

ORDINANCE NO. 1-2011

BOROUGH OF PORT CARBON

AN ORDINANCE AMENDING CHAPTER 203 ENTITLED "SOLID WASTE" CHAPTER 203, ARTICLE I ENTITLED "COLLECTION AND DISPOSAL FOR PURPOSES OF CHANGING AND AMENDING COLLECTION OF FEES, PENALTIES, EXONERATIONS AND PROHIBITING IMPORTATION OF SOLID WASTE WITHIN THE BOROUGH LIMITS, OF THE BOROUGH OF PORT CARBON, COUNTY OF SCHUYLKILL, COMMONWEALTH OF PENNSYLVANIA.

WHEREAS, Port Carbon Borough Council by and through recodification enacted Chapter 203 entitled Solid Waste and further enacted Article I entitled Collection and Disposal governing the collection, disposal, fees, and penalties governing sanitation collection within the Borough of Port Carbon; and

WHEREAS, Port Carbon Borough experienced certain individuals and entities importing sanitation over the Borough limits whereby refuse, garbage, and ashes have been placed for collection whereby the aforementioned was not generated from dwellings or dwelling units within the Borough, and

WHEREAS, in order to better serve its citizens, Port Carbon Borough Council deems it necessary to collect fees on a quarterly basis as opposed to a semi-annual basis; and

WHEREAS, Port Carbon Borough Council deems it necessary to better articulate the procedure for exonerations.

NOW THEREFORE BE IT ORDAINED AND ENACTED, that Chapter 203 Article I of the Port Carbon Code shall be amended and read as follows:

1. Chapter 203-7 A. and B. entitled Fees and Penalties shall be amended to read as follows:

§ 203-7. Fees and Penalties.

A. Dwellings and Dwelling Units. The fees for collection and disposal of garbage, refuse and ashes from dwellings or dwelling units shall be set from time to time by Ordinance of the Borough Council. The Borough hereby sets fees for collection and disposal at an annual rate of \$180.00 to be collected in \$45.00 quarterly installments. The Borough may designate an agent to act on its behalf in the collection and accounting of fees. All accounts shall be paid quarterly and shall be considered delinquent if not paid for the periods as follows:

1. January through March – March 31

2. April through June – June 30
3. July through September – September 30
4. October through December – December 31

All such delinquent accounts shall be subject to stoppage of service without notice. Upon stoppage, service will be resumed thereafter only on payment of accumulated fees for the period of collection and noncollection plus a penalty of \$10.00 per dwelling or dwelling unit per quarter as set from time to time by Ordinance by Borough Council together with the maximum interest thereon as provided by law, filing fees of lawsuit, and any other charge or penalty allowed by the Borough Code. The stoppage of service herein provided shall be in addition to the right of the Borough to proceed for collection of such unpaid fees by action in assumpsit, by municipal lien or, at the election of the Borough, in any other manner provided by law for the collection of municipal claim. The payment of fees as herein provided shall be the responsibility of the owner of the dwelling or dwelling unit and, in the event of a transfer of ownership or unsettled charges, shall become the responsibility of the new owner.

- B. Exonerations. Any dwelling or dwelling unit which is totally unoccupied and which generates no refuse for an entire quarter or three-month billing period shall be exonerated from the fees herein provided. Such exoneration shall be made only after the owner has filed an affidavit certifying such vacancy. No such exoneration shall be made on the basis of vacancies of less than an entire quarter or three-month billing period. The owner possesses the responsibility of applying for an exoneration. Exonerations shall only be granted on a prospective basis only. The owner shall be not granted exoneration on a retroactive basis.

2. Chapter 203, Article I shall contain newly enacted Section as follows:

§ 203-9. Importation of Ashes, Garbage, Refuse or Other Material.

It shall be unlawful to place for collection any garbage, refuse, ashes, or any other material generated from any dwelling, dwelling unit, or any other source whatsoever outside the Borough limits for collection and hauling. It shall be unlawful to import any garbage, refuse, ashes, or any other material into the Borough limits for collection by the Borough Collector. The Borough Collector shall only receive garbage, refuse, ashes, or any other material generated from dwellings and dwelling units within the Borough limits. Any person violating any of the provisions of this Article shall, upon conviction be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

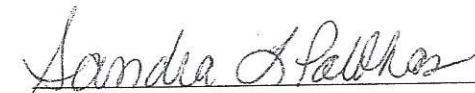
3. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof and the prior enacted ordinance shall remain in full force and effect.

4. The remaining portions of Chapter 203, Article I not amended or affected by this ordinance shall remain in full force and effect.
5. Any ordinances or resolutions not in conflict herewith shall remain in full force and effect.
6. Any ordinances or resolutions in conflict herewith shall be repealed.
7. This ordinance shall be effective retroactive January 1, 2011.

ADOPTED this 8th day of February, 2011.

PORT CARBON BOROUGH

ATTEST:

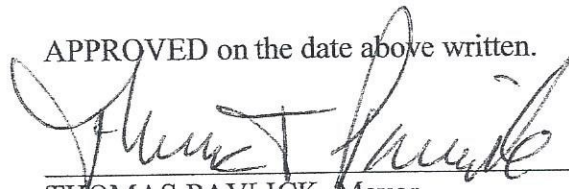


SANDRA PALOKAS
Interim Borough Secretary
(Seal)

BY: 

HAROLD HERNDON, Council President

APPROVED on the date above written.



THOMAS PAVLICK, Mayor