

OFFICIAL**BOROUGH OF FOREST HILLS
ORDINANCE NO. 1078**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 18 OF THE BOROUGH CODE OF ORDINANCES, SEWERS, AS AMENDED, TO PERMIT THE BOROUGH TO SERVE NOTICE OF TERMINATION OF WATER SERVICES TO SANITARY SEWER CUSTOMERS WHOSE ACCOUNTS HAVE BEEN DELINQUENT FOR 30 DAYS WITH AN AMOUNT DUE EQUAL TO OR GREATER THAN \$175 OR HAVE BEEN DELINQUENT FOR 90 DAYS OR MORE.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. § 1202(5), authorizes the Borough of Forest Hills (the "Borough") to make regulations as may be necessary for the health, safety, morals, and general welfare of the Borough; and

WHEREAS, Section 2001(c) of the Borough Code, 8 Pa.C.S. §2001(c), authorizes the Borough to make regulations respecting the use and maintenance of the sanitary sewer system and enforce said regulations by penalties; and

WHEREAS, Chapter 18 of the Borough of Forest Hills Code of Ordinances, Sewers, as amended, regulates Sewers within the Borough; and

WHEREAS, the Council of the Borough of Forest Hills desires to amend Chapter 18 of the Forest Hills Code of Ordinances, Sewers, as amended, to permit the Borough to serve notice of termination of water services when a sanitary sewer customer's account has been delinquent for (1) 30 days or more with an amount due equal to or greater than \$175.00 or (2) 90 days or more.

NOW, THEREFORE, the Council of the Borough of Forest Hills hereby ordains and enacts as follows, incorporating the above-recitals by reference:

SECTION 1. Section 18-301 of Chapter 18 of the Forest Hills Borough Code of Ordinances, Sewers, is amended as follows to insert the underlined text and delete the stricken text:

§18-301. Penalties for Delinquent Sewer Accounts; Collection Procedure

1. 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:

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- C. All accounts which have been delinquent for ~~120 days or more~~ (1) 30 days with an amount due equal to or greater than \$175.00 or (2) 90 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 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 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 ten-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.

SECTION 2. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 3. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and ENACTED this 16th day of January, 2019, by the Council of Forest Hills Borough, in lawful session duly assembled.

ATTEST:

BOROUGH OF FOREST HILLS

Steven J. Morus

Steven J. Morus
Borough Manager
(SEAL)

By:

Nina Sowiski

Nina Sowiski
President, Borough Council

EXAMINED and APPROVED this 16th day of January 2019.

Frank Porco, Jr.
Mayor

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