

**TOWNSHIP OF UPPER BERN  
COUNTY OF BERKS  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO.: 160-2021**

**AN ORDINANCE OF UPPER BERN TOWNSHIP, BERKS COUNTY,  
PENNSYLVANIA, TO AMEND THE UPPER BERN TOWNSHIP SANITARY SEWER  
USE ORDINANCE OF 2007 (ORDINANCE NO. 89-2007) BY AMENDING USER FEE  
INTEREST AND COLLECTION PROCEDURES**

WHEREAS, Upper Bern Township has duly-adopted and does maintain a sanitary sewer use ordinance titled the "Upper Bern Township Sanitary Sewer Use Ordinance No. 89-2007" (the "Ordinance"); and

WHEREAS, the purpose of the Ordinance is to carry out the requirements of the *Pennsylvania Sewage Facilities Act* and the Upper Bern Township Act 537 Plan Addendum of 2005, and any updates and/or amendments thereto; and

WHEREAS, Section 67502 of the *Second Class Township Code* (53 P.S. 67502) permits Second Class Townships to charge fees for sanitary sewer services; and

WHEREAS, Section 7143 of the *Municipal Claims and Tax Lien Law* (53 P.S. 7143) sets forth provisions for charging penalties and interest on sewer rates; and

WHEREAS, the Ordinance, in Section 5, provides for the imposition of User Fees and the process of collection of said fees; and

WHEREAS, the Board of Supervisors wishes to amend its interest and collection procedures for User Fees, as set forth herein.

NOW THEREFORE, BE IT ORDAINED that the Upper Bern Township Board of Supervisors does hereby approve and adopt the following amendments to the Ordinance, as follows:

**Section 1:** Section 5(G) of the Ordinance is hereby repealed and replaced as follows:

(G). User or rental fees shall be due and made payable to Upper Bern Township in the face amount prior to the due date specified on the sewer bill issued by Upper Bern Township to the landowner. Interest shall be assessed to any landowner who has not paid the face amount by the due date. The amount of such interest may be adjusted from time-to-time by Resolution of Upper Bern Township.

**Section 2:** Section 5(H) of the Ordinance is hereby repealed and replaced as follows:

(H). If the regular user or rental fee, plus penalty, have not been paid within thirty (3) days from the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at the rate of 10% per annum, compounding in the event the user or rental fee remains unpaid in excess of (1) year. Any unpaid user or rental fee, together with interest thereon, to the extent permitted by law, and all delinquent costs, shall be a lien on the property served, which may be collected by action to the extent provided by law. Further, any costs and/or attorneys fees incurred by Upper Bern Township shall be added to the unpaid user or rental fee, along with interest as set forth above and the aggregate of the same shall be entered as a lien on the property served.

**Section 3.** Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

**Section 4.** Validity. If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

**Section 5.** Effective Date. This Ordinance shall become effective upon adoption.

**ORDAINED AND ENACTED** this 8th day of July, 2021, by a vote of 3 Yes  
       No        Abstained        Absent.

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: Nancy A. Hartman  
Nancy Hartman, Chairman

By: Gloria Grim  
Gloria Grim, Vice Chairman

By: Mike Fisher  
Mike Fisher, Supervisor

ATTEST:

Ben Howalter  
Secretary  
Attest: