

BOROUGH OF LANSFORD
COUNTY OF CARBON, PENNSYLVANIA

ORD. NO. 2023-2

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE BOROUGH OF LANSFORD, COUNTY OF CARBON, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

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

ARTICLE I
Adoption of Code

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 3301.5 of the Borough Code (8 Pa.C.S.A. § 3301.5), the codification of a complete body of legislation for the Borough of Lansford, County of Carbon, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 465, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Lansford, which shall be known and is hereby designated as the "Code of the Borough of Lansford," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of the 1992 Code of Ordinances and the ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of Lansford, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Inconsistent legislation repealed.

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Lansford which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific ordinances. The Borough Council of the Borough of Lansford has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Ordinance No. 2007-19, Sex Offender Registry Restrictions, adopted July 11, 2007.
 - (2) Ordinance No. 93-6, Water Conservation, adopted November 3, 1993.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to March 10, 2021.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.
- F. Any ordinance 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 adopting an annual budget or establishing an annual tax rate.

- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Borough.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted legislation; new provisions.

- A. Nonsubstantive changes. In compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if

the ordinances and resolutions so changed had been previously formally amended to read as such.

- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature changes and revisions.
- (1) "Justice of the Peace," "District Justice," "District Magistrate" or "Magistrate" will be changed to "Magisterial District Judge."
 - (2) "Department of Community Affairs" will be changed to "Department of Community and Economic Development."
 - (3) U.S. Department of Agriculture's "Soil Conservation Service (SCS)" will be changed to "Natural Resources Conservation Service (NRCS)."
 - (4) "Department of Environmental Resources" will be changed to "Department of Environmental Protection" or "Department of Conservation and Natural Resources."
 - (5) "Department of Public Welfare" will be changed to "Department of Human Services. "
 - (6) "Department of Highways" is changed to "Department of Transportation. "
- D. Statutory reference updates. Pursuant to recodification of the Borough Code in 2012 and 2014 (see now 8 Pa.C.S.A. § 101 et seq.), statutory citations referring to specific sections of the Borough Code have been updated accordingly throughout the Code.

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all legislation adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be

deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney’s fees, incurred by the Borough in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 1-14. Severability.

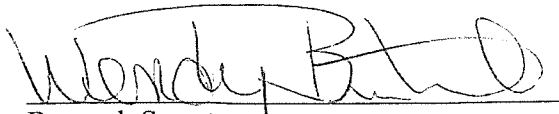
The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

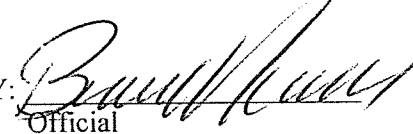
All provisions of this ordinance and of the Code shall be in force and effect upon adoption of this ordinance.

ENACTED AND ORDAINED by the Borough Council of the Borough of Lansford this 12th day of April 2023.

Attest:


Borough Secretary

BOROUGH OF LANSFORD

BY: 
Official

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE BOROUGH OF LANSFORD AMENDING THE CODE OF ORDINANCES SPECIFICALLY ORDINANCE NO. 2007-02 AND 2017-02 ENTITLED "ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE" AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE; AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF LANSFORD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ANY ORDINANCES IN CONFLICT THEREWITH

THE BOROUGH COUNCIL OF THE BOROUGH OF LANSFORD DOES ORDAIN AS FOLLOWS:

SECTION 1.

That a certain document, one (1) copy of which is on file in the Borough office of the Borough of Lansford, being marked and designated as the International Property Maintenance Code, 2021 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Lansford, in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property maintenance Code on file in the office of the Borough of Lansford are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2.

The following sections are hereby revised:

Section 101.1 Insert: Borough of Lansford.

- Section 103.1 Insert “The Borough Council shall have the authority to create the Office of the Department of Code Enforcement of the Borough of Lansford. The administration of the International Property Maintenance Code, 2006 Edition, shall be carried out by this office. The position of Chief Code Enforcement Official and such other positions appropriate to have authority to enforce this ordinance is hereby created.
- Section 103.2 Insert “ The Lansford Chief Code Enforcement Official, other officials, and any deputies shall be appointed by, and shall serve at the pleasure of Lansford Borough Council. The Chief Code Enforcement Official shall report directly to the Council President and also make reports to Council from time to time.
- Section 103.3 Insert “ The Borough Council shall have the authority to appoint such deputy code officials, other related technical officers, inspectors and other employees, subject to the creation of the positions as approved by Borough Council. Deputy appointees, under this section, shall report to the Chief Code Official and to the Council President.
- Section 103.5 Insert: Schedule of permit fees: The fees for activities and services performed by this department in carrying out its responsibilities under this code shall be in accordance with the Fee Schedule as established by the Borough of Lansford, by Resolution.
- Section 302.3 shall read as follows:
- 302.3. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas for public use shall be kept in a proper state of repair, free of all snow, ice, mud, overhanging trees, shrubs and other debris which obstruct walkways shall be maintained free of hazardous conditions. Removal of snow and/or ice is to be accomplished so that a walkway of at least three(3) feet in width shall be cleared along the entire extent of such sidewalk, within twenty-four(24) hours after the same has ceased to fall or to be formed.
- Section 302.4 (page 9, second and third line) Insert: 8 inches.

Section 302.8

shall read as follows:

302.8 Motor Vehicles.(A) No person shall abandon and/or store any unregistered vehicle on private property within the Borough of Lansford. No vehicle at any time shall 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.

(1) A vehicle, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

(i) The vehicle is physically inoperable and is left unattended on private property for more than 48 hours.

(ii) The vehicle has remained illegally on private property for more than 48 hours.

(iii) The vehicle is left unattended on private property for more than 48 hours and does not bear the following:

(a) a valid registration plate.

(b) a current certificate of inspection

(c) an ascertainable vehicle identification number.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purpose, that is an accessory use incidental to the dwelling as defined in the Borough of Lansford Zoning Ordinance of 2003, as amended. All wrecked car parts and similar unused components of a junk vehicle must not be stored on any private property in clear view of the public right of way.

(B) A vehicle shall be deemed to be abandoned when it remains on private property for more than 48 hours and any of the following conditions apply:

(1) The vehicle is physically inoperable.

(2) The vehicle is left unattended.

- (3) The vehicle does not have a valid registration plate.
- (4) The vehicle does not have a current certificate of inspection.
- (5) The vehicle identification number(VIN) is not ascertainable.
- (6) The vehicle remains without the consent of the owner or person in charge of the property.

(C) If the owner of an abandoned and/or junked motor vehicle cannot be located or does not remove the vehicle, the code official shall contact the Lansford Police Department, who is authorized to remove said vehicle under Transportation 67 PA. Code Chapter 253 Titled “Salvors and Vehicles”, and Title 75, Chapter 73 of the Abandoned Vehicles and Cargoes Code of the Commonwealth of Pennsylvania.

(D) Any vehicle undergoing major overhaul, including body work, shall be registered to the owner of the property where such work is being done or registered to the lawful resident/tenant of the property where the work is being done.

- Section 304.14 (page 10, first and second line) Insert: May 15th to October 1st
- Section 602.3 (page 17, fifth line) Insert: October 1st to May 15th.
- Section 602.4 (page 17, third line) Insert: October 1st to May 15th.

SECTION 3.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4.

That is any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance . The Borough of Lansford hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared

unconstitutional.

SECTION 5


That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance, nor shall any just legal right or remedy of any character be lost, impaired or affected by this Ordinance.

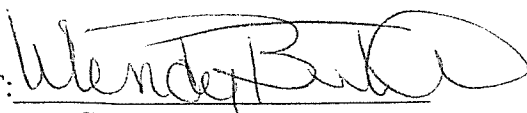
SECTION 6.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption hereof.

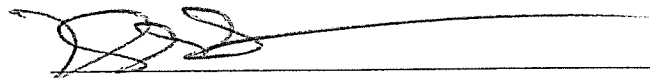
ORDAINED AND ENACTED this 14th day of December, 2022. in lawful session duly assembled.

BOROUGH OF LANSFORD

BY: 
President

ATTEST: 
Secretary

APPROVED, this 14th day of December, 2022


Mayor

Initial review and sending first legal demand letter	\$175.00
File Lien and prepare Satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00
Prepare and mail letter under Pa. R.C.P. 237.1	\$ 50.00
Prepare Default Judgment	\$175.00
Research, prepare and obtain re-issued Writ	\$175.00
Prepare Praecipe to Amend	\$100.00
Prepare Motion to Amend	\$150.00
Prepare Motion for Alternate Service	\$250.00
Prepare Motion to Consolidate Claims	\$250.00
Amend claim to add United States as defendant	\$250.00
Prepare Writ of Execution	\$800.00
Preparation for sheriff's sale; review schedule of distribution and resolve distribution issues	\$400.00
Prepare Motion to Continue Sheriff's Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Preparation and service of Subpoena	\$100.00
Presentation of Motion or Petition	\$ 50.00
Services not covered above	At an hourly rate between \$75-\$275 per hour
<u>Collection Fees</u>	
Validation notice	\$ 25.00 per notice
Notice of delinquent claim and fee shifting	\$ 40.00 per notice, plus applicable postage
Bookkeeping fee for payment plan of 3 months or less	\$ 25.00
Bookkeeping fee for payment plan of more than 3 months	\$ 50.00
Handling fee for returned check	\$ 25.00
<u>Payoff Fee</u>	
Providing guaranteed payoff to third parties	\$ 25.00

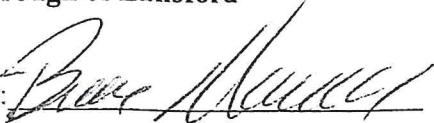
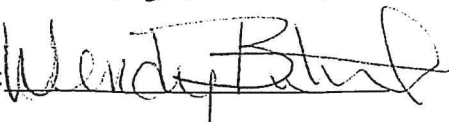
Initial review and sending first legal demand letter	\$175.00
File Lien and prepare Satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00
Prepare and mail letter under Pa. R.C.P. 237.1	\$ 50.00
Prepare Default Judgment	\$175.00
Research, prepare and obtain re-issued Writ	\$175.00
Prepare Praecipe to Amend	\$100.00
Prepare Motion to Amend	\$150.00
Prepare Motion for Alternate Service	\$250.00
Prepare Motion to Consolidate Claims	\$250.00
Amend claim to add United States as defendant	\$250.00
Prepare Writ of Execution	\$800.00
Preparation for sheriff's sale; review schedule of distribution and resolve distribution issues	\$400.00
Prepare Motion to Continue Sheriff's Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Preparation and service of Subpoena	\$100.00
Presentation of Motion or Petition	\$ 50.00
Services not covered above	At an hourly rate between \$75-\$275 per hour
<u>Collection Fees</u>	
Validation notice	\$ 25.00 per notice
Notice of delinquent claim and fee shifting	\$ 40.00 per notice, plus applicable postage
Bookkeeping fee for payment plan of 3 months or less	\$ 25.00
Bookkeeping fee for payment plan of more than 3 months	\$ 50.00
Handling fee for returned check	\$ 25.00
<u>Payoff Fee</u>	
Providing guaranteed payoff to third parties	\$ 25.00

**AMENDMENT TO AGREEMENT FOR COLLECTION OF
DELINQUENT MUNICIPAL CLAIMS
ON BEHALF OF BOROUGH OF LANSFORD**

Borough of Lansford (the "Borough") and Portnoff Law Associates, Ltd. ("Portnoff") have heretofore entered into an Agreement for Collection of Municipal Claims on Behalf of Borough of Lansford (the "Agreement"), executed by the Borough on January 22, 2021 and by Portnoff on January 29, 2021, and amended by Addendum to include the collection of delinquent real estate taxes executed by the Borough on October 18, 2021 and by Portnoff on November 3, 2021. The parties wish to amend the Agreement as follows:



1. Any and all fees listed in the Agreement shall hereby be replaced with the updated fee schedule set forth on Exhibit "A" attached hereto.
2. All other terms and conditions of the Agreement shall remain in full force and effect.

Borough of Lansford

By: 
Attest: 

Date: 8/16/22

Portnoff Law Associates, Ltd.

By: 
Attest: 

Date: 8/18/2022

EXHIBIT "A"

Legal Fees