

CODE OF WAYMART BOROUGH
GENERAL PROVISIONS – CHAPTER 1

**Chapter 1.
General Provisions**

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[HISTORY: Adopted by Waymart Borough Council as Ordinance No. 2023-01, on August 8 2023.]

Be it enacted and ordained by the Borough Council of the Borough of Waymart, County of Wayne, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 01-01. Code Adoption.

In accord with §3301.5 of the Pennsylvania Borough Code, the consolidation, codification, and revision of a complete group of ordinances and the revision of certain ordinances for the Borough of Waymart, County of Wayne, Commonwealth of Pennsylvania, as revised codified, and consolidated into parts, chapters, articles and sections by Shepstone Management Company, Inc.; and being comprised of Chapter 01 through Chapter 125, are hereby accepted, approved, adopted, ordained and enacted as a single ordinance of Waymart Borough, which shall be known as and may be cited as the "Code of the Borough of Waymart," which is herein referred to as the "Code."

§ 01-02. Effective Date.

Provisions of the Code shall be in force and effect on and after August 8, 2023.

§ 01-03. Repeal of Ordinances Not Adopted as Part of the Code.

All ordinances or parts of ordinances of a general and permanent, and administrative or regulatory nature, having been duly adopted by the Borough Council of Waymart Borough and which were in effect on or prior to the date of the adoption of this Code, and which are not contained in this Code, are hereby repealed as of the effective date of this Code established in §1-2 of this Chapter, except as hereinafter provided in §1-4.

§ 01-04. Ordinances Not Repealed; Matters Not Affected by Repeal.

The adoption of this Code and the repeal of ordinances provided for in §01-03 of this Chapter shall not affect the following ordinances, rights and obligations which are hereby expressly saved from repeal:

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- A. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this Code, or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this Code in violation of any legislative provision of the Borough, or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Code brought pursuant to any legislative provision of the Borough.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough.
- E. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place.
- F. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough, or other instruments or evidence of the Borough's indebtedness.
- G. Any ordinance authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- H. Any ordinance annexing land to the Borough.
- I. Any ordinance designating the boundaries of water, sewer or other special purpose districts.
- J. The levy or imposition of special assessments or charges.
- K. The dedication of property.
- L. Any ordinance establishing Waymart Borough taxes or setting rates for the same.

§ 01-05. Editorial and Minor Changes.

Certain editorial changes and other minor changes of a non-substantive nature were made in certain of the ordinances which are codified in this Code. All such changes are hereby enacted and adopted as part of the Code.

§ 01-06. Code Amendments.

All new ordinances and any and all additions, deletions, amendments or supplements to any of the provisions of this Code as adopted by the Borough Council of Waymart Borough shall be thereby incorporated into and be made a part of the Code provided such incorporation is intended by the

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Waymart Borough Council. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted, the Code shall thereafter be understood and intended to include such changes.

§ 01-07. Code Books to Be Kept Current.

The Borough Secretary, or some other person designated by the Borough Council, shall be responsible to maintain current, certified copies of the Code for the use of the public. All changes in said Code and all ordinances enacted by the Borough Council subsequent to the effective date of this codification which are specifically enacted as part of the Code shall be included therein by reference and shall be inserted in the Code book when such changes or new ordinances are printed as supplements.

§ 01-08. Severability of Code Provisions.

Each section of this Code, and every part of each section, shall be considered an independent section, or part of a section, and the determination that any section, or a part thereof, is unconstitutional, void or ineffective for any cause, shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 01-09. Altering or Tampering with Code; Penalties for Violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such code in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Anyone violating this section of this chapter shall be subject, upon conviction in a summary proceeding before any District Justice, to a fine of not more than five hundred dollars (\$500.00) and costs of prosecution.

§ 01-10. Substantive Amendments to Previously Enacted Ordinances.

The following substantive changes, amendments or revisions to previously enacted ordinances hereby consolidated into the Code are hereby made to become effective upon the effective date of this Code. Any such changes, amendments or revisions which are not specifically noted in this §01-10 shall nevertheless become effective with the adoption of this Code. Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.

- A. Chapter 67 relating to "Quality of Life" combines provisions from various ordinances having to do with Dangerous Structures, Public Property and Firearms Use, Junk Accumulation, Motor Vehicles, Smoking Restriction and Tree Maintenance.
- B. Chapter 95 relating to "Streets and Street Parking" combines provisions from various ordinances having to do with Street Encroachment, Street Maintenance, Sidewalks, Street Construction, Opening and Dedication and Street and Parking Regulations.

§ 01-11. Enforcement.

Notwithstanding any other provisions of this Code, the Waymart Borough Police Department shall be authorized to enforce any Chapter, section or part of the Code of the Borough of Waymart. Ordinances

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can also be enforced by the hiring and designation of a Code Enforcement Officer by the Waymart Borough Council.