

TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2013- 3

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING AN AMNESTY PROGRAM FOR DELINQUENT CUSTOMERS OF SANITARY SEWER FOR UNPAID USER FEES, CONNECTION FEES AND PLUMBING FEES.

NOW, THEREFORE, BE IT RESOLVED, and the Board of Supervisors of Tulpehocken Township hereby resolves as follows:

1. An amnesty program for delinquent customers of sanitary sewer for unpaid user fees, connection fees and plumbing fees is hereby created.
2. The amnesty program shall be a one-time event.
3. The amnesty program shall provide a property owner sixty (60) days from the date of correspondence notifying them of the program to pay the delinquent amount due of sanitary sewer user fees, connection fees and plumbing fees ("Base Amount") in full without penalty or interest.
4. If a property owner cannot pay the amount of the delinquent Base Amount in full within sixty (60) days of the date of correspondence notifying them of the program the property owner may request within said sixty (60) days a payment plan to pay the delinquent Base Amount. The payment plan shall not be for longer than twelve (12) months. The amount due for the payment plan shall be calculated without past penalty or interest. Five percent (5%) interest calculated monthly shall be added to the Base Amount required to be paid pursuant to the payment plan provided for herein.
5. If a property owner requires additional time beyond twelve (12) months to pay their delinquent Base Amount, they may present to and request approval of a reasonable alternative arrangement from the Board of Supervisors. Presentation of an alternative arrangement to the Board of Supervisors must be made within sixty (60) days of the date of correspondence notifying the property owner of the amnesty program.
6. Failure of a property owner to pay in full the Base Amount due or to contact the Township to request a payment plan or present an alternative arrangement within sixty (60) days of the date of correspondence notifying them of the amnesty program shall not be eligible for the amnesty program and shall be responsible for the full amount of the Base Amount plus interest and penalties. Additionally, the Township may commence legal action against the property owner.
7. A property owner entering into a payment plan or alternative arrangement pursuant hereto shall also remain current on their present sanitary sewer user fees. Failure to remain current on present fees shall void a payment plan or alternative arrangement resulting in the unpaid balance of the Base Amount with all penalties and interest

from the original date the account became delinquent due and payable. The Township may also pursue legal action against the property owner for the Base Amount with penalty and interest.

8. Should the delinquent property owner fail to pay in full the Base Amount within twelve (12) months per a payment plan or time specified in an alternative arrangement, any unpaid balance of the Base Amount with interest and penalties from the original date the account became delinquent shall be due and payable. The Township may also pursue legal action against the property owner for the Base Amount with past due interest and penalties.
9. A property owner that has entered into a payment plan or alternative arrangement that misses two (2) payments thereunder shall be in default, and shall therefore no longer be eligible for the amnesty program and shall be responsible for the full amount of any unpaid Base Amount with interest and penalties from the original date the account became delinquent. The Township may also pursue legal action against the property owner for the Base Amount with past due interest and penalties.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Tulpehocken Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

FURTHER RESOLVED, that this Resolution shall be effective immediately.

IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 14th day of January, 2013.

BOARD OF SUPERVISORS OF TULPEHOCKEN
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

John A. Kistner
Chairman

Richard A. Kramer
Member

Mary A. Lew
Member

Attest: Kathy Boetz
Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 14th day of January, 2013.

Kathy Boetz
Secretary of Tulpehocken Township

Dated: January 14, 2013

