

**RESOLUTION #2012-27
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION ESTABLISHING THE GUIDELINES BY WHICH UPPER MERION TOWNSHIP WILL
UTILIZE WATER SHUT OFF PROCEDURES AGAINST DELINQUENT SEWER RATE CUSTOMERS.**

RECITALS

A. Upper Merion Township, a body corporate and politic, owns and operates certain public sanitary sewer facilities (the "System") which provide sewer service to the residents of Upper Merion Township ("Township").

B. From time to time, customers of the Township utilizing the System fail to pay sewer rentals or other charges due to the Township in a timely fashion.

C. The Water Services Act, 53 P.S. § 3102.101 et seq. (the "Act"), requires water service providers to shut off water service, upon request of a sewer service provider, for failure of customers to timely pay sewer rentals and charges.

D. The Township desires to set forth the guidelines by which water shut off procedures will be utilized against delinquent customers.

NOW, THEREFORE, BE IT RESOLVED, by the Upper Merion Township Board of Supervisors, Montgomery County, this 20th day of September 2012, as follows:

1. The recitals are incorporated herein by reference as if set forth in extenso.
2. If the owner or occupant of a premises connected to the System fails to pay their sewer rentals or charges within sixty (60) days from the due date the Township will direct the water service provider of the premises to shut off water service to the premises.
3. Water service shall remain shut off until the customer's delinquent account has been paid in full and all charges incurred by the Township for commencing shut off procedures have been paid. Such charges shall include, but not be limited to, those costs charged by the water service provider to shut off and turn on the water to a property, any loss of revenue charges charged by the water service provider to the Township, any other charges incurred by the Township from the water service provider, administrative and attorney's fees.
4. The Township shall post a written notice on the main entrance of the premises at least ten (10) days prior to water service being shut off. The Township shall also mail a shut off notice to the customer liable for payment of the rentals and charges, as well as the owner or property manager of the premises, if different than the customer. Such mailing shall also provide at least ten (10) days notice prior to water service being shut off. The notice shall include, at least:

- (a) The property location for which water service is being terminated.
- (b) The amount of past due charges and penalties.
- (c) Detail of any termination and reinstatement charges to have the water service terminated and reinstated.

5. In instituting water shut off procedures against a customer, the Township will comply with all applicable federal, state and local laws, including the Utility Service Tenants Rights Act, related to utility service termination.

6. In furtherance of the Utility Service Tenants Rights Act, the Township shall:

- (a) Nonpayment of charges.-Except when required to prevent or alleviate an emergency as defined by the Public Utilities Commission or except in the case of danger to life or property, before any termination of service to a landlord ratepayer for nonpayment of charges, the Township shall:
 - (1) Notify the landlord of the proposed termination in writing at least thirty-seven (37) days before the date of termination of service. At least thirty-seven (37) days before the termination of service, the Township shall request from the landlord the names and addresses of the affected tenants. The landlord must timely comply with all such requests in accordance with the Utility Service Tenants Rights Act.
 - (2) Notify the county Department of Health, in writing, not less than ten (10) days before the proposed termination of service.
 - (3) Notify each dwelling unit reasonably likely to be occupied by an affected tenant of the proposed termination in writing at least seven (7) days after notice to the landlord ratepayer pursuant to this section and at least thirty (30) days before the termination of service. If within seven days of delivery or mailing of the notice to the landlord issued pursuant to this section the landlord ratepayer files a complaint with the commission disputing the right of the utility to terminate service, the notice shall not be rendered until the complaint has been adjudicated by the commission, but the landlord ratepayer shall continue to pay the undisputed portion of current bills when due pending the final decision of the complaint.

- (b) The notice required to be given to a landlord ratepayer pursuant to section 6(a)(1) of this resolution shall contain the following information:
- (1) The amount owed the Township by the landlord ratepayer for each affected account.
 - (2) The date on or after which service will be terminated.
 - (3) The date on or after which the company will notify tenants of the proposed termination of service and of their rights under the Utility Service Tenants Rights Act.
 - (4) The obligation of the landlord to provide the Township with the names and addresses of every affected tenant or to pay the amount due the Township or make an arrangement with the Township to pay the balance including a statement:
 - (i) That the list must be provided or payment or arrangement must be made within seven (7) days of receipt of the notice.
 - (ii) Of the penalties and liability which the landlord may incur by failure to comply.
 - (5) The right of the landlord to stay the notification of tenants by filing a complaint with the Public Utility Commission disputing the right of the Township to terminate service.
- (c) The notice required to be given to a tenant pursuant to section 6(a)(3) shall be sent by first class mail to each affected tenant by name at his individual dwelling unit, or by unit number or unit designation, and shall be posted in common areas. All notices shall contain the following information:
- (1) The date on which the notice is rendered.
 - (2) The date on or after which service will be discontinued.
 - (3) On each account, the bill for the billing period preceding the notice to the tenants shall detail the amount due.
 - (4) The following statement of the tenant's rights, the words and phrases of which appear all in capital letters to be printed in 12-point bold-faced type with the first letter printed in upper case and the letters that follow in lower case and the words and phrases which do not appear all in capital letters to be printed in ten-point type, with any letter in upper case to remain so and the rest in lower case:

IMPORTANT NOTICE TO TENANTS:

WARNING: YOUR WATER SERVICE MAY BE SHUT OFF ON OR AFTER (date) BECAUSE OF THE FAILURE OF YOUR LANDLORD TO PAY FOR THE SANITARY SEWER SERVICE PROVIDED BY UPPER MERION TOWNSHIP. TO STOP THE SHUTOFF OF YOUR UTILITY SERVICE, YOU MUST DO ONE OF THE FOLLOWING THINGS:

1. You can join with the other tenants to pay the sewer bill for the last thirty (30) days preceding this notice or you can pay the total bill yourself. Either way, you do not have to pay a deposit or get credit granted in your name. You will not have to pay your landlord's other debts or the debts of prior tenants, and the sewer service will remain in the name of the landlord.
2. You may deduct your payment to the Township from your rent due now or from future rent. The Township will notify your landlord how much you paid for the sewer service.

ADDITIONAL INFORMATION:

1. The bill which must be paid to continue service is \$ ___ (state specific amount).
2. Your landlord cannot punish you if you pay the utility bill. Your landlord cannot raise your rent, cannot evict you and cannot take action against you in any other way for paying the utility bill and deducting it from rent. You have a right to recover money damages from the landlord for any damages or injury he causes you for exercising your rights as a result of this notice.
3. You have the right to dispute the accuracy of the bill and have certain other rights. If you would like further information regarding these rights, contact the Township.

DO YOU HAVE ANY QUESTIONS?

If you have any questions about your water or sewer service, please contact the applicable utility company at Aqua Pennsylvania, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, 1-877-987-2782 or Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033, 1-800-494-4000 or the Township at (610-265-2600 , 175 West Valley Forge Road, King of Prussia, PA 19406-1802). If, after talking about your problems with the utility or Township, you are not satisfied, then call the Pennsylvania Public Utility Commission at its toll-free number, which is 1-800-692-7380, or write the Residential Termination Unit, Bureau of Consumer Services, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17120. YOU SHOULD CALL OR WRITE BEFORE THE SHUTOFF. TO AVOID SHUTOFF, YOUR LETTER MUST BE RECEIVED BEFORE THE SHUTOFF DATE.

7. That the tenant or tenants must make payment to the Township on account of nonpayment of charges by the landlord by check or money order drawn by the tenant to the order of the utility or by cash and that the tenant must provide, upon request, reasonable identification to the utility. Reasonable identification shall include, but not be limited to, a driver's license, photo identification, medical assistance or food stamp identification or any similar document issued by any public agency which contains the name and address of the tenant.

8. The Township Sewer Department shall notify the Township Code Enforcement Department of any properties whose water has been shut off. The Code Enforcement Department will rescind the use and occupancy permit for any property whose water has been shut off.

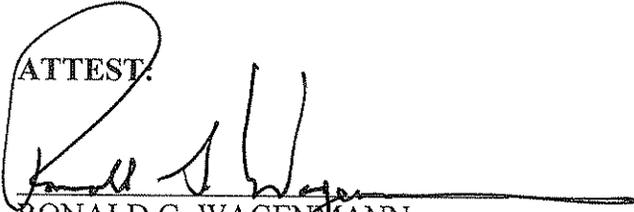
9. The failure of the Township to enforce any provision of this Resolution shall not constitute a waiver by the Township of its rights of enforcement hereunder.

10. This Resolution does not remove any other legal rights the Township has to collect delinquent accounts, including, but not limited to, the imposition of liens.

11. The Township may designate agents to carry out the provisions of this Resolution.

RESOLVED AND APPROVED this 20th day of September, 2012.

ATTEST:


RONALD G. WAGENMANN
TOWNSHIP MANAGER/
SECRETARY-TREASURER

UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS


GREG WAKS
VICE CHAIRPERSON