

**MIDDLETOWN BOROUGH
ORDINANCE NO. 2021-1381**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, PART II (GENERAL LEGISLATION), CHAPTER 164 (GARBAGE, RUBBISH AND REFUSE), TO AMEND THE SERVICE CHARGE LEVIED FOR GARBAGE COLLECTION; TO PROVIDE FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND THE SEVERABILITY OF THE PROVISIONS THEREOF; AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the Council for the Borough of Middletown (the “Borough”) has determined a need to regulate the collection of garbage, refuse and designated recyclable materials within the Borough as a matter of public health and safety; and

WHEREAS, the Borough has entered into a new contract beginning on January 1, 2022 for garbage collection services in the Borough; and

WHEREAS, to offset the increase in the rates charged for garbage collection services under the new contract, the Borough must increase the service charge levied, assessed and imposed on occupiers of real estate in the Borough; and

WHEREAS, the Borough has considered this amendatory ordinance to be in the best interest of Borough.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the authority of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, that the Code of Ordinances of the Borough of Middletown be amended as follows:

SECTION 1. Part II (General Legislation), Chapter 164 (Garbage, Rubbish and Refuse), Article II (Garbage and Refuse Service Charge) is amended as follows with added language underlined, deleted language bracketed and asterisks to indicate existing language that is not being amended:

§164-10 Service Charge Levied

- A. There is hereby levied, assessed and imposed a service charge for Borough purposes on occupiers of real estate in the Borough of Middletown for the collection and removal of garbage, ashes, refuse, paper and other debris from premises situated in the Borough of Middletown, Dauphin County, Pennsylvania, with the rate as follows:

- (1) Beginning January 1, [2011: \$25.65] 2022: \$28.65 per month, or any part thereof
- (2) Beginning January 1, 2023: \$29.65 per month, or any part thereof
- (3) Beginning January 1, 2024: \$30.65 per month, or any part thereof.

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SECTION 2. Repealer

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 3. Revisions

Borough Council of the Borough of Middletown does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinances, including these provisions.

SECTION 4. Severability

In the event any provision, section, sentence, clause, or part of this Ordinance Amendment shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance Amendment, it being the intent of Borough Council that the remainder of the Ordinance Amendment shall remain in full force and effect.

SECTION 5. Effective Date

This Ordinance Amendment shall take effect and be in force five (5) days after its enactment as provided by law.

BE IT DULY ORDAINED AND ENACTED into law this ____ day of _____ 2021, by the Borough of Middletown, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**BOROUGH COUNCIL OF THE
BOROUGH OF MIDDLETOWN**

Grace Miller
Borough Secretary

BY: _____
Ian Reddinger
Borough Council President

AND NOW THIS ____ day of _____, 2021, the foregoing Ordinance is approved.

James H. Curry III
Mayor

I hereby certify the foregoing Ordinance was advertised in the Patriot News on October 26 2021, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the municipality’s governing body held on November ____, 2021.

Grace Miller, Borough Secretary