

**BOROUGH OF MERCER  
MERCER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 4-2015**

**AN ORDINANCE OF THE BOROUGH OF MERCER, MERCER COUNTY, PENNSYLVANIA, PROVIDING FOR THE REMOVAL OF SNOW, ICE, HAIL, AND SLEET AND PRESCRIBING PENALTIES FOR THE VIOLATIONS THEREOF.**

**WHEREAS**, it is the desire of the Borough Council of the Mercer Borough to regulate the removal of snow, ice, and hail for sidewalks within the Borough and to prohibit the deposit of same on sidewalks, streets, and/or alley ways, to require that fire hydrants remain visible and accessible and to provide penalties for violations thereof; and

**WHEREAS**, the Borough Council of Mercer Borough is vested with the authority to enact said Ordinance by virtue of its general municipal powers and the Borough Code of Pennsylvania; and

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

**SECTION 1: REMOVAL OF SNOW, ICE, HAIL AND SLEET**

It shall be unlawful for any person, association, firm, partnership, corporation and/or any other entity owning, possessing and/or occupying any real property along any public street, alley way and/or road within the Borough of Mercer to fail to remove from the sidewalk abutting said property all snow, ice, hail and/or sleet within twenty-four (24) hours after the same have ceased to fall thereon and to keep said sidewalks free and clear of snow, ice, hail and sleet thereafter.

**SECTION 2: DEPOSITING ON STREET OR ALLEY UNLAWFULLY**

It shall be unlawful for any person, association, firm, partnership and/or corporation and/or other entity owning, possessing and/or occupying said property along any public street, alley way and/or road within the Borough in removing said snow, ice, hail or sleet as set forth in Section 1 to deposit the same on a traveled cartway, street, roadway and/or road within the Borough.

**SECTION 3: FIRE HYDRANTS TO REMAIN VISIBLE AND ACCESSIBLE**

It shall be unlawful for any person, association, firm, partnership, corporation or other entity owning, possessing and/or occupying any real property along any street, alley way and/or road within the Borough in removing said snow, ice, hail or sleet as set forth in Section 1 hereof to deposit the same in a manner as to do the following:

- A)     Obscure visibility of any fire hydrant;
- B)     Obstruct or impede access to a fire hydrant;

C)     Additionally, it shall be unlawful for any person, association, firm, partnership, corporation or other entity as set forth herein to fail to keep fire hydrants located on their property obscured in any manner by snow, ice, hail or sleet.

#### **SECTION 4: VEHICLES:**

It shall be unlawful for any person, association, firm, partnership, corporation or other entity to permit a vehicle, recreational vehicle, boat, trailer, or a vehicle that in or on which a person or thing is to be carried from one place to another, to be permitted to stand unattended upon any of the streets and alleys within the Borough once a snow emergency has been declared by the Mayor of the Borough. Any vehicle described above remaining on said streets or alleys after a snow emergency has been declared by the Mayor of Mercer Borough shall be towed at the owner's expense and in addition shall be subject to penalties set forth in Section 5 of the Ordinance.

#### **SECTION 5: PENALTIES:**

It shall be unlawful for any person, association, firm, partnership, corporation or other entity owning, possessing and/or occupying any property along any streets, alley way, or road within the Borough to violate any provision of this Ordinance, and any such person, association, firm, partnership, corporation or other entity owning, possessing and/or occupying any real property along any public streets, alley ways or roads within the Borough or any other requirements of this Ordinance so violating any provision hereof shall upon a summary proceeding instituted before the Magisterial District Justice be subject to a fine of not more than \$300.00 nor more than \$1,000.00 for each offense. Anyone violating Sections 2, 3 and 4 of this Ordinance shall also be subject to the penalties contained herein. For the purpose of this Section, each day's violation of the provisions hereof shall be deemed to be a separate offense. This Ordinance may be enforced by all law enforcement officers having jurisdiction within Mercer Borough.

#### **SECTION 6: MUNICIPAL LIENS:**

A. If the person, association, firm, partnership, corporation or other entity set forth herein fails to comply with this Ordinance in any manner, then in that event the Borough shall be permitted to perform the necessary work to abate the nuisance and all expenses incurred by the Borough in doing so shall be collected in addition to any costs for any legal procedure plus ten percent (10%) interest in correcting the violation by a filing a municipal claim and/or an action at law.

B. Any matter referred to herein as being unlawful shall be declared to be a nuisance and removable as such. If the cost of removal is not promptly paid, a municipal lien shall be filed therefore or such costs otherwise collected as authorized by law.

#### **SECTION 7: ADDITIONAL PARKING RESTRICTIONS:**

A. It shall be unlawful for any person to park or permit a vehicle to stand unattended upon any street, road, alley, road or highway dedicated to public use which the Borough shall have the duty to maintain and/or exist within the Borough whether the Borough maintains the same or is maintained by the Commonwealth of Pennsylvania during any snowfall and after three or more inches of snow shall have fallen, drifted, or accumulated thereon and remains lying thereon. Said restrictions shall remain until the Borough shall have had reasonable opportunity to plow or otherwise remove the snow which has accumulated.



B. Any person in violation of the above parking restriction shall upon conviction thereof, pay a fine of not less than \$100.00 and no more than \$300.00 together with costs assessed for the prosecution of this matter upon the filing of this matter before the District Magisterial Judge. This Ordinance may be enforced by all law enforcement officers having jurisdiction within Mercer Borough.

**SECTION 8: REPEALER:**

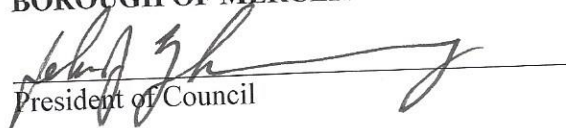
Any Ordinance or part of an Ordinance in conflict with this Ordinance shall and is hereby repealed to the extent of the conflict of the same.

**SECTION 9: EFFECTIVE DATE:**

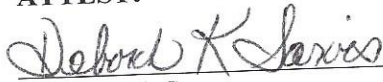
This Ordinance shall be effective on the date approved by the Mayor.

**ORDAINED AND ENACTED**, this 8th day of September, 2015, at a regular meeting of the Mercer Borough Council.


**BOROUGH OF MERCER**

  
President of Council

**ATTEST:**

  
Deborah K. Sarvas  
Mercer Borough Secretary

**EXAMINED AND APPROVED BY ME**, this 8th day of September, 2015.

  
Ross Vernon, Mayor