

PERKASIE BOROUGH ORDINANCE NUMBER 971

AN ORDINANCE FURTHER AMENDING CHAPTER 96
OF THE CODE OF ORDINANCES OF THE BOROUGH OF PERKASIE
TITLED "GARBAGE, RUBBISH AND REFUSE" TO AMEND SECTIONS
PROVIDING FOR AN ANNUAL REFUSE REMOVAL FEE TO BE IMPOSED ON ALL
RESIDENTIAL UNITS WITHIN THE BOROUGH; PROVIDING FOR BILLING AND
NON-PAYMENT; AND PROVIDING FOR REMEDIES FOR NON-PAYMENT

WHEREAS, the Borough Council of Perkasia Borough ("Borough"), after public hearing in an effort to preserve the health, safety, and welfare of its residents, believes it to be in the best interest of the residents of the Borough to keep an updated Code of Ordinances in accordance with updates to court decisions involving the content of same; and

WHEREAS, the express intent and purpose of this ordinance is to clarify that the Borough has the ability to charge a Refuse Removal Fee; and

WHEREAS, the Borough Code of Ordinances currently provides for a "Refuse and Recycling Removal Fee"; and

WHEREAS, the relevant sections of the Borough Code of Ordinances in shall be hereby amended to provide for a "Refuse Removal Fee"; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Code of the Borough be and hereby is amended as follows:

SECTION 1. The following provisions of Chapter 96 of the Code of Ordinances, identified as **Section 96-11.1 "Refuse and Recycling Removal Fee."**, containing Subsections **A. "Annual Refuse and Recycling Removal Fee Imposed"; B. "Billing and Payment of Refuse and Recycling Removal Fee";** and **C. "Non-Payment of Refuse and Recycling Removal Fee."**, are hereby amended as follows to remove all references to a "Refuse and Recycling Removal Fee" and replace this language with "Refuse Removal Fee":

§ 96. 11 .1. **Refuse and Recycling Removal Fee.**

A. **Annual Refuse and Recycling Removal Fee Imposed.** An annual Refuse and Recycling Removal Fee, as established by Council from time to time by resolution and set forth in the Consolidated Fee Schedule, is hereby imposed upon and shall be charged against the occupant/resident of record of any residential property for each residential dwelling unit for which trash, recycling or bulky waste removal services are provided by the Borough.

B. **Billing and Payment of Refuse and Recycling Removal Fee.** The Refuse and Recycling Removal Fee billing will be mailed for calendar year for each residential unit after the adoption of the fee. Thereafter, the Refuse and Recycling Removal Fee billing will be mailed each calendar year. In the event a tenant-occupied unit does not pay the Refuse and Recycling Removal Fee, the owner shall be responsible for payment. So that the owner may be aware of the status of payment of the Refuse and Recycling Removal Fee, the owner shall be permitted to obtain tenant account payment information from the Borough upon request. Properties with multiple units will be charged and billed for each unit. Payment shall be due within thirty (30) days from the date of the bill.

C. **Non-Payment of Refuse and Recycling Removal Fee.** If the bill for any unit is not paid within thirty (30) days after the date of the bill, a five (5%) percent penalty shall be added thereto; if the payment, plus penalty, is not paid within sixty (60) days after the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at a rate of nine (9) percent per annum, or the maximum rate permitted by law. Any unpaid bill (together with penalties and interest thereon, to the extent permitted by law) and all delinquent costs shall be a lien on the property served, which may be collected by any available legal action, including by way of a lien filed in the nature of a municipal claim.

Costs and/or reasonable attorney's fees incurred by the Borough shall be added to the unpaid bill along with penalties and interest and the aggregate of the same shall be entered as a lien on the property served and collected in the manner provided by the Municipal Claims Act, 53 P.S. §7101 et. seq.

SECTION 2. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION 3. All inconsistent provisions of other ordinances or parts of ordinances are repealed to the extent of the inconsistency. All provisions of the ordinances of the Borough of Perkasié shall remain in full force and effect.

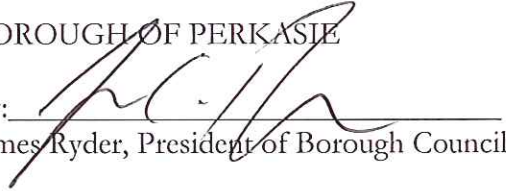
SECTION 4. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted and Ordained this 7th day of April, 2014.


ATTEST:


Andrea L. Coaxum, Secretary

BOROUGH OF PERKASIE

By: 
James Ryder, President of Borough Council

Approved this 7th day of April, 2014.


John Hollenbach, Mayor