

**Article VII — Fees**

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## **Article VII — Fees**

### **§ 67-701 Schedule of Fees.**

(a) **In General.** Borough Council is hereby authorized to establish, from time to time, by Resolution, a schedule of fees for the services provided under this Chapter to be imposed with respect to each developed property in the Borough on which solid municipal waste is generated or present (including industrial properties generating lunchroom or office waste), and/or with

respect to each bag, receptacle, or other unit of collectible municipal waste or collectible recyclable materials placed for collection by the Borough or its Contractor.

**(b) Methods of Imposing Fees.** Different methods of imposing fees may be charged with regard to different materials (*e.g.*, a “per bag” fee may be charged for leaf waste while a “per property” fee is charged for collectible municipal waste or other collectible recyclable materials), different methods of collection (*e.g.*, drop-off or curbside), or different volume levels (*e.g.*, a base fee for basic service, plus an additional fee [whether “per bag” or an annual fee] for additional volume).

**(c) Differentiation among Properties.** Different fees may be charged with respect to properties with different types of use (*e.g.*, residential, commercial, municipal, school, institutional, etc.), properties which generate different volumes of refuse, and/or properties which may be differentiated by any other reasonable criteria.

**(d) All Properties Charged for “Per Property” Fees.** Any “per property” fee shall be collected with respect to a property regardless of whether the property owner elects to utilize the services provided under this Chapter, except as provided under § 67-305 (relating to permits for private disposal of collectible municipal waste).

**(e) Sales of Required Receptacles.** A “per bag” fee may be imposed by charging a premium for authorized bags or other authorized receptacles sold for use in the Borough program for collecting collectible municipal waste and/or collectible recyclable materials, in addition to the cost of such bags or receptacles.

**(f) Incentives.** Any fee schedule may include incentives to encourage the recycling of collectible recyclable materials.

**(g) Limitation on Amount of Fees.** The aggregate fees charged under this Chapter shall not exceed the reasonably anticipated costs to be incurred by the Borough for collecting, transporting, and disposing collectible municipal waste and collectible recyclable materials (either directly or under contract with the Contractor), and administering and enforcing the provisions of this Chapter and any contract with a Contractor, plus a reasonable contingency.

**(h) Current Fee Schedule.** Unless and until changed or supplemented by action under the preceding subsections of this § 67-701, the schedule of fees for the services provided under this Chapter shall be as follows:

**(1) Residential.** The owner of a residential dwelling unit in the Borough shall pay a fee for the collection and disposition of municipal waste and recyclable materials under this Chapter of One Hundred Fifty-three Dollars (\$153.00) each calendar quarter for each residential dwelling unit owned, except for any residential dwelling unit not connected to the Borough water system for the entire quarter. The owner of a residential dwelling unit in the Borough who also conducts a business from the property shall pay a quarterly fee of One Hundred Fifty-three Dollars (\$153.00) per equivalent dwelling unit for the collection and disposition of municipal waste and recyclable materials under this Chapter. Each such property shall be assigned a number of equivalent dwelling units based on an estimate of the amount of collectible municipal waste hauled from that property divided by the amount of collectible municipal waste hauled from a typical residential dwelling unit. This number shall be set, from time to time, by the Borough, subject to appeal to the Borough Council. In the absence of any specific action establishing

equivalent dwelling units, the quarterly fee for such a residential dwelling unit shall be One Hundred Fifty-seven Dollars (\$157.00).

(2) **Nonresidential.** The owner of each nonresidential property in the Borough shall pay a quarterly fee of One Hundred Fifty-three Dollars (\$153.00) per equivalent dwelling unit for the collection and disposition of municipal waste and recyclable materials under this Chapter. Each nonresidential property shall be assigned a number of equivalent dwelling units based on an estimate of the amount of collectible municipal waste hauled from that property divided by the amount of collectible municipal waste hauled from a typical residential dwelling unit. This number shall be set, from time to time, by the Borough, subject to appeal to the Borough Council. In the absence of any specific action establishing equivalent dwelling units, the quarterly fee for a nonresidential property served by one or more dumpsters shall be computed on the basis of three (3) equivalent dwelling units per dumpster.

(3) **Excess Volume.** In addition to the fees payable under paragraphs (1) and (2), if an owner or occupant of a property in the Borough requires the collection and disposal of collectible municipal waste generated on that property in excess of the maximum amount which the Contractor is required to collect from that property under the terms of its contract with the Borough without the payment of an additional fee to the Contractor, then the owner or occupant shall make advance arrangements with the Borough Manager for the collection of such excess, and shall pay the Borough, in advance, an amount equal to the amount which the Borough must pay the Contractor for the collection of such excess.

## § 67-702 Responsibility for Fees.

The fees imposed under this Chapter with respect to any given property shall be the joint and several responsibility of all record owners of the property, all persons in possession of the property, and all other persons producing or responsible for the existence or disposal of refuse present on such property, or for whom such refuse is removed.

## § 67-703 Billing and Collection of Fees; Penalties.

(a) **Rendering of Bills.** All bills for the fees imposed under this Chapter with respect to any given property shall be rendered at least twenty-five (25) calendar days before the due date, and are payable to the Borough at the Borough Hall. Bills shall be mailed to the address appearing on the tax records of the Borough or to the property itself, unless the owner of the property designates a different address from time to time. Each owner shall provide the Borough with, and thereafter keep the Borough advised of, the owner's current and correct address. The failure of any person to receive a bill shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(b) **Due Date.** Bills shall be due each January 31, April 30, July 31, and October 31 for services rendered during the most recently ended calendar quarter, and shall also include the outstanding balance of unpaid amounts from previous bills and unpaid late payment penalties. Payments are credited on the date they are received at the Borough Hall.

(c) **Late Payment Penalties.** A late payment penalty shall be imposed if there remains an outstanding balance on any bill rendered under subsection (a) as of 12:00 noon on the sixth (6<sup>th</sup>) calendar day after the due date of that bill. The amount of the late payment penalty is fifteen percent (15%) of the outstanding balance on the bill (including amounts originally billed for previous quarters that remain unpaid, and unpaid late payment penalties) as of the time the penalty is imposed.

(d) **Collection.** If there is an unpaid balance on any bill sixty (60) days after the due date of the bill, the Borough Manager may file a civil action before the local District Justice to collect the unpaid balance, or may refer the account to the Borough Solicitor to proceed with a civil action or utilize any available procedures for the perfection of a municipal lien and collection of a municipal claim.

#### § 67-704     **Receipt of Fees.**

It shall be the duty of the Borough Manager, *ex officio*, to receive all fees provided under this Chapter and remit them to the Borough Treasurer for deposit in Borough accounts.