

BOROUGH OF DURYEA

ORDINANCE NO. 2024-2

Enacted: December 23, 2024

**AN ORDINANCE AMENDING ORDINANCE NO. 2023-2 OF 2023 DATED December 12, 2023,
AND ALL SUBSEQUENT AMENDMENTS THERETO**

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Duryea, County of Luzerne, Commonwealth of Pennsylvania, and it is hereby **ORDAINED AND ENACTED** by the Authority of the same as follows:

WHEREAS, the Borough of Duryea established an Ordinance (No. 2023-2 of 2023) relating to the sanitation and promotion of public health and safety; providing for the establishment of a municipal collection and disposal service for all garbage, rubbish and ashes accumulated in the Borough of Duryea, providing for the enforcement and penalties for the violation thereof, and designating the Borough of Duryea as the exclusive collector of all residential solid waste and recyclable materials within the Borough of Duryea, and repealing ordinances and parts of ordinances inconsistent herewith.

WHEREAS, the Borough of Duryea wishes to revise and/or modify the "Fees" section of the Refuse Ordinance.

NOW, THEREFORE, the Borough Council of the Borough of Duryea hereby amends the Refuse Ordinance, and all Amendments thereto as follows:

ARTICLE IV

FEEES

(1) The fees for the collection and disposal of refuse placed for collection at ground level and not more than ten (10) feet distance from the side of the streets or alleys from which collection is made shall be as follows and can be modified by resolution by the borough council of the Borough of Duryea:

- (a) Each property owner shall be responsible for the payment of each unit owned by them.
- (b) The ANNUAL FEE is due no later than April 30th of each calendar year, payable to the Borough of Duryea, and the requirement for each unit shall include:
 - The purchase of one (1) pack of fifty-two (52) stickers @ \$125 per unit.
 - Additional packs, at the same price, could be purchased through September 30 of each year. Thereafter, only individual stickers may be purchased.
 - Individual stickers could be purchased at the borough building for \$2.75, and at local stores (see website for list of stores) for \$3.25.

(c) Delinquent fees:

All fees shall be considered delinquent if not paid on or before April 30th of each calendar year. All delinquent accounts shall be subject to discontinuation of services without notice, unless specified otherwise by the Street Supervisor. Service shall be resumed after the payment of the accumulated fees has been made, which includes twenty-five dollars (\$25) per month that the account is delinquent, unless otherwise specified by the Street Supervisor. The discontinuation of service hereinbefore authorized for non-payment of fees shall be in addition to the borough's right to proceed for collection of such unpaid charges by an action in assumpsit or, at the election of the borough, in any other manner provided by law for the collection of municipal claims. Once the annual fee, along with late fees, has been paid, the amount of stickers distributed will be pro-rated weekly (minus one sticker per week) for trash that has previously been collected throughout the year.

- (d) Permit Fee for Private Haulers: The fee for private haulers shall be one hundred (100) dollars per year, to be paid no later than January 31st of each calendar year. Further, said permits should not be transferable.

The permit fee shall be considered delinquent if not paid on or before January 31st of each calendar year. A twenty-five dollar (\$25) late fee per month will apply to all delinquent accounts as of February 1st of each calendar year. The fees shall be in addition to the borough's right to proceed for collection of such unpaid charges by an action in assumpsit or, at the election of the borough, in any other manner provided by law for the collection of municipal claims.

- (e) Partial years: The borough shall pro-rate applicants' (new residents) garbage fees quarterly of the then current year. Accordingly, said applicants shall pay seventy-five percent (75%) of the annual fee after March 31st of each year; fifty percent (50%) of the annual fee after June 30th of each year; twenty-five percent (25%) of the annual fee after September 30th of each year.

- (f) Method of payment: All fees due hereunder shall be paid in the form of cash, certified or personal check made payable to "Duryea Borough", money order, or credit/debit card.

- (g) Insufficient Funds: There will be a thirty-five dollar (\$35) fee for all returned checks.

- (h) Shipping Fee: There will be a five dollar (\$5) shipping fee for all full packs of stickers mailed to residents.

(i) Dumpsters:

- 1 yard \$255
- 2 yard \$465
- 3 yard \$675
- 6 yard \$1300

ARTICLE V
PENALTIES

Any person, whether as principal, agent, or employee, violating or assisting in the violation of any of the provisions of this Ordinance or any regulation made by Borough Council or the Street Commissioner under the provisions hereof, shall, upon conviction thereof by the Magisterial District Justice, pay a fine of Two Hundred Fifty Dollars (\$250.00) for a first offense, a fine of Five Hundred Dollars (\$500.00) for a second offense and a fine of One Thousand Dollars (\$1,000.00) for a third or subsequent offense. In addition, such person shall pay the appropriate annual refuse/garbage fee to the Borough within five (5) business days of the date of conviction. After notice, each day's neglect to comply with the provisions of this Ordinance or any regulation, shall be deemed separate offenses and shall be subjected in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each day's offense after the first conviction. Further, said penalties shall be payable upon demand.

REPEALER:

In all other respects, the aforesaid Ordinance and all Ordinances or Resolutions or parts of Ordinances or Resolutions which are inconsistent herewith are hereby repealed.

All Ordinances, Amendments thereto, or parts thereof inconsistent herewith are hereby

ENACTED AND ORDAINED by the Borough Council of the Borough of Duryea, County of Luzerne, Commonwealth of Pennsylvania, this 23rd day of December 2024.

ATTEST:





Stephanie Shupp, President
Duryea Borough Council

APPROVED this 23rd day of December 2024.



Jeffrey Bauman
Duryea Borough Mayor