

**WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
July 22, 2024
5:00 P.M.**

The Regular Meeting of Weatherly Borough Council was held on July 22, 2024, at 5:00 p.m. in the Municipal Building.

Mayor Paul Hadzick called the meeting to order, followed by the invocation and pledge of allegiance.

Council Members attending: Michael Bellizia, Vincent Cuddeford II, Joseph Cyburt, Theresa D’Andrea, Jeffery Miller, Norman Richie, and Paul Hadzick.

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O’Donnell; Deputy Borough Manager, Tracy Grover; Police Chief Brian Markovchick, Blue Ridge Cable Channel 13 Cameraperson, Drew Snowberger; Times News reporter, Kelly Socha; Journal Newspaper reporter, Seth Isenberg; Irvin Richie, Elizabeth Parker, Brianna Dotter, Bill Beattie, Jude Barnard, Joshua Krieger, Andi Krieger, Cameron Alberswerth and Ava Barnard.

MINUTES:

The minutes of the Regular Meeting of June 24, 2024, were presented to Council for approval and Norman Richie stated that it was not stated in the minutes that he requested that the credit card charges be listed in detail. The minutes will be amended to add his remark to the minutes.

The minutes of the Regular Meeting of June 24, 2024, were approved with the amendment to the minutes on a motion by Norman Richie, seconded by Theresa D’Andrea, and approved by general acclaim of Council.

TREASURER’S REPORT:

The Treasurer’s Report for June, 2024, was presented and reflected a balance of \$250,944.78.

The Treasurer’s Report for June, 2024, was approved on a motion by Joseph Cyburt, seconded by Jeffery Miller and approved by general acclaim of Council.

BILLS:

The bills for July, 2024, totaling \$242,889.89 were presented to Council.

A motion to approve all of the bills was made by Vincent Cuddeford II, seconded by Joseph Cyburt and approved by general acclaim of Council.

OTHER ITEMS OF CONCERN:

Elizabeth Parker stated that Jeffery Miller had a picture of the park dam on Facebook and she said the park is rundown, there are no benches and it is a disgrace. Mayor Hadzick explained that the areas that are torn apart will all be new when the work is done. The improvements will be done with grant money,

which was applied for two years ago. Mr. Pudliner said that they did advance work to prevent a delay in the work progress.

Jeffery Miller stated that he randomly takes pictures and posted a picture of the dam at the park. Elizabeth Parker also mentioned the potholes in the parking lot. Mr. Pudliner stated that they are working on patching them.

BUSINESS:

1. Guests of the Mayor to Receive Awards.

When the Mayor was working out at the park and in areas around the park, he and Mike Kurtz were constantly visited by some children and they spent a lot of time with the Mayor and Mike. So, the four children will be presented with a Citizenship Award that will include a certificate, a flag pin and 3 small ice cream cone coupons each for the concession stand. The four children presented with the awards were: Andi Krieger, Cameron Alberswerth, Ava Banard and Ava Kurtz (absent).

2. Review and Discussion on the LERTA Ordinance, Authorization for Solicitor to Publish the Ordinance..

Last month the LERTA Ordinance was reviewed with Mr. Nanovic and the reason for this ordinance. Upon Mr. Nanovic's recommendation the ordinance was forwarded to Ms. Graysha Harris to review along with the Director of Alliance for Building Communities. They had only one change to the ordinance on page 5 paragraph E. Mr. Nanovic explained the change to the ordinance. Funding for the entire project has been approved by the Pennsylvania Housing Finance Agency. Which in itself is a milestone as it usually takes two rounds to get funding Mr. Pudliner said.

ORDINANCE NO. 2024 -

AN ORDINANCE OF THE BOROUGH OF WEATHERLY, CARBON COUNTY, PENNSYLVANIA PROVIDING FOR TAX EXEMPTION FOR IMPROVEMENTS TO CERTAIN PROPERTY LOCATED WITHIN THE BOROUGH OF WEATHERLY PURSUANT TO PENNSYLVANIA ACT 76 OF 1977, DEFINING THE LERTA DESIGNATED AREA; PROVIDING FOR AN EXEMPTION PERIOD; PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION.

WHEREAS, on December 1, 1977, the General Assembly of Pennsylvania passed act 76 of 1977, known as the Local Economic Revitalization Tax Assistance Act of 1971 (72 P.S. §§4722, et seq.) (LERTA) authorizing local taxing authorities to provide for exemption from taxes for certain deteriorated commercial, industrial, or other business property; and

WHEREAS there are deteriorated commercial, industrial, or other business buildings located within the Borough of Weatherly; and

WHEREAS the Council of the Borough of Weatherly, in accordance with said Act, held a public hearing on ,2024, to determine the boundaries of the designated area; and

NOW THEREFORE, be it ordained by the Council of the Borough of Weatherly, Pennsylvania, and it is hereby ordained by the authority of the same as follows:

SECTION 1. DEFINITIONS:

As used in this ordinance, the following words and phrases shall have the meaning set forth below:

"LERTA Designated Area" refers to the boundaries of the Borough of Weatherly.

"Non-Residential, means any industrial, commercial, non-residential use building, or other business property located in the LERTA Designated Area.

"Residential" as hereinafter defined, shall mean single family dwellings, duplexes, short-term rentals and Bed and Breakfasts.

"Improvement" means repair, construction, or reconstruction, including alterations and additions, having the effect, or rehabilitating a building with a minimum actual cost of the improvement being \$75,000.00, verified by a PA registered design professional. The purpose of the improvement is for the following: the building becomes habitable or attains higher standards of safety, health, economic use, or amenity; it is adaptively re-used; or is brought into compliance with laws, ordinances, or regulations governing such standards; or is new construction in the LERTA.

SECTION II. LERTA DESIGNATED AREA/ELIGIBLE PROPERTIES:

The entire area within the boundaries of the Borough of Weatherly is hereby designated as the LERTA area subject to exclusions. Properties/uses specifically excluded from the LERTA program are single-family, duplexes, Short-term rental units, Bed and Breakfast establishments, and Residential Properties.

SECTION III. ALLOWABLE EXEMPTION:

The actual costs of the new construction or improvements to a building to qualify for the exemption must be in excess of \$75,000.00 in order for the property to be eligible for the LERTA tax abatement.

Ordinary upkeep and maintenance-painting, roof replacement, landscaping, deteriorated materials replacement-shall not be deemed an improvement. If this work is included in a project, it shall not be counted toward meeting the minimum investment for program eligibility.

In all cases, the exemption from taxes shall be limited to that portion of the additional assessment attributable to the improvement or new construction, as the case may be, and for which a separate assessment has been made by the County Board of Assessment. No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property, including zoning, building codes, and borough council (if Applicable). No tax exemption shall be granted if the property, as completed, does not comply with the minimum standards of all applicable Borough Ordinances, Zoning, and Building Codes.

Should there have been any reduction to the assessed value to the property within the two years prior to the application date for exemption, the application shall be denied. The new assessment

value will not be applied to the property until occupancy of the building is granted in accordance with applicable building codes or a fully signed and completed building permit copy is received.

The exemption from taxes hereunder shall be forfeited by the applicant and/or any subsequent owner of the real estate for failure to pay nonexempt real estate taxes by their due date that may be paid without penalty. Upon receipt of notice of nonpayment of nonexempt real estate taxes, the Borough Manager shall direct the County Assessment Office, and the Borough Treasurer to discontinue the exemption.

In any case, after the effective date of this ordinance, where a property in the LERTA program property is damaged or destroyed, and where the assessed valuation of the property affected has been reduced as a result of said damage, the exemption from real property taxation authorized shall be limited to that portion of new assessment attributable to the actual cost of improvements or construction that is in excess of the original assessment that existed prior to damage.

In any case, after the effective date of this Ordinance, where a building or structure is razed or demolished, and a new building or structure is placed on the property, the exemption from real property taxation authorized shall be limited so that the Tax Assessment on the new structure shall not be less than the structure which had been razed or demolished.

SECTION IV: EXEMPTION SCHEDULE:

For the ten years immediately following the year in which the LERTA application is approved, the following real estate tax exemption schedule shall be in effect:

100 % Exemption for Years 1 through 10

After the tenth year, the exemption shall terminate.

The exemption from taxes granted under this Ordinance shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

If an eligible property is granted tax exemption pursuant to the ordinance, the exemption shall not, during the exemption period, be considered as a factor in assessing other properties.

If the use of the property at the time the exemption is granted is modified, terminated or changed during the ten year exemption period in any way which would have affected the exemption if the property had been so used when the exemption was granted, then, at the election of the Borough Council, the exemption shall terminate as of the date the use was modified or terminated if the Council determines that continuation of the exemption would be inconsistent with the purposes of the ordinance.

SECTION V: PROCEDURE FOR OBTAINING EXEMPTION:

Any person or entity desiring tax exemption pursuant to the LERTA Program must apply to the Borough of Weatherly prior to or at the time of obtaining a building permit for a new construction or improvement. Applicants shall also provide a copy of the exemption request to the Carbon County Assessment Office on the same day it is submitted to the Borough. Applicants shall also file a copy

of the exemption request with the Business District of the Weatherly Area School District and the Carbon County Office of Commissioners.

Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the local taxing authority as provided by law.

The application must be in writing utilizing the LERTA Program application form, setting forth the following information:

- The date the building permit was issued for said improvement.
- The location of the property.
- The current use(s) and proposed use(s) of the property.
- The type of improvements or new construction.
- The summary of the plan of the improvements or new construction.
- The actual cost of the improvements or new construction is verified by a Pennsylvania registered design professional. Improvement costs must exceed \$75,000 with ordinary maintenance expenses not being counted in the \$75,000 minimum.
- Whether or not the property has been condemned or cited by any governmental body for noncompliance with laws, regulations, and/or ordinances.
- The property has been inspected and examined by a Pennsylvania registered design professional acting on behalf of the Borough. The cost of such inspection shall be reimbursed to the Borough by the applicant, regardless of whether or not the application is approved.
- Such additional information as the Borough may require.
- Such fees set by Borough Council by resolution for the administration of the application and the LERTA program.
- The cost of improvements or new construction to be exempted.
- Each applicant for and receiving an exemption under the LERTA Program agrees, that upon completion of the ten-year exemption schedule, not to take any appeals for reassessment for a period of an additional five years unless the property is reassessed by the County of Carbon during that five-year period, **with the exception of a request for a payment in lieu of taxes.**
- No person or entity, or such person's or entity's subsidiaries, affiliates or other associated holdings, will be eligible for exemption under the LERTA Program unless all property taxes are current, there are no outstanding municipal liens against the property, and all fees for

municipal services (including, but not limited to, water, sewer and trash services) are current for all properties such person's or entity's or such person's or entity's subsidiaries, affiliates or other associated holdings owned in the Borough.

- No assessment appeal reducing the property assessment has been granted within two years prior to the filing of a LERTA application.
- A copy of the exemption request will be forwarded to the County Board of Assessment Appeals by the Borough Manager. Within 60 days, the Board will, after completion of construction, assess separately the improvements and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by the LETRA Program and notify the taxpayer and the local taxing authorities of the reassessment and amounts of the assessment eligible for exemption. This reassessment is required by the application of the LERTA abatement, and any applicant applying for the abatement explicitly agrees that it does not constitute a spot reassessment. Reassessment will be applied to the improvement that has been made as part of the LERTA application.

SECTION VI. TERMINATION DATE:

An application for exemption from Borough real estate taxes may be made at any time within five years from the effective date of this Ordinance.

SECTION VII. EXTENSION:

The Borough may, by ordinance enacted from time to time, extend the time for filing an application from exemption from Borough real estate taxes. However, in no event shall anyone's extension period exceed five years.

SECTION VIII. REVOCATION OF EXEMPTION:

The Exemption from the Borough real property taxes provided for in this Article shall be forfeited by the application and/or any subsequent owner of the Property and such Exemption shall be revoked by the Borough upon the occurrence of any of the following:

- The failure to pay in full any non-exempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. Upon receipt of this notice of nonpayment of non-exempt real property taxes, the Borough Treasurer shall immediately terminate the Exemption.
- The failure to pay when due any amount due and owing to the Borough. Upon receipt of notice of nonpayment of any such amount, the Borough Treasurer shall immediately terminate the Exemption.

- The failure to obtain and pay in full all fees for all necessary and proper permits, licenses, and certificates prior to commencement of construction of the Improvements to, or occupancy of, the Property.
- The failure to comply with the minimum standards established by all applicable laws, ordinances, codes, rules, and regulations.
- The failure to comply with the provisions of this Article.

SECTION IX. ANNUAL CAP:

Weatherly Borough will accept a maximum of five applications per year for the entire LERTA Designated Area. The date of the application approval will be used to determine when the annual cap has been reached. The Borough may, by Resolution and concurrence with Weatherly Area School District and Carbon County Commissioners, increase the number of LERTA applications accepted on an annual basis.

SECTION X. SEVERABILITY:

If any provision of this Ordinance shall be determined to be unlawful, invalid, void, or unenforceable, then that provision shall be considered severable from the remaining provisions of this Part, which shall be in full force and effect.

SECTION XI: EFFECTIVE DATE:

This ordinance shall become effective five days after enactment. For LERTA program applications, a period of retroactively starting on July 1, 2024, is allowed for a property owner who has obtained a building permit and has not started the improvement. The applicant must otherwise meet all other program eligibility requirements.

SECTION XIII: AMENDMENTS:

No amendment to this ordinance shall be effective unless consented to by resolution or ordinance at each local taxing authority which has consented to bound by the terms of this ordinance.

A motion to advertise and publish the LERTA Ordinance was made by Norman Richie, seconded by Jeffery Miller and approved by roll call vote:

Jeffery Miller	Yes	Norman Richie	Yes
Joseph Cyburt	Yes	Vincent Cuddeford II	Yes
Theresa D’Andrea	Yes	Michael Bellizia	Yes
	Paul Hadzick	Yes	

3. Quality of Life Ordinance Discussion.

Mr. Pudliner asked Council to consider a Quality-of-Life Ordinance. The current Property Maintenance Ordinance takes a considerable amount of time to have any results for violations. The

Quality-of-Life Ordinance does not replace the Property Maintenance Ordinance but is in addition to it. This ordinance in a way does move things along quicker. Hazleton, Lehighton and many other municipalities have adopted this ordinance because of growing concerns in their communities. The one that is being presented is a combination of different community ordinances as far as the violation not so much as the substance of the ordinance. Take note that a fine can be issued to the property owner as soon as a violation is seen. Initial fines vary between municipalities some are stating at \$50 and others at \$25. Council will need to determine what fine level they want to set.

ORDINANCE NO. 2024-

**AN ORDINANCE OF THE BOROUGH OF WEATHERLY
ADDING THE PROPERTY MAINTENANCE QUICK
TICKET ORDINANCE IN WEATHERLY BOROUGH**

WHERE AS, Weatherly Borough had codified its ordinances; and,

WHERE AS, Weatherly Borough wishes to amend its codified ordinances by adding the following Ordinance as Chapter 60.

NOW THEREFORE, be it enacted and ordained that the following ordinance shall become Chapter 60.

§60-1. Purpose.

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, accumulation of snow and ice on sidewalks, failure to remove animal waste, unsafe swimming pools, persons/firms working without permits, and many other code violations are causing problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough of Weatherly, which reduce business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of Weatherly are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this chapter is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of the Borough of Weatherly.

§ 60-2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall be defined as follows, unless context clearly indicates otherwise:

AUTHORIZED LITTER RECEPTACLE - A litter collection receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of handheld trash, but not household or commercial waste.

DEBRIS - Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

DUMPING - Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by law.

GARBAGE - The animal or vegetable waste resulting from 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:

- A. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and
- B. 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, 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, etc.

JUNKED VEHICLE -

- A. 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.

B. 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.

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

LITTER- Includes, but is not limited to, all waste material, garbage, trash, i.e., wastepaper, 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 demolition material, recyclable material, 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 County of Carbon 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:

A. Broken windshields, mirrors or other glass, with sharp edges.

- B. Broken headlamps, trail lamps, bumpers or grills with sharp edges.
- C. Any body panels, truck, firewall or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.
- F. One or more open tires or tubes which could permit animal harborage.
- G. 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.
- H. Any excessive fluids leaking from a vehicle which may be harmful to the public or the environment.
- I. Disassembled body or chassis parts stored in, on or about the vehicle.
- J. Vehicles that do not display a current valid license and registration.
- K. Such other defects which the Fire Department determines to be a danger to the general public or property.
- L. 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 "public nuisance."

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

PLANTER STRIP- The non-concrete space in the sidewalk area filled with dirt and/ or grass.

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 improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

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

PUBLIC OFFICER- Any police officer, property maintenance and housing inspector, code compliance inspector, or public official designated by law or local ordinance to enforce the Borough ordinances.

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.

RECYCLABLE MATERIAL - Material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

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 the 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.

SHADE TREE - Unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

SIDEWALK AREA - The public right-of-way between the property line and the curblin e 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.

STORAGE - The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of, my municipal waste in excess of three months constitutes disposal.

TREEWELL - The non-concrete area surrounding a shade tree planted in a sidewalk area.

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 public officer to a person who violates a provision of this chapter.

WEEDS

- A. Shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:
 - (1) Exceed ten (10) 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.
- B. 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.

§ 60-3. Quality of life (QOL) violations.

- A. QOL.001 Accumulation of rubbish or garbage. All exterior property and the interior of every structure shall be free from any accumulation of waste, trash, rubbish or garbage.
- B. QOL.002 Animal maintenance and waste/feces cleanup. People owning, harboring or keeping an animal within the Borough of Weatherly shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.
- C. QOL.003 Disposal of rubbish or garbage/dumping, Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property.
- D. QOL.004 High weeds, grass or plant growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this chapter.
- E. QOL.005 Motor vehicles. It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- F. QOL.006 Outside placement of indoor appliances/furniture. It is prohibited to store or place .my/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 in said property.
- G. QOL.007 Snow and ice removal from sidewalks. Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough of Weatherly is required to remove any snow or ice from the entire length of any sidewalk fronting or abutting said premises within 24 hours

after the precipitation had ceased to fall or form. Such pathway shall be not less than 30 inches in width and shall be thoroughly cleared of snow, ice or other obstruction.

- H. QOL.008 Storage containers for waste or trash. All waste or trash containers must be stored in the rear of every property so said containers are not visible from the public right-of-way or when the rear of the property is not available in the side of the property so as not visible or minimally visible from the public right-of-way. Whether at the rear or side, all waste or trash containers shall be stored in such a manner as not to create an attraction or harborage for rodents, insects or other pest life. Household(s) shall place their refuse receptacles out for collection at the appropriate location no earlier than 18 hours prior to the regular collection time. Receptacles shall be removed from the collection point and returned to an appropriate storage location no later than 18 hours after the collection time. Once the hauler removes the waste or trash from any property, all containers must be returned to the rear or side of any property, as applicable, by no later than 18 hours after the collection time.
- I. QOL.009 Storing or discarding of indoor furniture appliances, and other equipment. Refrigerators and similar equipment, including but not limited to washers, dryers, dishwashers and ranges not in operation, shall not be discarded, stored or abandoned on any premises without first removing the doors. Indoor furniture, appliances, and other equipment shall be placed out for collection at the appropriate location no earlier than 18 hours prior to the regular collection time. If indoor furniture, appliance, and other equipment is not removed by the hauler from the collection point, it shall be removed from the exterior of the property and returned to an appropriate storage location by no later than 18 hours after the collection time.
- J. QOL.010 Storing of hazardous material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including but not limited to paints, volatile oils and cleaning fluids or combustible rubbish, including but not limited to wastepaper, boxes or rags unless the storage of said materials is stored in compliance with the applicable Building Codes.
- K. QOL.011 Swimming pools. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered and sanitary as well. Swimming pools must also be in compliance with applicable Building Codes.
- L. QOL.012 Permits required. As set forth in of the Borough Code of Ordinances, a building permit shall be required before any construction or development is undertaken within any area of the Borough. A failure to obtain such a permit shall constitute a violation of this chapter, including but not limited to failure to obtain

any/all building,
mechanical, electrical, plumbing, and fire protection permits.

- M. QOL.013 Permit placard display. As set forth in of the Borough's Code of Ordinances, a placard showing the number of the permit (building, mechanical, electrical, plumbing, fire protection), the date of its issuance and signed by the Building Code Official or his/her designee will be issued along with any permit. As also set forth in such code of ordinances the placard must be displayed on the premises during the time construction is in progress. A failure to conspicuously display such placard during and throughout construction and until completion shall constitute a violation of this chapter.

§ 60-4. Authority for issuance of violation ticket.

Upon finding a quality - of- life violation, any Borough of Weatherly properly maintenance inspector, housing inspector, code compliance inspector, code official or individual designated by Building Code Official/code or Manager of the Borough of Weatherly may issue a quality-of-life violation ticket(s) to the owner and/or occupant of the property at issue or to the individual known to have violated this chapter.

§ 60-5. Enforcement

- A. The provisions of this chapter shall be enforced by police officers, a propeliy maintenance and housing inspector, code compliance inspector, a code official, or any other public officer authorized to enforce ordinances.
- B. Any violation of the provisions of this chapter may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the visitor.

§ 60-6. Service

A violation ticket shall be served upon a violator by either handing it to the violator; or by 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; or by leaving or affixing the notice or violation ticket to the property where the violation exists; or 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.

§60-7. Separate offense.

Each day a violation continues, or is permitted to continue shall constitute a separate offense for which a separate fine may be imposed.

§ 60-8 Regulations.

The Building Code Official is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this chapter.

§ 60-9 Abatement of violation.

- A. Any person or business violating this chapter is hereby directed to satisfy the Borough of Weatherly and its citizens, upon issuance of a quality-of-life ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Code Enforcement Office, and/or their designees in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.
- B. The Borough of Weatherly and/or their contractors, per the direction of the Borough reserves the right to abate the violation in question at the expense of the owner. If the Borough has affected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality-of-life ticket which will also be paid separately.
- C. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality-of-life ticket, the Borough is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Building Code Official and/or the rules and regulations.
- D. Borough of Weatherly cleanup. The Borough reserves the right to perform any necessary work to abate any violation once 72 hours passes from the date of issuance of the quality-of-life ticket. Should the violation at the discretion of the Code Official present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate designated by the Borough of Weatherly Fee Schedule and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional 20% on all

material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

- E. Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once 72 hours passes from the date of issuance of the quality-of-life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Weatherly and the Borough will forward these costs to the violator. The Borough reserves the right to add a 30% processing fee in addition to the cost of contractor.

§ 60-10 Violations and penalties

- A. For the first violation of this article within a twelve-month period, violation tickets shall be issued in the amounts of \$25, as set forth in the chart below.
- B. For the second offense of a violation of this article within a twelve-month period, violation tickets shall be issued, in the amounts of \$50, as set forth in the chart below.
- C. For the third offense of a violation of this article within a twelve-month period, violation tickets shall be issued in the amounts of \$100, set forth in the chart below.
- D. For each offense subsequent to three offenses of this article within a twelve-month period, amounts of violation tickets shall increase in the amount of \$100, accumulative for each subsequent offense.
- E. Any persons who receive a violation ticket for any violation of this article may, within 15 days, admit the violation, waive a hearing, and pay the fine in full satisfaction.
- F. Any person who violates this article 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.

(1)	Violation Number	Description	Fine 1	Fine 2	Fine 3
	QOL.001	Accumulation of Rubbish or Garbage	\$25	\$50	\$100
	QOL.002	Animal maintenance and Waste/feces cleanup.	\$25	\$50	\$100
	QOL.003	Disposal of rubbish or garbage/dumping, Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property	\$25	\$50	\$100
	QOL.004	High weeds, grass or plant growth	\$25	\$50	\$100
	QOL.005	Motor Vehicles	\$25	\$50	\$100
	QOL.006	outside placement of indoor appliances/ furniture	\$25	\$50	\$100
	QOL.007	Snow and ice Removal from Sidewalks	\$25	\$50	\$100
	QOL.008	Storage containers For waste trash	\$25	\$50	\$100
	QOL.009	Storing or discarding of indoor furniture, appliances and other equipment	\$25	\$50	\$100
	QOL.010	Storage of hazard Materials	\$25	\$50	\$100
	QOL.011	Swimming pools	\$25	\$50	\$100
	QOL.012	Permits required	\$25	\$50	\$100
	QOL.013	Permits placard Display	\$25	\$50	\$100

B. Violation ticket penalties:

- (1) If the person in receipt of a \$25 violation ticket does not pay the fine or file an administrative appeal as set forth in § 240-11 below within 15 days, the person will be subject to a \$10 penalty for days 16 through 30.
- (2) If the person in receipt of a \$50 violation ticket does not pay the fine or file an administrative appeal as set forth in § 240-11 below within 15 days, the person will be subject to a \$25 penalty for days 16 through 30.
- (3) Failure of the person to make payment or request a hearing within 30 days of a violation ticket shall make the person subject to a citation for failure to pay.
- (4) If violations are continuous or egregious, the code official has right to issue citation without first issuing ticket provided notice has been given. Upon issuance of four tickets for same violation, right is reserved for code official to issue citation for fifth and subsequent offenses.

§60-11. Citation fines.

Any person; firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than \$100, nor more than \$1,000 on each offense.

§60-12. Restitution.

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

§60-13 Appeal.

Administrative appeal.

- (1) A person in receipt of a violation ticket may appeal to the Code Official by filing a request with the Borough of Weatherly in writing using the violation ticket appeal form within 15 calendar days of the date of the violation ticket.
- (2) In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within 15 calendar days of the date that the quality-of-life ticket was issued:

- (a) All paperwork, including the appropriate appeal form, for the appeal must be submitted and complete.
 - (b) Payment of the fine must be paid full, which will be refunded within 30 calendar days should the alleged violator win the appeal.
- (3) The appeal hearing will be held before the Borough Council or its designee. The Council or its designee may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she sees appropriate.
- (4) Any recipient of a violation ticket who fails to file an appeal within 15 days shall waive the right to an appeal.

§ 60-14 Collections.

At the discretion of the Borough of Weatherly, all tickets for which payment is not received within 45 days of issuance of a ticket for which any appeal is not taken and 45 days from denial of appeal and monies paid by the Borough of Weatherly for abatement of a violation not paid within 45 days of billing may be turned over by the Borough to a collection's agency for receipt.

§ 60-15 Liens

At the discretion of the Borough of Weatherly, liens may be placed upon a property against which tickets were issued for which payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from denial of appeal and monies paid by the Borough of Weatherly for abatement of a violation and not paid within 45 days of billing.

§60-16 Nonexclusive remedies

The penalty, lien and collection provisions of this section shall be independent non- mutually exclusive separate remedies, all of which shall be available to the Borough of Weatherly as may be deemed appropriate for carrying out the purposes of this chapter. The remedies and procedures provided in this chapter for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of Weatherly Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for finding of a violation of this chapter.

This Ordinance shall become effective five (5) days after enactment.

A motion to give the solicitor permission to publish the Quality-of-Life Ordinance was made by Joseph Cyburt, seconded by Jeffery Miller and approved by roll call vote:

Joseph Cyburt	Yes	Vincent Cuddeford II	Yes
Theresa D’Andrea	Yes	Michael Bellizia	Yes
Norman Richie	Yes	Jeffery Miller	Yes
	Paul Hadzick	Yes	

4. Review Change to Animal Ordinance.

Mr. Pudliner stated that it was brought to his attention that more farm animals were being considered or being brought into town. There are farm animals in residential areas where there should not be any.

ORDINANCE NO. 2024-

AN ORDINANCE OF THE BOROUGH OF WEATHERLY AMENDING CHAPTER 213 OF THE WEATHERLY BOROUGH ORDINANCE

WHEREAS, the Borough of Weatherly has enacted a Borough Code; and,

WHEREAS, Chapter 2B of the Weatherly Borough Code pertains to animals; and,

WHEREAS, the Borough Council wish to amend the Ordinance for the health, safety and welfare of the residents of the Borough.

NOW THEREFORE, be it enacted and ordained as follows:

ARTICLE V:
WILD AND EXOTIC AND FARM ANIMALS

Section 2B-13 through 2B-15 is hereby repealed and shall hereinafter read as follows:

Restrictions.

2B-13-A. No person shall keep a wild or exotic animal in any place other than a zoological park, veterinary hospital or clinic, humane society, circus, sideshow, amusement show, or facility used for

educational or scientific purposes which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public.

2B-13-B. No person shall keep ducks, geese, chickens, roosters, pheasants, heard animals of any type including cows, steer, goats, sheep, cattle, lambs, or horses, ponies, lamas, donkeys, mules, alpacas or pigs of any type ("Farm Animal") other than in a zoological, park, veterinary hospital or clinic, humane society, circus, sideshow, amusement show, or facility used for educational or scientific purposes which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public.

2B-14 Sale, exchange, adoption or transfer of prohibited; exemption.

No person shall sell or offer for sale, adoption, exchange or transfer with or without charge, any wild or exotic animal or farm animal. This section is not intended to apply to persons owning or possessing wild exotic animals or farm animal prior to the passage of this Article, provided that the person or persons taking possession of such wild or exotic animal or farm animal following said sale, adoption, exchange or transfer is/are not a resident of the Borough of Weatherly.

2B-15 Effect on prior ownership.

Any person owning or possessing a wild or exotic animal or farm animal at the time of enactment of this Article may, pending the approval of the Borough Health Officer, obtain a permit for said wild or exotic animal or farm animal, provided that:

- A. A permit application is filed with the Borough Health Officer within forty-five (45) days of the effective date of this Article. Such application is to include:
 - (1) The species, age and sex of said wild or exotic animal or farm animal.
 - (2) A plan for the housing and containment of said wild or exotic animal or farm animal.
- B. The plan and facilities for the housing and containment of a wild or exotic animal, or farm animal must be reviewed, inspected and approved by the Borough Health Officer as adequate to prevent such animal from escaping or injuring the public.
- C. An annual permit fee of five dollars (\$5.) per wild or exotic animal or farm animal shall be paid by the owner or possessor of such animal to the Borough of Weatherly.
- D. Upon the death, sale, adoption, exchange, transfer or disposal of said wild or exotic animal or farm animal, the animal may not be replaced. However, wild or exotic animals or farm animals which are used for educational purposes, or which are the source of one's livelihood may be replaced upon the death of said animal(s), subject to the discretion of the Borough Health Officer and registration of the replacement animal(s).

A motion to authorize the solicitor advertise the Animal Ordinance change was made by Jeffery Miller, second by Joseph Cyburt, but not voted on. Mr. Pudliner requested that the cat licenses be taken out of the ordinance. Vincent Cuddeford II asked who would be enforcing this ordinance, Mr. Pudliner stated that it would be the code enforcement officer, Tom Breznitsky. Discussion continued because once the animals die off, they cannot be replaced as stated in the ordinance. Michael Bellizia felt that the RA (Residential/Agricultural) areas should be allowed to have farm animals because they are larger property

lots. Mr. Pudliner stated that rabbits should be added to the ordinance. It was discussed that no roosters would be permitted and allow up to 6 egg laying chickens.

A new motion to advertise the Animal Ordinance with the exception of no roosters and only six egg laying chickens properly penned, excluding the RA (Residential Agricultural) areas was made by Vincent Cuddeford II, second by Michael Bellizia and approved by roll call vote:

Vincent Cuddeford II	Yes	Michael Bellizia	Yes
Theresa D'Andrea	No	Norman Richie	No
Joseph Cyburt	No	Jeffery Miller	Yes
Paul Hadzick		Yes	

EXECUTIVE SESSION:

A motion to enter executive session at 5:52 pm was made by Michael Bellizia, and seconded by Joseph Cyburt.

A motion to exit the executive session at 6:27 pm was made by Vincent Cuddeford II and seconded by Joseph Cyburt.

OTHER ITEMS OF CONCERN:

Mr. Pudliner informed Council that a press conference would be held at the Schwab School on Tuesday, July 23rd at 3:30 pm on the front steps of the Schwab School. If it is raining it will be held in the Weatherly Borough Council Room. The decision as to where the press conference will be held will be done one hour before the press conference is to begin.

ADJOURN:

A motion to adjourn the meeting at 6:31 pm was made by Norman Richie, seconded by Joseph Cyburt.