

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 109 - 2024

NOVEMBER 6, 2024

AN ORDINANCE

Amending Part II General Legislation, Chapter 525 Solid Waste, Article I Waste Storage, Collection and Disposal, Section 2 Authorization of City contractor(s); scope of work by updating the rebates and penalties portion as well as the language of the ordinance.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Section 2 be amended as follows:

ARTICLE I Waste Storage, Collection and Disposal

§ 525-2. Authorization of City contractor(s); scope of work; fee.

- A. Contracts for collection; authority. The City is authorized to award a contract(s) for the collection, removal, transportation and disposal of municipal waste generated from single-family dwellings, rooming units, group homes, multifamily dwellings and commercial and institutional establishments as described below and any other type of entity the City deems necessary or acceptable. The contract(s) shall contain a provision that the contract(s) is to be performed and carried out by the contractor(s) in compliance with all applicable City ordinances. The Bureau of Recycling and Solid Waste shall divide the City into districts and prescribe the days and hours for the collection and removal of municipal waste and recyclable materials from such districts.
- B. Scope of City contract collection.
 - (1) Municipal waste collection.
 - (a) Single-family and multifamily dwellings up to and including 25 units. Municipal waste generated by the occupants or owner of single-family and multifamily dwellings, up to and including 25 units within the City of Allentown, shall be included for collection by the authorized City Contractor in accordance with all applicable sections of this article except as set forth in Subsection B(3), below.

[1] Rebates for eligible senior citizens for payment of the municipal waste and

recycling fee.

[a] All bona fide residents of the City of Allentown who are 65 years of age or over shall be eligible for a partial rebate of the fee paid on their principal place of residence, provided that:

[i] Such residence is a single-family dwelling, owned and occupied by the claimant.

[ii] A request for a rebate shall be filed with the Department of Finance on such form as prescribed by that Department for such purpose. The request for rebate shall be filed by June 30 of the current year for a partial rebate of the municipal waste and recycling fee paid for the previous calendar year.

[iii] The total household income from all sources shall not exceed the amounts specified in the table below. The amount of rebate for the payment of the municipal waste and recycling fee will be determined in accordance with the following schedule:

Percentage of Municipal Waste and Recycling Fee

<u>Household Income</u>	<u>Fee to be Rebated</u>
\$ 0 to 15,000	75%
15,001 to 20,000	50%
20,001 to 25,000	25%
25,001 to 30,000	10%
30,001 or over	No Rebate

[b] The Department of Finance may require such evidence or information as it deems necessary or appropriate in determining eligibility for exoneration in accordance with this section.

[c] Any information gained by any official, agent or employee of the City, as a result of any claim, investigations, or hearings required or authorized by this article shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this article or as otherwise provided by law.

[d] False or untrue statements shall be a violation of this article.

(b) Commercial and institutional establishments. Municipal waste generated within the City of Allentown, by commercial or institutional establishment, shall be eligible for City curbside collection, except as set forth in Subsection B(3) or (4) below. The eligible entity must apply and be approved by the Bureau of Recycling and Solid Waste to terminate City curbside collection to an entity for a violation of this article and/or the Residential and Commercial Recycling Ordinances.

(c) Rooming units. Municipal waste generated within the City of Allentown by the occupants or owner of rooming units which are located in buildings other than hotels shall be included for collection by the authorized City contractor in accordance with all applicable sections of this article except as set forth in

Subsection B(3), below.

(2) Collection.

- (a) It shall be a violation of this article to mix or place any designated recyclable material or yard waste with municipal waste.
- (b) In Center City, all municipal waste generated by any entity included in City collection, and placed out for collection on their designated nights must be collected by the City Contractor by 8:00 a.m. the following day.
- (c) All municipal waste generated outside of the Center City zone by any entity included in City collection, and placed out for collection on their designated nights, must be collected by the City Contractor by 12:00 p.m. the following day.

(3) Exemption.

- (a) The owners of multifamily dwellings with 25 or less units or rooming units may apply for exemption from inclusion in the City Curbside Collection Program by submitting a written application to the Bureau of Recycling and Solid Waste. Multiunit rental properties exempted from the City Curbside Collection Program who place municipal waste or recycling out for City Curbside Collection will lose their exemption.

[1] The owners of multifamily dwellings or rooming units may be exempted from municipal solid waste and/or recycling collection and payment of the applicable fee of the municipal waste and recycling fee, provided that: There is an area on the property not within the public right-of-way which is sufficient for the placement of bulk containers of adequate size to store all municipal waste and recyclables generated on the property in one week. The quantity and volume of bulk containers and location shall be subjected to approval by the Manager of Recycling and Solid Waste. That such bulk containers are placed on the property for waste generated by the occupants of the dwelling units in the building.

[2] That the bulk container(s) are collected and emptied on a regular schedule by a licensed collector and in no event less than one time per week.

[3] That there is no curbside storage or collection of municipal waste from the property.

[4] That the owner of said multifamily dwellings or rooming units meet the requirements of this article and the Commercial Recycling Ordinance 13219 or the Residential Recycling Ordinance 12959, respectively.⁴

[5] That the owner provide all tenants with recycling bins, source separated recycling collection, and recycling education and must submit evidence of such upon request by the Bureau of Recycling and Solid Waste.

[6] The owner of said multifamily dwellings or rooming units annually submits to the Bureau of Recycling and Solid Waste substantiating evidence of a current agreement/contract with a licensed collector for trash and recycling collection as described in § 525-3 and in Article III, Commercial Recycling, by January

31 of the year for which an exemption is sought.

[7] Exemption is renewable on an annual basis pending City review and/or inspection. It shall be the prerogative of the Bureau of Recycling and Solid Waste to terminate exemption status to an entity for a violation of this article and/or the Residential and Commercial Recycling Ordinances.

(4) Large complexes. For the purposes of § 525-2B(1)(a) above where on a single, undivided tract of land under common ownership there is a building or buildings containing a total of 26 or more dwelling units, such apartment complex shall not be included for municipal waste collection by the authorized City contractor.

(5) Commercial and institutional establishments.

(a) For the purposes of § 585-2B(1)(b) above, where the municipal waste generated weekly is greater than what can be contained in 10 thirty-gallon containers, the facility shall not be eligible for municipal waste collection by the authorized City contractor.

(b) By virtue of the type of business conducted and the type of waste generated, certain commercial or institutional facilities listed below shall not be eligible for municipal waste collection by the authorized City Contractor: Auto repair or service station.

[1] Dry cleaner.

[2] Manufacturing, wholesale or warehousing operations.

[3] Cleaning or construction contractor.

[4] Medical facilities (including physicians, dentists, laboratories, etc.).

[5] Funeral homes.

[6] Retail facilities over 5,000 square feet.

[7] Licensed food service establishments.

[8] Commercial or institutional establishments located in strip shopping centers.

[9] Any other entity deemed unsuitable by the Manager of the Bureau of Recycling and Solid Waste or a designee due to its location, the quantity or nature of the waste generated within the facility or any other factor.

(6) Appeals. An Appeals Committee shall be established consisting of the Director of the Department of Finance, the Director of the Department of Community and Economic Development and the Director of the Department of Public Works or their designees, who shall review appeals from property owners of multiunit dwellings requesting exemption from City Curbside Collection and to review appeals from commercial and institutional establishments for inclusion in the City Curbside Collection Program.

C. Municipal waste and recycling fee.

(1) Fee imposed.

(a) Annual recycling fee.

- [1] There is hereby imposed upon the owner of each dwelling unit, as determined by the Bureau of Zoning, and all entities included in City collection, an annual municipal waste and recycling fee, in the amount approved by City Council, in the annual budget process. It shall be a violation of this article for a person to place municipal waste or recycling out for the City Curbside Collection Program without paying the annual municipal waste and recycling fee. The fee is \$415.
 - [2] The City is authorized to prorate the annual municipal waste and recycling fee for entities included in City collection as applicable.
- (b) Commercial and institutional establishments.
- [1] There is hereby imposed upon the owner or operator of each approved commercial or institutional establishment, for inclusion in the City Curbside Collection Program, except those that provide private municipal waste and recycling services in accordance with § 525-3 herein, an annual municipal waste and recycling fee in an amount equal to the fee set for a single dwelling unit. Commercial or institutional establishments approved for inclusion on or between January 1 and June 30 of the current calendar year shall pay the annual fee. Commercial or institutional establishments approved for inclusion on or between July 1 and December 31 of the current calendar year shall be required to pay 1/2 the annual fee.
 - [2] Eligible commercial or institutional establishments may apply to the Appeals Committee for approval for municipal waste collection only at a fee equal to 86% of the total annual municipal waste and recycling fee. Establishments approved for recycling collection only shall be required to pay an amount equal to 48% of the total annual municipal waste and recycling fee. Commercial or institutional establishments approved for inclusion for only municipal waste or recycling collection on or between January 1 and June 30 of the current calendar year shall pay the percentage fee (86% or 48%, respectively) for the requested service. Commercial or institutional establishments approved for inclusion for only municipal waste or recycling collection on or between July 1 and December 31 of the current calendar year shall pay 1/2 the percentage fee (43% or 24%, respectively) for the requested service.
- (c) There is hereby imposed upon the owner or operator of rooming units included in City collection an annual municipal waste and recycling fee in an amount equal to the fee for a single dwelling unit for every three (or any portion thereof) rooming units.
- (d) Said annual fees shall be due and payable each year on or before the last day on which the gross amount of the real estate tax is payable without penalty, pursuant to billing, collection and exoneration procedures established by the Department of Finance. A penalty shall be added to bills not paid within the period described above. For the calendar years 2025 and 2026, the penalty shall be 5%. Calendar year 2027, and thereafter, the penalty shall be 10%. In addition, thereto, any costs or fees incurred in conjunction with the collection of any such delinquencies shall be the responsibility of, and paid by, the owner(s) or operator of the subject property.

- ~~(2) Exoneration of certain senior citizens from payment of the municipal waste and recycling fee and other residents from paying the \$35 increase in the calendar year 2012.~~
- ~~(a) All bona fide residents of the City of Allentown who are 65 years of age or over shall be eligible for exoneration from payment of this fee on their principal place of residence, provided that:~~
- ~~[1] Such residence is a single family dwelling, owned and occupied by the claimant.~~
- ~~[2] A request for exoneration shall be filed with the Bureau of Finance on such form as prescribed by that Bureau for such purpose.~~
- ~~[3] The total household income from all sources does not exceed \$15,000.~~
- ~~(b) All bona fide residents of the City of Allentown who are 65 years of age or over shall be eligible for exoneration from payment of the \$35 increase to this fee on their principal place of residence, provided that:~~
- ~~[1] Such residence is single family dwelling, owned and occupied by the claimant.~~
- ~~[2] A request for exoneration shall be filed with the Bureau of Finance on such form as prescribed by that Bureau for such purpose.~~
- ~~[3] The total household income from all sources is between \$15,000 and \$19,999.~~
- ~~[4] This exoneration is for calendar year 2012.~~
- ~~(c) The Bureau of Finance may require such evidence or information as it deems necessary or appropriate in determining eligibility for exoneration in accordance with this section.~~
- ~~(d) Any information gained by any official, agent or employee of the City, as a result of any claim, investigations, or hearings required or authorized by this article shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this article or as otherwise provided by law.~~
- ~~(e) False or untrue statements shall be a violation of this article.~~

Legislative Template

- What department or bureau is this bill originating from? Where did the initiative for the bill originate?

Public Works – Recycling & Solid Waste

- Summary and facts of the bill.

The purpose of the bill is to update Chapter 525-Solid Waste, Article 1 Waste Storage, Collection and Disposal ordinance to allow for the following updates:

- 1) **Rebates for Senior Citizens on Municipal Waste and Recycling Fees:** Update the ordinance to provide rebates for eligible senior citizens as described in the eligibility Criteria:

A senior citizen may be eligible for a rebate on municipal waste and recycling fees if they satisfy all of the following conditions:

- 1) **Age Requirement:** The applicant must be 65 years of age or older by December 31st of the year in which the municipal waste and recycling fee was paid.
- 2) **Property Ownership:** The applicant must be the legal owner of the property for which the waste and recycling fee was assessed.
- 3) **Residency:** The property must serve as the applicant's primary residence.
- 4) **Timely Payment:** The municipal waste and recycling fees for the applicable year must have been paid in full by the due date.
- 5) **Income Requirements:** The update will adjust the household income scale to include eligibility for households with an income of up to \$30,000.

This would apply to those who meet the requirements and submit their application in 2026 for the senior citizen rebate to be reimbursed for the waste and recycling fees in 2025.

- 2) **Exemption Section Update (Housekeeping Measure):** Revise the exemption section of the ordinance to include specific language regarding quantity and volume limits. This amendment is intended as a housekeeping measure to ensure clarity and consistency within the exemption provisions.
- 3) **Late Penalty Update:** Amend the late penalty provisions to reflect the following: for the years 2025 and 2026, the late penalty will be set at 5%. Starting in 2027, the late penalty will revert to 10%. Additionally, delete outdated language related to the year 2012. This amendment is intended as a housekeeping measure to modernize and streamline the ordinance.

- Purpose – Please include the following in your explanation:
 - a. What does the bill do? What are the specific goals or tasks the bill seeks to accomplish?

The specific goals this bill would accomplish would clean up outdated language in the ordinance while also assisting senior citizens who are on a fixed income and have a

household income of \$30,000 or less. The current senior citizen rebate only assists with a household income of \$15,000 or less.

Additionally, the reduction from 10% to 5% late penalty would offer additional assistance to residents who are unable to pay the waste and recycling fee by the July 15th due date.

- b. What are the benefits of doing this? What are the drawbacks?

The benefits of doing this ordinance update acknowledges the increase in the cost for municipal waste and recycling fee and assists seniors who are 65 years of age or older by December 31st of the year in which the municipal waste and recycling fee was paid and who are a homeowner on a fixed income and have a household income of \$30,000 or less.

While also reducing the late penalty in 2025 and 2026 from 10% to 5% this assists other residents who do not qualify for the senior rebate.

- c. How does this bill relate to the City's vision/mission/priorities?

This bill relates to the City's mission to assist residents when feasible.

- Financial Impact – Please include the following in your explanation:

- a. Cost (initial and ongoing)

The potential cost is unknown at this time due to not having accurate data on how many senior citizens would be eligible for this rebate. We estimate between 672-1,009 households, which would be a cost between \$138,908 and \$208,362.

- b. Benefits (initial and ongoing)

The benefit is assisting those on a fixed income and allow rebates for seniors with a household income less than \$30,000. This reduction in penalty from 10% to 5% will benefit property owners who will not be able to make the payment for municipal waste and recycling fee by the due date of July 15th.

- Funding Sources – Please include the following in your explanation:

- a. If transferring funds, please make sure to give specific account names and numbers. If appropriating funds from a grant, please list the agency awarding the grant.

n/a

- Priority status – Are there any deadlines to be aware of?

The senior citizen rebate portion of this ordinance would take effect when an application is received in 2026 for the 2025 trash fee rebate and the change in late penalty takes effect in 2025 when the new municipal trash and recycling fee is increased to \$605.

- Why should Council unanimously support this bill?

Council requested that we look at updating this section of the ordinance which hasn't been updated since 2012.