

HONESDALE BOROUGH
WAYNE COUNTY, PENNSYLVANIA
ORDINANCE NO. 127

AN ORDINANCE AMENDING CHAPTER 210 (ZONING) OF THE BOROUGH OF HONESDALE CODE TO ADDRESS UPDATING OF ANIMAL HUSBANDRY PROVISIONS, CEMETERY LOCATIONS, NORMAL MAINTENANCE AND REPAIR ACTIVITIES AND PERMIT REQUIREMENTS.

WHEREAS, the Borough of Honesdale (hereinafter Borough) has enacted certain and various ordinances governing land use and zoning matters regarding properties and uses within Honesdale Borough, including Chapter 210 the Code of the Borough of Honesdale; and,

WHEREAS, said Chapter 210 requires clarification and modification to address animal husbandry, cemetery locations, normal maintenance and repair activities and permit requirements.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

I. The definition of Stable (Private) in Section 210-4.1.A is hereby amended to read as follows:

STABLE/PRIVATE

An accessory structure or use that involves the keeping of donkeys, horses, mules, cows, goats or sheep not for hire, remuneration or sale.

II. Section 210-20.1, Residential Lighting Regulations, is hereby added to read as follows:

A. Purposes:

- (1) To set minimum standards for outdoor lighting.
- (2) To control lighting in outdoor public places where public health, safety, and welfare are potential concerns.
- (3) To protect drivers and pedestrians from the disabling glare of non-vehicular light sources.
- (4) To protect neighbors and neighboring property from nuisance glare, and light trespass from improperly selected and/or poorly aimed, placed, applied, maintained, or un-shielded light sources.
- (5) To promote energy-efficient lighting design and operation.

- (6) To protect and retain as much of the rural and small-town character of the Borough as possible.
- B. Applicability: These regulations shall be enforced throughout the Borough for all residential uses in all zoning districts, provided that nothing herein is intended to limit, control, and or restrict over-sight, review, and control of lighting plans for commercial activities, conditional uses, special exceptions, variance situations, and sign permits.
- C. Exemptions:
- (1) Lighting required for agricultural uses.
 - (2) Lighting required for the performance of emergency services.
 - (3) Seasonal decorative lighting at and about holidays, including November, December, and January; provided such lighting shall not cause any nuisance, glare, or trespass onto any adjoining or neighboring properties.
 - (4) Borough street lights.
- D. Definitions of Terms: Terms used in this section shall have such meaning as is defined by the Illuminating Engineering Society of North America (IESNA)
- E. Lighting Criteria:
- (1) Illumination and other aspects of lighting shall comply with the current recommended practices of IESNA.
 - (2) The recommended practices included in the current IESNA Regulations are incorporated herein by reference thereto as though the same or more fully set forth herein. A copy of the most current IESNA regulations is available at the Borough office.
 - (3) Dusk to dawn lights shall not be permitted where they are visible from any other properties unless fitted with a reflector to render them full cutoff.
 - (4) Any lighting shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light on public roadways, neighboring uses or property.
 - (5) Floodlights and spotlights shall be so installed that they do not project their output into the windows of neighboring residences, adjacent

- uses, past the object being eliminated, skyward, or onto a public highway.
- (6) Glare control of any lighting shall be achieved primarily through the use of cut-off fixtures, shields, baffles, or appropriate application in her positioning of fixtures by height, wattage, aiming angle, and fixture placement.
 - (7) Vegetative screening shall not be used as a primary means of controlling glare on adjacent properties.
 - (8) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 foot-candle from any location on the receiving property.
 - (9) Full cutoff lighting shall not be mounted in excess of 20 feet above the finished grade of the surface being illuminated.
 - (10) Use of white strobe lighting is prohibited.
 - (11) Canopy lighting for uses such as gas/service stations, banks, fast food drive-throughs, and similar uses are limited to flat lands, full cut-off fixtures aim straight downward and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.
 - (12) Safety and or security lighting for commercial and/or industrial operations shall be reduced by 75% from normal lighting output from 11:00 PM until dawn the next day.
 - (13) Installation of any lighting system shall be approved by the Borough.
 - (14) If the Borough determines a lighting installation creates a safety or personal security hazard, or produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the regulations provided for herein, the recognized owner of the property and/or lighting system shall be notified in writing to take remedial action within ten (10) days.

III. Section 210-26, Normal Maintenance and Repair Activities and Minor Additions is hereby amended to read as follows:

- A. Normal maintenance and repair activities, such as painting are permitted, as well as minor alterations and interior renovations that do not structurally alter the habitable portion of any principal building or result in a different nature of use than currently existing.
- B. Safety and accessibility aspects, such as ramps, lifts, vestibules, canopies, and other entryway/exit changes, while considered accessory uses not subject to

zoning approval, shall, nonetheless, require building permits to ensure compliance with ADA requirements.

- C. No building or property improvements, installations or modifications shall extend into any public right of way without prior approval of the governing body possessing such right-of-way.

IV. Subsection 210-32.A, Permits, of Chapter 210, Zoning, is hereby amended to read as follows:

Requirements of permits.

- (1) A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof (including accessory buildings of 100 square feet or more in size), prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the land use until a permit has been duly issued therefor.
- (2) No zoning permit shall be required in cases of normal maintenance activities such as painting, siding replacement, minor repairs or alterations that do not structurally change a building, structure or change the use. Accessory uses not involving new construction or which are less than 100 square feet in size and portable shall also be exempt, but fences and other accessory structures permanently affixed shall require permits.
- (3) The above provisions for accessory uses and building attachments, shall not exempt any property owner from otherwise conforming with the requirements of this Chapter. Ordinary permits ordinarily required by the Borough for building or construction shall be obtained for all specified activities.

V. Survival Clause: Any and all other provisions of Chapter 163 of the Code unaffected by this Amendment shall remain in full force and effect.

VI. Inconsistencies: Any ordinance or part(s) thereof inconsistent herewith are hereby repealed or simultaneously amended.

VII. Savings Provisions: Should any section, subsection, clause, provision or other portion of this Ordinance or any other similar ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of

the remainder of this Ordinance, the Borough Council of Honesdale Borough having adopted this ordinance as if such invalid proportions had not been included therein.


VIII. **Effective Date:** This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED into law by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, by a vote of 6 to 0-1 this 12 day of Nov., 2024.

ATTEST:



James Brennan, President



Judith Poltanis, Secretary

Approved, this 22 day of November, 2024 by the Mayor of Honesdale Borough, Wayne County,

ATTEST:



Derek Williams, Mayor


Judith Poltanis, Borough Secretary

