

**Lower Allen Township Stormwater Authority
Resolution 2020-A-03**

AMENDING AND RESTATING RESOLUTION 2018-A-01 BY ESTABLISHING STORMWATER FEES FOR THE LOWER ALLEN TOWNSHIP STORMWATER AUTHORITY; PROVIDING FOR COLLECTION OF STORMWATER FEES AND THE ENFORCEMENT THEREOF; ADOPTING CERTAIN RULES AND REGULATIONS APPLICABLE TO THE STORMWATER PROGRAM, AND AUTHORIZING ADOPTION OF ADDITIONAL RULES AND REGULATIONS APPLICABLE TO THE STORMWATER PROGRAM.

WHEREAS, Lower Allen Township Stormwater Authority (hereinafter the “**The Authority**”) is a body politic and corporation organized and existing under the provisions of the Municipality Authorities Act of 1945, and its Amendments Act 203 of 1990 and Act 57 of 2003; and

WHEREAS, Lower Allen Township Stormwater Authority, in accordance with authority vested in it by law, desires to set stormwater fees, and to adopt certain rules and regulations applicable to the stormwater program, and to authorize adoption of additional rules and regulations, and to provide for the collection of stormwater fees, and to provide for penalties and to provide for the filing of liens.

WHEREAS, the Lower Allen Township Stormwater Authority desires to clarify its enforcement policy.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Lower Allen Township Stormwater Authority as follows:

The Authority revises Section 4 Enforcement as follows:

SECTION 4. ENFORCEMENT

(a) **Residential units.**

The following minimum enforcement action shall be taken on outstanding residential stormwater service accounts.

- (1) Stormwater service accounts outstanding for four (4) billing quarters shall receive an unpaid stormwater bill notice. Stormwater service accounts shall receive an additional unpaid bill notice when they are outstanding for six (6) billing quarters.
- (2) Stormwater service accounts outstanding for eight (8) billing quarters shall receive a Notice of Delinquency.

(3) Stormwater service accounts outstanding for eight (8) quarters that have not arranged payment within the fifteen (15) days provided by the Notice of Delinquency, shall receive a Notice of Property Lien by certified mail in accordance with the Pennsylvania Municipal Claim and Tax Lien Law Act. The property lien notice shall include the amount of the outstanding account, plus current lien, legal, and filing costs. Should the property owner not accept the certified mail notice, a second notice shall be sent by first class mail.

(5) Stormwater service accounts outstanding for an additional eight (8) billing quarters that have not arranged payment shall receive an additional certified mail notice of lien action in accordance with the Pennsylvania Municipal Claim and Tax Lien Law Act, with additional notice by first class mail if required. Accounts with multiple liens shall be consolidated in accordance with the Act as required to keep the lien active, and the additional legal fees and cost to re-file the lien shall be added to the outstanding account amount.

(b) Non-Residential, Multiple Residential and Multiple Non-Residential Establishments

The following minimum enforcement actions shall be taken on outstanding non-residential, multiple residential and multiple non-residential stormwater service accounts.

- (1) Stormwater service accounts outstanding for four (4) billing quarters and/or outstanding bill amounts of \$250 shall receive an unpaid stormwater bill notice.
- (2) Stormwater service accounts with outstanding bill amounts in excess of \$500 and/or eight (8) billing quarters shall receive a Notice of Delinquency.
- (3) Stormwater service accounts outstanding with bill amounts in excess of \$500 and/or eight (8) quarters that have not arranged payment within the fifteen (15) days provided by the Notice of Delinquency, shall receive a Notice of Property Lien by certified mail in accordance with the Pennsylvania Municipal Claim and Tax Lien Law Act. The property lien notice shall include the amount of the outstanding account, plus current lien, legal, and filing costs. Should the property owner not accept the certified mail notice, a second notice shall be sent by first class mail.
- (4) Stormwater service accounts outstanding for an additional eight (8) billing quarters and/or outstanding bill in excess of \$500 that have not arranged payment shall receive an additional certified mail notice of lien action in accordance with the Pennsylvania Municipal Claim and Tax Lien Law Act, with additional notice by first class mail if required. Accounts with multiple liens shall be consolidated in accordance with the Act as required to keep the lien active, and the additional legal fees and cost to re-file the lien shall be added to the outstanding account amount.

All other provisions of Resolution 2018-A-01 remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This **Resolution** will become effective on **October 1, 2020**.

SECTION 8. CONSTRUCTION AND SEVERABILITY

In the event as provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of this Authority that such remainder shall be and shall remain in full force and effect.

SECTION 9. REPEALER

All Resolutions or parts of Resolutions expressly inconsistent herewith expressly are repealed.

ENACTED into a Resolution this 15th day of October, 2020.

ATTEST:

**LOWER ALLEN TOWNSHIP
STORMWATER AUTHORITY**

(Authority Seal)

By: 
Secretary/Assistant Secretary

By: 
Chairman/Vice Chairman