

No. 1988-91

AN ACT

HB 1053

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further providing for the imposition and collection of sanitary sewer rentals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The heading of subdivision (f) of Article XX and sections 2061, 2062, 2063 and 2064 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, are amended to read:

ARTICLE XX
SANITARY SEWERS

* * *

(f) *Monthly, Quarterly or Annual Rentals*

Section 2061. Ordinance for *Monthly, Quarterly or Annual Rental*.—Whenever any borough shall have constructed any sanitary sewer, sewer system or sewage treatment works, or shall have acquired wholly or partially the same at public expense, as authorized in this article, the council of such borough may provide, by ordinance, for the collection of ~~[an]~~ *a monthly, quarterly or annual rental or charge*, for the use of such sanitary sewer, sewer system or sewage treatment works, from the owner of property served by it. The council may, at its discretion, in lieu of such *monthly, quarterly or annual rental or charge*, provide for the payment by such owner of a fixed sum.

Section 2062. How Rental Fixed.—Such *monthly, quarterly or annual rental* may include the amount expended *monthly, quarterly or annually* by the borough in maintenance, repair, alteration, inspection, depreciation, or other expense, of such sewer, sewer system or sewage treatment works, and may include interest on money expended or borrowed by the borough in the construction of the sewer, sewer system or sewage treatment works, or in the acquisition, enlargement or extension of the sewer or sewer system, and may also include an amount sufficient for the amortization of debt incurred by the borough for any such purposes, including the construction of sewage treatment works according to law. The said ~~[annual]~~ *monthly, quarterly or annual amount* or fixed sum shall be apportioned equitably among the several properties served by the said sewers, sewer system or sewage treatment works.

Section 2063. Collection of Rental.—Such *monthly, quarterly or annual rental or charge*, or such fixed sum, shall be authorized and collected as provided by general ordinances, and, when so levied and charged, shall be a lien

on the properties charged. The collection thereof shall be made and enforced in the manner municipal claims are collected.

The council of such borough shall execute a warrant or warrants, authorizing the collection of such *monthly, quarterly or* annual sewer rentals or charges, or such fixed sum, to the officer employed by council to collect the same. Such officer shall have the authority now vested by law for the collection of borough taxes.

Section 2064. Lien.—Such *monthly, quarterly or* annual sewer rentals or charges, or such fixed sum, shall be a lien on the properties charged with the payment thereof, from the date set forth in the ordinance, and, if not paid after thirty days' notice, may be collected by an action of assumpsit, in the name of the borough against the owner of the property charged, or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien.

Section 2. This act shall take effect in 60 days.

APPROVED—The 13th day of July, A. D. 1988.

ROBERT P. CASEY