

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 413

(Duly Adopted October 29, 2003)

AN ORDINANCE ESTABLISHING UNIFORM RULES FOR THE DUE DATES AND LATE PAYMENT PENALTIES FOR WATER, SANITARY SEWER, AND GARBAGE BILLS/FEES/RENTALS/CHARGES, SPECIFICALLY: (1) BILLS ARE RENDERED FOR EACH CALENDAR QUARTER; (2) BILLS ARE DUE EACH JANUARY 31, APRIL 30, JULY 31, AND OCTOBER 31, WHICH INCLUDE AMOUNTS DUE FOR SERVICES RENDERED IN THE MOST RECENTLY ENDED CALENDAR QUARTER, PLUS THE OUTSTANDING BALANCE OF UNPAID AMOUNTS FROM PREVIOUS BILLS AND UNPAID LATE PAYMENT PENALTIES; (3) A LATE PAYMENT PENALTY IS IMPOSED IF THERE REMAINS AN OUTSTANDING BALANCE BY 12:00 NOON ON THE SIXTH CALENDAR DAY AFTER ANY PAYMENT DUE DATE; AND (4) THE AMOUNT OF THE LATE PAYMENT PENALTY IS FIFTEEN PERCENT (15%) OF THE OUTSTANDING BALANCE AS OF THE DATE THE PENALTY IS IMPOSED; AND PROVIDING A PROCEDURE FOR ESTIMATING WATER USAGE IN THE EVENT OF A BROKEN METER.

Be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Al-
burtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Subsections B, C, and D of Section 133-4 of the Code of the Bor-
ough of Alburtis (relating to payment and collection of water rents and penalties for late
payment), shall be amended to read as follows, and a new subsection E shall be added
thereto to read as follows:

B. Rendering of Bills. All bills for the water rentals, charges,
and surcharges imposed under this Chapter with respect to any given
property shall be rendered at least twenty-five (25) calendar days before
the due date, and are payable to the Borough at the Borough Hall. Bills
shall be mailed to the address appearing on the tax records of the Borough
or to the property itself, unless the owner of the property designates a dif-
ferent address from time to time. Each owner shall provide the Borough
with, and thereafter keep the Borough advised of, the owner's current and

correct address. The failure of any person to receive a bill shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

C. Due Date. Bills shall be due each January 31, April 30, July 31, and October 31 for services rendered during the most recently ended calendar quarter, and shall also include the outstanding balance of unpaid amounts from previous bills and unpaid late payment penalties. Payments are credited on the date they are received at the Borough Hall.

D. Late Payment Penalties. A late payment penalty shall be imposed if there remains an outstanding balance on any bill rendered under subsection (B) as of 12:00 noon on the sixth (6th) calendar day after the due date of that bill. The amount of the late payment penalty is fifteen percent (15%) of the outstanding balance on the bill (including amounts originally billed for previous quarters that remain unpaid, and unpaid late payment penalties) as of the time the penalty is imposed.

E. Collection and Lien. If there is an unpaid balance on any bill sixty (60) days after the due date of the bill, the Borough Secretary may file a civil action before the local District Justice to collect the unpaid balance, or may refer the account to the Borough Solicitor to proceed with a civil action or utilize the procedures for the perfection of a municipal lien and collection of a municipal claim. The Borough Secretary may also utilize the procedures set forth in § 133-18A *et seq.* to terminate water service to a property with overdue water rentals or charges.

SECTION 2. Section 133-29 of the Code of the Borough of Alburtis (relating to defective water meters), shall be amended to read as follows:

§ 133-29 Defective Meters.

If a meter fails to register or is otherwise out of working order, such meter shall be replaced or repaired by the Borough. In such event, the current billing shall be estimated and determined by the average quarterly water meter reading for the one year period (four (4) billing quarters) ending on the Last Correct Determination Date. For purposes of this § 133-29, the “Last Correct Determination Date” shall mean the date six (6) months before the last day of the quarter in which the meter fails to register or is otherwise out of working order. (For example, if the meter is out of working order when attempting to measure water usage for the calendar quarter ending December 31, 2003, the “Last Correct Determination Date” is June 30, 2003.) If readings are not available for the entire one year period, or use of that period is otherwise inequitable, the Borough Secretary may make any other reasonable estimate. No deduction shall be allowed from any billing by reason of leakage, but shall be permissible if due to inaccurate and excessive measurement of water consumption by a faulty meter in accordance with the provisions of § 133-30.

SECTION 3. Section 102-146 of the Code of the Borough of Alburdis (relating to Time and Method of Payment for sanitary sewer rentals and charges), as added by Ordinance 316 (adopted May 10, 1995), shall be amended to read as follows:

§ 102-146 Billing and Collection of Charges; Penalties.

(a) **Rendering of Bills.** All bills for the sewer rentals, charges, and surcharges imposed under this Article with respect to any given property shall be rendered at least twenty-five (25) calendar days before the due date, and are payable to the Borough at the Borough Hall. Bills shall be mailed to the address appearing on the tax records of the Borough or to the property itself, unless the owner of the property designates a different address from time to time. Each owner shall provide the Borough with, and thereafter keep the Borough advised of, the owner's current and correct address. The failure of any person to receive a bill shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(b) **Due Date.** Bills shall be due each January 31, April 30, July 31, and October 31 for services rendered during the most recently ended calendar quarter, and shall also include the outstanding balance of unpaid amounts from previous bills and unpaid late payment penalties. Payments are credited on the date they are received at the Borough Hall.

(c) **Late Payment Penalties.** A late payment penalty shall be imposed if there remains an outstanding balance on any bill rendered under subsection (a) as of 12:00 noon on the sixth (6th) calendar day after the due date of that bill. The amount of the late payment penalty is fifteen percent (15%) of the outstanding balance on the bill (including amounts originally billed for previous quarters that remain unpaid, and unpaid late payment penalties) as of the time the penalty is imposed.

(d) **Collection and Lien.** If there is an unpaid balance on any bill sixty (60) days after the due date of the bill, the Borough Secretary may file a civil action before the local District Justice to collect the unpaid balance, or may refer the account to the Borough Solicitor to proceed with a civil action or utilize the procedures for the perfection of a municipal lien and collection of a municipal claim. The Borough Secretary may also utilize the procedures set forth in § 133-18A *et seq.* to terminate water service to a property with overdue sewer rentals or charges.

SECTION 4. Section 102-147 of the Code of the Borough of Alburdis (relating to Liens for Sewer Rentals), as added by Ordinance 316 (adopted May 10, 1995), shall be amended by replacing "thirty (30) days after each quarterly billing date" with "sixty (60) days after the due date for any quarterly bill".

SECTION 5. Section 71-9(C) of the Code of the Borough of Alburtis (relating to Billing and Collection of Fees for Municipal Solid Waste, Recyclables, and Other Refuse), as added by Ordinance 294 (adopted December 9, 1992), shall be amended to read as follows:

§ 71-9 Fees.

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C. Billing and Collection of Fees; Penalties.

(1) Rendering of Bills. All bills for the fees imposed under this Chapter with respect to any given property shall be rendered at least twenty-five (25) calendar days before the due date, and are payable to the Borough at the Borough Hall. Bills shall be mailed to the address appearing on the tax records of the Borough or to the property itself, unless the owner of the property designates a different address from time to time. Each owner shall provide the Borough with, and thereafter keep the Borough advised of, the owner's current and correct address. The failure of any person to receive a bill shall not be considered an excuse for non-payment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(2) Due Date. Bills shall be due each January 31, April 30, July 31, and October 31 for services rendered during the most recently ended calendar quarter, and shall also include the outstanding balance of unpaid amounts from previous bills and unpaid late payment penalties. Payments are credited on the date they are received at the Borough Hall.

(3) Late Payment Penalties. A late payment penalty shall be imposed if there remains an outstanding balance on any bill rendered under paragraph (1) as of 12:00 noon on the sixth (6th) calendar day after the due date of that bill. The amount of the late payment penalty is fifteen percent (15%) of the outstanding balance on the bill (including amounts originally billed for previous quarters that remain unpaid, and unpaid late payment penalties) as of the time the penalty is imposed.

(4) Collection. If there is an unpaid balance on any bill sixty (60) days after the due date of the bill, the Borough Secretary may file a civil action before the local District Justice to collect the unpaid balance, or may refer the account to the Borough Solicitor to proceed with a civil action or utilize any available procedures for the perfection of a municipal lien and collection of a municipal claim.

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SECTION 6. Section 11 of Ordinance 342 (adopted December 30, 1996) (relating to Utility Penalty Charges) is superseded by the provisions of this Ordinance.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-burtis, this 29th day of October, 2003, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Steven R. Hill, President

Attest:

Melanie Hansen, Secretary

AND NOW, this 29th day of October, 2003, the above Ordinance is hereby APPROVED.

Russell J. Afflerbach, Mayor