

GORDON BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2025-01

AN ORDINANCE OF GORDON BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING RULES AND REGULATIONS RELATING TO THE COLLECTION AND DISPOSAL OF GARBAGE AND OTHER REFUSE MATERIAL; IMPOSING AN OBLIGATION ON EACH PROPERTY OWNER TO COMPLY WITH THE TERMS OF ANY CONTRACT FOR COLLECTION OF GARBAGE OR OTHER REFUSE MATERIAL ENTERED INTO BY BOROUGH; PRESCRIBING PENALTIES; AND CONTAINING REPEALER (SPECIFICALLY REPEALING ORDINANCE 1 OF 1990), SEVERABILITY AND EFFECTIVE DATE PROVISIONS.

WHEREAS, via Ordinance No. 1 of 1990, Gordon Borough established certain rules and regulations relating to garbage removal and disposition; and

WHEREAS, Ordinance No. 1 of 1990 has become outdated in certain respects, and Gordon Borough Council wishes to update its provisions, and

WHEREAS, pursuant to the grant of authority stated in 8 Pa.C.S.A. Section 1202(8);

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Definitions.

The following terms shall have the following meanings when used in this Ordinance, and the singular shall refer to the plural, and the plural shall refer to the singular.

“Borough” – Gordon Borough, Schuylkill County, Commonwealth of Pennsylvania, or its governing body the Gordon Borough Council.

“Property Owner” – the legal or equitable owner of each parcel of real property located in Borough, or the person or legal entity in control of said property or each separately secured garbage-or-refuse-material-producing portion thereof.

Section 2. Authorization.

Borough is hereby authorized to establish a Borough-wide system for the collection and disposal of garbage and other refuse material by contracting with a commercial garbage hauler for collection and disposal of garbage and other refuse material in and from Borough.

Section 3. Requirements for each Property Owner.

A. Subject to Section 3D of this Ordinance, each Property Owner in Borough shall arrange for the collection and disposal of all garbage and other refuse material at his/her/its property so as to prevent unreasonable accumulation of garbage and other refuse material on the property.

B. Each Property Owner shall store all garbage and other refuse material for collection on his/her/its property in a manner to prevent unreasonable annoyance, particularly by sight or smell, to other persons.

C. No Property Owner shall dispose of any garbage or other refuse material from his/her/its property by non-permissively dumping or placing the garbage or other refuse material on any other public or private property.

D. Provided Borough arranges by contract with a commercial garbage hauler for Borough-wide garbage and other refuse material collection, each Property Owner in Borough shall utilize Borough's contracted-for commercial garbage hauler for his/her/its garbage or other refuse material collection and disposal consistent with the contractual terms established.

E. Provided Borough arranges by contract with a commercial garbage hauler for Borough-wide garbage and other refuse material collection, each Property Owner in Borough shall pay a fee for garbage and other refuse material collection and removal consistent with the contractual terms established. If the contract established between Borough and the commercial garbage hauler requires the fee to be paid to the hauler by the Property Owner directly, each Property Owner shall be pay said fee consistent with the terms of the contract. If the contract established between Borough and the commercial garbage hauler requires Borough to pay the hauler, and the Borough thereafter bills each Property Owner, the Property Owner shall pay the fee billed by the Borough at the rate and per the schedule set by the Borough from time to time by Resolution.

F. If a Property Owner fails to pay the fee established by Section 3E of this Ordinance, or as amended from time to time by Resolution, the following remedies are hereby authorized: garbage and other refuse material collection at the property may be discontinued; the Borough and/or any contracted-for commercial garbage hauler may proceed in personam by filing a civil action against the Property Owner for collection of the fee; Borough may proceed in rem by filing a municipal claim/lien against the property for the collection of the fee; or Borough may seek to collect the amount due in any other manner authorized by law.

Section 4. Enforcement

A. Enforcement of this Ordinance may be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83(c). Any person or legal entity found to be in violation of any Section, part or provision of this Ordinance, upon conviction, shall pay a fine of no less than \$300 nor more than \$1,000, plus costs, plus reasonable attorney fees incurred in enforcement, and/or may be sentenced to a term of imprisonment either for a violation of any Section, part or provision of this Ordinance or for failure to pay a fine or costs for a term not to exceed 90 days.

B. Enforcement of this Ordinance may be by action in equity in the Court of Common Pleas of Schuylkill County.

C. Each day on which a violation is found to exist, or each Section, part or provision of this Ordinance which is found to have been violated, shall be a separate offense.

Section 5. Repealer.

Ordinance 1 of 1990 is hereby repealed, and all other Borough Ordinances or parts of Borough Ordinances inconsistent with this Ordinance are hereby repealed to the extent necessary to give effect to the terms of this Ordinance.

Section 6. Severability.

If any Section, part or provision of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by Borough without the Section, part or provision found illegal or unenforceable.

Section 7. Effective Date.

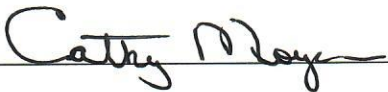
This Ordinance shall be effective upon enactment or on the first day allowed by law thereafter, which comes first.

ENACTED AND ORDAINED this 5th day of MAY, 2025.

BOROUGH OF GORDON
Schuylkill County, Pennsylvania

BY: 
Council

ATTEST:



APPROVED:



Mayor