

ORDINANCE NO. 2-2021

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH REPEALING A SEWER MAINTENANCE FEE, PROVIDING FOR THE APPOINTMENT OF A COLLECTOR FOR SAID FEE AND PENALTIES FOR FAILURE TO TIMELY PAY THE FEE THAT HAS BEEN INADVERTENTLY INCLUDED AND ADOPTED IN CODE OF THE BOROUGH OF PLYMOUTH ON DECEMBER 11, 2020 (Ord. No. 6-2020)

WHEREAS, the Borough at a special meeting held on December 22, 2015 had on its agenda a Motion to Adopt Ordinance No. 4 of 2015;

WHEREAS, aforesaid motion was never made and thus Ordinance 4 of 2015 was never adopted by Council;

WHEREAS, when the voluminous job of assembling all of the adopt Ordinances was being compiled for General Code, who codified the Borough Ordinances, Ordinance No. 4 of 2015 was mistakenly forwarded to them by the Borough as a passed Ordinance;

WHEREAS, due to the above mistake, General Code, included the provisions of the above Ordinance as part of Chapter 191, Sewers, Article V, Sewer Maintenance Fee, §191-79 Maintenance/User Fee; §191-80; Payment; §191-81 Collection of Fee; §191-82 Penalties and collection procedure; §191-83 delinquency; and §191-84 Repealed;

WHEREAS, when the Borough adopted the codified Code on December 11, 2020, Article V, referred to above became law;

WHEREAS, the Borough never enforced the provisions of Article V. nor does it intend to and thus will repeal the aforementioned Article, which was unintentionally adopted;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Plymouth Borough Council that only Article V Sewer Maintenance Fee of Chapter 191, §191-79 thru §191-84 inclusively is hereby repealed in its entirety as specified as follows:

§191-79 Maintenance/Users Fee. Every owner of real property, whether residential, commercial, industrial, schools, churches, service organization, nonprofit or tax exempt located within the Borough of Plymouth or connected to or utilizing the sanitary sewers system owned and maintained by the Borough of Plymouth shall pay an annual maintenance/use fee for the purpose of maintaining, replacing or repairing said sewers in the amount of forty (\$40.00) dollars annually per unit/per property commencing in the year 2016. Said annual fee can be amended at any time by a Resolution of Council. This fee shall apply to all types of real property referred to above whether said property is used for profit or not for profit and applies to real property, even if the property has tax exempt status. [Examples only but not limited to the following: If a resident building has four separate apartments/units in the building, each apartment/unit is subject to the applicable fee, in this case \$40.00 each for a total fee of \$160.00. If a commercial building has two separate units, then the annual fee is \$40.00 per unit or a total of \$80.00].

§191-80 Payment. The annual fee shall be due and payable in full within sixty (60) days from the date of issue. For payments received within thirty (30) days issue there is a 2% discount.

§191-81 Collection of Fee. The Borough Council shall appoint by resolution a collector of the maintenance/user fee imposed by this ordinance. The resolution appointing said collector shall fix the terms of compensation and other such fees and fines to be paid to the collector for services and expenses provide to the Borough. The collector appointed shall have the authority to administer and enforce this ordinance on behalf of the Borough.

§191-82 Penalties and Collection Procedure. Failure to pay the fee by the due date will result in a ten (10%) percent penalty added to the fee, plus a \$150.00 collection fee and any and all court costs and filing fees as well as Attorney's fees incurred to collect the fee, including all charges incurred by the Collector to collect said fees. All penalties and fees shall be a lien on the real estate charged with the payment thereof and a municipal lien will be filed to protect the lien and collection of any and all fees, penalties, costs and Attorney's fees due in order to enforce and collect said fees due hereunder. The Borough may also retain a third party collector to collect any delinquent fees, penalties, court costs, filing fees and Attorney's fees.

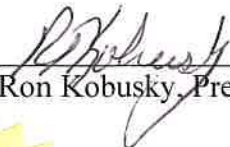
§191-83 Delinquency. In addition to the above, the Borough does hereby authorize the Wyoming Valley Sewer Authority to shut off water to designated customers in accordance with the laws of the Commonwealth of Pennsylvania pertaining to any premises that the aforesaid sewer fees/charges remain unpaid for a period of at least thirty days from the due date thereof. The owner shall be responsible for all fees and costs associated with the shut off and will be responsible for paying any fees associated with have water service restored.

§191-84 Repealed. Any ordinance, resolution, or part thereof that is inconsistent with this article.

This Ordinance repealing the above is limited to Article V of Chapter 191 of the Code of Plymouth as specified above and shall become effective as provide for in § 3301.3 (b) of the Borough Code.

ENACTED AND ORDAINED the 13th day of July, 2015 at a regular meeting of the Plymouth Borough Council.

BOROUGH OF PLYMOUTH

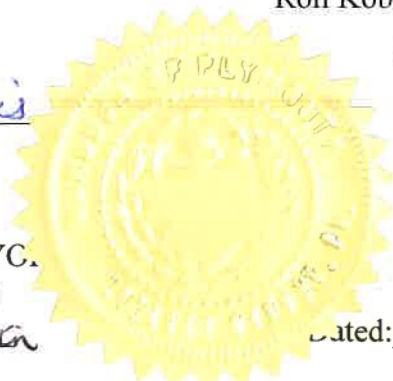
By: 
Ron Kobusky, President of Council

ATTEST:


Gail Burdulis, Secretary

APPROVED BY THE MAYOR.


Frank Coughlin, Mayor

 dated: 7/13/2021