

BOROUGH OF SOUTHMONT

RESOLUTION NO. 2019-09

A RESOLUTION OF THE BOROUGH OF SOUTHMONT CAMBRIA COUNTY, PENNSYLVANIA, ESTABLISHING A PROCEDURE FOR MAKING A REQUEST TO THE GREATER JOHNSTOWN WATER AUTHORITY TO SHUT OFF WATER SERVICE FOR THOSE PERSONS WHO ARE DELINQUENT ON SEWER MAINTENANCE FEES OWED TO THE BOROUGH OF SOUTHMONT

WHEREAS, the Borough of Southmont, Cambria County, Pennsylvania, (“Borough”) owns and operates public sanitary sewage lines and connections within the Borough; and

WHEREAS, the Borough charges fees to users within the Borough for the operation, maintenance and use of the sanitary sewer system; and

WHEREAS, the Borough is authorized by 53 P.S. §3102.501, et seq., to request that Greater Johnstown Water Authority (“GJWA”), a water utility, terminate water services for those users in the Borough who are delinquent in payment for the Borough’s sanitary sewer service; and

WHEREAS, the Borough and GJWA have entered into an Agreement wherein the Borough granted GJWA the authority to shut off water services to individuals who are delinquent in paying fees for the Borough’s sanitary sewer service; and

WHEREAS, the Borough has passed an Ordinance granting GJWA authority to take action consistent with the Agreement entered into between the Borough and GJWA; and

WHEREAS, the Borough’s Ordinance granting GJWA authority to shut off water service requires that the Borough establish a procedure for initiating action to have water service turned off by the GJWA; and

THEREFORE, BE IT RESOLVED that BOROUGH hereby establishes the following procedure for requesting that the GJWA to shut off water service for residents of the Borough who are delinquent in payment of their sanitary sewer service maintenance fee:

- 1) Any person(s) who is more than thirty (30) calendar days delinquent in payment of its sanitary sewer fees to the Borough shall receive a written notice via regular mail advising the person of the delinquency, the amount owed, and a directive that same be paid within ten (10) days from the date of the notice. This first notice shall be termed the "Initial Notice" and shall be in a form similar to that of the document attached hereto as Appendix A.
- 2) If payment of the past due delinquent sanitary sewer maintenance fee is not received by the Borough during the time period as set forth in the Initial Notice, the Borough shall issue a second written notice to said person(s) which shall be posted on the front door of the property and also sent to the person(s) via certified mail, return receipt requested that the person(s) is delinquent and that the person has ten (10) days to make payment or their water service shall be turned off. This second written notice shall be termed the "Second and Final Notice" and shall be in a form similar to that of the document attached hereto as Appendix B. The notice that is posted on the front door shall be a "Posting" and shall be in a form similar to the document attached hereto as Appendix C.
- 3) If payment of the past due delinquent sanitary sewer fees is not received by the Borough within the time period as set forth in the Second and Final Notice and the Posting, the Borough shall file an Affidavit with the GJWA advising it of the outstanding delinquency and authorizing it to shut off water service to the residence. The Affidavit to be filed shall be in a form similar to the document attached hereto as Appendix D.

RESOLVED, ENACTED AND ADOPTED at a meeting held on the 16th day of September, 2019.

BY: Richard L Rogers
Richard Rogers, President of Southmont Borough Council

ATTEST:

BY: Amber D Taylor
Southmont Borough Secretary

APPENDIX A "INITIAL NOTICE"

[Date]

Name
Address

**Re: Ten (10) Day Service Termination Notice
Account Number
Address**

Dear ,

This is to notify you that you are delinquent in your obligations under the Southmont Borough Sewer Rules and Regulations for more than thirty (30) days. The delinquency consists of ____ (**amount**). Based upon the delinquency, Southmont Borough is applying to have water service to the property terminated until such time as the delinquency is paid. This is your notice that the process to terminate water service to your property at _____ (**address**) will begin following the expiration of a ten (10) day notice period from the date of this letter.

You may avoid water termination by:

1. Paying the delinquent bill in full, or
2. Entry into a Payment Plan acceptable to Southmont Borough to provide prompt resolution of the delinquent obligations.

If water service is terminated, a turn off and turn on fee will be charged. Any questions concerning this termination should be directed to Southmont Borough at:

Borough of Southmont
Attn: Amanda Layton, Executive Secretary
148 Wonder Street
Johnstown, PA 15905

APPENDIX B

"SECOND AND FINAL NOTICE"

[DATE]

Name
Address

Re: Final Ten (10) Day Service Termination Notice
Account Number
Address

Dear _____,

This is a second notification advising that you are delinquent in your obligations under the Southmont Borough Sewer Rules and Regulations for more than thirty (30) days. The delinquency consists of ____ **(amount)**. Based upon the delinquency, Southmont Borough is applying to have water service to the property terminated until such time as the delinquency is paid. This is your second notice that the process to terminate water service to your property at _____ **(address)** will begin following the expiration of a ten (10) day notice period from the date of this letter

You may avoid water termination by:

1. Paying the delinquent bill in full, or
2. Entry into a Payment Plan acceptable to Southmont Borough to provide prompt resolution of the delinquent obligations.

If during the ten (10) day period the person(s) liable for compliance or payment of the charges delivers to the Public Sewage Provider listed below a written statement under oath or affirmation averring that there is a just defense to all or part of the claim and that the statement was not executed for the purpose of delay, the water supply shall not be shut off until the claim has been determined. An administrative hearing will be scheduled by the Public Sewage Provider to determine the validity of your defense. If water service is terminated, a turn off and turn on fee will be charged. Any questions concerning this termination should be directed to Southmont Borough at:

Borough of Southmont
Attn: Amanda layton, Executive Secretary
148 Wonder Street
Johnstown, PA 15905

APPENDIX C

"POSTING"

NOTICE

You are more than 30 days delinquent in paying your obligations under the Southmont Borough Sewer Rules and Regulations. As a result, the Borough will take action 10 days from the date of this posting to shut off your water service if you fail to pay your outstanding balance.

You may avoid water termination by:

1. Paying the delinquent bill in full; or
2. Entry into a Payment Plan acceptable to Southmont Borough to provide prompt resolution of the delinquent obligations.

If you believe that you have a just defense to all or part of the outstanding balance owed, you may provide a written statement under oath or affirmation providing information of your defense AND stating that the purpose of statement is not executed for the purpose of delay.

THIS STATEMENT MUST BE DELIVERED TO THE SOUTHMONT BOROUGH OFFICE PRIOR TO THE EXPIRATION OF THE 10 DAY TIME PERIOD WHICH RUNS FROM THE POSTING DATE.

An administrative hearing will be scheduled by the Public Sewage Provider to determine the validity of your defense. If water service is terminated, a turn off and turn on fee will be charged.

Payments, Payment Plans, delivery of the Written Statement, or any questions concerning this termination should be directed to Southmont Borough at:

Borough of Southmont
Attn: Amanda Layton, Executive Secretary
148 Wonder Street
Johnstown, PA 15905

OFFICE USE ONLY:

Address Posted: _____

Posted By: _____

Date Posted: _____

APPENDIX D "AFFIDAVIT"

_____, of the
(Name) (Title)

Borough of Southmont, hereby requests the Greater Johnstown Water Authority to terminate water service to the following premises for nonpayment of sewer service charges, and specifically represents that:

1. The premises are located at:
2. That sewer service obligations or charges have been delinquent for more than thirty (30) days.
3. That ten (10) days written notice has previously been provided to the person liable for the account by letter mailed _____, 20__.
4. That a notice of intention to terminate water service has been posted on the premises on _____, 20__.

Date: _____

By: _____

Print Name:
Authorized Representative
Southmont Borough