

ORDINANCE NO. 2011- 01

AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 2007-05, AS AMENDED BY ORDINANCE 2008-09, KNOWN AS THE "BETHEL TOWNSHIP SEWER CONNECTION AND PUBLIC SEWER REGULATION ORDINANCE" TO AMEND THE PENALTIES AND ENFORCEMENT PROVISIONS

WHEREAS, pursuant to the Second Class Township Code, Section 2502, Bethel Township may by ordinance govern sanitary sewer connections; and

WHEREAS, Bethel Township, Berks County, Pennsylvania (the "Township") adopted the Sewer Connection and Regulations Ordinance, No. 2007-05 on December 17, 2007 and amended it by Ordinance No. 2008-09 on November 17, 2008; and

WHEREAS, the Board of Supervisors of the Township finds that it is necessary to clarify the powers delegated to the Bethel Township Municipal Authority to enforce the penalties provision by amending Ordinance No. 2007-05, as amended by Ordinance No. 2008-09.

NOW, THEREFORE, the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, hereby ENACTS and ORDAINS as follows:

1. Ordinance No. 2007-05, as amended, Section 23 entitled "Penalties and Enforcement" shall remain in full force and effect with the exception of an amendment to subsections (a) and (h) and the addition of subsection (i) to read as follows:

(a) The Authority shall also have the power to institute suits in law or in equity, to file summary citations, civil complaints and to file municipal claims and liens to restrain or prevent violations of Act 537 and this Ordinance occurring within Bethel Township.

* * *

(h) Fines and civil penalties collected pursuant to this Ordinance by the Authority shall be placed in a Township restricted account and shall only be disbursed by the Township in accordance with the requirements set forth in the Pennsylvania Sewage Facilities Act, as amended from time to time.

(i) The following legal fees shall be charged by the Solicitor for the Township or the Authority for the services indicated, and liened against properties in violation of this Ordinance to be paid by delinquent account holders in connection with delinquent and overdue accounts owed for sewer charges:

- (i) Open file, review the account, and prepare and file a municipal lien - \$150.00;
- (ii) Prepare, file and serve a Writ of Scire Facias - \$325.00;
- (iii) Prepare Complaint and file a Default Judgment - \$150.00;

- (iv) Prepare and file a Writ of Execution and attend Sheriff's Sale - \$500.00;
- (v) Other services not covered above, including without limitation, preparation of alternative service pleadings; miscellaneous letters and telephone calls to mortgage holders, title companies and others regarding payoff figures; checking records to obtain mortgage information, settlement letters and documents necessary to remove liens; preparation of proofs of claim for bankruptcy – these services will be billed at the regular hourly rates charged by the Township or Authority Solicitor for other legal services provided to the Township or Authority. All costs and expenses incurred by the Township or Authority Solicitor in connection with the above services shall also be liened against the properties and paid by delinquent account holders.

2. Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining provisions of this Ordinance; it being the intent of the Township that such remaining provisions shall be enforceable and remain in full force and effect.


3. Binding Effect. All ordinances or parts of ordinances inconsistent herewith are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

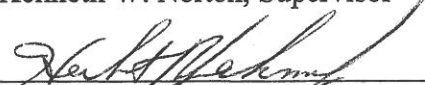
4. Effective Date. This Ordinance shall be effective five (5) days after the day of adoption.

ORDAINED AND ENACTED by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, this 21 day of February, 2011.

BOARD OF SUPERVISORS OF BETHEL
TOWNSHIP, BERKS COUNTY, PA


Randall G. Haag, Chairman


Kenneth W. Norton, Supervisor


Herbert R. Zechman, Jr., Supervisor

Attest:


Jayne K. Seifrit, Township Secretary