

Bill No.: 8-23
Introduced: November 14, 2023
By Commissioner: Ranney
Enacted: December 12, 2023

MT. LEBANON, PENNSYLVANIA

ORDINANCE NO. 3362

**AN ORDINANCE OF MT. LEBANON, PENNSYLVANIA
ESTABLISHING A FEE FOR GARBAGE COLLECTION**

WHEREAS, Mt. Lebanon, PA ("Mt. Lebanon") currently contracts for the collection of Garbage; and

WHEREAS, Mt. Lebanon desires to assess a fee for all properties that receive or benefit from said service.

NOW THEREFORE, Mt. Lebanon, Pennsylvania, hereby ordains as follows:

Section 1. The following definitions are added to section 14-101 of Chapter XIV of the Mt. Lebanon Code to read as follows:

(1) **Owner** - Any person, firm, corporation, individual, partnership, company, association, society or group owning real property in Mt. Lebanon.

(2) **Fee** - Sums assessed, imposed and to be collected from each Residence and its Owner which receives Garbage collection.

(3) **Garbage** – Includes rubbish, Garbage, recyclable materials and other refuse to be collected by the person or entity under contract with the Municipality.

(4) **User** - Any person, firm, corporation, individual, partnership, company, association, society or group using, benefiting from or being served by the Mt. Lebanon Garbage collection System.

Section 2. A new section Part 7 is added to Chapter XIV of the Mt. Lebanon Code to read as follows:

14-701. Fee. A fee for collection and disposal of Garbage from each Residence is hereby assessed. The Fee shall be as indicated below.

<u>Year</u>	<u>Annual Fee</u>
2024:	\$290
2025:	\$316
2026:	\$345
2027:	\$375
2028:	\$410

14-702. Owner Responsible. The Owner is responsible for the payment of the Fee for each Residence owned by the Owner. The Fee set herein provided may be paid by the Owner, tenant, lessee, or User of a particular Residence, but timely payment of the Fee shall be the responsibility of the Owner.

14-703. Payment; Discount. The Fee is assessed January 1 of each year. It will be billed on or about February 1 of each year. The Fee will be due at face on August 31 of each year.

If the annual Fee is paid in full by the 30th of April of the year in which the fee is due, the payer may take a 2% discount from the annual fee.

14-704. Exoneration.

Any Residence which is totally unoccupied, and which generates no Garbage for an entire consecutive six-month or twelve-month period in a calendar year shall be exonerated from the Fee as herein provided. Such exoneration shall be granted only after:

- A. The Owner has filed a notarized affidavit with the Manager or the Manager's designee certifying such vacancy; and
- B. The Owner must provide documentary evidence of the lack of occupancy, e.g., evidence from two utilities, i.e., electric and water bills, demonstrating the minimum six-month vacancy of the Residence.
- C. Mt. Lebanon shall have the right to inspect and verify the occupancy status of any property for which an exoneration request is made.
- D. An exoneration given for one six-month period shall reduce the Fee by 50%. An exoneration given for an entire calendar year shall reduce the Fee by 100%.

14-705. Delinquencies. Effective September 1, a penalty of five percent (5%) of the Fee assessed for that calendar year and not paid by such date shall be added for nonpayment.

Interest at the rate of ten percent (10%) per year shall accrue starting September 1 on the Fee or portion thereof that is not paid, and shall continue to accrue until the full amount of such Fee, penalties and other charges are paid in full.

14-706. Lien. In accordance with the Municipal Claims Act, 53 P.S. § 7101, et seq. (as amended), all Fees, penalties, interest, collection fees, lien filing and satisfaction fees and other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject Residence and its Owner from the date of their imposition and assessment.

14-707. Appeal. Any Owner who believes the provisions of this Ordinance have been applied in error may appeal in the following manner and sequence.

An Owner may appeal to the Municipal Manager or the Manager's designee within thirty (30) days of the due date for the Fee. The appellant, stating the grounds for further appeal, shall deliver notice of the appeal to Mt. Lebanon Manager or the Manager's designee. The Municipal Manager or designee shall issue a written decision on the appeal within thirty (30) days. All decisions by the Municipal Manager or the Manager's designee shall be personally delivered to the owner or, sent to the billing address of the customer by first class mail.

A decision of the Municipal Manager that is adverse to appellant may be further appealed to the Commission within thirty (30) days of receipt of the adverse decision. The Appellant, stating the ground for further appeal, shall deliver notice of the appeal to the Municipal Manager or designee. The appellant shall present the appeal at the next meeting of the Commission that is at least 14 days after delivery of the appeal. The Commission shall issue a written decision on the appeal within thirty (30) days of the conclusion of the presentation. The decision of the Commission shall be final.

14-708 Policies; Collections. The Commission or its designee may by resolution adopt such policies and procedures as it deems appropriate to ensure collection of the Fee assessed and imposed pursuant to this Ordinance. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency or delinquent Fee collector; filing of liens; scire facias sur municipal lien proceedings to collect filed liens; and any and all other measures or combination thereof which the Commission may deem appropriate.

All costs of such collection procedures, including but not limited to fees for filing, perpetuation and satisfaction of liens, collection fees, attorney's fees, court costs, litigation expense, charges for service of documents, shall upon being incurred by Mt. Lebanon be imposed as a charge for nonpayment and added to the balance due on said owner's account. The costs and charges shall be the same as the schedule of costs and charges imposed for collection of sanitary sewer accounts, which schedule, as it may be amended from time to time, is incorporated herein by reference.

No lien shall be satisfied, nor shall any collection proceeding be discontinued until all amounts due on an account, including rental, rates, penalties, interest, collection fees, attorney's fees, court costs and other charges are first paid in full to Mt. Lebanon.

The Manager is also authorized to adopt any policies or procedures that the Manager deems necessary or convenient to interpret or implement this Ordinance. The Manager may contract with a person or entity to be the delinquent Fee collector.

14-709 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision of its application not been included therein.


Section 3. Date Effective

This Ordinance shall become effective on January 1, 2024.

ORDAINED AND ENACTED into an Ordinance and passed by the Commission of Mt. Lebanon, Pennsylvania on this 12th day of December, 2023.

ATTEST:

MT. LEBANON, PENNSYLVANIA



Secretary

By: 

President of the Commission

Ordinance (Bill No. 8-23) Garbage Fee