

WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
August 27, 2024
5:00 P.M.

The Regular Meeting of Weatherly Borough Council was held on August 27, 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; Blue Ridge Cable Channel 13 Cameraperson, Drew Snowberger & Jake Kovas; Journal Newspaper reporter, Ruth Isenberg; Irvin Richie, Robert Yoka, Ruth Sabol, Jim Frustieri, Jenna Herbst (Pickering), Laura Montgomery (PennDOT), Betty Henry, Carol Eroh, Richard Sweeney (Hudsondale St), John Dzurainin, Susan Gerhard, Daniel Errante, and Alicia Quinn.

MINUTES:

The minutes of the Regular Meeting of July 22, 2024, were approved on a motion by Norman Richie, seconded by Joseph Cyburt, and approved by general acclaim of Council.

TREASURER'S REPORT:

The Treasurer's Report for July, 2024, was presented and reflected a balance of \$182,210.63.

The Treasurer's Report for July, 2024, was approved on a motion by Joseph Cyburt, seconded by Theresa D'Andrea and approved by general acclaim of Council.

BILLS:

The bills for August, 2024, totaling \$321,503.37 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:

Richard Sweeney, a resident of Hudsondale Street, stated the Hudsondale Street speed limit is 35-mph and vehicles are going 50-60 mph. A police officer told him it should be a 25-mph speed zone. Mr. Pudliner said he would look into changing the speed limit for Hudsondale Street.

Betty Henry thanked the Borough for the Eurana Park Stone work.

BUSINESS:

1. Presentation by Pickering, Corts & Summerson Engineers for PennDOT Creek Wall Project.

The Pennsylvania Department of Transportation (PennDOT) announced a plan display for State Route SR 4010 (Hudsondale St.) retaining wall along the Black Creek. The online plans display included digital picture boards and an online comment form and is available to the public from August 9th to August 26th, 2024. The purpose for the project is to maintain safe travel on SR 4010 (Hudsondale Street) along the Black Creek that meets current design criteria. The project is needed

due to the existing retaining walls being in poor condition. This project is located on ST 4010 Hudsondale Street. The existing structure along the Black Creed consists of concrete gravity walls. The scope of work will include replacing approximately half the length of the existing wall due to instability, and the replacement walls (Walls 1 and 2) will be located on approximately the same horizontal alignment as the existing walls. The rehabilitated section of the retaining wall (Wall 3) will include the Type 2Q concrete spall repairs, concrete aprons and reconstructed top sections of the wall. Additionally, a cast-in-lace moment slab will be packed at the south end of Wall 2 to transition from the existing adjacent wall barrier to new guide rail that will be installed along the curb line of SR 4010. Other improvements will include full depth roadway reconstruction behind the wall replacement, mill and overly of the roadway behind the wall section being rehabilitated and the at the approaches, new concrete curb and drainage improvements. Rock sour protection will be installed on top of the footings and within the stream channel adjacent to the wall sections that are to be replaced. The purpose of the plans display is to introduce the project and receive public input regarding any questions or concerns with project.

Construction is anticipated to begin in early 2026 with an anticipated completion in 2026.

Project Manager, Laura Montgomery (PennDOT) explained that the project will take about 1 year for design and hopefully will go out to bid in 2025. Jenna explained the project and all facets of the project and stated that in early Spring of 2026 is the current start time for the project and will be completed within the season.

Jim Frustieri, property owner on Hudsondale Street, stated that the property lines are incorrect and he currently has a lawsuit that PennDOT is aware of regarding rocks falling out of the wall and water running out of the makes icy spots at the bottom of the stone wall (hump). The stone wall (hump) was constructed in 1933 by the Federal Government. He was concerned about vibrations coming from the equipment that will be used to do the wall work bring down more stones from the wall (hump) which he said he does not own.

Laura Montgomery stated that the Hudsondale Street traffic will be detoured via state routes – West Main Street. Hudsondale Street will be one lane to a certain point, which can be viewed on the PennDOT site – District 5 – Carbon County.

2. Quality of Life Ordinance has been Published, Open for Discussion and Approval.

Mr. Pudliner informed Council that tickets will need to be printed once they approve the ordinance.

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 parts, 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 curblineline 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 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 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 propeliy, tenant or offending party. A bill/invoice will be generated to the violator for payment separate

from the quality-of-life ticket which will asl 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 lo 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
OOL.013	Permits placard Display	\$25	\$50	\$100

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 form 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.

Norman Richie stated that there are multiple properties with high grass, trash cans out 7 days a week and questioned whether the ordinance will be enforced to the fullest extent. Jeffery Miller stated that he felt people should not get an instant ticket, they should be given a warning first to rectify the problem. Mayor Hadzick stated that the appeal process starts with Council.

A motion to approve the Quality-of-Life Ordinance as published was made by Michael Bellizia, seconded by Joseph Cyburt 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	

3. Animal Ordinance has been Published, Open for Discussion and Approval.

Mr. Pudliner explained that the clause about allowing chickens in the Borough at a limited number and no rooster was added to the ordinance. It was also changed to read that farm animals would be allowed in the R-A Zoning areas.

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).

2B-16 Farm Animals Zoning Restrictions

The restrictions set forth in this Chapter regarding farm animals shall not apply to the R-A Residential Agricultural Zone.

2B-17 Chickens

The restrictions set forth in this Article V will only apply to chickens to the extent that a person has more than six (6) egg laying chickens. A person shall be permitted to have 6 or less egg laying chickens provided that person obtain a permit as per Section 2B-15 (A, B and C) above.

A motion to approve that Animal Ordinance as published was made by Michael Bellizia, second by Jeffery Miller and approved by roll call vote:

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

4. **Camping Ordinance for Discussion.**

Mr. Pudliner stated that he was presenting the ordinance to Council as a precautionary measure. This ordinance is what was available to react to homeless tent communities or just a homes person living in any type of temporary shelter on public property. As homeless persons are being move out of cities they will possibly migrate to the rural areas and it would behoove the Borough to have an ordinance in place to possibly deal with a situation. Attorney James Nanovic said this ordinance is a way of regulating public lands to prevent homeless camping on public lands.

ORDINANCE NO. 2024 -

AN ORDINANCE OF THE BOROUGH OF WEATHERLY, CARBON COUNTY, PENNSYLVANIA REGULATING CAMPING AND STORAGE OF PERSONAL PROPERTY ON PUBLICALLY OWNED PROPERTY WITHIN THE BOROUGH.

SECTION 1. PURPOSE:

It is the purpose of this chapter to prevent harm to the health and safety of the public and to promote the public health, safety and general welfare by keeping public streets, sidewalks, parking lots, and other public property within the Borough readily accessible to the public, and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended.

SECTION 2. DEFINITIONS:

The following definitions are applicable in this chapter unless the context otherwise requires:

Camp means to pitch, erect or occupy camp facilities, or to use camp paraphernalia or both for the purpose of, or in such a way as will facilitate, remaining overnight, or parking a camper, recreational vehicle, trailer, or other vehicle for the purpose of remaining overnight.

Camp Facilities include, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, and trailers.

Camp Paraphernalia includes, but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

Contraband means any property that is unlawful to produce or possess.

Litter shall mean garbage, refuse, and rubbish and all other waste materials, which, owner deposited as prohibited in this Ordinance intends to create a danger to the public health, safety, and welfare.

Park or Park Facility means any real property, building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, or other physical property owned or controlled by the Borough. "Park" or "Park Facility" includes all associated areas, including but not limited to parking lots for parks and pools.

Personal Property means an item that is:

1. Reasonably recognizable as belonging to a person;
2. In its present condition has apparent utility and/or value; and
3. Is not hazardous or unsanitary.

Right of Way shall mean any street or alley within the Borough.

Solid Waste shall mean any ashes, garbage, or rubbish as defined in Chapter 38 of the Weatherly Borough Code.

Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

Trail means a public path constructed for the primary purpose of allowing recreational nonmotorized transportation.

Unauthorized Encampment means two or more camp facilities in an identifiable area which appear to be used for unlawful camping. For purposes of this chapter an identifiable area includes areas where the camp facilities are in sight of each other and/or areas where each camp facility is located within 300 feet of another structure.

SECTION 3. UNLAWFUL CAMPING:

It is unlawful for any person to camp in the following areas, except as otherwise provided by this code or where specifically designated by the owner of such property.

- A. Right of Way

- B. Any trail, park, or park facility
- C. Any publicly owned parking lot or publicly owned area, improved or unimproved; or
- D. Any public area where storage of personal property obstructs or interferes with the intended public use of the property.

SECTION 4. UNAUTHORIZED ENCAMPMENTS:

Upon a determination by law enforcement that an area constitutes an unauthorized encampment, the personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed subject to the following provisions.

A. If the unauthorized encampment is at a location which results in a significant risk of harm to any person, then police may immediately remove any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste, which shall be stored in the same manner as set forth in subsection (B) of this section.

B. Prior to removing property from an unauthorized encampment on public property, the following shall occur;

1. The Borough shall post at least a 48-hour advanced notice, which shall include the following:

- a. The address or location of the unauthorized encampment;
- b. A statement that camping in the area is prohibited by this chapter;
- c. A statement that any individual continuing to use the area for unlawful camping may be subject to criminal penalties pursuant to this Ordinance.
- d. A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste remaining at the encampment after the notice period is subject to removal by the Borough.

2. At the end of the 48-hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed by Borough personnel or agents thereof.

3. Any personal property that is removed shall be stored by the Borough for at least 30 days prior to being disposed.

4. Notice of where personal property removed from the encampment may be claimed shall be posted at the location.

5. If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the Borough shall attempt to contact the

identified owner and provide notice that the item has been removed and how to claim the item.

6. Any contraband located at the encampment shall be seized and properly disposed or retained as evidence of criminal activity.

7. Any litter or solid waste found at the encampment shall be properly disposed.

8. Any individual who receives a notice under this section, or whose property is removed from an encampment, has a right to meet with the Borough Manager or designee to raise any concerns, objections, or extenuating circumstances. At the conclusion of the meeting, the Borough representative shall prepare a written decision detailing the individual's concerns, as well as the Borough's response. Notice and procedure to set up a meeting shall be posted at or near the encampment site.

SECTION 5. PENALTY FOR VIOLATIONS.

Violation of any of the provisions of this Chapter is a misdemeanor and shall be punished upon conviction of such violation by a fine of not more than \$1,000.00 or by confinement not to exceed 30 days, or by both such fine and confinement.

SECTION 6. ENFORCEMENT SUSPENDED.

Except as otherwise provided in this section, enforcement of provisions of this chapter shall be suspended for persons who are indigent and homeless any time there is no space or beds available in reasonably accessible homeless shelters, to the extent such available space is required by law.

SECTION 7. EFFECTIVE DATE.

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

A motion to advertise the camping ordinance was made by Vincent Cuddeford II, seconded by Norman Richie and approved by general acclaim of Council.

5. Discussion on Selling Wilbur Street Parking Lot and Lausanne Property.

Mr. Pudliner stated that the Borough purchased the parking lot when Warner's went out of business from Mauch Chunk Trust. It was purchased with having some off-street parking for any future business development at the old borough building or where John's used to be. It is also used during Snow Ban for residents to park when have to clear the lots by the old borough building. He would like Council to consider selling the property. It is in a commercial zone. He would like to get an appraisal on the property so that if Council would decide to sell the property we would at least know the value of the property.

Mr. Pudliner stated that the Borough also owns 120 acres in Lausanne Township that we did log, but the location is actually of no use to us so he wanted to bring it to Council's attention to consider selling it.

Michael Bellizia asked what it was costing the Borough to own the properties. Mr. Pudliner said just the insurance on the properties

A motion to advertise both properties was made by Michael Bellizia, seconded by Joseph Cyburt and approved by roll call vote:

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

EXECUTIVE SESSION:

A motion to enter executive session at 6:05 pm was made by Joseph Cyburt, and seconded by Theresa D'Andrea.

A motion to exit the executive session at 6:39 pm was made by Joseph Cyburt and seconded by Vincent Cuddeford II.

OTHER ITEMS OF CONCERN:

Michael Bellizia thanked the Borough for assistance with the festival set up and said that the park looked fantastic and the extra fencing for the corn hole tournament. He stated that they would be able to do it without the Borough's help. He also mentioned that the politicians at the festival had nice things to say about the town and the festival.

Vincent Cuddeford II thanked Michael Bellizia and the group for the festival and stated that they "knocked it out of the park".

Mayor Hadzick appointed Norman Richie, Vincent Cuddeford II and Michael Bellizia to the fire agreement committee.

ADJOURN:

A motion to adjourn the meeting at 6:45 pm was made by Norman Richie, seconded by Vincent Cuddeford.