

**RESOLUTION NO. 2018-01
OFFICIAL
MUNHALL SANITARY SEWER MUNICIPAL AUTHORITY.
ALLEGHENY COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE MUNHALL SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, ACCEPTING AND ESTABLISHING FEES SET FORTH FOR COLLECTION OF SANITARY SEWER CHARGES AND FEES FOR CURRENT AND DELINQUENT ACCOUNTS, AS PER THE AGREEMENT WITH LEGAL TAX SERVICE, INC. PURSUANT TO THE ACTS OF THE COMMONWEALTH OF PENNSYLVANIA. THIS RESOLUTION ESTABLISHES AND AUTHORIZES A SCHEDULE OF FEES TO BE CHARGED TO ANY ACCOUNT AND ACCOUNT HOLDER WHO IS SERVICED BY THE MUNHALL SANITARY SEWAGE SYSTEM THAT BECOMES DELINQUENT OR THE PAYMENT MADE IS DISHONORED BY THE FUNDING INSTITUTION.

WHEREAS, Section 7101 of Title 53 P.S. § 7101. et seq., (Act 1923, May 16, P.L.207, No. 153), as amended, authorizes municipalities the right to recover all penalties, interest, costs, fines, charges, expenses and fees, including reasonable attorney fees on all municipal claims and delinquent accounts.

WHEREAS, the aforesaid Act also authorizes the Munhall Sanitary Sewer Municipal Authority herein after referred to as the (“Authority”) the ability to impose or assess reasonable attorney fees together with all costs and fees in collection of claims, accounts, municipal claims and liens; and,

WHEREAS, the Authority Board of Directors finds that it is in the best interest of the public health, safety and welfare of the Authority and for the users of the Authority’s sewage lines to be reimbursed by the delinquent account holder for all penalties, interest, costs, fines, charges, expenses and fees including reasonable attorney fees that were incurred in the collection and the cost of managing of all of its delinquent sewage accounts and claims.

NOW, THEREFORE, be it Resolved and adopted by The Board of Directors of The Authority, as follows:
The Authority hereby establishes the following fee schedules and additional charges as authorized by law to be imposed on delinquent accounts and delinquent account claims owed to the Authority

of which charges are in addition to any other Resolution or Motion enacted or adopted by the Authority assessing cost, penalties, interest, fees, and attorneys' fees for the collection of delinquent accounts as follows:

1. **DELINQUENT ACCOUNT COLLECTION FEE:**

- a. An additional \$6.00 per account shall be added each month to each delinquent account that remains delinquent for sixty days from the date first billed. The additional six-dollar (\$6.00) delinquent fee will be added for each additional month that the delinquent account remains delinquent until the entire account becomes current. Each account that becomes delinquent in payment for any portion of the bill or for any amount due for a period of sixty days or longer will be assessed the delinquent collection fee until the entire account balance is made current.

2. **ACCOUNT TERMINATION FEES**

- a. A five (\$5.00) dollar fee shall be assessed on each account which receives a thirty (30) day termination of service notice;
- b. A ten (\$10.00) dollar fee shall be assessed on each account which receives a 10 Day Termination Notice;
- c. A fifteen (\$15.00) dollar for each account which receives a "48 Hour Posting Notice" placed on the door of the property.
- d. A \$30.00 service charge upon submission to the (Pennsylvania American Water Company) PAWC, plus an additional \$5.00 accounting and management fee; provided, however, if the Water Company terminates water services, a fee of \$30.00 to reinstate water service plus an additional \$5.00 accounting and management fee will be assessed to the account holder for water service reinstatement. The amount charged to the Authority by the Water Company

may increase for reinstatement of services.

- e. A fee of \$38.00 will be charged for any returned payment for any reason, i.e. (NSF, Closed Account, Stop Payments, etc.), the rate payer, or user of the sewerage collection and treatment system of the Authority shall be assessed and charged.
- f. Cost of postage and/or certified mail of delinquency in the account shall be assessed and charged at the actual postage cost to the delinquent account.
- g. Notary Public fees shall be assessed and charged at the actual cost incurred to the delinquent account.

3. ADDITIONAL FEES AND SERVICES

- a. In person AND online payments shall be charged and assessed a \$1.50 fee for each ACH transaction and \$1.50 for each online credit card or debit card charge; provided however, if the online clearing company fees increase, then the fee charged by said clearing company shall be the fee imposed.
- b. A fee of \$3.95 shall be added to the sewer user fees due. In the event that the clearing house or bank increased its charge to process a credit card or debit card transaction, then the additional increase in cost shall be automatically added to the aforesaid processing charge.
- c. Fees for title searches and Sewer Lien Letter Certifications shall be \$30.00 per certification and paid by the title company or either the buyer/seller of the buyer of the real estate.
- d. That in addition to all cost incurred, the schedule of legal and administrative fees that the designated Collector of sewage usage fees or his designated attorney or agent are authorized to charge in the collection of delinquent sewerage accounts are as follows:

4. SCHEDULE OF LEGAL FEES

The Authority hereby approves the following schedule of legal fees for services in connection with the collection of accounts, which fees are hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principals set forth in Section 3 of the Municipal Claims Law as added by Act 1 of 1996 and any amendments thereto:

Preparing and sending demand letter regarding payment of delinquency	\$75.00 Assessed to the delinquent account
Filing of lien	\$150.00 Assessed to the Delinquent Account
Title search	\$250.00 Assessed to the Delinquent Account
Preparation and Service of Writ of Scire Facias	\$ 750.00 Assessed to Delinquent Account
Required additional notice and presentation of related motions regarding federal tax liens, judgments and mortgages	\$150.00 Assessed to delinquent account
Alternative service of legal pleadings	\$250.00 Assessed to delinquent account
Entry of Judgment	\$150.00 Assessed to delinquent account
Preparation of Writ of Execution and attend initial Sheriff sale	\$750.00 Assessed to delinquent account
Preparation of documents and attendance at second Sheriff sale	\$600.00 Assessed to delinquent account
Review schedule of distribution And resolve distribution issues	\$250.00 Assessed to delinquent account
Installment payment agreement at taxpayer's request	\$100.00 Assessed to delinquent account
Services not covered above	\$150.00/hr. – attorney \$75.00/hr. – paralegals \$50.00/hr. – law clerks

- a. All Court filing fees, Sheriff fees, poundage fees, advertising fees, postage and notary fees or any other cost assessed by the Court or by the Department of Court Records will be added to the delinquent account in the amounts incurred.
- b. Any Resolution conflicting with this Resolution is hereby repealed to the extent of such conflict. It is hereby declared to be the intent of Board of Directors of the Munhall Sanitary Sewer Municipal Authority that the parts, sections, paragraphs, sentences, clauses and phrases of this Resolution are severable. If it is determined by any Court of proper Jurisdiction that any part, sentence, section, paragraphs, sentences, clauses and phrases are declared unconstitutional, illegal or otherwise invalid, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Resolution as it is the intent of said Board to have adopted this Resolution had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof had not been included herein.
- c. Any Resolution or parts of Any Resolution and /or Motion conflicting with the terms and provisions of this Resolution shall be and the same are hereby repealed to the extent of such conflict only. All other Resolutions and any amendments thereto or any motions thereto not in conflict with this resolution shall remain in full force and effect.

RESOLVED AND ADOPTED this 7th day of March 2018.

ATTEST:

MUNHALL SANITARY SEWER
MUNICIPAL AUTHORITY

Secretary

By _____
Chairman