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**BOROUGH OF FOREST HILLS
ORDINANCE NO. 985**

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 AND ADDING PART 6 TO ESTABLISH GUIDELINES FOR USE OF THE SANITARY SEWER USAGE CHARGE.

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

WHEREAS, the Borough funds the necessary storm water sewer system maintenance and defrays the Borough’s direct and indirect expenses of operating its storm sewer system through the imposition of charges for sanitary sewer usage; 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 but does not specify their use; 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 to specify collection of fees and handling of delinquencies and add Part 6 in order to formally establish guidelines for the use of the funds collected through a sanitary sewer usage charge.

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 one hundred and twenty (120) 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. Part 6 of Chapter 18 of the Code of Ordinances of the Borough of Forest Hills, Sewers, is established as follows:

PART 6

EMPLOYMENT OF SANITARY SEWER USAGE FEES

§18-601. Intent of Borough Council. It is the intent of borough council that all fees collected through the sanitary sewer usage fee established in Part 3 will be used exclusively for the purposes outlined in this part.

§18-602. Sanitary Sewer Repairs and Corrective Action Work. The borough establishes a second capital fund known as the Corrective Action Fund or Capital 2 Fund for the express purpose of funding all needed and related repairs, corrections and additions to the sanitary sewer system in the borough especially those items that may be required by the consent order entered into with the Allegheny County Health Department.

1. Sanitary sewer work that may be funded through this fee will include but not be limited to:

- A. All sanitary sewer consent order related work based on the consent order signed with the Allegheny County Health Department on January 14, 2004 via resolution 1020
- B. Purchase of and repairs to all equipment and vehicles used for sewer repairs under this part
- C. Televising and cleaning
- D. Repairs
- E. Additions to lines not directly related to new construction of private buildings or homes which should be handled by a developer
- F. Engineering and legal costs directly related to consent order activities or other sanitary work
- G. All costs related to billing for service
- H. Personnel costs including any overtime

§18-603. Storm Water Management and Storm Sewer Repairs. The borough's Corrective Action Fund as established here shall also fund all needed and related repairs, corrections and additions to the storm sewer system in the borough especially as relates to those items that may be required by the Municipal Separate Storm Sewer Systems (MS4) requirements established by the state of Pennsylvania. Storm water management and storm sewer items that may be funded through this fee will include but not be limited to:

- A. Purchase of and repairs to all equipment and vehicles used for sewer repairs under this part
- B. Televising and cleaning
- C. Repairs
- D. Additions to lines not directly related to new construction of private buildings or homes which should be handled by a developer
- E. Engineering and legal costs directly related to storm sewer activities or storm sewer work
- F. Personnel costs including any overtime

Section 3. Repealer: All prior ordinances, including but not limited to Ordinance Nos. 873, 892, 921, 960 and 966 are hereby repealed in whole or in part to the extent inconsistent herewith.

Section 4. Effective Date: This Ordinance shall take effect as of March 18, 2009.

ORDAINED and ENACTED this 18th day of March, 2009, 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: _____
Frank Porco
President, Borough Council

EXAMINED and APPROVED this 18th day of March, 2009.

Raymond Heller, Jr.
Mayor