

RESOLUTION 17-5

A RESOLUTION ESTABLISHING PENALTIES FOR LATE PAYMENT OF FEES OTHER THAN USER FEES BY THE WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY, WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA

WHEREAS, the Authority has in effect certain rules and regulations, which impose on customers certain fees other than user fees for water and sewer;

WHEREAS, the Authority's existing rules and regulations require payment in full of user fees within twenty five (25) calendar days of the date of the invoice;

WHEREAS, the Authority desires to implement a policy to standardize the imposition of penalties for late payment of fees other than user fees;

NOW, THEREFORE IT BE RESOLVED BY THE Board of Washington Township Municipal Authority ("Authority") that the following Resolution Establishing Penalties for Late Payment of Fees Other Than User Fees shall be adopted as follows:

1. Fees, other than user fees, such as, but not limited to, inspection fees, engineering fees, labor costs, construction fees, and additional usage tapping fees, are due and payable in full not later than thirty (30) calendar days after the issuance indicated on the invoice ("Invoice Date").
2. Invoiced fees that are not paid in full by the due date shall be assessed interest at a rate of one and a half percent (1 ½%) per month until paid in full.
3. The Authority shall have the right, but not the duty, to shut off water service to the property that received the benefit of a service performed by the Authority and shall not restore service to the same until all delinquent bills, penalties, interest and other costs, including the cost of shutting off and restoring service, have been paid in full. Shut offs under this Resolution shall be done according to the procedures set forth in the Authority's current resolution concerning water user fees.
4. All persons who receive services from the Authority must give the Authority the correct address for said services, including the address of the property owner, if different from the property address. Failure to receive invoices will not be considered an excuse for non-payment, nor shall it result in an extension of the Due Date.

5. Fees not paid within one-hundred twenty (120) calendar days of the Invoice Date, together with interest accrued at the maximum rate allowed by the statute, may be entered as a lien against the property that benefited from the services in the Office of the Prothonotary of Franklin County and shall be collected in the manner provided by law for the filing and collection of such liens.
6. The Municipal Claims Act, 53 P.S. §§ 7101, et seq., as amended, allows municipal authorities to include reasonable attorneys' fees and costs in the amount of the Municipal Claim Lien. The Authority has approved attorneys' hourly rates for enforcement of its municipal liens and collections at \$120 to \$225 per hour, depending on the experience of the attorney. The Authority has approved paralegals' hourly rates for enforcement of its municipal liens and collections at \$50 to \$90, depending on experience of the paralegal.
7. At least thirty (30) calendar days prior to assessing or imposing attorneys' fees in connection with collection of a delinquent account, the Authority will mail to the owner of the affected property a notice that the Authority intends to impose or assess attorneys' fees. Said notice will include instructions on how the owner may avoid the payment of attorneys' fees.
8. The Authority shall impose upon all customers and/or persons making payment on invoices for a returned check from a bank or financial institution due to insufficient funds ("NSF"), closed account, stop payment or other reason deemed appropriate a fee in the amount of \$50.00. This fee will be recovered first, upon receipt of payment, prior to application of the balance of payment to all other charges. The charges will be reinstated to the customer and/or person's account, subject to appropriate late fees and/or penalties.
9. This Resolution 17-5 shall be effective February 1, 2017.
10. The Authority, from time to time, in accordance with law, by appropriate resolution, may adopt such additional rules and regulations, as in the opinion of the Board of the Authority, may be desirable, beneficial, or necessary for, or in connection with use and operation of the water and/or sewer system. Any such rules and regulations shall be construed in conjunction with the provisions hereof and shall become effective upon the date fixed by this Authority upon adoption thereof.
11. In the event a section of this policy is found to be in violation of a Township, County, State, or Federal regulation or law, that section shall be voided without impact to the enforcement of those sections not in violation of said regulations or laws.

12. Resolution 09-13, and all resolutions or parts of resolutions inconsistent herewith are expressly repealed.

Enacted and resolved this 24th day of January, 2017 in due and lawful assembly.

Washington Township Municipal Authority



Fred Eisenhart, Chairman



Dave McCarney, Secretary/Treasurer