

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 86-09

AN ORDINANCE OF THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND COUNTY, PENNSYLVANIA, IMPLEMENTING THE STATUTORY PROVISIONS OF THE ACT OF ASSEMBLY OF APRIL 14, 1949, P.L. 482, AS AMENDED, REQUIRING WATER UTILITIES TO SHUT OFF SUPPLY OF WATER TO PREMISES WHERE THE OWNER OR OCCUPANT NEGLECTS OR FAILS TO PAY RENTALS, RATES OR CHARGES FOR SEWER, SEWERAGE OR SEWAGE TREATMENT AS PROVIDED BY THIS TOWNSHIP; EMPOWERING AND AUTHORIZING THE SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY TO IMPLEMENT SAID ACT OF ASSEMBLY; PROVIDING FOR A NOTICE OF DELINQUENCY AND SERVICE THEREOF; AND CREATING A HEARING TRIBUNAL AND HEARING DEFENSES TO SUCH PROCESS

BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 1. PREAMBLE.

WHEREAS, the Township of South Middleton (hereafter called "this Township") is the Lessee of a sanitary sewer and waste water collection and disposal system (hereafter called "Sewer System") which serves the residents of this Township; and

WHEREAS, said Sewer System is operated for this Township by the South Middleton Township Municipal Authority (hereafter called "the Authority");

WHEREAS, this Township, acting through the Authority, in some instances, has experienced difficulty in collecting its sewer rentals and user charges; and

WHEREAS, most of the premises served by said Sewer System have potable water service supplied by various water utilities; and

WHEREAS, the Act of Assembly of April 14, 1949, P.L. 482, as amended (53 P.S. 2261 et seq.) hereafter called "the Act" provides for a procedure for the Township to require such water utilities to shut off the supply of water to any premises for overdue rentals, rates or charges due to Township through the Authority for unpaid sewer services provided by said Sewer System; and

WHEREAS, the Board of Township Supervisors of this Township (hereafter called "Board of Supervisors") desires to implement the procedures of the Act;

NOW, THEREFORE, the Board of Supervisors hereby implements the procedures of the Act in the following sections of this Ordinance.

SECTION 2. IMPLEMENTATION.

The Authority is hereby authorized and empowered to implement the procedures of the Act and to cause the supply of water to be shut off to a premises where the owner or occupant of a premises served by any water utility shall neglect or fail to pay to this Township or the Authority for a period of thirty (30) days after a written notice of delinquency to be given by the Authority, any rental, charge or rate for sewer, sewerage or sewage treatment service imposed by the Township (said notice to be given not less than thirty [30] days after the original due date of said rental, rate or charge).

SECTION 3. NOTICE OF DELINQUENCY.

The notice of delinquency required under Section 2 hereinabove shall be served upon the person, corporation or firm liable for the payment of the rentals and charges either by (a) personal service, or (b) by mailing the same by certified mail, return receipt requested, and by regular first-class mail addressed to the last known address of said person, corporation or firm, setting forth the fact of the delinquency in payment of the sanitary sewer rentals, charges or rates, the amounts thereof together with interest and penalties, the fact that water service will be discontinued under the authority and procedure of the Act if the amounts due this Township or the Authority have not been paid within thirty (30) days after service of said notice.

SECTION 4. HEARING PROCEDURE.

In the event that the person liable for the payment of the sewer rentals and charges files with the water utility or the Authority a written statement of defense as permitted under the Act, a hearing board consisting of not less than three (3) members of the Authority appointed by the Chairman of the Board of Supervisors shall hear said defense at a hearing to be convened not less than ten (10) days after receipt of said written statement of defense, said hearing to be conducted pursuant to the Local Agency Law, 2 Pa. C.S. Section 551 et seq.

SECTION 5. ADDITIONAL REMEDY.

This Ordinance is not intended to repeal any earlier ordinance providing for remedies to collect delinquent sewer rentals, charges or rates, but is intended to provide an additional remedy.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective in accordance with applicable law.

DULY ENACTED AND ORDAINED this 4th day of December, 1986, by the Board of Township Supervisors in and for the Township of South Middleton.

TOWNSHIP OF SOUTH MIDDLETON

By Dale Jones, Jr.
Chairman, Board of Township
Supervisors

ATTEST:

Ann H. Neimer
Secretary

Robert R. Black, Esquire
Landis, Black, Johnson & Schorpp
Carlisle, Pennsylvania
Township Solicitors