

# **GREENFIELD TOWNSHIP SEWER AUTHORITY POLICY ON DELINQUENT OR PAST DUE ACCOUNTS**

[HISTORY: Adopted by the Board of Directors of the Greenfield Township Sewer Authority September 26, 2019 by Res. No. 9-2-2019.]

§ 1-1 Policy.

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§ 1-10 Cost of collection, prosecution for filing of claim or a lien.

§ 1-11 Attorney fees and costs.

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§ 1-1 Policy.

It is the policy of the Authority to vigorously pursue the collection of all delinquent or past due accounts. It is the policy of the Authority to utilize all methods of collection that are permissible under the law.

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§ 1-2 Delegation of authority.

A.

The Board of Directors hereby delegates its authority to the Office Manager and Solicitor to carry out the provisions of this chapter.

B.

The Office Manager or her designee is hereby directed to utilize any and all lawful means to collect delinquent accounts including municipal liens, an action in assumpsit or in equity, or other means, notwithstanding anything to the contrary in this chapter.

C.

The Board of Directors hereby appoints the Office Manager or her designee to act as its representative before the District Court.

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**§ 1-3 Collection of unpaid claims.**

Any bill, fee, charge, assessment, account, invoice, fine, penalty or other claim of the Authority not paid within the specified time period shall constitute a municipal claim subject to the standard penalties, interest, attorney fees, costs and expenses as set forth in this Policy. The Authority reserves all rights to collect the same under the general law relating to the collection of municipal claims, including the filing of municipal liens and actions in assumpsit, and any other appropriate action at law or in equity.



**§ 1-4 Assessments.**

**A.**

If any owner(s), against which such an assessment shall have been made, refuses or neglects to pay such assessment within 30 days after the date invoiced, interest at the rate of 10% per annum shall be added to the balance. The interest shall be computed from the date the assessment is due.

**B.**

In addition to interest, a penalty of 10% shall be added to any assessments not paid within 60 days after the date invoiced.

**C.**

Any assessments not paid within 60 days of the date due shall be considered delinquent and the authority shall cause a municipal claim or lien to be filed.

**D.**

Where the owner(s) has been granted the privilege of paying such assessment or assessments in installments, and is not currently in default of any installment payment, the above penalty does not apply.



**§ 1-5 Tapping fees.**

**A.**

New construction. Tapping fees shall be due and payable at the time application is made by the owner(s) to connect to the public sewer system, or upon the date when the Authority shall connect any such property to the sewer system at the cost and expense of the owner(s), if such owner(s) shall fail to make such connection as required in the Ordinance of Greenfield Township.

**B.**

Existing structures; modifications or changes in use. When the use or uses or the number of units change in a structure or property that is already connected to the public sewer system, the additional tapping fees, if any, shall be due and payable within 30 days of the issuance of the invoice by the Authority.

**(1)**

Any tapping fees that remain unpaid for more than 30 days after the date the invoice is issued by the Authority shall be assessed a penalty.

**(2)**

Any tapping fees that remain unpaid for more than 30 days after the date the invoice is issued by the Authority shall bear interest at the rate of 10% per annum on the outstanding balance.

**C.**

The property will be liened if the tapping fees provided for in this section are not paid within 30 days after the due date.



**§ 1-6 Deferred assessments and tapping fees.**

**A.**

All deferred assessments and tapping fees shall be liened as a condition of the Authority granting the deferred payment. The unpaid principal shall bear interest at the rate of 10% per annum until paid.

**B.**

The failure by the owner(s) to pay any installment payment within 30 days of the invoice date shall cause the entire balance of the tapping fee and/or the assessment plus a penalty of 10% on the balance and any accrued interest on the total to be due and payable. Failure to pay the remaining balance shall cause the Authority to begin prosecution of or collection of the amount owed by the owner(s) of the property.

**§ 1-7 Sewer use charges.**

**A.**

Sewer use charges shall be billed each month. Sewer use charges are payable within 30 days after the date invoiced.

**B.**

Any sewer use charges that are not paid in full within 30 days after the billing date shall bear interest from the due date at the rate of 10% per annum.

**C.**

If the sewer use charges are not paid within the 60 days after the due date the owner(s) will be subject to a penalty based on the amount due.

**D.**

If the sewer use charges, including all penalties and interest incurred to that date, are not paid in full within 120 days of the original billing due date, the property will be liened. In addition, the property owner may be prosecuted before a local District Justice.

**§ 1-8 Writing off charges.**

The Authority's staff shall, at its discretion, have the authority to write off or correct any receivable less than or equal to \$100.

**§ 1-9 Discontinuance of service-connected properties.**

Notwithstanding any other provisions or implications of this chapter to the contrary, the Authority reserves the right at all times to refuse to render or to continue to render sewer service to any property or through any lines where the account is delinquent. In the event that the authority shall elect to discontinue service to any user connected to the public sanitary sewer system, the Authority shall give 10 days written notice by certified mail to the owner prior to disconnecting the property from the sewer system. The owner shall be responsible for any and all cost to disconnect and reestablish sewer service.

**§ 1-10 Cost of collection, prosecution for filing of claim or a lien.**

All of the costs of collecting the money owed to the Authority shall be borne by and paid by the owner or customer who is delinquent. These costs shall be added to the balance owed.



§ 1-11 Attorney fees and costs.

A.

General provisions. The Authority hereby adopts the following attorney fees schedule and collection procedure for the collection of municipal claims under and pursuant to the Act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, as amended, and as further amended by Act 1996-1. The term "municipal claim" shall mean any Authority fee, fine, rate, assessment, rental or other charge due and owing to the Authority under this Code. Unless a longer period is expressly set forth in this Code, any municipal claim unpaid within 30 days of the date of billing or the date the services were rendered shall be deemed delinquent. If not paid within 60 days of the date of billing or the date when services were rendered, the municipal claim, together with all penalties, interest, costs, expenses and attorney fees thereon, shall be filed as a lien. The Authority Solicitor or other counsel shall proceed to collect the same under the general law relating to the collection of municipal claims, including the filing of suits in assumpsit, and any other appropriate action at law or in equity. See 53 P.S. § 7101 et seq.

B.

Attorney fee schedule. The Authority determines this fee schedule fair and reasonable for the services to be rendered by its Solicitor or other counsel in the collection of delinquent municipal claims and accounts and hereby directs that the same be imposed, as applicable, upon the affected property owners and may be imposed and recovered as part of each municipal claim against the affected real property in proceedings to recover delinquent municipal claims, together with any additional out-of-pocket costs incurred by the Authority for necessary expenses and in connection therewith:

<b>Action</b>	<b>Legal Fee</b>
Open file and send demand letter	\$200.00
File lien and send second letter	\$300.00
Prepare and file writ of scire facias	\$300.00
Reissue writ	\$100.00
Prepare and mail correspondence per PA R.C.P. § 237	\$100.00
Motion for alternative service	\$400.00
Motion for summary judgment	\$300.00
Prepare and file default judgment	\$400.00
Prepare and file writ of execution for sheriff's sale	\$1,000.00
Attendance at sale and evaluate schedule of distribution and resolve issues ancillary to sale	\$500.00
Charge for check which does not clear	\$60.00
Miscellaneous litigation/legal services	Hourly rate not to exceed \$200 per hour

C.

Procedure for collection of Attorney's fees.

(1)

At least 30 days prior to assessing or imposing attorney's fees in connection with the collection of a delinquent account, the Authority shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner the notice required by this section.

(2)

If within the 30 days of mailing the notice in accordance with Subsection C(1), the certified mail is refused or unclaimed or return receipt is not received, then at least 10 days prior to assessing or imposing attorney's fees in connection with the collection of the delinquent account, the Authority shall, by United States first class mail, mail to the owner the notice required by this section.

(3)

The notice required by this section shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the Authority.

(4)

The notice to the owner shall include a statement of the Authority's intent to impose or assess attorney's fees within 30 days of mailing the notice pursuant to Subsection C(1) or within 10 days of mailing the notice pursuant to Subsection C(2) and the manner in which the imposition of attorney's fees may be avoided by payment of the delinquent account.

D.

Costs and expenses. Costs and expenses incurred by the Authority in the collection of the delinquent municipal claim shall be added to the municipal claim and collection in the manner provided by law for the collection of municipal claims.

E.

Collection. The Authority Solicitor shall file municipal claims, together with penalties, interest, costs, expenses and attorney's fees, in the proper office of Chester County, as provided by law, against the property or properties upon which such municipal claims shall have been made. The Authority Solicitor shall proceed to collect the same under the general law relating to the collection of municipal claims, including the filing of suits in assumpsit, and any other appropriate action at law or in equity.

**Greenfield Township Sewer Authority**