

CODE OF WAYMART BOROUGH  
QUALITY OF LIFE – CHAPTER 67

**CHAPTER 67.**  
Quality of Life

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**[HISTORY: A compilation of Waymart Borough Ordinances No. 71-4, 87-3, 94-3, 6/2/1998, 2006-3 and 2008-3.]**

**§ 67-01. Purposes.**

This Chapter is intended to help combat blight and preserve the life, health, sanitation, safety and aesthetic properties of the Borough of Waymart for its residents pursuant to the authority of Section 1202 of the Pennsylvania Borough Code.

**§ 67-02. Dangerous Structures.**

A. **Definition.** A dangerous structure is one characterized by any or all of the following defects:

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those that, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or coverings.
3. Those that have improperly distributed loads upon the floors or roofs in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.
5. Those that are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein.
6. Those that have parts thereof which are so attached that they may fall and injure property or members of the public.

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7. Those that lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.
  8. Those, that because of their location, are unsanitary or otherwise dangerous to the health or safety of the occupants or the public.
- B. **Nuisance Declaration.** All dangerous structures as defined herein are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.
- C. **Standards for Repair, Vacating or Demolition.** The following standards shall be followed in substance by the Borough of Waymart Code Enforcement Officer in ordering repair, vacation or demolition:
1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered to be repaired.
  2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants or the public and is so placarded, it shall be ordered to be vacated within such length of time not exceeding 30 days as is reasonable.
  3. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the enforcement officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
  4. If a dangerous building is 50% or more damaged or decayed or deteriorated from its original condition; if a dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of the Borough of Waymart or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.
- D. **Inspections and Notices.** Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the enforcement officer shall issue a written notice to the person or persons responsible therefor. The following shall apply:
1. The notice shall be in writing and include a statement of the reasons it is being issued and an outline of remedial action that will effect compliance with the provisions of this Chapter. It shall also state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure. It shall be served upon the owner or his agent or the occupant, as the case may be.

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2. Where the owner, occupant, lessee or mortgagee is absent from the Borough of Waymart all notices or orders provided for herein shall be sent by registered mail to the owner, occupant and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.
  3. Notwithstanding §§ 1 above, in emergency cases, where the owner, occupant, lessee or mortgagee is absent from the Borough of Waymart, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building if a copy thereof is served upon him personally or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice or if the owner is served with such notice by any other method authorized or required under the laws of the Commonwealth.
  4. No person other than the Code Enforcement shall remove or deface the notice of dangerous structure.
- E. **Emergency Cases.** Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the Code Enforcement Officer, shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the enforcement officer shall continue such order in effect or modify or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.
- F. **Abatement.** If the owner, occupant, mortgagee or lessee fails to comply with the order of the Code Enforcement Officer, the Code Enforcement Officer shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided. The Borough of Waymart Borough may also collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost in the manner provided by law.

**§ 67-03. Public Property and Conduct.**

- A. **Public Property.** The following regulations shall apply to any tampering with public property in the Borough of Waymart:
1. No person shall destroy, injure, tamper with or deface any public property of the Borough, or any grass, walk, lamp, ornamental work, building or street light on or in any of the streets, alleys, sidewalks or public grounds in the Borough.
  2. No person shall in any manner interfere or meddle with, or pull, drive, change, alter or destroy any stake, post, monument or other marking, made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Borough, to evidence the

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location, elevation, line, grade, corner or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work, or thing.

3. No person shall destroy, remove, deface, obliterate or cover up any lamp, sign or barricade erected as a warning of danger by the authorities of the Borough or by any person doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks or bridges in the Borough or on any public grounds of the Borough, within or without the Borough.
4. No person shall take any earth, stone, or other material from any street, alley or public grounds in the Borough.
5. No person shall pour, throw or deposit any harmful or destructive substance or matter on any street, alley, sidewalk or public grounds in the Borough.
6. This Part shall not apply to normal activities in connection with construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon or therein, or to incidental results of work done thereon or therein upon permit from or by authority of the Borough.

**B. Firearms Use.** The following regulations shall apply to use of firearms in the Borough of Waymart:

1. Except in necessary defense of person and property and except as provided in §§ 3 below pertaining to hunting, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough.
2. It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, BB gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough, except as provided in §§ 3 below, and except on a target range that is properly constructed to trap or stop the projectile and is approved by the Borough prior to use in such zoning district as is permitted under Chapter 125 hereof.
3. The regulations of SS 1 and §§ 2 above shall not apply to persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under the laws of the Commonwealth of Pennsylvania. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization shall likewise be excepted from such regulations, as shall be any law enforcement officers when using firearms in the discharge of their official duties.

**§ 67-04. Junk Accumulation or Storage.**

- A. Regulations.** The following regulations shall apply to the accumulation or storage of abandoned appliances, machinery, equipment and/or construction materials in the open on private property:

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1. Storage of nuisance items on private property shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in other Borough Ordinances, or in State or Federal laws. Each person, owner or lessee desiring to store nuisance items, shall apply for a permit for either temporary or permanent storage and pay a fee to the Borough pursuant to a resolution of the Borough Council. Such nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six (6) feet high which is locked at all times when unattended.
2. With the special approval of the Borough Council, nuisance items may also be stored outside in an area enclosed by a chain link fence, at least six (6) feet high, screened by shrubbery around the perimeter to the height of the fence, with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, the appliances, machinery, equipment, or construction materials shall be kept free of vermin infestation while being stored; and all gas, oil or other potentially hazardous substances shall be removed. The total area of storage of such nuisance may not exceed 400 square feet.
3. Nothing herein shall be construed to permit the storage of appliance, machinery, equipment or material nuisances contrary to the provisions of Chapter 125 hereof.

**B. Inspection of Premises; Notice to Comply.**

1. The Code Enforcement Officer is hereby empowered to inspect private property on which appliances, machinery, equipment and/or various construction materials are stored to determine if there is compliance with the provisions of this Chapter. If noncompliance with the provisions of this Chapter constitutes a nuisance, or if any condition, structure or improvement poses a danger to the health, safety or welfare of the public, he shall issue a written notice to be served on the owner/occupant or lessee of the property by personal service, by registered or certified mail upon the owner of said premises, or if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice within ten (10) days of mailing or posting of said notice, and thereafter to fully comply with the requirements of the notice within a reasonable time.

**§ 67-05. Motor Vehicles.**

- A. Definitions.** As used in this Chapter the following terms shall have the meanings indicated—the singular including the plural; the plural including the singular; and the masculine including the feminine and the neuter—unless a different meaning clearly appears from the context:

**ABANDONED/JUNKED VEHICLE** - a vehicle that is not currently inspected, is not currently licensed and is not capable of passing a Commonwealth of Pennsylvania inspection.

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LESSEE - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE - any type of mechanical device propelled by a motor in which persons or property may be transported upon public streets or highways and including trailers and semitrailers pulled thereby, excluding agricultural equipment and off-road equipment intended for property maintenance.

MOTOR VEHICLE NUISANCE - any motor vehicle which is in such a condition as to constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Waymart.

OPEN PREMISES - any real estate within the Borough of Waymart not improved with a permanent garage type structure capable of completely enclosing and sheltering a motor vehicle.

OWNER - the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON - a natural person, firm, partnership, association, corporation or other legal entity.

B. **Motor Vehicle Nuisances Prohibited.** It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee with the Borough of Waymart. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

1. Broken windshields, mirrors or other, glass with sharp edges.
2. One or more flat or open tires or tubes which could permit vermin harborage.
3. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
4. Any body with sharp edges including holes resulting from rust.
5. Missing tires resulting in unsafe suspension of the motor vehicle.
6. Upholstery which is torn or open which could permit animal and/or vermin harborage.
7. Broken headlamps or tail-lamps with sharp edges.
8. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
9. Protruding sharp objects from the chassis.
10. Broken vehicle frame suspended from the ground in an unstable manner.

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11. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
12. Exposed battery containing acid.
13. Inoperable locking mechanism for doors or trunk.
14. Open or damaged floor boards including trunk and firewall.
15. Damaged bumpers pulled away from the perimeter of vehicle.
16. Broken grill with protruding edges.
17. Loose or damaged metal trim and clips.
18. Broken communication equipment antennae.
19. Suspended or unstable supports.
20. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Waymart.

C. **Motor Vehicle Storage.** No junked/abandoned vehicles or debris or articles shall be stored on any premises or property within the Borough of Waymart unless the keeping or storage of the same complies with Chapter 125 hereof and meets the following standards:

1. A written statement of intent has been submitted to the Code Enforcement Officer, setting forth the location and description of the land on which the vehicle is to be placed, the description of the vehicle (type, model, make) the manner of storage, the purpose of the storage, the length of time requested for storage and a description of the condition of the vehicle.
2. If the Code Enforcement Officer shall determine the storage of a particular motor vehicle for which a permit is requested does not or will not adversely affect the health, safety or general welfare of the Borough such officer shall issue a written permit. Otherwise, the officer shall refuse to issue said permit, stating the reason or reasons for such refusal and give notice thereof to the applicant. Permits may be reissued to a maximum time of 3 years.
3. The Code Enforcement officer may impose certain storage requirements on the applicant to insure the health, safety and welfare of the community. Storage requirements may include, but shall not be limited to such things as a cover for the vehicle, securing the vehicle to prevent movement and/ or unauthorized entry, removal or flammable liquids such as gas and oil and removal of sharp, protruding objects or portions of the vehicle. The applicant may also be required to keep the storage area free from weeds, grass and undergrowth in excess of 8 inches in height.
4. Nothing herein shall be construed to permit the storage of abandoned/junked motor vehicles or motor vehicle nuisances contrary to the Waymart Borough Zoning Ordinance.

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**§ 67-06. Smoking Restriction.**

- A. **Definitions.** As used in -this Chapter the following terms shall have the meanings indicated—the singular including the plural; the plural including the singular; and the masculine including the feminine and the neuter—unless a different meaning clearly appears from the context:

MUNICIPAL PUBLIC MEETINGS - means all meetings opened to the public pursuant to the Act of July 3, 1986 (P.L. 388 No. 84), known as the "Sunshine Act."

MUNICIPAL PUBLIC PLACE - means an enclosed, indoor area owned or operated by a state or local government municipality or agency and used by the general public or serving as a place of work for municipal employees, including police officers, or any meeting place for a municipal public body, including an office, auditorium, arena, meeting room or public conveyance.

SMOKING - means the carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

- B. **Prohibition of Smoking.** No person shall smoke in an area designated non-smoking in accordance with the terms of this Chapter by the proprietor or person in charge, in a municipal public place or during a municipal public meeting.

**§ 67-07. Tree Maintenance.**

- A. **Clearance Above Sidewalks and Streets.** Every owner of property in the Borough shall be required to keep limbs and branches of all trees growing upon such property or along the street, sidewalk, curb or alley abutting upon such property trimmed so that no part of such limbs or branches or of the foliage growing thereupon, shall have a clearance of less than 8 feet above the surface of the sidewalk or of less than 14 feet above the surface of the roadway of any street or alley.
- B. **Removal and Trimming of Trees.** It shall be the responsibility of property owners in the Borough to conform to the requirements of this ordinance as to trees upon property owned by them, or along streets, alleys and sidewalks abutting upon such property, and, upon notice from the Code Enforcement Officer, to remove any tree or trees growing in violation of this Chapter and to trim or cut the branches or limbs of trees as required by this Chapter. Any person failing to comply with any such notice, within the time limit stated therein, shall be guilty of a violation of this Chapter and, following the expiration of such time limit, the Code Enforcement Officer shall have the authority to cause the work required by such notice to be done by the municipality or under contract therewith, and to collect the cost of such work, with an additional amount of 10% from any such property owner in default.

**§ 67-08. Enforcement, Hearings, Violations and Penalties.**

- A. **Enforcement.** The provisions of this Chapter shall be enforced by a Code Enforcement Officer appointed by the Borough Council of the Borough of Waymart, provided that any law enforcement officer serving the Borough of Waymart shall also possess equal authority to enforce any and all provisions of this Chapter.



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**B. Hearings.**

1. Any person affected by any notice which has been issued in connection with enforcement of any provisions of this Chapter may request and shall be granted a hearing on the matter before the enforcement officer; provided, that such person shall file with the enforcement officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition the enforcement officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 20 days after the day on which the petition was filed.
2. After such hearing the enforcement officer shall sustain, modify or withdraw the notice. If the enforcement officer sustains or modifies such notice it shall be deemed to be an order. Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed with the enforcement officer within 10 days after such notice is served.
3. Any aggrieved party may appeal the final order to the Waymart Borough Council who will hold a de novo hearing on the matter. The Council shall issue written findings within 10 days of the hearing. Either party shall then have a 30 day period from the issuance of the findings to appeal the matter de novo to the Wayne County Court of Common Pleas.

- C. Violations and Penalties.** Any person violating any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of \$100 for the first offense; \$300 for the second offense and \$1,000 and costs of prosecution for each offense thereafter. Each day a violation continues following notice of violation shall be treated as a separate offense. Notwithstanding this, nothing herein shall prevent the Code Enforcement Officer or other law enforcement officer from issuing a simple Notice to Comply, prior to an official Notice of Violation, with no penalties imposed if compliance is achieved in response to the former.