

BILL NO. 98-3

ORDINANCE NO. 98-3

AN ORDINANCE OF THE CITY OF JEANNETTE AMENDING
ORDINANCE 96-3 (GARBAGE ORDINANCE), REPEALING
SUBSECTION VII A.2 THEREOF, AND SETTING FORTH BILLING
PROCEDURES FOR COMMERCIAL ACCOUNTS

WHEREAS, the City of Jeannette enacted Ordinance 96-3 at a public meeting held September 11, 1996, which Ordinance provides for collection and removal of municipal waste and recyclables from premises within the City; and

WHEREAS, the aforesaid Ordinance 96-3 provides that monthly garbage fees for commercial accounts be billed to the property owner, and further provides that a commercial property owner may delegate its primary obligation for payment of fees to a tenant of the property upon the provision of a signed letter of obligation and the consent to the filing of a municipal lien against the property in the amount of \$1,000.00, as security for payment of outstanding garbage fees; and

WHEREAS, the procedures set forth in Section VII A.2 of Ordinance 96-3 have proven to be cumbersome and costly to the City, and has caused administrative difficulties within the City Treasurer's office; and

WHEREAS, it is the intention of the City to provide an administratively feasible method of commercial account collections.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, BY THE COUNCIL OF THE CITY OF JEANNETTE, AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME, THE FOLLOWING:

SECTION I. REPEALER Section VII A. 2. OF ORDINANCE 96-3 is hereby repealed.

SECTION II. AMENDMENT Section VII B. 2. OF ORDINANCE 96-3 is hereby

amended to read as follows:

Section VII. B. 2. All commercial and mixed use accounts, and any other accounts utilizing a dumpster shall be billed to the property owner on a monthly basis, regardless of whether or not the property is occupied by the property owner or a tenant. It shall be the responsibility of the property owner to ensure that the account remains current.

a) Where a commercial or mixed use account, or an account utilizing a dumpster pertains to property that is occupied by a tenant, the Treasurer's office shall send the original bill to the property owner, and a copy of the bill to the tenant.

b) Either tenant or owner may pay the bill, however, it shall be the responsibility of the property owner to coordinate payment with the tenant, and in the event of delinquency, both the owner and tenant shall be deemed to have full knowledge and notice thereof.

SECTION III. - ADDITIONS

Section VII. A. 2. is hereby added to Ordinance 96-3, and shall read as follows:

In the event that an account is delinquent in the payment of fees due and owing under this Ordinance, regardless of whether the account is residential, mixed use, or commercial, in addition to the penalties set forth in Section VII. B. 4. and Section VIII herein, the City may proceed against either the owner or tenant, or both, in an action in assumpsit for the collection of the delinquent fees, and may file a municipal lien or claim against the real estate which benefits from collection service in the Court of Common Pleas of Westmoreland County, pursuant to 53 P.S. §37402(6).

SECTION IV. - ALL OTHER TERMS CONSISTENT:

All other terms and conditions of Ordinance 96-3, Ordinance 97-1, and Ordinance 97-4 shall remain in full force and effect.

SECTION V. - SEVERABILITY:

The provisions of this Ordinance shall be severable, and in the event that a Court of competent jurisdiction determines that any provision of this Ordinance shall be invalid or

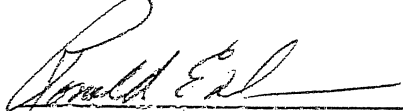
unenforceable, the remaining provisions of this Ordinance shall remain in full force and effect. Nothing in this Ordinance shall be construed to alter, amend or abridge any other Local State or Federal law or regulation related to the disposal of solid waste.

SECTION VI. - EFFECTIVE DATE:

This Ordinance shall become effective in ten (10) days.

ORDAINED AND ENACTED by the Council of the City of Jeannette, at a public meeting hereof, held the 8th day of JULY, 1998.

ATTEST:



Ronald E. Dinsmore,
City Clerk

THE CITY OF JEANNETTE:



Carl Matt,
Mayor/President of Council