

ORDINANCE NO. 265

ORDINANCE PROVIDING FOR THE ASSESSMENT BY THE BOROUGH OF AN ANNUAL FEE FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH FROM RESIDENTS AND PROPERTY OWNERS OF THE BOROUGH, PRESCRIBING REGULATIONS AND TIMES FOR THE PAYMENT AND COLLECTION OF THE FEE AND PENALTIES FOR NON-PAYMENT THEREOF.

BE IT RESOLVED by the Council of the Borough of Southmont, Cambria County, Pennsylvania, and it is hereby resolved by the authority of the same in pursuance of authority granted to Boroughs of the Commonwealth of Pennsylvania by the Act of 1966, February 1, P. L. (1965) No. 581, Section 1202 (11) as follows:

Section I. DEFINITIONS.

- (a) A "dwelling unit" is a room or series of rooms in a building occupied for living by one or more persons as a single household group.
- (b) A "business unit" is a building or part of a building used for the purpose of obtaining a livelihood or profit from a trade or other service offered to the public.

Section II. All garbage and rubbish accumulated within the Borough shall be collected, conveyed and disposed of in accordance with the provisions of Ordinance No. 181 of the Borough enacted February 10, 1958.

Section III. There is hereby imposed upon the owners, occupiers, tenants or lessees of each dwelling unit and each business unit within the Borough an annual fee to be called a "Municipal Service Fee" for the collection and disposal of garbage and rubbish accumulated within the Borough for the year 1971, from the date of the enactment of this Ordinance to December 31, 1971, and thereafter for each calendar year, in the sum of Eighteen (\$18.00) Dollars.

Section IV. Payment of the fee herein assessed shall be made to the Borough Tax Collector during the period from March 1, to March 31 each year with a discount of ten per cent (10%) thereof, and for the period from March 31 to July 1, at face, and after July 1, each year with a penalty of Five (\$5.00) Dollars for each fee, plus interest at 6% per annum. If an account is not paid by July 1 of each year, it shall be delinquent and the Street Commissioner is authorized to refuse garbage and rubbish collection for units owing delinquent fees, unless otherwise directed by the Health Office of the Borough.

Section V. Stoppage of service authorized for non-payment of fee shall be in addition to the right of the Borough to proceed for the collection of unpaid fees in the manner provided by law, either by an action in assumpsit or by the filing of a municipal claim or lien.

Section VI. The Tax Collector of the Borough is hereby authorized and directed to issue statements for said fees to all owners, occupiers, tenants or lessees of dwelling units and business units within the Borough, and to collect the fees hereby assessed, and for so doing, he shall be entitled to a commission of three per cent (3%) of the amount collected. The Tax Collector shall issue

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receipts therefor and shall remit monthly to the Borough Treasurer the amount collected hereunder with a statement of the units for which the fee has been collected. He shall provide Bond for the faithful performance of his duties in the amount of Fifteen Thousand (\$15,000.00) Dollars. The Bond premium, printing and postage costs for said collections shall be paid by the Borough.

Section VII. The Borough Council shall cause to be prepared a list or census of the dwelling units within the Borough as of February 1 of each year, and the owners, occupiers, tenants or lessees thereof, and shall forward the same to the Tax Collector.

Section VIII. Persons disagreeing with the determination of a dwelling unit or business unit or the fee charged hereunder shall have a right of appeal to the Borough Council, which may confirm, modify or revoke such determination.

Section IX. The Borough may, by regulation, prescribe a reasonable accumulation of garbage or rubbish for each dwelling unit or business unit, and should the amount of garbage or rubbish accumulated for any such unit become unreasonable in relation to the fee and cost of removal thereof, the Borough Council may assess additional fees or require such unit to arrange otherwise for such collection.

Section X. In the event a dwelling unit or business unit is newly erected or occupied within the Borough during the course of the year, the fee shall be pro-rated at the rate of One and 50/100 (\$1.50) Dollars per month for the month beginning on the first of the month during which the premises are so occupied. The fee for each unit paid during the year shall inure to the benefit of new owners, occupiers, tenants or lessees of each unit.

Section XI. The owners, tenants, lessees or occupiers of the dwelling units or business units, as herein defined on February 1 of each year, shall be responsible for the payment of the municipal service fee hereby assessed for that year.

Section XII. SEPARABILITY. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct provision and such holdings shall not effect the validity of the remaining portions hereof.

Section XIII. REPEAL. All ordinances and parts of any ordinances in conflict with the provisions of this Ordinance are hereby repealed.

This Ordinance shall become effective on January 11, 1971.

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PASSED this eleventh day of January, 1971.

BOROUGH OF SOUTHMONT CAMBRIA COUNTY
PENNSYLVANIA

By Paul K. Wain
President of Council

ATTEST

Ernie D. Hanner
Secretary

APPROVED:

Robert M. Moore
Mayor