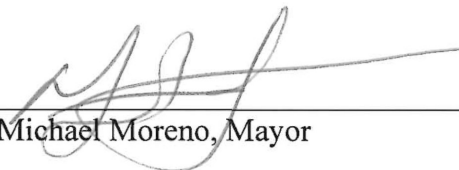
C. Upon payment of the delinquent amounts, together with penalties, the Borough shall advise the owner whether and in what amount a security deposit shall be required prior to reconnection of water service.”

APPROVED AND ORDAINED the 2nd day of April, 2024.

ATTEST:

  
\_\_\_\_\_  
Lawrence E. Kopp, Borough Manager  
*Seal*

  
\_\_\_\_\_  
Matt Abell, Council President

  
\_\_\_\_\_  
Michael Moreno, Mayor