

EAST PROSPECT BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO.: 2007-~~43~~3

AN ORDINANCE AMENDING THE REFUSE ORDINANCE
OF EAST PROSPECT BOROUGH TO AUTHORIZE THE
BOROUGH'S REFUSE AND RECYCLING CONTRACTOR
TO COLLECT THOSE FEES AND COSTS ASSOCIATED
WITH THE COLLECTION OF REFUSE AND RECYCLING
WITHIN THE BOROUGH OF EAST PROSPECT

WHEREAS, the Borough Council of East Prospect Borough enacted Ordinance No. 75-2, the "Refuse Ordinance," to provide regulation of the collection of refuse within the Borough; and

WHEREAS, the Refuse Ordinance was amended by Ordinance No. 1991-3 to establish a recycling and source separation program in the Borough; and

WHEREAS, Ordinance Nos. 75-2 and 1991-3 were amended by Ordinance 2005-___;
and

WHEREAS, the Borough has accepted a bid for its refuse contractor ("Contractor") to collect and dispose of refuse and recycling, as well as invoice and collect such charges associated with such services; and

WHEREAS, the Borough Council of East Prospect Borough have determined that is in the best interests of its citizens and of the Borough to amend the Refuse Ordinance.

NOW, THEREFORE, be it ENACTED and ORDAINED by the Borough Council of East Prospect Borough, as follows:

Section 1. Section VIII of Ordinance No. 75-2 is hereby deleted in its entirety and replaced with the following:

Section VIII. Refuse and Recycling Collection and Disposal Fees; Invoicing and Collection

- A. The fee for collection and disposal for each dwelling unit, rooming unit or commercial unit, other than those commercial units utilizing a dumpster, shall be Six Hundred Twenty-Eight (\$628.00) Dollars per unit per year (Fifty-Seven (\$57.00) Dollars per unit per quarter). Subsequent hereto, this fee may be set by Resolution of Borough Council from time to time. The owner of the property benefited by such services shall be responsible for the payment of all fees, charges and penalties imposed by this section.

- B. This fee shall be billed on a quarterly basis by the Contractor and will be due and payable thirty (30) calendar days after the billing date of the invoice. If any fees or charges imposed by this section are not paid within thirty (30) calendar days after the same shall become due, there shall be added a penalty of Ten (\$10.00) Dollars. Further, in the event any fees or charges imposed by this section are not paid within thirty (30) calendar days after the same shall become due, the fees and charges shall bear interest at the rate of six (6%) percent per year until such fees and charges are paid in full.
- C. In the event fees or charges remain unpaid for a period of sixty (60) days as provided in Section B, the Contractor, as agent for the Borough, is hereby authorized to file a civil action to collect any fees or charges, interest and penalties imposed hereby and any fees and costs of collection of the same, including reasonable attorney's fees and costs of such action.
- D. In the event dumpsters are utilized for the collection of refuse from commercial units, the owner of such unit shall enter into a separate contract with a contractor of his/her choice for the removal of refuse.

Section 2: Nothing contained in this Ordinance shall be construed to interfere with or in any way modify the provisions of any existing contract, which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the Borough on the effective date of this Ordinance.

Section 3: Any ordinance or portion thereof, which is inconsistent herewith, is hereby repealed to the extent of such inconsistency.

Section 4: This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED by the Borough Council of East Prospect Borough this 6 day of February, 2007.

ATTEST

Asst. Sec. Donald E. Banf
Secretary

BOROUGH COUNCIL OF
EAST PROSPECT

J. Thore (SEAL)
President/Vice President

APPROVED this 6 day of February, 2007.

M. Kuntz
Mayor