

OFFICIAL

**BOROUGH OF FOREST HILLS
ORDINANCE NO. 966**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING AND RESTATING PART 3 OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE BOROUGH OF FOREST HILLS, SEWERS, IN ITS ENTIRETY TO ESTABLISH REGULATIONS FOR DELINQUENT SEWER ACCOUNTS, TO ESTABLISH A CHARGE FOR SANITARY SEWER USAGE AND TO REPEAL ANY ORDINANCES CONFLICTING HEREWITH.

WHEREAS, Section 1202(2) of the Borough Code, 53 P.S. §46202(2), authorizes the Borough of Forest Hills (the "Borough") to charge fees associated with the use of Borough utilities; and

WHEREAS, the Borough owns and operates a sanitary sewer system within the Borough and is responsible for the repair and maintenance of its sanitary sewer system; and

WHEREAS, the Borough funds the necessary sanitary sewer system maintenance and defrays the Borough's direct and indirect expenses of operating its sanitary sewer system through the imposition of charges for sanitary sewer usage; and

WHEREAS, on December 18, 2002 the Council of the Borough enacted Ordinance No. 921, which increased the sanitary sewer usage charge to \$1.50 per 1,000 gallons of water used; and

WHEREAS, the Council of the Borough desires to increase the sanitary sewer usage charge to \$3.00 per 1,000 gallons of water used to properly finance the maintenance of the system and prepare a reserve fund to meet the future requirements of the Pennsylvania Department of Environmental Protection and the Allegheny County Health Department; and

WHEREAS, Part 3 of Chapter 18 of the Code of Ordinances of the Borough of Forest Hills, Sewers, provides regulations for the collection of sewer usage fees; and

WHEREAS, the Council of the Borough desires to amend and restate Part 3 of Chapter 18 of the Code of the Borough of Forest Hills in its entirety in order to establish regulations for delinquent sewer accounts, to establish a sanitary sewer usage charge of \$3.00 per 1,000 gallons of water used and to repeal Ordinance No. 921 in its entirety.

NOW, THEREFORE, the Council of the Borough of Forest Hills hereby ordains and enacts as follows:

Section 1. Part 3 of Chapter 18 of the Code of Ordinances of the Borough of Forest Hills, Sewers, is amended and restated in its entirety as follows:

PART 3

SEWER ACCOUNTS

§18-301. Penalties for Delinquent Sewer Accounts; Collection Procedure. The following schedule of penalties is hereby imposed upon each delinquent sanitary sewer account, in addition to the amount of the bill as returned by the Allegheny County Sanitary Authority.

1. Charges for the sanitary sewer system service shall be billed quarterly and forwarded by U.S. mail. Payment shall be due and payable within thirty (30) days of the date of the billing statement.
2. In the event the charges for said sanitary sewer system service remain unpaid for a period of thirty (30) days from the date of said statement, such charges are hereby declared to be delinquent and a penalty of ten dollars (\$10.00) shall be added. For each additional period of thirty (30) days thereafter in which the charges for sewer

system service remains unpaid, there shall be an additional penalty of ten dollars (\$10.00) added.

3. All accounts which have been delinquent for sixty (60) days or more shall cause the Borough to serve notice on the sanitary sewer service customer that the water to the property shall be terminated within ten (10) days after the date of the notice. The notice shall be sent by U.S. mail and a copy shall be posted at the front entrance of the subject premises. The notice shall inform the customer that if he has any defense to the failure to make payment then the customer must, within ten (10) days after the date of the notice, provide the Borough with a written statement under oath setting forth the defense(s), requesting a hearing, and declaring under oath that the written statement is not executed for the purpose of delay. If no such written statement is received, or if full payment is not made, within said 10-day period then water service to the property shall be terminated. If, however, the customer timely submits the written statement referenced above, then the Borough shall file an action with the magistrate seeking collection of the amount then due, which shall be through the date of the hearing. Pending the magistrate's hearing and decision, the Borough shall not cause the customer's water service to be terminated. Upon final judgment in favor of the Borough by a court of competent jurisdiction and the judgment not being then paid, the Borough shall cause the water service to the subject premises to be terminated without any further notice to the customer.
4. Accounts not otherwise collectible shall be made the subject of suits in assumpsit or filed as municipal liens by the Borough Solicitor.

§18-302. Charge for Sanitary Sewer Usage. A charge for sanitary sewer usage is hereby established in the amount of \$3.00 per 1,000 gallons of water used. This charge shall be assessed to owners of structures connected to the Borough's sanitary sewer system on a quarterly basis, as either metered or estimated in said quarter.

Section 2. Repealer: All prior ordinances, including but not limited to Ordinance Nos. 873, 892, 921, and 960 are hereby repealed in whole or in part to the extent inconsistent herewith.

Section 3. Effective Date: This Ordinance shall take effect as of January 1, 2007.

ORDAINED and ENACTED this 20th. day of December, 2006, by the Council of the Borough of Forest Hills in lawful session duly assembled.

ATTEST:

BOROUGH OF FOREST HILLS

Steven J. Morus
Borough Manager/Secretary

By: _____
Michael M. Belmonte
President, Borough Council

EXAMINED and APPROVED this 20th. day of December, 2006.

Raymond Heller, Jr.
Mayor