

WHEREAS, Section 2.01 of Gordon Borough Ordinance No. 5-90 imposes a User Charge upon Owners of Improved Property for use of the Borough Sewer System; and

WHEREAS, Section 2.07 of Ordinance No. 5-90 allows the Borough to enter into separate or special arrangements with respect to User Charges in those cases where, due to special or unusual circumstances, the Borough, in its discretion, finds it is in the best interests of the Borough; and

WHEREAS, the Borough Council finds that many Improved Properties in the Borough are vacant and abandoned, as a result of either the death or abandonment of the Owner, and from which no sewage is being discharged into the Sewer System, and the continued accumulation of User Charges and penalties thereon on said Improved Properties has created a financial hardship on the Borough in that bills continue to have to be generated, penalties calculated, and collection efforts undertaken; and

WHEREAS, the Borough Council deems it to be in the best interest of Gordon Borough to cease accumulating User Charges and penalties thereon on Improved Properties which are vacated and abandoned and for which the Owner thereof, due to death, is unknown, or the whereabouts of said Owner, due to abandonment, are not reasonably discovered, and Council therefore seeks to make special arrangements in such cases;

NOW, THEREFORE, a Motion is requested as follows:

1. Any Borough Official or Employee charged with billing for the Sewer System of Gordon Borough shall cease to bill new User Charges, and shall cease assessing penalties on old arrearage figures, if the following conditions are met:
 - A. the Improved Property subject thereto is vacant and/or abandoned;
 - B. no sewage is being discharged from the Improved Property subject thereto into the Borough Sewer System; and
 - C. the Owner of the Improved Property subject thereto is unknown due to the death of the owner stated on tax records and/or deed, or the whereabouts of the Owner are not ascertainable by the exercise of reasonable diligence.

2. Any cessation of new User Charges and assessment of penalties on old arrearage figures undertaken by the Officials and Employees of Gordon Borough shall cease and new User Charges shall be billed and new penalties on old arrearage figures shall accrue if:
 - A. a previously vacated or abandoned Improved Property becomes habited; or
 - B. sewage is discharged from the Improved Property into the Sewer System; or
 - C. the Owner and his/her whereabouts of the Improved Property becomes known.