

Chapter 105A**SEWER ACCOUNTS, DELINQUENT**

- § 105A.1. **Late charges.**
- § 105A.2. **Schedule of penalties.**
- § 105A.3. **Accounts subject to liens.**
- § 105A.4. **Collection of accounts.**
- § 105A.5. **Township Attorney's fee.**
- § 105A.6. **Termination of water supply.**
- § 105A.7. **Agreement with Pennsylvania American Water Company authorized.**
- § 105A.8. **Imposition of charge.**
- § 105A.9. **Restoration of water service.**
- § 105A.10. **Manager to establish regulations.**
- § 105A.11. **Severability.**
- § 105A.12. **Enforcement.**
- §105A.13. **Winter Averaging for Sewer Billing of Residential Users during Summer Months.**

[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 12-5-83 as Ord. No. 1064. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers and drains - See Ch. 106.

- § 105A.1. **Late Charges. [Added 10-7-85 by Ord. No. 1162; Amended 6-6-05 by Ord. No. 1942]**

Effective with the July 2005 billing of the sanitary sewer user fees, the Township shall collect a late charge of one and one-half percent (1½) per month on the unpaid balance. A late sewer charge shall mean any sewer charge which remains unpaid for a period of thirty (30) days after the billing date.

§ 105A.2. Schedule of penalties. [Amended 1-7-91 by Ord. No. 1479]

From and after the effective date of this chapter, the following schedule of penalties is hereby imposed upon each delinquent sanitary sewer account unpaid and owing to the Township.

105A.2.1. The penalty shall be an additional five percent (5%) of the gross delinquent charge. A delinquent sewer charge shall mean any sewer charge which remains unpaid for a period of sixty (60) working days after the billing due date.

§ 105A.3. Accounts subject to liens.

All delinquent accounts which have been made the subject of a lien against the subject property as of the effective date of this chapter shall be subject to the penalty provisions in effect at the time of filing of such lien.

§ 105A.4. Collection of accounts. [Amended 1-7-91 by Ord. No. 1479]

The Township Attorney may institute an appropriate action or proceeding at law or in equity or pursue any other remedy under the applicable law to collect any such delinquent and lienied accounts. All costs of collection shall be added to and collected with such delinquent and lienied amounts.

105A.4.1. Interest charge to be imposed. [Added 1-7-91 by Ord. No. 1479] From and after the effective date of this chapter, there shall be imposed an interest charge of six percent (6%) per annum, simple interest, on the balance due and owing on all lienied sewage accounts from the date of the lien to the date of the payment of the lien and associated costs.

105A.4.2. Lien Fees. [Added 1-7-91 by Ord. No. 1479] The property owners or their agents shall be responsible for all costs associated with the placement and removal of liens.

§ 105A.5 Township Attorney's fee. [Added 1-7-91 by Ord. No. 1479]

The Township Attorney's fee shall be five percent (5%) of the gross amount of each lienied sewage account.

§ 105A.6. Termination of water supply.

The Township Manager or his designee shall, upon a determination that an account will not voluntarily be made current, cause the water supply to said account holder to be terminated pursuant to the applicable laws and regulations of the commonwealth and the agreement authorized in § 105A.7. below.

§ 105A.7. Agreement with Pennsylvania American Water Company authorized. [Amended 1-7-91 by Ord. No. 1479]

The Township Manager is authorized and directed to enter into an agreement in a form approved by the Township Attorney with Pennsylvania American Water Company providing for the termination and restoration of water service to holders of delinquent accounts, the payment of reasonable charges for service termination and/or restoration, the payment of lost revenues occasioned by said termination and any other reasonable cost incurred by Pennsylvania American Water Company.

§ 105A.8. Imposition of charge. [Amended 1-7-91 by Ord. No. 1479]

There is hereby imposed upon any holder of a delinquent or lien account or any owner of property leased or occupied by such a holder a charge equal to the charges incurred by the township and payable to Pennsylvania American Water Company pursuant to the agreement authorized in § 105A.7. above (hereinafter "agreement charges").

§ 105A.9. Restoration of water service.

No water service shall be restored to any holder of a delinquent account or any owner of property leased or occupied by a holder of a delinquent account until all sanitary sewage service fees, penalty, interest and charges, including without limitation the agreement charges (hereinafter collectively "costs"), are paid in full or a legally binding agreement is executed between the township and the delinquent account holder or property owner establishing a payment schedule for costs.

§ 105A.10. Manager to establish regulations.

The Township Manager shall establish reasonable regulations governing criteria for termination of water service and for the conditions and terms of any agreement restoring water service; provided, however, that no such regulation shall authorize an agreement allowing the payment of costs over a period of time longer than one (1) year or permitting the restoration of water service without a prior minimum payment of ten percent (10%) of the costs and full payment of the agreement charges.

§ 105A.11. Severability.

The provisions of this chapter are severable, and if any word, words, parts, provisions, sections, sentences, clauses or exceptions shall be illegal or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining words, parts, provisions, sections, clauses, sentences or exceptions of this chapter, it is hereby declared to be the intent of the Board of Commissioners of the township that this chapter would have been enacted without such illegal or unconstitutional part.

§ 105A.12. Enforcement. [Added 1-7-91 by Ord. No. 1479]

The Township Manager is hereby charged with the enforcement of the Article and is authorized and empowered to adopt rules and regulations relating to any matter pertaining to the administration of this Article.

§ 105A.13. Winter Averaging for Sewer Billing of Residential Users during Summer Months. [Added 11-5-07 by Ord. No. 1980]

Effective with the May 2008 billing of the sanitary sewer user fees, the Township shall utilize the Winter Averaging parameters as described in Exhibit 1 of this Ordinance to bill the Township's residential sewer users for the months of May through September of each year thereafter. Township commercial sewer users will still be required to document and report any water usage not flowing through the Township's sewer lines by operation of a credit meter.

EXHIBIT 1

PARAMETER QUESTIONNAIRE FOR
O&M WINTER AVERAGING

The following screens are examples of how parameters are set for the winter averaging calculation. Below is a list of questions pertaining to those parameters. Please respond to these questions so that we can ensure that an accurate, detailed calculation will be used. If needed, further clarification on any of these questions can be provided.

Rate Schedule Maintenance (RATE) - CIS2150 - Indiana Am Water Co (INCIS)

File Edit View Functions Go Path Help

Path

Supplmnt Sewr 1 | Water Chrg/Meter | Averaging |

Utility Type: [2] D&M Wastewater Service

Rate Schedule: L1M3 | Swr Res Mo 100G Newburgh | Effective Date: 07/01/02

Calculate Sewer Max? Yes No | Sewer Max Usage: | Water Usage %: |

Sewer Max Charge: |

Averaging Program: |

Utility Based on: [W] Water Service | Default Average Use: |

Sewer Calc Program: CASWAVG20 | AWW Based on Use Custom Prgrm

January	<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Usage	July	<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Usage
February	<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Usage	August	<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Usage
March	<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Usage	September	<input checked="" type="checkbox"/> Bill	<input type="checkbox"/> Usage
April	<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Usage	October	<input type="checkbox"/> Bill	<input type="checkbox"/> Usage
May	<input type="checkbox"/> Bill	<input type="checkbox"/> Usage	November	<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Usage
June	<input type="checkbox"/> Bill	<input type="checkbox"/> Usage	December	<input type="checkbox"/> Bill	<input checked="" type="checkbox"/> Usage

Delete

OK Cancel

1. Which months of the year will be used as the winter “pocket” months—those months from which the *usage history* will be gathered to calculate the average?
November through April. Should be at least 3 billing periods.
2. Which months of the year will the calculated winter *average be billed* to the customer?
May through September

3. Which accounts are eligible to use the winter average
Typically Residential Only

4. Are the accounts *residential* only? If so, are there *any* residential accounts *excluded* from receiving the winter average?
No none are excluded

New Jersey American (NJQA) Quality assurance - CASWAYES - Averaging

File Edit Functions Help

Path * | Rate Schedule Maintenance (RATE) Supplmnt Sewr 1
Averaging

Utility Code S Wastewater Service

Rate Schedule *	B1M1		
Effective Date	4/06/1999		
History Search Basis	<input checked="" type="checkbox"/> Max Search Depth		2
Default Usage	4.00	Dft Percent/Value?	<input checked="" type="checkbox"/>
Use lower dft/actual	N	Use higher dft/act	N
Minimum Average	.00	Use Estimated Usage	<input checked="" type="checkbox"/>
Adjustment Factor	1.0000000	Landlord eligible?	<input checked="" type="checkbox"/>
Multi Dwellings el?	Y	Use Lower Avg/Act	N
Use Higher Avg/Act	N	Use Read/Bill Date	B
Pockets Based on Utl	W	Min Pocket Usage	.00
Min Pock Days Requ	1	Prorate Pocket	N
Round/Truncate Pock	D	Min Pockets Required	3
Divide by Elig/ALL	A	Year start month	
Zero Avg Allowed?	Y	Avg Used on Closing?	<input checked="" type="checkbox"/>
Act Use Adj On Cls?	1.0000000	Prorate the Average?	N
Max Allowed Average			

5. **History Search Basis:** From where should the winter usage history be gathered? It can be searched either at account level (meaning current account at current premise) or at the premise level (meaning any history at *that* premise). Please select one of the two options.

Account Level

6. **Max Search Depth:** How far back in history should we search? For example, value of 1 means to look for most recent completely billed pocket group. Value of 2 means to look for most recent complete pocket group, if not found then go back one additional pocket group before that, etc. Note: Only history maintained in the system at the time of averaging can be used as a source of usage history.

7. **Default Usage:** *Is there a numerical value or is there a percentage value (of actual usage) to be used if no average can be calculated (from history search/depth). For example, is there a default usage of 3.00 if no average can be found. Or, is there a default value of 90% of the actual usage if no average can be found? Note: A default value is optional.*
Base it on an average bill for your area, i.e. 4,500 gallons per month.
8. **Default Percent/Value:** Choose *P* if the default is a percentage of the actual usage. Choose *V* if the default is a straight numerical value.
V
9. **Lower of Default/Act:** Should the customer be billed the lower of the two values (actual usage and default)? Choose *Y* or *N*. (Note: In cases where there is proration, the proration is done before this comparison.)
Y
10. **Higher of Default/Act:** Should the customer be billed the higher of the two values (actual usage and default)? Choose value of *Y* or *N*. (Note: In cases where there is proration, the proration is done before this comparison.)
N
11. **Minimum Average:** *If an average is calculated, is there a minimum average value to be used? What is that value?*
N
12. **Use Estimated Usages?** Are estimated usages to be considered in the pocket calculation? Estimated usages have a read type code of either "E" or "O."
 Choose *Y* or *N*.
Y
13. **Adjustment Factor:** Should the pocket values be increased or decreased by a percentage? This value will default to 1.0000. This value will be figured in immediately after the pocket values are added up...and before proration, etc. For example, if twenty percent is to be added, the value will be 1.20.
N
14. **Landlord Eligible:** Are landlords eligible to receive the winter average? Choose *Y* or *N*. This field includes and applies to both landlord *and* tenants. If they are coded residential, yes.
15. **Multi Dwelling Elig:** Are multi-dwellings (apartment buildings, etc.) eligible to receive the winter average? Choose *Y* or *N*.
 Only if they are coded residential.

16. **Lower of Ave/Act:** Should the customer be billed the lower of the two values (actual usage and average)? Choose *Y* or *N*. (Note: In cases where there is proration, the proration is done before this comparison.)
Yes the lower
17. **Higher of Ave/Act:** Should the customer be billed the higher of the two values (actual usage and average)? Choose value of *Y* or *N*. (Note: In cases where there is proration, the proration is done before this comparison.)
No
18. **Read/Bill Date:** Choose value of *R* (read date) or *B* (bill date). This will indicate whether history will be gathered based on the read date or on the bill date of that pocket month.
Read Date
19. **Pockets Based on Util:** Should the winter average be based on water consumption (W).....or on sewer (S) which is used in sewer-only scenarios.
Yes
20. **Min Pocket Usage:** Minimum usage needed to deem pocket period eligible? Choose a value of zero or greater. For example, choose "1" if there must be at least one unit of billed usage in the pocket month.
Zero
21. **Min Pock Days Req:** Minimum # of days to qualify as eligible pocket period. Choose a value of one or greater. For example, if there must be at least 15 days in a pocket month for it to be valid, choose "15."
26
22. **Prorate Pocket:** Do you want the usage from a partial pocket period to prorate as if it were for a full pocket period? Choose *Y* or *N*. For example, if the minimum pocket days required was 1 and the pocket had 7 days, do you want the usage for the seven days to prorate out to a full month (30 days)?
Yes
23. **Round/Truncate Pocket:** Choose value of *Y* to round, *D* to leave as is (decimal) or *T* to truncate. The final value will rounded or truncated or left as a decimal immediately before it runs through the rate calculation.
Y

24. **Min Pockets Required:** Minimum # eligible pocket periods needed to establish average? Choose a numerical value here. For example, if you have chosen a total of six pocket months used to determine a winter average, do you need all six? Can you still calculate an average if only three or maybe four of those months have history?

3

25. **Year Start Month:** Enter the value (1-12) that corresponds to the month of the year *following the pocket* that you want the billing year to start. For example, if the pocket is January, February, March and you don't want that average to start billing until June, enter "6." If there is no lag between the last month of the pocket and the first month to be billed the average, leave blank.

Leave Blank (only if using our recommendation of Nov – April)

26. **Divide by Elig/All:** Divide by the # of eligible pockets or the # of available pockets? Choose *E* or *A*. For example, as in #22 above, if we only have three of the six months available, should we divide by the three eligible months (*E*) or still divide by all six (*A*)?

E

27. **Zero Avg Allowed:** Is *zero* an allowable average? Choose *Y* or *N*.

Yes

28. **Max Avg allowed:** This is an optional field. If there is a number populated here (other than blank or zero), that will be considered the maximum allowed average. *If the calculated average exceeds that specified number, the mod will not use it and will instead take a 12-month average (the current pockets and the preceding months (totaling 12), regardless of how high/low the value is.* If any one of those previous months is missing, the average will be calculated on the available months' usages.

No limit

29. **Avg Used on Closing:** Should the average be considered (if a "bill average" month) in **closing bill** calculations? Choose *Y* or *N*. If set to *no*, the sewer will be based on actual usage.

No

30. **Act Use Adj on Closing:** If the closing bill is based on actual usage, what is the adjustment factor? This would normally be set to 1.0. In some areas, however, they want to bill the closing bill based on .90 (or 90 percent) of the actual usage. **Choose the adjustment factor value.**

No adjustment factor

31. *Prorate the Average:* If the bill is a partial bill, is the average to be prorated to the correct number of days? This would apply to both partial **and** closing bills? Choose **Y** or **N**. (Note: the prorated value will round/truncate/decimal as defined in the control file field mentioned above.)

Yes

32. Approximately **how many accounts** in your area are eligible to use the winter average?

33. Are there any **master/battery** accounts that will be receiving the winter average?

No