

BOROUGH OF JERMYN ORDINANCE NO. 02- 2020

AN ORDINANCE PROVIDING FOR THE CHARGE AND
COLLECTION OF FEES FOR THE COLLECTION AND DISPOSAL
OF REFUSE; AND PROVIDING PENALTIES
FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Pursuant to its authority under 53 P.S. Section 46202(17), as amended, to regulate the streets, public squares, common grounds, sidewalks and curbs of the Borough of Jermyn; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to make such regulations as may be necessary for the health, safety and general welfare of the Borough of Jermyn and its residents; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to impose fines and penalties; pursuant to its authority under 53 P.S. Section 46202(74), as amended, to make and adopt all such ordinances as may be expedient or necessary for the proper management, care or control of the Borough of Jermyn and the maintenance of peace, good government, safety and welfare of the Borough of Jermyn and its citizens; and pursuant to its authority under 53 P.S. Section 46006(3), as amended, to enact and amend such ordinances as it shall deem beneficial to the Borough of Jermyn and to provide for the enforcement of same, the Jermyn Borough Council enacts the within Ordinance.

It is the desire and intent of the Jermyn Borough Council to ensure that the safety and general welfare of the Borough of Jermyn and its citizens is in the best possible condition for both safety and financial reasons. Therefore, in order to provide for the health, safety and general welfare of the Borough of Jermyn and its citizens, the Jermyn Borough Council enacts the within Ordinance.

Section 1. Title.

This Ordinance shall be known as the "Refuse Collection and Disposal Service Charge Ordinance."

Section 2. Definitions.

- A. 24 HOURS BEFORE THE TIME OF COLLECTION - "24 hours before the time of collection" shall be defined and is hereby defined as 12:00 o'clock a.m. on the date immediately preceding the date scheduled for pickup of refuse in the Borough by the Borough's designated refuse collector at the time.
- B. "BOROUGH" means the Borough of Jermyn, Lackawanna County, Pennsylvania, the Mayor, and the Borough Council of Jermyn.
- C. "BOROUGH COLLECTOR" means that individual, partnership, firm, corporation or business entity designated by the Borough Council as the Borough Tax Collector. In addition, with respect to the collection of delinquent accounts as provided for herein, the Tax Claim Bureau of Lackawanna County is also designated as a Tax Collector for the Borough.
- D. "COMMERCIAL" is the use of premises other than solely as a dwelling.
- E. "DWELLING" is a building used exclusively for residential purposes, except hotels, boarding and lodging houses, tourists cabins and motels.
- F. "DWELLING UNIT" is one or more rooms in a dwelling which room or rooms have fixed cooking facilities arranged for occupancy by one person, two or more persons living together, or one family.
- G. "PERSON" is any person, firm, partnership, association, corporation, company or organization of any kind.
- H. "REFUSE" is all putrescible and non-putrescible solid wastes (excluding body wastes), including garbage, rubbish, ashes, solid industrial waste, dead animals and street cleanings. "Refuse" shall NOT include anything generated at or from a site other than the site from which it is collected.

Section 3. Residential Fees.

- A. The fees for collection and disposal of refuse from residential property shall be at the rate set by Borough Council by resolution each year, per dwelling unit per year. The fees herein provided for shall be paid on an annual basis by

the owner of the dwelling unit, and shall be made payable to the tax collector for the Borough of Jermyn. The fee set as herein provided may be paid by the owner, tenant, lessee or occupant of the particular dwelling unit, but shall be the ultimate responsibility of the property owner.

- B. Any bill unpaid after the applicable calendar year, shall be subject to a penalty of ten percent (10%). Delinquent accounts are subject to stoppage of service, (refuse collection and disposal) upon due notice. Upon stoppage of service, service will be resumed only on payment of all accumulated fees during the delinquent period as well as penalties assessed against the account.
- C. The stoppage of service as herein provided for shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by action in assumpsit or by municipal lien, or at the election of the Borough in any other manner provided by law for the collection of a municipal claim. The Borough expressly grants to the Lackawanna County Tax Claim Bureau full authority to act as a collector for the Borough of any such unpaid charges in the same manner as the Lackawanna County Tax Claim Bureau is the collector of the Borough's delinquent real estate taxes.
- D. Borough Council shall, from time to time, adopt and promulgate rules and regulations setting forth the terms, conditions and administrative procedures for the levying and collecting of the service fees above.

Section 4. Commercial Fees.

- A. The fees for collection and disposal of refuse from commercial property shall be set by the Borough and shall be subject to change as the volume of refuse collected and collection costs vary. The fees herein provided for shall be paid on an annual basis by the owner of the commercial unit, and shall be made payable to the Tax Collector for the Borough of Jermyn. The fee set as herein provided may be paid by the owner, tenant, lessee, or occupant of a particular commercial unit, but shall be the ultimate responsibility of the property owner.
- B. Any bill unpaid after the applicable calendar year, shall be subject to a penalty of ten percent (10%). Delinquent accounts are subject to stoppage of service, (refuse collection and disposal) upon due notice. Upon stoppage of service, service will be resumed only on payment of all accumulated fees during the delinquent period as well as penalties assessed against the account.
- C. The stoppage of service as herein provided for shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by action in assumpsit or by municipal lien, or at the election of the Borough in any other manner provided by law for the collection of a municipal claim. The Borough expressly grants to the Lackawanna County Tax Claims Bureau full authority to act as a collector for the Borough of any such unpaid charges in the same manner as the Lackawanna County Tax Claim Bureau is the collector of the Borough's delinquent real estate taxes.

Section 5. Authorization of Refuse Collection.

- A. It shall be unlawful for any person, other than such persons as are duly authorized by the Borough, to collect and haul refuse of any nature within or from the Borough so as to avoid payment of the refuse collection and disposal service charge as provided for herein.
- B. The Borough Council, shall, by Ordinance or resolution, designate one person as being responsible for the collection and disposal of refuse from the Borough for each fiscal year. Said person shall have the exclusive right and obligation to collect and haul refuse within and from the Borough.

Section 6. Disturbance of containers; placement.

A. It shall be unlawful for any person, persons or corporation to take refuse or its containers from, or disturb in any manner containers placed, on the sidewalks or curbside or elsewhere for collection by residents of the Borough on the day and time duly designated and set apart by the Borough for collection of refuse.

B. Except for a period of twenty-four (24) hours before the time of collection by that agent authorized by Borough Council, no person shall place any refuse or other waste material upon any street, sidewalk or curb, or other public property or right of way, within the Borough of Jermyn. Any such material placed for collection shall be in a fully enclosed container or so packaged as to prevent the intrusion or scattering by animals or by the forces of wind, or otherwise.

Section 7. Penalties.

Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction therefore, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution; each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

Section 8. Repeal of Conflicting Ordinances.

The within Ordinance supersedes and repeals all former and prior Ordinances or parts thereof which conflict or are inconsistent with the provisions of this Ordinance, and to the extent that any prior or existing Ordinances of the Borough of Jermyn are inconsistent with the terms of the within Ordinance, said inconsistent Ordinances or

inconsistent portions thereof are hereby repealed.

Section 9. Separability and Amendment.

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains workable minus the invalid portion.

Section 10. Effective Date.

This Ordinance shall become effective immediately upon its being enacted and ordained.

Enacted and Ordained this 16th day of January, 2020

BOROUGH COUNCIL OF THE BOROUGH
OF JERMYN



Frank Kulick, Council President



Anthony Fuga Jr., Mayor

ATTEST: 

Daniel Markey, Secretary

