

Ordinance 2004-09

REUSE CHARGES

**TOWNSHIP OF HOPEWELL  
BEAVER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2004-09

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL,  
BEAVER COUNTY, PENNSYLVANIA, ESTABLISHING  
COLLECTION PROCEDURES FOR REFUSE CHARGES,  
IMPOSING PENALTIES AND INTEREST ON DELINQUENT  
REFUSE CHARGES, IMPOSING COSTS FOR COLLECTION  
OF DELINQUENT REFUSE CHARGES, IMPOSING  
REASONABLE ATTORNEYS FEES FOR THE COST OF  
COLLECTION OF DELINQUENT REFUSE CHARGES, AND  
ESTABLISHING PROCEDURES FOR IMPOSING A LIEN ON  
REAL ESTATE FOR DELINQUENT REFUSE CHARGES.**

**WHEREAS**, the Township of Hopewell has incurred and will continue to incur considerable costs and expenses in collecting its delinquent refuse charges; and

**WHEREAS**, the Commissioners of the Township deem it to be in the best interests of the Township to establish a procedure for collection of delinquent refuse charges and impose costs, penalties and interest upon the owners of property serviced by the Township's Refuse collection who have failed to pay Refuse Charges; and

**WHEREAS**, pursuant to the First Class Township Code, 53 P.S. §56502 et seq., the Township's Board of Commissioners are authorized to make and adopt all such ordinances and resolutions as may be deemed necessary for the proper management, care and control of the Township, its property and finances; and

**WHEREAS**, this Ordinance is enacted pursuant to the Township Code, 53 P.S. §55101, et seq., and the Municipal Claims and Tax Lien Law, 53 P.S. §7101, et seq.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF HOPEWELL**, Beaver County Pennsylvania, and the authority of the same as follows:

Section 1.     Short Title.     This Ordinance shall be know as the "Refuse Collection Ordinance".

Section 2.     Definitions.

A.     Refuse: shall mean garbage, rubbish, bulky waste and recyclables.

B. Person shall mean any person, including natural persons, partnerships, associations and corporations and similar entities, public and private, owning or renting property within the Township's service area who has Refuse collected by the Township or the Township's agent.

C. Refuse Charges shall mean the fees charged by the Township to persons for Refuse collection. Said fees shall be imposed in accordance with rates established and adopted by the Township and in effect at the time of billing.

D. Real Estate ('real estate or "property") shall mean real property located within the Township upon which a building or improvement exists that has Refuse collected by the Township or the Township's agent.

Section 3. Payment of Charges. All Refuse Charges shall be rendered by the Township quarterly, except for persons who receive a monthly Sanitary Sewer Charge. In such cases a monthly Refuse Charge shall be issued. Payment in all cases shall be made by the due date listed on the Refuse bill. The owner of the property served shall be responsible to the Township for payment for all Refuse Charges provided to the property irrespective of any agreement between the property owner and a third party, and the Refuse Charges shall in all cases be rendered to the owner of the property unless the Township is notified in writing by said owner to render the Refuse Charges to some other person, and the Township agrees to such arrangements, in which case the owner shall nevertheless remain liable for the payment of all Refuse Charges.

Section 4. Penalty And Interest For Late Payment. All Refuse Charges shall be subject to a 10% penalty if not paid on or before their due date ("delinquent Refuse Charges"). If not paid within thirty (30) days after the due date, the net bill plus penalty shall bear interest at the rate one (1%) percent per month or the fraction thereof until paid. Should any check for payment of Refuse Charges be returned for any reason by the bank such check is written on, then, in event, an administrative fee of twenty-five (\$25.00) dollars together with the any actual fees assessed by the bank shall be assessed to the Refuse User's account to which the returned check was applied.

Section 5. Lien of Real Estate. All Refuse Charges shall be a lien on the real estate charged with the payment thereof, from the effective date of this ordinance, and if not paid after thirty (30) days notice, may be collected in any manner provided by law.

Section 6. Costs of Collection and Attorneys Fees.

A. All delinquent Refuse Charges shall have added reasonable attorney's fees, charges and expenses incurred in the collection process subsequent to the proper notification to the Refuse User of the intent to impose reasonable attorney's fees on delinquent Refuse Charges. Such additional charges shall be collected in addition to such interest and penalties as are allowed by law. They shall further be collected in the same manner and with the full authority as other municipal claims of any nature, and shall be deemed to be a municipal claim and lienable as such.

B. Such fees shall be reasonable and the same are hereby established in a fee rate as attached hereto and made a part hereof as Exhibit "A" ("Schedule of Fees"). Said Schedule of

Fees is hereby deemed to be reasonable, fair and necessary in order to allow the Township to collect such sums due it for delinquent Refuse Charges. The Schedule of Fees may be amended from time to time by a resolution adopted by the Township's Board of Commissioners.

C. Any person or entity empowered to collect delinquent Refuse Charges on behalf of the Township is directed to add such fees as are incurred to the extent allowed and set forth on Exhibit "A". Such sums collected pursuant to this Ordinance shall be in addition to any Refuse Charge, penalty, interest, cost or fees already part of the delinquent account.

D. Attorney fees incurred to the extent set forth on Exhibit "A" shall be added to all unpaid and delinquent Refuse Charges imposed subsequent to the date of the adoption of this Ordinance, or which become delinquent or are re-determined to be delinquent subsequent to this date. Prior to the time when such fees are added to any underlying claim, the person or entity empowered to collect such amounts shall first give notice to the person charged with a delinquent Refuse account such notice as required by law. The person or entity empowered to collect such delinquent Refuse Charges shall notify the person charged with a delinquent Refuse account by sending such notice to the person's last known address by mailing a notice in the manner prescribed by 53 P.S. § 7101 et seq. entitled Municipal Claims and tax Liens, and generally as follows:

(i) Notice of Intention to Assess Attorneys' Fees.

a. In all actions which attorneys' fees are incurred and claimed by the Township in collection of any delinquent Refuse Charges, the Township through its Solicitor, Manager, Secretary or person or entity empowered to collect delinquent Refuse Charges on behalf of the Township, shall notify the person responsible for payment of the delinquent Refuse Charges by United States certified mail, return receipt requested, postage prepaid, of the Township's intention to assess attorneys' fees in connection with the collection of the delinquent Refuse Charges to the person's last known post office address, as shown on the Township's tax records and the records of the Board of Property Assessment, Appeal and Review for Beaver County, Pennsylvania.

b. If, within thirty (30) days of the mailing of the notice in accordance with subsection (a), the certified mail is refused or unclaimed, or the return receipt is not received by the township, through its Solicitor, Manager, Secretary or person or entity empowered to collect delinquent Refuse Charges on behalf of the Township shall mail to the person the notice by United States first class mail at least ten (10) days prior to assessing or imposing attorneys' fees in connection with the collection of the delinquent Refuse Charges.

c. The notice required shall state the Township's intent to impose or assess attorneys' fees within thirty (30) days of the mailing of the notice pursuant to subsection (a) or within ten (10) days of the mailing of the notice pursuant to subsection (b), and the manner in which the imposition or assessment of attorneys' fees may be avoided pursuant to the Municipal Claim and Tax Lien Law.

Section 8. Authorization. The proper officials of the Township are hereby authorized and directed to do all things necessary to effectuate the purpose of this Ordinance. The Township Manager is expressly authorized and empowered and directed to make such reasonable Rules and

Regulations for the operation and enforcement of this Ordinance as he/she deems necessary. All Rules and Regulations issued pursuant to this Section shall be in writing and approved by the Township prior to such Rules and Regulations being effective.

Section 9. Repealer. All ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeals shall be only to the extent of such inconsistency and in all other aspects this ordinance shall be cumulative of the other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 10. Severability. If any section or provision or parts thereof in this ordinance shall be adjudged invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity of the ordinance as a whole or any other section or provision of the part thereof as if such invalid or unconstitutional provision had not been included in the Ordinance. To the extent possible the Court shall revise such invalid or unconstitutional provision to preserve the original intent of such provision.

Section 11. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**ORDAINED AND ENACTED INTO LAW** this 27 day of September, 2004, by the Board of Commissioners of the Township of Hopewell, in this lawful session regularly assembled.

ATTEST:

TOWNSHIP OF HOPEWELL

  
Gerald G. Orsini,  
Township Manager/Secretary

  
Tim Force, President  
Board of Commissioners

**SCHEDULE OF LEGAL FEES**

**DELINQUENT REFUSE CHARGES**

1.	Prepare and mail Thirty-day Delinquent Notice.	\$ 50.00
2.	Prepare District Justice Complaint	\$ 75.00
3.	Attend District Justice Hearing.	\$ 250.00
4.	Attend Constable Execution Sale.	\$ 350.00
5.	Prepare Arbitration Complaint.	\$ 150.00
6.	Prepare General Docket Proceeding.	\$ 375.00
7.	Attend Trial.	\$ 350.00
8.	Negotiate and prepare Payment Plan Agreement.	\$ 75.00
9.	Prepare Writ of Scire Facias Sur Tax Lien in furtherance of Sheriff's Tax Sale.	\$ 600.00
10.	Prepare Reissue Writ.	\$ 125.00
11.	Title Search for Sheriff's Sale.	\$ 150.00
12.	Enter Default Judgment.	\$ 150.00
13.	Issue Writ of Execution.	\$ 250.00
14.	Attend Sheriff's Sale.	\$ 250.00
15.	Non-litigation Legal Work.	\$ 80.00/hr.
16.	Litigation Legal Work.	\$ 100.00/hr.
17.	All other clerical work not itemized above.	\$ 50.00/hr.

Exhibit "A"

# Beaver County Times/Allegheny Times

400 FAIR AVENUE  
BEAVER, PA 15009-0400  
(724) 775-3200

## LEGAL ADVERTISING INVOICE

HOPEWELL TOWNSHIP  
1700 CLARK BLVD  
ALIQUIPPA, PA 15001

Account Number: 7243781460A  
Invoice Date: 8/13/04  
Invoice Number: I0000178495-0813  
Balance: \$ 116.49

PROOF CHARGE IS \$3.00 FOR AFFIDAVIT, \$9.00 FOR CLERICAL FEE

REMITTANCE - DETACH & RETURN THIS PORTION WITH PAYMENT

ACCOUNT #	INVOICE DATE	DESCRIPTION	LINES	TIMES	PROOF	TOTAL CHARGES
7243781460A	8/13/04	ORDINANCE NOTICE INTENT T	1.00 x 43 Lines	1	12.00	\$ 116.49
8/13/04	DATES APPEARED					

200409

### PROOF OF PUBLICATION

The **Beaver County Times/Allegheny Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on

8/13/04

BEAVER NEWSPAPERS, INC.

By

STATE OF PENNSYLVANIA, }  
COUNTY OF BEAVER, } SS:

Before me, a Notary Public in and for such county and state, personally appeared EDWIN METZGER, who being duly sworn according to law says that he is CONTROLLER of BEAVER NEWSPAPERS, INC.; that neither affiant nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me this 13th day of August 2004

Notarial Seal  
Debbie L. Hays, Notary Public  
Bridgewater Boro, Beaver County  
My Commission Expires May 2, 2008  
Member, Pennsylvania Association of Notaries

**ORDINANCE NOTICE INTENT TO ADOPT**  
NOTICE is hereby given that the Hopewell Township Board of Commissioners will consider taking action at a public meeting to approve Ordinance No. 2004-09 on Monday August 23, 2004 at 6:30 P.M. prevailing time at the Municipal Building, 1700 Clark Boulevard, Aliquippa PA 15001. The Ordinance may be summarized as follows: An Ordinance of the Township of Hopewell, Beaver County Pennsylvania, establishing collection procedures for refuse charges, imposing penalties and interest on delinquent refuse charges, imposing costs for collection of delinquent refuse charges, imposing reasonable attorney fees for the cost of collection of delinquent refuse charges, and establishing procedures for imposing a lien on real estate for delinquent refuse charges.  
A copy of the full text of the proposed Ordinance is available for inspection by any citizen at the following times and locations: Hopewell Township Manager's Office, at the aforesaid address, between the hours of 8:30 A.M. and 4:30 P.M., Monday thru Friday; The Beaver County Law Library, Beaver, Pennsylvania; and the Beaver County Times, Beaver, Pennsylvania.  
Gerald G. Orsini  
Township Manager

8/13/04

The costs of advertising and proof, has been paid. \$ 116.49  
BEAVER NEWSPAPERS, INC.

By

ACCOUNT #	INVOICE DATE	DESCRIPTION	LINES	TIMES	PROOF	TOTAL CHARGES
7247749220A	9/24/04	HOPEWELL TOWNSHIPORDIN	1.00 x 104Line	1	12.00	\$ 264.72
9/17/04	DATES APPEARED					

**PROOF OF PUBLICATION**

The **Beaver County Times/Allegheny Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on 9/17/04

**BEAVER NEWSPAPERS, INC.**

By *Edwin Metzger*

STATE OF PENNSYLVANIA, }  
 COUNTY OF BEAVER, } **SS:**

Before me, a Notary Public in and for such county and state, personally appeared EDWIN METZGER, who being duly sworn according to law says that he is CONTROLLER of BEAVER NEWSPAPERS, INC.; that neither affiant nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me this 24th day of September 2004

*Notary Public*

The costs of advertising and has been paid.  
**BEAVER NEWSPAPER:**

By \_\_\_\_\_

**BEAVER COUNTY TIMES**

**400 FAIR AVE.**

**BEAVER**

**HOPEWELL TOWNSHIP ORDINANCE NO.2004-09**  
 NOTICE OF INTENTION TO ADOPT AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY PENNSYLVANIA, ESTABLISHING COLLECTION PROCEDURES FOR REFUSE CHARGES, IMPOSING PENALTIES AND INTEREST ON DELINQUENT REFUSE CHARGES, IMPOSING COSTS FOR COLLECTION OF DELINQUENT REFUSE CHARGES, IMPOSING REASONABLE ATTORNEYS FEES FOR THE COST OF COLLECTION OF DELINQUENT REFUSE CHARGES, AND ESTABLISHING PROCEDURES FOR IMPOSING A LIEN ON REAL ESTATE FOR DELINQUENT REFUSE CHARGES.  
 Notice is given that the Hopewell Township Board of Commissioners will consider for adoption the aforementioned captioned Ordinance at its September 27, 2004 Public Meeting beginning at 6:30 p.m. in the Hopewell Township Municipal Building, 1700 Clark Boulevard, Aliquippa, Pennsylvania 15001.  
 The following is a summary of the Ordinance as prepared by the Township Solicitor:  
 Section 1. Short Title. This Ordinance shall be known as the "Refuse Collection Ordinance."  
 Section 2. Definitions. This section defines: A. Refuse, B. Person, C. Refuse Charges, and D. Real Estate.  
 Section 3. Payment of Charges. A delineation of payment of charges is set forth in this particular section.  
 Section 4. Penalty and Interest For Late Payment. All refuse charges shall be subject to a 10% penalty if not paid on or before their due date. If not paid within 30 days after the due date, the net bill plus penalty shall bear interest at the rate of 1 1/2 % per month or the fraction thereof until paid. There shall be an administrative fee of \$25.00 for checks returned because of insufficient funds.  
 Section 5. Lien of Real Estate. All refuse charges shall be a lien on the real estate charged with the payment thereof, from the effective date of this Ordinance, and if not paid after 30 days' notice, may be collected in any manner provided by law.  
 Section 6. Costs of Collection and Attorneys Fees. This section sets forth with specificity costs of collection and attorney's fees.  
 Section 8. Authorization. The proper officials of the Township are hereby authorized and directed to perform all tasks necessary to effectuate the purpose of this Ordinance.  
 Section 9. Repealer. This section speaks for itself.  
 Section 10. Severability. This section speaks for itself.  
 Section 11. Effective Date. The effective date shall be the date of adoption by the Board of Commissioners.  
 A copy of the proposed Ordinance is available for public inspection at the Hopewell Township Manager's office, 1700 Clark Boulevard, Aliquippa, Pennsylvania from 8:30 A.M. to 4:30 P.M. Monday through Friday. A copy of the proposed Ordinance has also been made available to the Beaver County Times at 400 Fair Avenue, Beaver, Pennsylvania and the Beaver