

BOROUGH OF STROUDSBURG

MONROE COUNTY, PENNSYLVANIA

ORDINANCE # 1162

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF STROUDSBURG, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, DESIGNATING PENNSYLVANIA MUNICIPAL SERVICE COMPANY AS THE COLLECTOR FOR DELINQUENT GARBAGE FEES AND IMPOSING ON DELINQUENT RATEPAYERS THE OBLIGATION TO PAY REASONABLE COSTS INCURRED FOR THE COLLECTION OF DELINQUENT FEES, PENALTIES AND INTEREST.

WHEREAS, Borough Council has contracted with Pennsylvania Municipal Service Company to be the collector of delinquent garbage fees for the Borough; and

WHEREAS, the Pennsylvania legislature adopted Act 1 of 1996 and Act 20 of 2003 (hereinafter "Act 1 & Act 20") allowing municipalities to impose "reasonable costs" on delinquent ratepayers and to permit the delinquent fee collector to retain such reasonable costs; and

WHEREAS, Stroudsburg Borough desires to exercise its legal authority in accordance with the legislation set forth at Act 1 & Act 20, to encourage and facilitate the collection of delinquent fees and to eliminate the expense associated with collections by imposing reasonable costs on the delinquent ratepayer.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED as follows:

FIRST: The Borough designates Pennsylvania Municipal Service Company as its exclusive agent for the purposes of collecting delinquent garbage fees as well as any and all penalties, interest and costs assessed and levied as set forth in this ordinance and which may, from time to time, be amended by the Borough.

SECOND: Because (1) Pennsylvania General Assembly adopted Act 1 & Act 20 to allow municipalities to approve reasonable costs, charges and expenses ("Reasonable Costs") which may be imposed on the delinquent ratepayer and collected and retained by the delinquent fee collector; and (2) the Borough desires to exercise its legal authority in accordance with the legislation set forth at Act 1 & Act 20 to encourage the collection of delinquent fees and to eliminate the expense associated with such collections by imposing the Reasonable Costs on the delinquent ratepayer:

1. The Borough designates Pennsylvania Municipal Service Company as its exclusive agent for purposes of collecting delinquent garbage fees including all penalties, interest, costs, Reasonable Costs, Attorney Fees, etc. assessed and levied pursuant to the Borough's resolutions and/or ordinances.

2. The Borough set forth and approves the following Reasonable Costs to be paid to Pennsylvania Municipal Service Company by the delinquent ratepayer:

(a) A sum of (10%) of gross collections of all delinquent garbage fees plus delinquent costs and expenses. Said amount shall be deemed compensation and Reasonable Costs for services rendered by Pennsylvania Municipal Service Company in the collection of Delinquent garbage fees.

(b) For purposes of this provision the term "gross collections" shall mean the original fee plus applicable penalties and interest.

(c) In addition to the amounts set forth in paragraphs 2(a) and 2(b), any attorney's fees and notice fees related to collection of delinquent fees, interest, penalty or other charges shall be paid by the delinquent ratepayer as part of the "Reasonable Costs" to be paid to Pennsylvania Municipal Service Company by the delinquent ratepayer. A schedule of said charges, costs and expenses is set forth as Appendix A to this Ordinance.


(d) Such Reasonable Costs, together with and including costs, reimbursement for postage and other out-of-pocket expenses, shall be collected directly from the delinquent ratepayers in accordance with Act 1 & Act 20 and all other applicable laws.

ADOPTED AND ORDAINED this 2nd day of January 2024.




Matt Abell, Council President

ATTEST:



Lawrence E. Klopp, Borough Manager



Michael Moreno, Mayor

Seal



Appendix A
Pennsylvania Municipal Service Company
Delinquent Utility Fee Schedule

First Delinquent Notice Fee	10% / notice
Second Delinquent Notice	\$22.00 / cycle
Termination Notice (sewage only)	\$50.00 / notice
Poster (sewage only)	\$80.00 / notice
Shut Off (sewage only)	\$60.00 / notice
Litigation Notice	\$35.00 / notice
Payment Plan	15%
Litigation Action	20%
Litigation Action and Payment Plan	25%
Bankruptcy Claims	\$60.00 / claim
Civil Complaint Preparation	\$60.00 / complaint
Non-Sufficient Funds	\$35.00/ check
Delinquent Part Payment Fee	\$4.00 / payment

All above-listed fees are assessed to and the responsibility of the ratepayer. The fees for Bankruptcy Claims, and Civil Complaint Preparation are paid by the Client and reimbursed when paid by the ratepayer.

Charges and or fees imposed by the Water Authority, Court, Prothonotary, Sheriff, Attorney, or any other public office in connection with the collection of the Client's claims are assessed to and the responsibility of the ratepayer. These fees are paid by the Client and reimbursed when paid by the ratepayer.