

RESOLUTION NO. 2018-03

**OFFICIAL
MUNHALL SANITARY SEWER MUNICIPAL AUTHORITY.
ALLEGHENY COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE MUNHALL SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, RATIFYING, FIXING AND IMPOSING SEWAGE RATES AND CHARGES FOR THE USE AND SERVICES OF THE SANITARY SEWER SYSTEMS IN THE BOROUGH OF MUNHALL. ESTABLISH THE BASIS FOR SUCH RATES OR CHARGES AND PROVIDING THAT ALL USERS OF THE VARIOUS SEWAGE SYSTEMS IN THE SERVICE AREA BE CHARGED THE RATES SET FORTH COMMENCING WITH THE NOVEMBER 2015 APPROVAL DATE AND FOR EACH YEAR THEREAFTER, FOR THE MAINTENANCE AND SUPPORT OF THE SANITARY SEWER SYSTEMS.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED as follows:

SECTION 1. Revised and Increased sewer rates were approved by Motion at the November 2015 Meeting as MOTION #5 as recorded and approved by a Unanimous Vote of the Board of Directors. This is hereby imposed and established for the rental use and service of various sanitary sewer systems within the Borough of Munhall. A usage fee, charges and assessments to all property serviced by the sanitary sewer system is subject to the charges set forth. The imposed fee and charges for the use of the sewer system shall be upon the owners, tenants and occupants of the realty served by the sanitary sewer system within the Borough of Munhall.

SECTION 2. The rates, charges and fees for the use of the sanitary sewer lines and appurtenances for the conveyance through the sewage line are to be treated by ALCOSAN. The Authority shall measure the quantity of water consumed by each separate dwelling, apartment, business, commercial or industrial site, and shall base the sewage charges based on the amount of water PA American calculates that the property consumes. Should a property not consume any water, but is actively connected to the Authority's sanitary sewer system, a flat rate will be assessed as a Minimum Sewage Bill or Rental Fee based on the rate study provided to the Authority by the Engineers.

SECTION 3. The rates for said sewage use to premises with the Authority's sewer system shall be as follows:

- a. Single Family Dwellings, shall be calculated as 1 EDU (Equivalent Dwelling Unit), regardless of water consumption.
- b. Multi-Family/Multi-Unit Dwellings shall be billed as either the EDU Method, or the Unit Method. This will be determined on how the unit is being billed by the Sewage Billing Company.
 - i. The EDU Method is based on the average amount of water per year the property is consuming.
 - ii. The Unit method is based on how many units are present on the property and is also dependent on the water meters present for the dwelling.
- c. Commercial Structures will be billed per EDU based on the average amount of water they are consuming per year. This calculation is done on a yearly basis.

Rates as per the November 2015 Regular Monthly Meeting:

\$16.00 Minimum Sewage Bill/Sewer Rental Fee per dwelling/EDU

\$11.50/1000 gallons of water consumed (as determined by water usage data from PAWC)

SECTION 4. PENALTIES AND INTEREST

Sewage bills which are not paid promptly shall be subject to penalties and interest as follows:

- a. All sewage charges billed to water users shall be payable on or before the due date shown on the sewage bill. After such date, a penalty of (10%) shall be payable, plus interest on any overdue bills, computed on both the amount of the bill added to the amount of the penalty, at the rate of 10% per annum based on a 360 day year. Should the due date fall on a non-business day or holiday recognized by the Authority, then the due date shall be the next business day.

SECTION 5. GENERAL PROVISIONS

- a. The sewage bill will be sent to whomever the PA American water bills are addressed to, and

in the case of any water user to which no water bills are addressed, the sewage bill will be sent to and be payable by the owners of the realty. However, regardless of whom the water bill is addressed or if there is an absence of an address, the sewage rental charge is owed, jointly and severally, by the occupants of the premises and ultimately by the recorded owners of the realty. Therefore, it is the duty and responsibility of the recorded owners of the realty to make provisions that any occupant of the realty pays the sewage fees, charges, or assessments when due. All unpaid sewage fees, charges, or assessments, together with penalty and interest, shall become a lien on the realty.

- b. In the event the party under sub section (a) of this section is not the owner of the property, the parties to whom the bill is sent may supply the Authority with the name of the owner, and the sewage bill will be sent to the owner. All owners of realty are required to notify the Authority's billing agency to notify of tenants or renters of whom the sewage bill are being mailed.

SECTION 6. That the Authority's designated collector of the said sewage fee, charges or assessments shall be designated and appointed, from time to time, by the Munhall Sanitary Sewer Municipal Authority Board of Directors. The collector of the said sewage fee, charges or assessments shall, if required by the Board, furnish a Bond with corporate sureties acceptable to the Board of Directors conditioned upon faithful performance of its duties as prescribed by the Authority and by the Ordinances of the Borough of Munhall. The amount of the Bond shall be set by Resolution of the Board.

The Collector of said sewage fees, charges, or assessments must submit a Collection Recap, each week to the Administrative Manager, to which they make direct deposits into each week. The Collector must make a deposit every seven (7) business days. Additionally, the Administrative Manager shall set the procedure and time intervals for the period of reconciliation and status reports on all accounts.

SECTION 7. That all use fees, charges, and/or assessments shall be a lien upon the realty charged with the

payment thereof, from the 1st day due until paid together with any interest, penalty and costs due. The said use fee, charges or assessments, together with the interest attached thereto, shall be due and payable on the 5th day of each month as stated on the monthly sewage bill.

SECTION 8. The Collector is hereby empowered to lien (as directed by the Administrative Manager of the Authority) the realty for any delinquent amount, and additionally, to enforce collection of any delinquent fees, charges or assessments by reducing the lien to judgement and executing on said judgement in accordance with law. In addition to the power to lien realty and to proceed to sheriff sale on said realty to satisfy any delinquent amount due the Authority under this Resolution, the Collector is also permitted to proceed in assumpsit against the owner of the realty and/or against the user of the water, either jointly or severally, to collect any and all monies due the Authority hereunder, including the collection of the penalty often (10%) per annum, and the interest computed at the rate of (10%) per annum as heretofore stated, together with an attorney fees as stated in the Fees and Charges Resolution 2018-01 set by MSSMA.

SECTION 9. The Authority shall provide the facilities and personnel necessary for the administration and application of this Resolution, and for the collection of rentals, charges and assessments hereunder.

SECTION 10. In any sentence, clause or section, or any part of the Resolution is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of the Resolution. It is hereby declared as the intent of the Authority that this would be been enacted had such unconstitutional, illegal, or invalid sentence, clause or section, or part thereof not be included herein.

SECTION 11. Any Resolution or parts of Resolution's which are contrary to or conflict with the provisions are hereby repealed to the extent necessary to give this Resolution full force and effect.

SECTION 12. This Resolution shall be effective from the date the Motion was approved, November 2015, and shall continue monthly until such time the Authority changes said rental and user fees. The fees, charges or assessments shall be due on the date specified on said bill and amount due shall be

computed by utilizing the rates set forth in Section 3 of this Resolution, and due monthly.

SECTION 14. This Resolution is intended to be read in conjunction to the FEES and CHARGES Resolution 2018-01 set forth by the Authority, which set the delinquent and penalties for failure to pay any monthly service rentals or usage fees.

RESOLVED AND ADOPTED this 6th day of June 2018.

ATTEST:

Larry K Schamus
Secretary

MUNHALL SANITARY SEWER
MUNICIPAL AUTHORITY

By Mark M. Bove
Chairman

