

**BOROUGH OF JERMYN**  
**LACKAWANNA COUNTY, PENNSYLVANIA**  
**RESOLUTION 12 - 2016**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF JERMYN,  
LACKAWANNA COUNTY, PENNSYLVANIA,**

**WHEREAS**, the Borough of Jermyn enacted a Refuse Ordinance, Ordinance No. 2 of 1990; and

**WHEREAS**, Council desires to amend Ordinance No. 2 of 1990.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Jermyn, Lackawanna County, Pennsylvania as follows:

Section 1. In accordance with § 3301.1 of the Borough Code, Council amends Ordinance No. 2 of 1990 to read as follows:

“The refuse collection service will be stopped after the end of the first quarter of the following year for delinquent property owners who owe back due garbage fees. Written notice will be provided to each delinquent property owner March 1st, giving the delinquent property owner approximately thirty (30) days to pay the prior year’s fee to continue garbage collection service. The Borough shall provide the garbage collector of delinquent properties in which the stoppage of service shall apply. Proof of payment in full to the Lackawanna County Tax Claim Bureau shall be required prior to garbage service resumption.”

“Exonerations may apply where a dwelling unit or commercial unit is completely unoccupied and generates no refuse for an entire quarter. Exonerations shall be calculated on a reimbursement basis, only after payment in full has been made, and proof of payment in full is shown to the Borough. A quarterly affidavit must accompany any request for exoneration.”

Section 2. In accordance with § 3301.1 of the Borough Code, Council adds an addendum to Ordinance No. 2 of 1990 to read as follows:

“Garbage fee: One Hundred Forty-Five Dollars (\$145.00), per calendar year, per dwelling.

“Delinquent Penalty: 15% of past due garbage fee.”

“Penalty: Stoppage of service until paid in full.”

“Penalty for placing garbage out for pickup, whether at delinquent resident’s address or any other address within the borough of Jermyn”: One Hundred Fifty Dollars (\$150.00) per occurrence, which each day being a separate occurrence.”

“Penalty for violating terms of affidavit for exoneration (untruthfulness about unit being unoccupied or if the Borough receives evidence that garbage has been collected from that location)”: Two Hundred Fifty Dollars (\$250.00).”

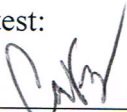
Section 3. The proposed amendments and addendum to Ordinance No. 2 of 1990 shall be published in accordance with § 3301.2 of the Borough Code and shall be available to be examined at the Jermyn Borough Building in accordance with § 3301.2 of the Borough Code.

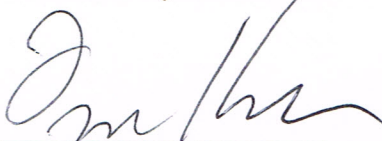
Section 4. In the event, any provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Resolution, it being the intent of Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 5. This Resolution shall be effective immediately upon Council's vote at the December 1, 2016 meeting.

DULY ADOPTED this 1<sup>st</sup> day of DEC, 2016, by Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, in lawful session duly assembled.

Attest:

  
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Borough Secretary

  
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President of Council