

BOROUGH OF BELLEVUE

COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 14-09

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, AMENDING ORDINANCE NO. 13-16, 09-02 and 09-01 AND ESTABLISHING RATES FOR THE COLLECTION OF GARBAGE BY THE BOROUGH THROUGH ITS EXCLUSIVE BOROUGH COLLECTOR.

THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE HEREBY ORDAINS:

SECTION 1: Section 3 of Ordinance No. 09-02, which itself amended Section 5 of Ordinance 90-1, is hereby further amended, such that Section 5 of Ordinance 90-1, is hereby further amended, such that Section 5 of Ordinance 90-1, as amended by Ordinance 09-02, shall hereafter read, in full, as follows:

“Section 5. All persons occupying residential dwelling structures of not more than three (3) units are required to utilize and subscribe to the said garbage, rubbish and recyclable collection disposal service provided by Waste Management of Pennsylvania, and to pay for the same in accordance with the following rates:

“A. The sum of \$189.00 per dwelling unit for the year of 2015, and each year thereafter until changed by Town Council. Said persons shall be billed on January 30th of each year and shall be due and payable by on or before March 30th or in two installments by on or before March 30th and July 2nd, as follows:

1. *The above amount shall be due and payable by on or before March 5th of said year, except if the total amount of \$189.00 is paid by the last day of February, a discount of Ten Dollars (\$10) will be allowed.*
2. *If the amount due is paid in two (2) installments, the first installment of fifty percent (50%) of face value shall be paid on or before March 30th of that year, and the second installment of balance shall be paid on or before July 2nd of that year."*

"B. The fees herein provided shall be paid as stated in paragraph A hereof by the owner of the dwelling unit, and shall be the legal obligation and responsibility of said dwelling unit, all unsettled fees or charges shall become the responsibility of the new owner."

"C. In the event owner does not make timely payment on or before March 30th or per the payment plan as set forth above, penalty, interest, and other hereby assessed as follows:

1. *Penalty shall be imposed on delinquent unpaid balances (after the due date) in the amount of ten percent (10%) and*
2. *Interest shall accrue and be charged on delinquent unpaid balances (after the due date) at the rate of ten (10%) percent per annum for each month, or fraction thereof, until paid; and*
3. *Reasonable attorney's fees shall be added, as per Borough Ordinance; and*
4. *Payments received on unpaid balances shall be applied first to all penalty charges, then to interest charges, and lastly to principal balances due and owing."*
5. *The payment, interest, penalties, additional penalties, court costs and attorneys fees levied and assessed hereunder shall be due and payable whether or not the property is occupied or vacant."*

“Delinquent accounts are subject to stoppage of service without notice at the option of the Director of Administrative Services. Upon stoppage, service will be resumed thereafter only on payment on all accumulated charges for the period of collection and the non-collection charges as well as all penalties and interest assessed against the account.”

“The stoppage of service herein provided shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by action in assumption or by municipal lien, or at the election of the Borough, in any manner provided by law for the collection of a municipal claim, and all costs of collection, including court costs, attorney’s fees, and Administrative costs.”

“D. The Director of Administrative Services shall set forth in every Municipal Lien Certificate the status of each account and any amounts due must be paid prior to or at the time of the transfer of ownership of said property.”

“E. Unless otherwise directed by the Borough of Bellevue, the aforesaid payments for garbage, rubbish and recyclable collection and disposal services shall be made to the Borough of Bellevue.”

“SECTION 2: Nothing contained in Section 1 herein shall be interpreted to preclude the Borough in its discretion, from offering upon request optional municipal garbage collection services to such multi-family residential structures having four (4) or more dwelling units as it deems appropriate, provided that the Borough and the Borough Collector first determine that curbside service is reasonably feasible for the requested multi-unit residential structure and for the property; provided further that the Borough has first entered into an agreement with its then exclusive Borough Collector authorizing such multi-family residential structure to be included in its then-existing residential collection services agreement with the Borough at a per unit cost no greater than the per unit cost applicable to other residential dwelling units covered generally by such agreement; and provided further that such optional municipal garbage collection

services shall be involved directly to an payable directly by the owner (i.e. landlord) of such multi-family residential structure having four (4) or more dwelling units. In such event, any multi-family residential structure having four (4) or more dwelling units. In such event, any multi-family residential property owner accepting such optional municipal garbage collection services pay such per unit rate as provided in Section 1 hereof or such greater per unit rate as may be established by resolution of Council from time to time. Any such owner receiving optional municipal garbage collection services shall also be subject to all other provision of this Ordinance and all other Borough Ordinances pertaining to garbage storage or garbage remove and collection services, and such owners shall be subject to such other terms and conditions as may be imposed by the Borough as a condition of providing such optional services. The Borough shall at all times reserve the right to terminate and/or refuse to enter into or renew optional service to any multi-family structure whose owners(s) fail at all times to timely pay for and maintain their Borough garbage account in good standing or to whose owners or occupants fail to otherwise comply with any other applicable Ordinances pertaining to garbage storage removal and collection services. Moreover, the Borough further reserves at all times the power to change, modify, amend, or cease altogether the practice of providing optional municipal collection services to multi-unit residential structures.”

SECTION 3: This ordinance shall become effective January 1, 2015.

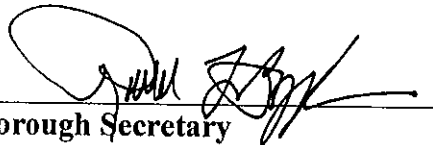
SECTION 4: If any section, clause, provisions or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such be held invalid or unconstitutional by any court of competent jurisdiction, such decision

shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision of this Ordinance so long as it remains workable minus the invalid portion.


SECTION 5: Any ordinance, or part thereof, conflicting with the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ENACTED THIS 29th **DAY of December, 2014.**


ATTEST:


Borough Secretary

BOROUGHOF BELLEVUE:


Mark Helbling, President
Bellevue Town Council

Examined and approved this 31ST day of DECEMBER, 2014.


Hon. Paul A Cusick, Mayor