

**BOROUGH OF WAYNESBORO
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA AMENDING PROVISIONS OF THE CODE OF THE BOROUGH OF WAYNESBORO TO: (1) PROVIDE THAT FINE AMOUNTS ISSUED FOR TICKETS FOR VIOLATIONS OF CHAPTER 167, ENTITLED “NUISANCES”, CHAPTER 201, ENTITLED “PROPERTY MAINTENANCE”, AND CHAPTER 245, ENTITLED “STREETS AND SIDEWALKS”, SHALL BE SET FORTH IN AMOUNTS AS ESTABLISHED BY RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WAYNESBORO; AND (2) ESTABLISH FIRST CLASS MAIL WITH A CERTIFICATE OF MAILING AND POSTING TO THE PROPERTY AS AUTHORIZED METHODS OF SERVICE FOR NOTICES OF VIOLATION OF THE PROPERTY MAINTENANCE ORDINANCE OF THE BOROUGH OF WAYNESBORO.

WHEREAS, the Borough of Waynesboro, Franklin County, Pennsylvania, maintains the Code of the Borough of Waynesboro (the “Code”) that governs public health, safety, and general welfare; and

WHEREAS, the Borough has established provisions in the Code for discretionary alternatives to criminal penalties to provide its code enforcement officers with an additional tool to gain Code compliance from properties whereupon Code violations exist through the use of a ticketing program for certain Chapters of the Code; and

WHEREAS, Borough Council, upon recommendation from staff, has determined that it is in the best interest of the citizens of the Borough to amend certain provisions of the Code to provide that fine amounts issued for tickets for violations of certain provisions of Chapter 167, entitled “Nuisances”, Chapter 201, entitled “Property Maintenance”, and Chapter 245, entitled “Streets and Sidewalks”, shall be set forth in amounts as established by resolution of the Borough Council of the Borough of Waynesboro, from time to time; and

WHEREAS, the Borough enforces the International Property Maintenance Code, 2024 Edition, which was adopted and incorporated as the Property Maintenance Ordinance of the Borough of Waynesboro, by Borough Council on July 17, 2024, by Ordinance No. 1211, and which is codified at Article I of Chapter 201 of the Code (the “IPMC”); and

WHEREAS, Section 201-3 of the Code provides for revisions, removal, replacement, and/or modifications of certain sections of the IPMC; and

WHEREAS, Borough Council, upon recommendation from staff, has determined that it is in the best interest of the citizens of the Borough to amend Chapter 201 of the Code, entitled “Property Maintenance”, to revise Section 109.4.2 of the IPMC to establish that First Class Mail with a Certificate of Mailing and posting to the property as authorized methods of service for Notices of Violation of the Property Maintenance Ordinance of the Borough of Waynesboro.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Waynesboro as follows:

SECTION 1. The above recitals are incorporated herein as if set forth at length.

SECTION 2. Chapter 167, entitled “Nuisances”, Section 167-5.C of the Code, shall be amended to read as follows:

- C. Notwithstanding the foregoing, if the violator has not abated or removed the nuisance within the time period for the removal set forth in the notice, the Code Enforcement Official or Waynesboro Borough Police Department may initiate proceedings against such violator in the office of the appropriate Magisterial District Judge. The Code Enforcement Official or his designee(s) are hereby duly authorized to issue a ticket in a form established by the Borough to any owner, occupant, or person causing a nuisance, as applicable, violating the provisions of this chapter. The ticket shall identify the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an owner or occupant of the property or may be affixed to a door on the property where the violation exists fronting a right-of-way or conspicuously posted on the property. The ticket shall instruct the violator that if the violator reports to the Borough Office and pays to the Borough the penalty amount established by resolution of Borough Council, from time to time, within 10 days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in court costs and attorney fees being assessed against the violator in addition to the fine. In any event, if a ticket is not paid in full within 10 days of issuance, the Code Official or his designee(s) may issue a citation to the violator. Notwithstanding the foregoing, the Code Official or his designee(s) shall have the sole and absolute discretion to issue a citation without first issuing a ticket as provided for herein.

SECTION 3. Chapter 201, entitled “Property Maintenance”, Section 201-3.N of the Code, shall be amended to read as follows:

- N. **107.8. Authority to issue ticket for violation.** The Code Official or his designee(s) are hereby duly authorized to issue a ticket in a form established by the Borough to any owner violating the provisions of this article. The ticket shall identify the address of the property where the violation exists, as well as the nature of the

violation. The ticket may either be handed to an owner or occupant of the property or may be affixed to a door on the property where the violation exists fronting a right-of-way or conspicuously posted on the property. The ticket shall instruct the violator that if the violator reports to the Borough Office and pays to the Borough the penalty amount established by resolution of Borough Council, from time to time, within 10 days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in court costs and attorney fees being assessed against the violator in addition to the fine. In any event, if a ticket is not paid in full within 10 days of issuance, the Code Official or his designee(s) shall issue a citation to the violator. Notwithstanding the foregoing, the Code Official or his designee(s) shall have the sole and absolute discretion to issue a citation without first issuing a ticket as provided for herein.

SECTION 4. Chapter 201, entitled “Property Maintenance”, Section 201-3 of the Code, is hereby amended to add a new subsection 201-3.V which shall amend Section 109.4.2 of the International Property Maintenance Code, 2024 Edition, and shall read as follows:

V. 109.4.2 Method of Service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.
 - 3.1. A copy is sent by first class mail addressed to the owner at the most recent address where real estate tax bills are sent with a certificate of mailing to be completed by the Code Enforcement Officer attesting to mailing and kept in the file with a copy of the notice.
 - 3.2 A copy is posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

If a certified letter, registered letter, or letter mailed via first class mail is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

SECTION 5. Chapter 245, entitled “Streets and Sidewalks”, Section 245-45.D of the Code, shall be amended to read as follows:

- D. The Code Enforcement Officer or his designee(s) and the Borough police officers are hereby duly authorized to issue a ticket in a form established by the Borough to any owner violating the provisions of this article. The ticket shall identify of the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an owner or occupant of the property or may be affixed to a door on the property where the violation exists fronting a right-of-way or conspicuously posted on the property. The ticket shall instruct such violator that if he, she or it reports to the Borough office and pays to the Borough the penalty amount established by resolution of Borough Council, from time to time, within 10 days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in court costs and attorney fees being assessed against the violator in addition to the fine. In any event, if a ticket is not paid in full within 10 days of issuance, official authorized to issue tickets shall issue a citation on the violator.

SECTION 6. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Waynesboro that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein.

SECTION 7. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 8. Effective Date. The effective date of this Ordinance shall be its date of enactment.

ENACTED AND ORDAINED this ____ day of _____, 2025, by the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania.

ATTEST

BOROUGH OF WAYNESBORO

Secretary
(SEAL)

By: _____
C. Harold Mumma, Council President