

TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO.: 16 of 2025

AN ORDINANCE OF UPPER BERN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

**DESIGNATING PENNSYLVANIA MUNICIPAL SERVICE COMPANY AS A
COLLECTOR FOR SEWAGE FEES AND DELINQUENT SEWAGE FEES IMPOSING
ON DELINQUENT RATEPAYERS THE OBLIGATION TO PAY REASONABLE
COSTS INCURRED FOR COLLECTION OF DELINQUENT FEES, PENALTIES, AND
INTEREST.**

WHEREAS, Pennsylvania Municipal Service Company has been designated as a collector of Delinquent Sewage Fees;

WHEREAS, the Pennsylvania legislature adopted Act 1 of 1996 and Act 20 of 2003 (hereinafter "Act 1 & Act 20") allowing municipalities to impose "reasonable costs" on delinquent ratepayers and to permit the delinquent fee collector to retain such reasonable costs;

WHEREAS, Upper Bern Township desires to exercise all of its legal authority in accordance with legislative pronouncements set forth in Act 1 of 1996 and Act 20 of 2003, to encourage and facilitate the collection of delinquent fees and to eliminate the expense associated with collections by imposing reasonable costs on the delinquent ratepayer.

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

Section 1: Upper Bern Township designates Pennsylvania Municipal Service Company as its initial agent for the purposes of collecting Delinquent Sewage Fees as well as any and all penalties, interest, and costs assessed and levied pursuant to all resolutions and/or ordinances respecting said fees, during the period of this agreement.

Section 2: Because (1) Pennsylvania legislature adopted Act 1 of 1996 and Act 20 of 2003 (hereinafter "Act 1 & Act 20") allow a municipality to approve reasonable costs, charges, and expenses ("Reasonable Costs") which may be imposed on the delinquent ratepayer, collected and

retained by the delinquent fee collector; and, (2), Upper Bern Township desires to exercise all of its legal authority in accordance with the legislative pronouncements set forth in Act 1 of 1996 and Act 20 to encourage the collection of delinquent fees and to eliminate the expense associated with such collections by imposing the Reasonable Costs on the delinquent ratepayer; Upper Bern Township and Pennsylvania Municipal Service Company agree as follows:

A. Upper Bern Township designates Pennsylvania Municipal Service Company as its initial agent for purposes of collecting Delinquent Sewage Fees including all penalties, interest, costs, Reasonable Costs, Attorney Fees, etc., assessed and levied pursuant to Upper Bern Township's resolutions and/or ordinances.

B. Upper Bern Township set forth approves the following Reasonable Costs to be paid to Pennsylvania Municipal Service Company by the delinquent ratepayer:

1. A sum of (10%) of gross collections of all Delinquent SEWAGE FEES plus delinquent costs, charges, and expenses prior to the initiation of enforced collection proceedings initiated by the Upper Bern Township Solicitor. A sum of (15%) plus delinquent costs, charges, and expenses of gross collections for accounts under payment plans. Said amount shall be deemed compensation and Reasonable Costs for services rendered by PAMS in the collection of Delinquent SEWAGE FEES.

2. For purposes of this provision the term "gross collections" shall mean the original fee plus applicable penalties and interest.

3. In addition to the amounts set forth in paragraphs 2(a) and 2(b), any attorney's fees and notice fees related to the collection of delinquent fees, interest, penalty, or other charges shall be paid by the delinquent ratepayer as part of the "Reasonable Costs" to be paid to Pennsylvania Municipal Service Company by the delinquent ratepayer. A schedule of said charges, costs, and expenses is set forth as Appendix A to this Ordinance.

4. Such Reasonable Costs, together with and including costs, reimbursement for postage, and other out-of-pocket expenses, shall be collected directly from the delinquent ratepayers in accordance with Act 1 of 1996 and Act 20 2003 and all other applicable laws.

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 May, 2025, by a vote of 2 Yes 1
No 1 Abstained 1 Absent.


Attest:


Secretary

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: _____
Gloria Grim, Chairman

By: 
Mike Fisher, Vice Chairman

By: 
Arthur Lambert, Supervisor



Appendix A
Pennsylvania Municipal Service Company
Delinquent Utility Fee Schedule

First Delinquent Notice Fee	10% / notice
Second Delinquent Notice	\$22.00 / cycle
Payment Plan	15%
Litigation Notice	\$35 / notice
Bankruptcy Claims	\$60.00 / claim
Non-Sufficient Funds	\$35.00/ check
Delinquent Part Payment Fee	\$4.00 / payment
Certification Letter	\$40.00 / letter

All above-listed fees are assessed to and the responsibility of the ratepayer except for the Certification Letter fee which is the responsibility of the requesting third party. The fees for Bankruptcy Claims are paid by the Client and reimbursed when paid by the ratepayer.

Charges and or fees imposed by the Court, Prothonotary, Sheriff, Attorney, or any other public office in connection with the collection of the Client's claims are assessed to and the responsibility of the ratepayer. These fees are paid by the Client and reimbursed when paid by the ratepayer.

*Delinquent fees for sewage collections only.