

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2016- 44

**A RESOLUTION ESTABLISHING THE PROCEDURE FOR
THE COLLECTION SEWER & REFUSE ACCOUNT FEES**

BE IT RESOLVED THAT the East Goshen Township Board of Supervisors hereby establishes the following collection procedures for delinquent sewer and refuse accounts.

1. Pursuant to the East Goshen Township Code (specifically Chapter 188 titled "Sewers" and Chapter 194 titled "Solid Waste") all bills are due within forty-five (45) days of the date of the bill. If the quarterly bill is not paid by the forty-fifth (45th) day after the date of the bill, East Goshen (the "Township") will send the property owner(s) a late notice and impose a penalty of 5% of the amount owed. When the forty-fifth (45th) day falls on either a weekend or holiday on which the Township building is closed, payments that are received before the close of the business the next business day immediately following the forty-fifth (45th) day shall be deemed to have been paid on time and no penalty shall be applied.

2. If the quarterly bill is not paid by the forty-fifth (45th) day after the date of the bill, the Township will impose a penalty at the rate of 5% of the amount owed and interest at the rate of 5/6 of 1% or a fraction thereof of arrears annualized at ten percent (10%) per year.

3. If the property owner(s) fails to pay the quarterly bill for two consecutive quarters, the Township will send the property owner(s) a notice by United States First Class Mail that outlines the collection process including avoidance of attorney's fees, when payment is expected and the options available to the property owner(s). The property owner(s) shall have thirty (30) days from the date of the letter to pay the balance due or establish a payment agreement.

4. If the property owner(s) fails to pay the balance due or enter into a payment agreement with the Township within 30 days from the aforementioned letter in paragraph 3 above, the account will be turned over to the Township (Solicitor) who will send the property owner(s) a letter by United States First Class Mail and certified mail return receipt requested advising them that the account is past due and that they have thirty (30) days from the date that they received the certified letter to pay the past due balance or a municipal lien will be filed with the Prothonotary's Office of the Court of Common Pleas of Chester County against the property for the amount that is currently past due including any interest, penalties, attorney fees, administrative fees and filing costs.

5. If the property owner(s) has refused to accept or the certified mail has been unclaimed within thirty (30) days, the Solicitor will send the property owner(s) another letter by United States First Class Mail advising them that the account is past due and

that they have ten (10) days from the date of the mailing of the aforementioned letter to bring the account current or a municipal lien will be filed for the amount that is currently past due including any interest, penalties, attorney's fees, administrative fees and filing costs.

6. If payment is not received within thirty (30) days of the property owner(s)'s receipt of the letter sent pursuant to paragraph 4 above, or within ten (10) days of the date of the mailing of the letter sent pursuant to paragraph 5 above, the Solicitor will file a municipal lien for the amount that is currently past due including any interest, penalties, attorney's fees, administrative fees and filing costs. The municipal lien will continue to accrue interest as stated above on any past due amount and any additional past due amounts will be added to the municipal lien. Any account that is liened and which the property owner(s) has made no attempt at payment will be separately liened at the new accumulated basis annually.

7. When a delinquent account exceeds Two Thousand Dollars (\$2,000.00) and after due diligence as to the practicality of collecting the debt, Township staff may request the Township solicitor to file a writ of *scire facias* and proceed with executing on the lien to recover the amount that is currently past due, including any interest, penalties, attorneys fees, administrative fees and filing fees incurred in the collection of the account.

8. If and when the Township collects the full amount of the judgment, the Township will satisfy the municipal lien promptly.

9. In the event that the Township is notified by the Court of Common Pleas of an impending Sheriff Sale or other judicial sale of the property which is encumbered by municipal liens, the Township will immediately request that the Township Solicitor take the necessary steps to protect the Township's lien as it relates to the sale of the property.

RESOLVED AND ADOPTED, this 15th day of NOVEMBER, 2016.

ATTEST:



Secretary

EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS



E.M. Shave



Charles W. Proctor #



Janet L. Emanuel



CPB