

BOROUGH OF WELLSBORO
TIOGA COUNTY, PENNSYLVANIA

ORDINANCE NO. 108

AN ORDINANCE

OF THE BOROUGH COUNCIL OF THE BOROUGH OF WELLSBORO, TIOGA COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING PORTIONS OF THE CODE OF ORDINANCES RELATING TO PENALTIES, SEWER RATES, COLLECTION AND DISPOSAL OF SOLID WASTE, AND WATER RATES, ALL AS AMENDED AND SUPPLEMENTED.

WHEREAS, the Borough of Wellsboro has determined that it is in the interest of the health, welfare, and safety of the Borough to amend Chapter 1, Chapter 18, Chapter 20, and Chapter 26 as follows.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Borough Council of the Borough of Wellsboro, Tioga County, Pennsylvania, as follows:

1. The foregoing recitals are incorporated herein by reference.
2. Chapter 1 shall be amended as outlined in Exhibit "A," a copy of which is attached hereto and is incorporated by reference.
3. Chapter 18 shall be amended as outlined in Exhibit "B," a copy of which is attached hereto and is incorporated by reference.
4. Chapter 20 shall be amended as outlined in Exhibit "C," a copy of which is attached hereto and is incorporated by reference.
5. Chapter 26 shall be amended as outlined in Exhibit "D," a copy of which is attached hereto and is incorporated by reference.
6. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.
7. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Wellsboro Borough that this Ordinance

would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

8. This Ordinance shall become effective January 1, 2023.

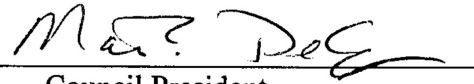
DULY ENACTED AND ORDAINED, this 14th day of November, 2022, by the Borough Council of the Borough of Wellsboro, Tioga County Pennsylvania, in lawful session duly assembled.

**BOROUGH COUNCIL OF
THE BOROUGH OF WELLSBORO**
Tioga County, Pennsylvania

ATTEST


Secretary

(SEAL)

By: 
Council President

Examined and approved this 14th day of November, 2022.

By: 
Mayor

EXHIBIT "A"

Chapter 1. Administration and Government

§1-111 Penalties

General Penalties Section. Penalties for a violation of any provision of Wellsboro's Code of Ordinances shall be as follows.

1. Whenever in this Code or in any ordinance of the Borough any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, the penalties shall be as follows:
 - A. Any person or owner or any person acting as agent, employee, contractor, tenant or servant of said person or owner who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of \$1,000.00, or the maximum amount permitted by law, and shall be subject to imprisonment not to exceed thirty (30) days, or the maximum amount allowed by the law, for the punishment of summary offenses. Each day that violation of this Ordinance continues after notice shall constitute a separate offense.
 - B. Civil Enforcement
 1. Nothing in Subsection (A) hereinabove shall prevent the Borough from initiating civil enforcement proceedings before a District Justice or Court of Common Pleas of Tioga County. If this Ordinance is to be enforced through civil enforcement proceedings, civil penalties shall be six hundred (\$600.00) dollars per violation, or the maximum amount permitted by law. Each day that a violation of this Ordinance continues after notice shall constitute a separate violation.
 2. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person or owner upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violators shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.
 3. The Borough reserves the right to enforce the provisions of this Ordinance in any manner permitted by law, and all fines and penalties collected for violation of this Ordinance shall be paid to the Borough.
2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.
3. If any person or owner or any person acting as an agent, employee, contractor, tenant, or servant of said person or owner shall be in violation of the Code of Ordinances, they may have their license, permit, or account revoked. Any person or owner or any person acting as an agent, employee, contractor, tenant, or servant of said person or owner who is in violation of the Code of Ordinances may be denied a new permit, license, or account until their other violations are corrected.

§1-112 Schedule of Fees

The Borough Council, from time to time, may adjust the Schedule of Fees by Resolution. A Schedule of Fees is adopted and is attached hereto as Exhibit A and is incorporated herein by reference. These fees were adopted on May 11, 2020.

These fees may be amended, revised, and updated, by Resolution, to the maximum amount permitted by law. These fees may be updated annually. (See Ordinance 698, May 11, 2020.)

EXHIBIT "B"

Chapter 18. Sewage and Sewage Disposal

Part 1. PUBLIC SEWER SYSTEM

§18-108. Determination of Sewer Rents and Charges.

1. The following sewer rates, rents and charges are fixed, adopted, established and imposed upon each consumer served or to be served by the sewer system for use thereof, applicable on and after October 1, 1987. The Borough Council is responsible for the decision as to whether billable wastewater volume shall be measured according to water consumption, sewage discharge, or a flat rate.
 - A. Schedule of Rents and Charges (applicable to all metered consumers).
 - (1) Subject to provisions hereinafter set forth in this Subsection 1A with respect to minimum charges, all metered consumers shall pay consumption charges monthly for consumption of water or as measured at a sewer discharge monitoring point, as follows:

Quantity/Per Monthly Billing Period	Rate Per 1,000 Gallons
For the first 1,000 gallons (beyond the minimum charge for up to 1,000 gallons as set forth below)	\$6.41
For the next 13,000 gallons (after the first 2,000 gallons) up to 16,000 gallons	\$6.73
For all over 16,000 gallons (after the minimum charge for up to 1,000 gallons as set forth below plus the next 15,000 gallons)	\$2.75
 - (2) Provided, however, that such consumption charges with respect to all metered consumers shall be subject to the following minimum charges monthly; for each consumer, a minimum sewer rent and charge of \$21.50 per month for up to the first 1,000 gallons.
 - B. Schedule of General Flat Rents and Charges.
 - (1) For each consumer who receives no water from the Borough, a flat rate sewer rent and charge of \$40.00 per month.
 - (2) The Borough reserves the right to refuse to supply sewer service to any customer on a non-metered basis.
2. The foregoing sewer rents and charges are based upon volume only for normal domestic sanitary sewage having a pH range between 6.0 and 9.0, a suspended solids quantity of less than 300 ppm, an ammonia concentration (NH₃) not to exceed 30 mg/l, a five-day 20° C. BOD of 300 ppm, and being comparatively free from grit or mineral solids, such as sand, ashes, etc., which would not be moved or conveyed along the sewers by the velocity of the sewage flow.
3. Where more than one non-metered consumer unit is located in one building, house or other structure owned by one consumer and such building, house or other structure, at the discretion of this Borough, is served by one service connection, multiple charges per monthly billing period shall be imposed upon such consumer equal to the number of consumer units located in such building, house or other structure. Such multiple charge per monthly billing period shall be computed by applying the schedule of flat rates established under Subsection 1B(1), as appropriate, to each consumer unit so served.
4. Where more than one consumer unit is located in one building, house or other structure owned by one consumer which shall be served by a single meter or by multiple meters, a single charge per monthly billing period for all such consumer units shall be imposed upon the consumer, whether the multiple consumer units located therein shall be served through a single meter or by multiple meters. Such single charge per monthly billing period shall be computed on the basis of the single

- meter reading, if applicable, or by adding together the multiple meter readings, if applicable, and by applying thereto, as appropriate, the consumption charges established under Subsection 1A(1).
5. Any quantity of water used on a property served by the sewer system which shall not be obtained from the Borough may be estimated by the Borough and may be used in calculation of sewer rents and charges per monthly billing period as provided herein.
 6. The provision of this article, relating to rents and charges, may change from time to time, as the Borough Council deems necessary. The Borough Council may change these provisions by ordinance or by resolution or in any manner permitted by law. It is understood that these provisions were originally drafted at a time when operating and maintenance costs were much lower.
 7. Nothing herein shall be construed to prevent this Borough from entering into separate agreements with building contractors, land developers, the Township or other consumers, for the furnishing of sewer service at rents and charges other than as set forth in this article.

EXHIBIT "C"

Chapter 20. Solid Waste

Part 1. COLLECTION AND DISPOSAL OF SOLID WASTE

§20-104. Collection of Fees.

1. Charges for collections shall be paid to the Borough of Wellsboro directly. Prompt payment for garbage collection service is expected. There shall be a penalty of 10% added to any garbage collection service bill which is not paid on or before the date on which it is due and payable.
2. Billings for garbage collection, as provided for herein, shall be made by the Borough in accordance with regulations as established by the Borough Council, and such bills shall be due and payable no later than 20 days from the date of billing.
3. All garbage collection charges and penalties thereon remaining unpaid after three months from the date on which they are due and payable shall be deemed to be delinquent for purposes of this chapter. Delinquent garbage collection service charges and penalties hereon shall be liens against the respective properties served and may be entered as liens against such properties in the Office of the Prothonotary of Tioga County and collected in the manner prescribed and provided for by law regarding municipal liens.
4. Usage charges for garbage collection shall be subject to the following monthly minimum charges:

DESCRIPTION	MINIMUM MONTHLY BILL
RESIDENTIAL (4BAGS WEEK)	\$ 21.50
COMMERCIAL (4 BAGS WEEK)	\$ 22.65
1YD (1XWEEK)	\$ 26.74
1.5YD (1XWEEK)	\$ 87.00
1.5YD (2XWEEK)	\$ 153.00
1.5YD (3XWEEK)	\$ 218.00
1.5YD (4XWEEK)	\$ 285.00
1.5YD (5XWEEK)	\$ 351.00
1.5YD (EOW)	\$ 60.00
2YD (1XWEEK)	\$ 101.00
2YD (2XWEEK)	\$ 178.00
2YD (3XWEEK)	\$ 253.00
2YD (4XWEEK)	\$ 329.00
2YD (5XWEEK)	\$ 406.00
2YD (EOW)	\$ 70.00
3YD (1XWEEK)	\$ 117.00
3YD (2XWEEK)	\$ 206.00
3YD (3XWEEK)	\$ 294.00
3YD (4XWEEK)	\$ 381.00
3YD (5XWEEK)	\$ 470.00
3YD (EOW)	\$ 81.00
4YD (1XWEEK)	\$ 135.00
4YD (2XWEEK)	\$ 237.00

4YD (3XWEEK)	\$ 338.00
4YD (4XWEEK)	\$ 438.00
4YD (5XWEEK)	\$ 540.00
4YD (EOW)	\$ 94.00
6YD (1XWEEK)	\$ 171.00
6YD (2XWEEK)	\$ 301.00
6YD (3XWEEK)	\$ 429.00
6YD (4XWEEK)	\$ 555.00
6YD (5XWEEK)	\$ 685.00
6YD (EOW)	\$ 119.00
8YD (1XWEEK)	\$ 203.00
8YD (2XWEEK)	\$ 356.00
8YD (3XWEEK)	\$ 509.00
8YD (4XWEEK)	\$ 657.00
8YD (5XWEEK)	\$ 810.00
8YD (EOW)	\$ 141.00

5. Solid waste and garbage rates shall be set pursuant to the Agreement with the hauler, as amended and supplemented. Resident, businesses, and users shall pay in accordance with the rate sheet negotiated between the Borough and the solid waste hauler. These provisions may be amended by Resolution on an annual basis or as needed.

Size of Connection	Rate Per Annum
1 inch	\$40
2 inch	\$49.50
3 inch	\$66
4 inch	\$123.75
5 inch	\$247.50
8 inch	\$467.50

- (2) Sixty dollars per annum for each private fire hydrant connected to the water system.
 - (3) For installing and disconnecting a "temporary" water meter the consumer shall pay the actual cost of the Borough ("temporary" shall be for a period of less than 90 days).
 - (4) Twenty dollars per day or portion thereof (where a water meter is not practical) for use of said water within the water service district limits, i.e., for tree spraying, contractors, carnivals, etc.
 - (5) Each consumer shall pay the following fees for a new water service connection charge when said connection shall first be made:

3/4 inch	\$700	
1 inch	\$700	
Over 1 inch	\$700	Plus actual costs over \$700
 - (6) The Borough reserves the right to refuse to supply water service to any customer on a nonmetered basis.
 - (7) Each consumer shall pay a \$50 fee for each time the Borough is requested to provide a water meter installation.
 - (8) Each consumer shall pay at the time of connection a deposit of \$50. Said deposit shall be applied to the bill when said consumer shall have paid for water service for a period of 12 months or for the full period of service rendered, whichever is less.
2. Where more than one nonmetered consumer unit is located in one building, house or other structure owned by one consumer, and such building, house or other structure, at the discretion of this Borough, is served by one service connection, multiple charges per billing period shall be imposed upon such consumer equal to the number of consumer units located in such building, house or other structure. Such multiple charge per billing period shall be computed by applying the Schedule of General Flat Rates established under Subsection 1B of this section to each consumer unit so served. (The rate imposed shall be a minimum of \$45.00 per month.)
 3. Where more than one consumer unit is located in one building, house or other structure owned by one consumer, which shall be served by a single meter or by multiple meters, a single charge per billing period for all such consumer units shall be imposed upon the consumer, whether the multiple consumer units located therein shall be served through a single meter or by multiple meters. Such single charge per billing period shall be computed on the basis of the single meter reading, if applicable, and by applying thereto, as appropriate, the consumption charges established under Subsection 1A of this section. Provided, however, that in the case of the consolidation of multiple meter readings, the minimum charges shall be computed on the basis of the size of the meter which would have been used if only a single meter had been installed to serve all such consumer units of such consumer.
 4. Nothing herein shall be construed to prevent this Borough from entering into separate agreements with building contractors or Townships for the furnishing of water service at rates, rents and charges other than as set forth in Subsection 1 of this section.

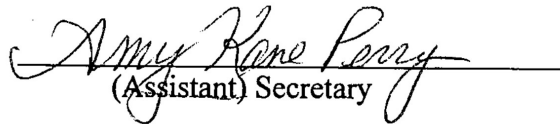
CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Borough of Wellsboro, Tioga County, Pennsylvania (the "Borough"), certify that: the foregoing is a true and correct copy of an Ordinance which duly was adopted by majority vote of the entire Council of the Borough at a meeting of said Council duly convened according to law and held on November 14, 2022, at which meeting a quorum was present; said Ordinance duly has been recorded in the minutes of said Council; and said Ordinance remains in full force and effect, unaltered and unamended, as of date of this Certificate.

I further certify that said Council met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. 701 *et seq.*, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Borough or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to adoption of said Ordinance, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 14th day of November, 2022.

(SEAL)


(Assistant) Secretary