

BORO OF MILLVILLE  
COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 20020115.156

AN ORDINANCE OF THE BORO OF MILLVILLE AMENDING ORDINANCE  
19990511.143 ENACTED FOR THE PURPOSE OF MODIFYING THE TERMS AND  
PROCEDURES FOR THE COLLECTION OF DELINQUENT SEWER AND WATER  
SERVICE ACCOUNTS.

WHEREAS, it is the intent of the Council of the Boro of Millville to provide for more prompt and efficient collection of delinquent accounts for sewer and/or water service provided by the Boro.

NOW, THEREFORE, it is hereby enacted and ordained by the Council of the Boro of Millville, Columbia, Pennsylvania, as follows:

1. Ordinance numbered 20010717.154 is hereby repealed. Ordinance numbered Section 9 of Ordinance 19990511.143 relating to collection of delinquent accounts, is hereby deleted in its entirety and replaced with the following provisions.

SECTION 9. Collection of Delinquent Accounts All payments for sewer and/or water service shall be due as of the date of billing and shall be subject to the following:

A. Accrual of Finance Charges. From and after the 30th day following the date of billing, finance charges shall accrue on any unpaid balance at the rate of one and one-half (1½) percent per month or eighteen (18) percent per annum.

B. Collection/Enforcement Procedures. In the event that any charges for sewer and/or water service remain unpaid thirty (30) days after the date of billing, the Boro may take immediate legal action to enforce collection of the unpaid balance, together with accrued finance charges and the costs of such legal action, by filing an assumpsit claim before a court having jurisdiction thereof and/or by initiating procedures to shut-off water service, after ten (10) days notice, as provided by law.

C. Fee to Re-establish Service. In the event that water service is shut-off, pursuant to paragraph B above, it shall only be re-established upon payment of the unpaid balance and accrued finance charges, plus a re-opening fee of Fifty (50) Dollars.

ENACTED AS AN ORDINANCE of the Boro of Millville by the Council thereof at a meeting of its members duly called and held this 15th day of January, 2002. This Ordinance shall become effective immediately following its enactment according to law.

ATTEST      BOROUGH OF MILLVILLE:

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Murray Holdren, Sec.  
President of Council

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Roy Bower, Jr

Excerpts from a Letter from Leipold Law Office  
(Original filed in "Incoming Correspondence" for May, 2001 Page 19

The shutting-off of water service is expressly authorized under the General Municipal Law.

Specifically, 53 P.S. §2261 provides, in pertinent part, as follows:

If the owner or occupant of premises served by any water utility [including a borough] shall neglect or fail to pay, for a period of thirty (30) days from the due date thereof, any charge for sewer service imposed by any municipality, such municipality is hereby authorized to shut off the supply of water to such premises until all such overdue charges, together with any penalties and interest thereon shall be paid.

In no case shall the water supply be shut off to any premises until ten (10) days after written notice of and intention to do so has been mailed to the person liable for payment of the charges and, in addition thereto, there has been posted a written notice at a main entrance to the premises.

If during such ten (10) day period, the person liable for the payment of the charges delivers to the municipality supplying water to the premises a written statement, under oath or affirmation, stating that he or she has a just defense to the claim, or part of it, for such charges, then the water supply shall not be shut off until the claim has been judicially determined.

Although the foregoing statutory provision makes reference to the owner or occupant of the premises, the Borough's Sewer and Water Rate Ordinance imposes responsibility for payment solely on the record owner of the Property to which the service is provided. This means that the aforementioned written notice of the intentions to shut-off water

service on a specified date should be mailed to the property owner, by both certified and regular mail, and a written notice must also be posted at the main entrance of the premises. This assures that both the owner and a tenant, as the case may be, will be notified of the impending shut-off. The notices should specify that the water and/or sewer account is delinquent by more than thirty (30) days and that service will be shut-off on a specified date unless the account balance, including any interest and penalties, is paid in full prior to that date. I am enclosing a sample notice which I have previously used.

As you will note, if the Borough receives a sworn statement from the property owner, within the ten-day notice period, of a good faith defense to all or part of the claim for outstanding charges, water service may not be shut-off. Otherwise, if no such response is received by the Borough within the ten-day notice period, service may be shut-off on the specified date.

Finally, it must be noted that a water service shut-off may only be initiated between May 1 and September 30. The theory is that a shut-off should not be initiated during the heating season because water may be necessary for operation of the heating system of the subject premises.

#### Sample Letter

Certified Mail No. 7000 0600 0020 9904 6641

Property Owner  
POB  
Millville, PA 17846

Property Owner:

Our attorney has advised that we need to be more aggressive in the collections of delinquent accounts. To that end he has prescribed the lawful means of shutting off service to those accounts. A copy of the law follows below. Council is expected to follow this procedure.

The shutting of water service is expressly authorized under the General Municipal Law. Specifically, P.S. @2261 provides, in pertinent as follows:

If the owner or occupant of premises served by any water utility [including a borough] shall neglect or fail to pay, for a period of thirty (30) days from the due date thereof, such municipality is hereby authorized to shut off the supply of water to such premises until all such overdue charges, together with any penalties and interest thereon shall be paid.

In no case shall the water supply be shut off to any premises until ten (10) days after written notice of an intention to do so has been mailed to the person liable for payment of the charges and, in addition thereto, there has been posted a written notice at the main entrance to the premises.

If during such ten (10) day period, the person liable for the payment of the charges delivers to the municipality supplying water to the premises a written statement, under oath or affirmation, stating that he or she has a just defense to the claim, or part of it, for such charges, then the water supply shall not be shut off until the claim has been judicially determined.

Notice is hereby served that ten days from the receipt of this letter, the water will be turned off at the properties in the attached list if payment is not received.

Murray Holdren  
Secretary/Treasurer

Procedure Established by Council for  
the Collection of Over Due Accounts

## Step-by-Step

Bills going out on October and January 15:

(1) After 30 days from Billing Date, a notice should be sent to the property owner that 10 days after receipt of the letter the account will be turned in for collection.

(2) At the end of the ten-day notice period, a file can be filed with the District Justice who gives the defendant 30 days to contest the claim or pay the bill. If neither happens, she issues judgement. If the bill is not paid thirty days from judgement, a petition can be filed with the District Justice have the Sheriff execute the judgement by sale of property. The Sheriff then identifies the property to be sold and posts notices of the sale.

Bills going out On April and July 15:

(1) After 30 days from Billing Date, a certified notice should be sent to the property owner and posted to the main entrance of the property in question, in accordance with Leipold's letter above, that 10 days after receipt of the letter water service shall be disconnected.

(2) After the ten-day notice has expired, the water should be shut off.