

**HONESDALE BOROUGH  
WAYNE COUNTY  
PENNSYLVANIA**

**ORDINANCE NO. 721**

**AN ORDINANCE TO AMEND THE CODE OF THE  
BOROUGH OF HONESDALE, CHAPTER 160,  
PROPERTY MAINTENANCE, TO UPDATE SAME  
AND TO ADD ADDITIONAL PROVISIONS  
PERTAINING TO PROPERTY MAINTENANCE**

**WHEREAS**, the Borough of Honesdale (hereinafter Borough) maintains control, supervision, administration, management and protection of various aspects of life, property use, property maintenance, property control, and the general use and enjoyment of properties located within said Borough; and,

**WHEREAS**, the affairs of the Borough are maintained, controlled, supervised, administered, and managed by the duly elected Honesdale Borough Council (hereinafter Council); and,

**WHEREAS**, in the aforesaid capacity, Council has enacted certain and various Ordinances and regulations, including legislation promulgated to protect property owners, the residents and structures located with the Borough; and,

**WHEREAS**, various residents and property owners of properties located within the Borough have called upon Council to update, enhance, improve, strengthen and modernize the Borough's regulations pertaining to structures, properties and general property maintenance within the Borough; and,

**WHEREAS**, consistent with the foregoing, Council originally enacted by reference the International Property Maintenance Code with various localized and individualized amendments and or additions on or about March 10, 2008; and,

**WHEREAS**, also consistent with the foregoing, Council has most recently amended Chapter 160 of the Code of the Borough of Honesdale to identify, designate and establish the 2018 Edition of the International Property Maintenance Code (hereinafter the Code) as the edition of same regulating and governing conditions of property, buildings and structures and any and all uses incidental thereto as the basis for such control and enforcement; and,

**WHEREAS**, in addition to updating aforesaid edition of the subject Code, Council has also viewed the necessity of adding additional locally individualized, customized and tailored provisions to the Code under this Chapter; and,

**WHEREAS**, Council further believes that it is in the best interest and welfare of its citizenry, residents, property owners, merchants and visitors to enact certain and various

additions to the Code to protect and preserve the Quality of Life within the Borough of Honesdale; and,

**WHEREAS** it is appropriate and fitting for Council to enact an Ordinance consistent herewith.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, and the same is enacted and ordained, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

**A. Chapter 160, Article I, Adoption of Standards, Section 160-2 Revisions** is hereby amended as follows

I). The Definitions Provisions of the International Property Maintenance Code, Chapter 2, Definitions, Section 202 are hereby amended to include the following:

The following words, terms, and phrases used herein shall be defined as follows, unless context clearly indicates otherwise:

**GARBAGE** - the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**HAZARDOUS WASTE** - any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- (1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating illness.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

**HOUSEHOLD HAZARDOUS WASTE (HHW)** - waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection (DEP), and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive, or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints, and acids.

**INDOOR FURNITURE** - any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, mattresses, box springs, appliances, tables and similar household items.

JUNKED VEHICLE - any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle.
- (2) Broken glass or windows on or in the vehicle.
- (3) Leaking of any fluids from the vehicle or deflated or flat tire(s).
- (4) Unsecured and/or unlocked doors, hood, or trunk.
- (5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks, or other similar apparatus.
- (6) Harboring of rodents, insects, or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also the definition of "motor vehicle nuisance."

LAWN GRASSES - includes any and all such species typically found to cover any area of ground and as is also included in the definition below of WEEDS.

LITTER - includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demotion material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

LOCAL RESPONSIBLE AGENT - any person residing or working within the Borough designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

MOBILE VENDOR - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the Borough that does not typically remain stationary for more than approximately 10 minutes each hour.

MOTOR VEHICLE - any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

MOTOR VEHICLE NUISANCE - a motor vehicle with one or more of the following defects:

- (1) Broken windshields, mirrors, or other glass, with sharp edges.
- (2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.

- (3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- (4) Protruding sharp objects from the chassis.
- (5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- (6) One or more open tires or tubes which could permit animal harborage.
- (7) Any vehicle suspended by blocks, jacks, or other such materials in a location which may pose a danger to the public, property owners, visitors, or residents of the property on which said vehicle is found.
- (8) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- (9) Disassembled body or chassis parts stored in, on, or about the vehicle.
- (10) Vehicles that do not display a current valid license and registration.
- (11) Such other defects which the Honesdale Fire Department determines to be a danger to the general public or property.
- (12) Motor vehicles parked, drifted, or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

MUNICIPAL WASTE - any garbage, refuse, industrial, lunchroom, or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

NOTICE OF VIOLATION - a written document issued to a person in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

NUISANCE - any condition, structure, or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. See also the definition of "Public Nuisance."

OWNER - A person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property including the principals of a limited liability company or officer, director or shareholder of a corporation if that individual is responsible for the management and control of the property; including the

guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - every natural person, firm, corporation, partnership, association, or institution.

PRIVATE PROPERTY - any land and the improvements thereon owned by any person and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited, temporary, continuously uninhabited, or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

PUBLIC OFFICER - any authorized inspector, Borough Manager, Code Enforcement Officer, Honesdale Police Officer or public official designated by the Borough Council to enforce the Borough ordinances.

PUBLIC NUISANCE - any conditions or premises which are unsafe or unsanitary.

PUBLIC RIGHT-OF-WAY - the total width of any land used, reserved, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.

RESIDUAL WASTE - any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

RUBBISH - combustible and noncombustible waste materials, except garbage; the term shall include residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

SIDEWALK AREA- the public right-of-way between the property line and the curb line or the established edge of the roadway.

SOLID WASTE - any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

VEGETATION - any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET - a form issued by a police officer or duly designated code enforcement officer to a person who violates a provision of this Part. The violation ticket is an offer by the Borough extended to a person to settle a violation by paying a fine in lieu of a citation being issued against the violator.

WEEDS - shall be defined as all grasses, annual plants, and vegetation, which meet any of the following criteria:



- (1) Exceed eight (8) inches in height.
- (2) Exhale unpleasant noxious odors or pollen such as ragweed, dandelion, and miscellaneous other vegetation commonly referred to as weeds or brush.
- (3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects, or vermin.
- (4) May cause a public nuisance.
- (5) Includes unmaintained, overgrown shrubs

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

YARD - an open space on the same lot with a structure.

**\*\*CAVEAT---** In the event that any of the afore-described definitions are repeated in the text of the current of the International Property Maintenance Code, the stricter, more restrictive definition shall prevail.

**\*\*** Any and all definitions provided in the current of the International Property Maintenance Code not modified hereby shall remain in full force and effect.

**B. Section 106, Violations** is hereby amended as follows:

- 1. Add: 106.6, Authority for Issuance of Violation Ticket.** Upon finding a property maintenance violation or any other violation under this article, any police officer and/or code enforcement Officer authorized by the Borough to do so may issue violation tickets to the owner and/or occupant of the property at issue or to the individual (s) known to have violated any part of this article.
- 2. Add: 106.7, Service.** A violation tickets shall be served upon a violator by handing it to the violator, handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice of violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record. Section 107.3, Method of Service, may also be used to effect service.
- 3. Add: 106.8, Fines.** The finding a violation under any provision of this Code, or any amendments and/or additions thereto, by a Court of competent jurisdiction shall subject the individual or entity found to have been in violation to a fine and/or other

punishment as provided for under the Honesdale Borough Costs, Fines and Expenses Resolution adopted relative hereto.

- a. For each offense subsequent to three offenses of this Part within a 12-month period, amounts of violation tickets shall increase in the amount of \$100.00, accumulative for each subsequent offense.
- b. Any persons who receive a violation ticket for any violation of this Part may, within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction.
- c. Any person who violates this Part shall pay a fine as set forth herein for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.
- d. Failure of the person to make payment within fifteen (15) days of the date of a violation ticket shall result in the filing of a citation, for failure to pay, with the Magisterial District Judge.
- e. If violations are continuous or egregious, any police officer, enforcement officer and/or Code Officials shall have the right to issue citations without first issuing tickets, provided notice has been given.
- f. In addition to all of the remedies, the Borough is authorized to exercise and reserves all rights of enforcement and remedies for Municipal Claims and Municipal Liens as permitted by law.
- g. In addition to assessment penalties and liens provided for under any of the foregoing subsections or otherwise in this Ordinance, any person who violates or permits a violation of this Ordinance, upon being found liable therefore in a civil enforcement proceeding before a district justice or magisterial district judge, shall pay a fine and/or penalty of not less than three hundred (\$300.00) dollars nor more than one thousand (\$1000) per violation, plus all court costs, including reasonable attorney's fees incurred by the Borough in the enforcement of this Ordinance. Each day the violation exists shall constitute a separate offense. In any case where a penalty for a violation has not been timely paid, and the person against whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for attorney's fees incurred by the Borough in the enforcement proceedings. If the violator neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

- h. In addition to or in lieu of a civil action before a magisterial district judge, or Court, the Borough may enforce this Ordinance in equity. The appropriate officers or agents, including Borough Council, Borough Manager, or Code Officer of the Borough are hereby authorized to seek equitable relief, including injunctions, to enforce compliance herewith.
- i. The Borough shall be exempt from the payment of costs in any civil case brought to enforce this ordinance.

**C. Section 308, Rubbish and Garbage** is hereby amended as follows:

**1). Amend as follows: 308.2.2 Refrigerators.** Refrigerators and similar appliances and/or equipment shall not be discarded, abandoned or stored on the exterior of any premises located within the Borough.

**2). Add: 308.4, Outside Placement of Indoor Appliances/Furniture.** It is prohibited to store or place any/all appliances or furniture including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property. Please also see Section 308.2.2.

**3). Add: 308.5, Composting.** Nothing herein shall be construed to prohibit a properly constructed and properly maintained compost bed, pit or container so long as the same does not have any off-premises impact or effect.

**D. Section 309, Pest Elimination** is hereby amended to include:

**309.6 Animal Maintenance and Waste/Feces Clean-Up.** People owning, harboring, or keeping any animal(s) within the Borough shall not permit any waste matter/feces from the animal(s) to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. No person shall cause or allow any animal to defecate upon any property within the Borough without immediately removing said feces and depositing in approved containers of said person. Any and all animals owned, harbored, kept or maintained on any property within the Borough shall be confined to that property.

**E. Survival Provisions:** Any and all other provisions of Chapter 160 of the Code unaffected by this amendment shall remain in full force and effect.




**F. Inconsistencies:** Any Ordinance or part(s) thereof inconsistent herewith are hereby repealed or simultaneously amended.

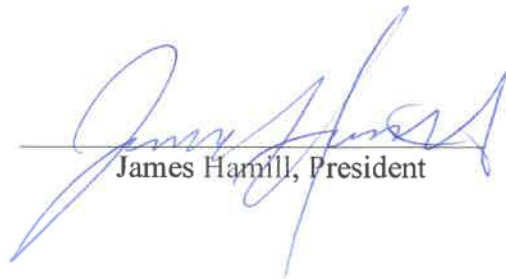
**G. Savings Provisions:** Should any section, subsection, clause, provision or other portion of this Ordinance or any other similar ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance, the Borough Council of Honesdale Borough having adopted this Ordinance as if such invalid portions had not been included therein.

**H. Effective Date:** This Ordinance shall become effective five (5) days after the adoption thereof.

**ENACTED AND ORDAINED** into law by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, by a vote of 7 to 0 this 20th day of December, 2022.

ATTEST:

  
Judith Poltanis, Secretary

  
James Hamill, President

Approved, this \_\_\_\_ day of December 2022 by the Mayor of Honesdale Borough, Wayne County,  
ATTEST:

\_\_\_\_\_  
Judith Poltanis, Borough Secretary

\_\_\_\_\_  
Derek Williams, Mayor

