

**BOROUGH OF MERCER  
MERCER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2-2013**

**AN ORDINANCE OF THE BOROUGH OF MERCER, MERCER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1-2001 REGULATING THE ACCUMULATION OF GARBAGE AND OTHER REFUSE MATERIAL UPON PRIVATE PROPERTY; REGULATING AND PROVIDING FOR THE COLLECTION, REMOVAL AND DISPOSITION OF GARBAGE, RUBBISH AND OTHER REFUSE MATERIAL; REGULATING THE BURNING OF GARBAGE AND COMBUSTIBLE MATERIAL ON THE PREMISES; PROVIDING FOR THE ENFORCEMENT OF THE ORDINANCE AND FIXING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

**BE IT ORDAINED AND ENACTED BY** the Mayor and Council of the Borough of Mercer, Mercer County, Pennsylvania, and it is hereby Ordained and Enacted by and with the authority of the same as follows:

**WHEREAS**, the Borough of Mercer previously adopted Ordinance 1-2001;

**WHEREAS**, certain matters contained in the Ordinance and/or additional matters need to be amended;

**WHEREAS**, it is the Borough of Mercer's intention to reaffirm and reenact Ordinance No. 1-2001 as amended;

**AND NOW, THEREFORE**, the following amendments are adopted to Ordinance No. 1-2001:

**SECTION 1:** Section 3 of Ordinance 1-2001 is amended to provide as follows: The Borough Council is authorized to provide for the collection and disposal outside the Borough of garbage, rubbish and other material generated by either residential or commercial persons within the Borough as defined herein by Borough employees or by a collector to whom the exclusive right to collect and dispose of said garbage, rubbish and/or refuse materials shall be awarded or granted.

In the event the Borough Council provides for the collection of garbage, rubbish, and/or refuse collection either by Borough employees or a collector to whom the exclusive right to collect and dispose of such garbage, rubbish or refuse is awarded, then all persons, as defined in this Ordinance, who are property owners or tenants within the Borough shall pay the fee set by the designated collector directly to the collector. Additionally, the collector who is designated by the Borough is authorized to file a civil suit directly against any delinquent responsible party for unpaid collection fees without obtaining the Borough's prior consent.

**SECTION 2:** Section 9 of Ordinance 1-2001 is amended to provide as follows: Penalties: Any person violating any of the provisions of this Ordinance shall be guilty of a summary offense and upon conviction before the appropriate District Magisterial Judge for the Borough be sentenced to pay a fine of up to \$1,000.00 together with costs of prosecution for each and every offense. Each day a violation exists shall constitute a separate offense for which separate fines and costs are assessable even if written on one complaint.

**SECTION 3:** Section 9 (a) is added to provide that the Borough may designate an authorized collector as is provided for herein by resolution enacted by the Borough.

**SECTION 4:** Ordinance 1-2001 except as amended above is reaffirmed in its entirety.

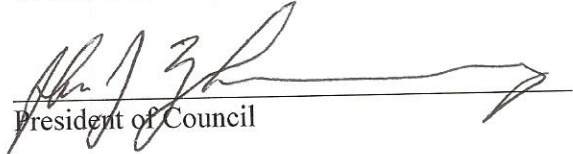
**SECTION 5:** Repeal: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 6:** Severability: If any section or clause of this Ordinance shall be adjudged invalid, said adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

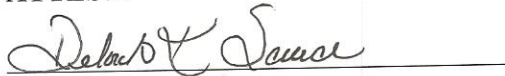
**SECTION 7:** Effective date: This Ordinance shall take effect thirty (30) days after the enactment thereof.

**ORDAINED AND ENACTED**, this 11<sup>th</sup> day of June, 2013, at a Regular Meeting of the Mercer Borough Council.


**BOROUGH OF MERCER**

  
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President of Council

**ATTEST:**

  
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Deborah K. Scruci  
Mercer Borough Secretary

**EXAMINED AND APPROVED BY ME**, this 11<sup>th</sup> day of JUNE, 2013.

  
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Steven Van Woert, Mayor