

**Township of Foster
Luzerne County, Pennsylvania**

ORDINANCE NO. 3 OF 2011

**AUTHORIZING WATER SERVICE TO BE SHUT OFF
FOR NONPAYMENT OF SEWAGE CHARGES**

WHEREAS, numerous property owners within the Township of Foster are delinquent in the payment of sewage charges imposed by the Township of Foster; and

WHEREAS, It is the desire and intention of the Township of Foster that all property owners within the municipality be required to promptly pay the sewage charges imposed by the Township of Foster; and

NOW, THEREFORE, BE IT ORDAINED:

THAT, the Township of Foster does hereby establish the following provisions for the specific purpose of authorizing water service to be shut off to the property owners deemed to be delinquent in the payment of sewage charges imposed by the Township of Foster:

WATER SHUTOFF FOR NONPAYMENT OF SEWER CHARGES

Section 1. Contractual Undertakings with Water Company Authorized.

The proper officials of the Township of Foster are authorized and directed to enter into all necessary contractual undertakings with Freeland Municipal Authority and the Hazleton City Authority, hereinafter the "Water Company", to enable water service to be shut off to individuals deemed to be delinquent in payment of sewage charges imposed by the Township of Foster and to enter into such undertaking and provide all necessary assurances, bonding, insurance, and other requirements that the Water Company may impose to provide the shut off of water service.

Section 2. Contract to Define When Delinquency Warrants Shutting Off of Water Service.

The contract entered into with the Water Company shall specifically define, in accordance with the terms and provisions of this Ordinance, when a delinquency has occurred which warrants the shutting off of water service in order to bring about payment.

Section 3. Delinquency Warrants Shutting Off of Water Service.

A delinquency in the payment of sewage charges which is deemed to warrant the shutting off of water service to the residences of the delinquent users is defined as a delinquency which has occurred at any time and which remains unpaid and/or delinquent after three (3) months or \$210.00 whichever comes first.

Section 4. Minimum Provisions of Rules & Regulations Governing Shutting Off of Water Service.

The rules and regulations governing the shutting off of water service, in addition to such terms and provisions as may be required under the agreement with the Water Company, shall include, as a minimum, the following:

- a. A minimum fifteen (15) days notice will be sent to the tenant and/or owner notifying him/her of the delinquency in the payment of sewage charges.
- b. After fifteen (15) days, a representative of the Township will visit the premises and post the house with a water shutoff notice giving an additional fifteen (15) days.

Section 5. Conditions for Restoration of Service.

The property owners whose water service has been shut off shall be liable and obligated to pay the full amount of the delinquency in the sewage charges, including, penalties and interest, as well as the charges imposed by the Water Company for the shutting off and turning back on of the water service before such water service shall be restored.

Section 6. Authority to Appoint Personnel to Implement Provisions.

The Supervisors of the Township of Foster are hereby authorized to appoint the necessary personnel to carry out the terms and provisions of this Ordinance as well as the terms and provisions of such agreement negotiated with the Water Company to secure the shutting off of the water.

This Ordinance shall become effective immediately following its adoption.

[Adopting Signatures on the Following Page]

ENACTED and ADOPTED, this 13th day of April, 2011, by the Foster Township Board of Supervisors.

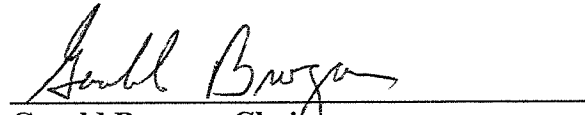
ATTEST:




Georgiann Eckrote-Jones, Secretary



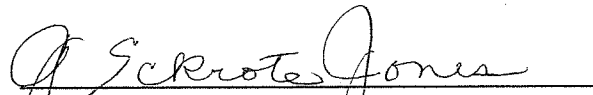
BOARD OF SUPERVISORS:



Gerald Brogan, Chairperson



Michael Spock, Supervisor



Georgiann Eckrote-Jones, Supervisor

PUBLIC NOTICE

The Foster Township Supervisors will hold a public hearing on Wednesday, March 9, 2011, at 6:00 P.M. at the Foster Township Municipal Building, 1000 Wyoming Avenue, Freeland, Luzerne County, PA. The purpose of the hearing is to take public comment on an Ordinance authorizing the Freeland Municipal Authority and the Hazleton City Authority to provide water shut-off services to portions of Foster Township that have water provided by the Authorities, and are delinquent on their sewer bills three months or more, and approving the terms and provisions of an Intergovernmental Cooperation Agreement(s) between the Township and the Authorities.

A copy of the Ordinance is available for inspection at the Standard Speaker newspaper during normal business hours and is posted at the Foster Township Municipal Building. The public hearing will be immediately followed by the regular meeting of the Supervisors at which time they intend to consider for adoption the Ordinance.

**Donald G. Karpowich, Esquire
Foster Township Solicitor
85 Drasher Road
Drums, PA 18222**

Please publish the above ad in the _____ edition of the Standard Speaker in the legal notice section. PLEASE SEND PROOF OF PUBLICATION AND INVOICE TO:

**Brittany Kemper, Secretary
Foster Township
PO Box 465
Freeland, PA 18224**