

TOWNSHIP OF WEST HEMPFIELD

Lancaster County, Pennsylvania

RESOLUTION NO. 19-18

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST HEMPFIELD, LANCASTER COUNTY, PENNSYLVANIA, ESTABLISHING POLICIES AND PROCEDURES RELATING TO IMPOSITION AND COLLECTION OF CHARGES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS.

WHEREAS, the Township has enacted ordinances governing the source separation of designated recyclables and the collection and disposal of solid waste and designated recyclables which are now codified as Article II of Chapter 118, Solid Waste, of the Code of Ordinances (the "Ordinance"); and

WHEREAS, Section 118-26 of the Ordinance authorizes the Board of Supervisors to establish fees and adopt policies and procedures for the dates fees are due, interest and penalties for late payments and provisions for municipal liens and attorneys' fees for unpaid collection service fees; and

WHEREAS, the Board of Supervisors desires to adopt fees, interest and penalties for late payments and provisions for municipal liens and attorneys' fees for unpaid collection service fees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, as follows:

Section 1. Basic Services Provided to Township Customers and Billing Procedures for Such Services. The service charge for Township refuse and recyclable collection and refuse disposal services from January 1 to December 31 of each calendar year shall be in the amount of \$59.25 per quarter or in the annual amount of \$228.75, reflecting a discount of \$8.25 for the annual payment. The annual service charge shall be a minimum service charge for which the maximum removal of refuse is three (3) thirty-two (32) gallon containers or one ninety-six (96) gallon refuse curb cart. During each calendar year, the Township Manager shall bill each owner or owners of each Township customer property in the Township for the service charge. The owner of the unit shall either (1) pay the service charge for the entire calendar year within 30 days after the date of the first bill for such calendar year or (2) pay the annual service charge in four quarterly installments, each within thirty (30) days after the date of bill.

Section 2. Additional Service Tags.

A. Oversized item tags can be purchased at a cost of \$ 4.00 each. Each oversized (bulky) waste item must have a separate oversized item tag affixed to it. No more than two bulky waste items may be placed for collection each week. Each bulky waste item must be placed for collection at the same time as solid waste and recyclable material collection.

B. Extra refuse container tags can be purchased at a cost of \$ 1.50 per tag. Each bag in excess of the three permitted bags must have a separate extra bag tag. There is no limit to the number of extra bags that can be placed out.

C. White Goods tags may be purchased at a cost of \$ 12.00 per tag. White goods (appliances) may be placed at curbside for collection one on the two dates each calendar year for collection of white goods and tires.

D. Tire tags may be purchased at a cost of \$ 1.50 per tag. Tires may be placed at curbside for collection one on the two dates each calendar year for collection of white goods and tires.

E. Yard Waste Bags can also be purchased at a cost of \$ 1.50 each. Yard bags may be used for disposal of yard waste.

Section 3. Penalties, Interest and Other Charges for Delinquent Payments of Fees.

A. If any service charge as assessed herein is not paid in full within sixty (60) days after the date of the billing, there shall be a penalty of ten (10) percent of the amount of the outstanding balance due and unpaid added to the outstanding balance.

B. If any service charge as assessed herein is not paid in full within one hundred and eighty (180) days after the date of the billing, service will be stopped. Service will not be resumed until outstanding balance due is paid in full as well as all fees incurred during the time service was stopped.

C. The Township Manager shall have all the authority of a duly elected and qualified tax collector and shall have the power to proceed to collect and/or secure the collection of the service charge and penalty or penalties by any appropriate legal action. The Township may engage the services of a collection agency or take any other appropriate action to collect unpaid service charges and penalties.

D. In the event that the Township sends collection letters, notices of intent to file a municipal lien or similar notices when a service charge is not paid, the owner of the residential unit or nonresidential unit shall be responsible for all costs arising out of such action, including but not limited to the cost of certified mail.

E. In the event that the Township institutes a civil action to collect delinquent service charges, the owner of the residential unit or nonresidential unit shall be responsible for all costs arising out of the civil action, including but not limited to filing fees and the costs of service of process (whether by certified mail or other means).

F. In the event the Township retains a collection agency, the owner of the residential unit or nonresidential unit shall be responsible for all fees charged by such collection agency.

G. Each owner of a residential unit or nonresidential unit which is a Township customer shall be responsible for all costs which the Township incurs in filing a municipal lien to secure payment of delinquent service charges, including but not limited to certified mail charges for notification of intent to include attorneys' fees in the amount of the municipal lien, attorneys' fees, and filing fees.

Section 4. Return of Fees. No part of any fee established by this Resolution is refundable.

Section 5. Reaffirmation of Other Fees. All Township Resolutions imposing fees for items which are not addressed in this Resolution shall continue in full force and effect.

Section 6. Reservation of Rights. The Board of Supervisors reserves the right to revise the fees or change the policies in this Resolution at any time by resolution.

Section 7. Severability. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Board of Supervisors that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 8. Effective Date. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 4th day of December, 2018, by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST HEMPFIELD
Lancaster County, Pennsylvania

Attest: *hch B. St*
(Assistant) Secretary

By: *David M. Sumner*
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

