

BOROUGH OF FRANKLINTOWN
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA

Code of Ordinances
as Amended

November 23, 1999

Prepared by

**TURO LAW OFFICES
BOROUGH SOLICITORS
28 SOUTH PITT STREET
CARLISLE, PA 17013**

CODE OF ORDINANCES
BOROUGH OF FRANKLINTOWN
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA
1997

FORWARD

The Borough of Franklinton was incorporated in 1869, but no records of Borough government earlier than 1904 have been found. One Ordinance from 1898 was made available to the Borough by the utility company to which it applies. The first Ordinance found among Borough records, enacted October, 1904, bears the number "99". Ordinances were enacted sporadically until 1927, after which they appeared with some regularity.

In 1978, the Pennsylvania State Association of Boroughs, as part of its services program for boroughs and other municipalities of Pennsylvania, codified the Borough's Ordinances. In 1993, the Borough of Franklinton decided to revamp their Code. The preparation of this Code involved a study of all available Ordinances. All obsolete, illegal, and superseded ordinances were repealed as part of the codification process. Extraneous and outdated information was deleted, and the Code was streamlined.

The major part of this volume, entitled "The Code of Ordinances of the Borough of Franklinton" is the enacting ordinance numbered 250-1997, and comprises parts 1 through 14.

We acknowledge the cooperation, assistance and many long hours rendered by the Borough officials, both present and past, in the preparation of this Code.

Ron Turo, Esquire
Turo Law Offices
Borough Solicitors
December 3, 1997

COPY

ORDINANCE NUMBER 250-1997

AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA, ENACTING A NEW CODE OF ORDINANCES OF THE BOROUGH OF FRANKLINTOWN, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN. UNLESS OTHERWISE EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING THE CODE OF ORDINANCES; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE BOROUGH OF FRANKLINTOWN HEREBY ORDAINS AS FOLLOWS:

Section 1: Code Formation.

This Ordinance, consisting of Parts 1 through 14, includes this, is hereby enacted as the "Code of Ordinances" Borough of Franklinton, County of York, Commonwealth of Pennsylvania, and shall be treated and considered as a new and original comprehensive Ordinance of the Borough which shall supersede all other general and permanent ordinances enacted by the Borough prior to the date of the enactment of this Ordinance.

Section 2: Effective Date.

All provisions of this Code shall be in full force and effect thirty (30) days after this Ordinance is enacted and, as of the effective date of this Ordinance, all Ordinances enacted prior to this Code, are hereby repealed, shall become null and void and shall cease to be in affect.

Section 3: Offenses Committed before Enactment.

The repeal provided for in Section 2 of this Ordinance shall not affect any offense or act committed or done or any penalty imposed or any contract or write established or accrued before the effective date of this Ordinance.

Copy

Section 4: Repealer

All Ordinances and parts of Ordinances in conflict herewith be and the same are hereby repealed as of the effective date of this Ordinance.

DULY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF FRANKLINTOWN, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA, THIS 3rd DAY OF December, 1997 IN LAWFUL SESSION DULY ASSEMBLED.

BOROUGH OF FRANKLINTOWN
By:

Leon D. Rudy
Acting President of Council

ATTEST

Dinah Walker
Secretary

Examined and approved this _____ day of _____, 1997.

By: _____
Mayor

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PART 1

USE AND CONSTRUCTION OF THE CODE

- Section 101 Code designation and cite.
- Section 102 Rules of construction.
- Section 103 Catchlines of sections; citations.
- Section 104 Effect of repeal of ordinance.
- Section 105 Severability of parts of code.
- Section 106 Amendment to code; effect of new ordinances; amendatory language.
- Section 107 Altering code.
- Section 108 General penalty.
- Section 109 Filing with secretary; supplementation.

Section 101: Code designation and cite.

The provisions embraced in the following parts, chapters, articles, sections and subsections shall constitute and be designated the "Code of Ordinances, Borough of Franklinton, Pennsylvania," and may be cited.

Section 102: Rules of construction.

In the construction of this code and of all ordinances, the following rules shall be observed, unless the construction would be inconsistent with the manifest of the council.

Borough. The words "the Borough" or "this Borough" shall mean the Borough of Franklinton, Pennsylvania.

Commonwealth. The words "the Commonwealth" shall be construed to mean the Commonwealth of Pennsylvania.

Council. Whenever the word of "Council" is used, it shall mean the Council of the Borough of Franklinton.

County. The words "the County" or "this County" shall mean York County, Pennsylvania.

Gender. A word importing the masculine gender only may extend and be applied to females and to firms, partnerships and corporations as well as to males.

Individual. The word "individuals" shall mean a natural person, male, or female.

Limits. The word "limits" shall mean the corporate limits or legal boundary of the Borough of Franklinton.

Mayor. Whenever the word "mayor" is used, it shall mean the mayor of the Borough of Franklinton.

Municipality. The words "the municipality" or "this municipality" shall mean the Borough of Franklinton, Pennsylvania.

Name of officer. Whenever the name of an officer is given, it shall be construed as though the words "of the Borough of Franklinton" were added.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning.

Number. Words used in the singular include the plural, and the plural includes the singular number.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the word "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

Or, and. "Or" may be read, "and," and "and" may be read "or" if the sense requires it.

Other officials or officers. Whenever reference is made to officers, agencies or departments by title only, i.e. "secretary", "treasurer", "solicitor", "engineer", "tax collector", etc., they shall mean the officers, agencies, or departments of the Borough of Franklinton.

Person. The word "person" may extend and be applied to associations or organizations, clubs, societies, firms, partnerships, corporations and bodies politic and corporate, or any combination of them, as well as to individuals.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

Street. The word "street" shall be construed to embrace streets, alleys, highways, bridges, and other ways in the Borough intended for vehicular travel, and shall embrace all parts thereof constituting the designated right-of-way, except where the context clearly indicates that the word "street" shall include the roadway only.

Section 103: Catchlines of sections; citations.

The catchlines of sections in this code printed in underlined type and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titled and official sources of those sections, or as any part of a section, unless expressly so provided, shall they be so deemed when any of those sections, including the catchlines or citations, are amended or reenacted.

Section 104: Effect of repeal of Ordinances.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the repealed ordinance.

Section 105: Severability of parts of code.

It is declared to be the intention of Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable. If any section, paragraph, sentence, clause or phrase of this code shall be declared unconstitutional, illegal, or otherwise invalid by the valid judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this code.

Section 106: Amendment to code; effect of new ordinances; amendatory language.

All ordinances passed after enactment of this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion in the code. When subsequent ordinances repeal any chapter, section, or subsection, or any portion thereof, those repealed portions may be excluded from this code by omission from reprinted pages.

A. All ordinances passed after the enactment of this code, shall be assigned the next consecutive number available, followed by the current year. (200-1998, 201-1998, 202-1999, etc.)

B. Amendments to any provision of this code shall be made by amending any provision by specific reference to the section of this code in substantially the following language: Section _____ of the Code of Ordinances of the Borough of Franklinton is hereby amended to read as follows: (Set out new provisions in full.)

C. When council desires to enact an ordinance of a general and permanent nature on a subject not contained in the code, which council desires to incorporate into the code, a section in substantially the following language shall be made a part of the ordinance: "Section _____ It is the intention of the Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Borough of Franklinton, Pennsylvania, and the sections of this ordinance may be re-numbered to accomplish that intention."

D. All parts, sections, articles, chapters, or provisions of this code desired to be repealed shall be specifically repealed by part, chapter and section number, as the case may be.

E. Resolutions, when related to parts, sections, chapters, or provisions of this code shall be referred to in the resolution in substantially the following manner: "This resolution supplements, relates to, or is referenced by or to Section _____."

Section 107: Altering the code.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages or portions of this, or to alter or tamper with this code in any manner whatsoever which will cause the code of the Borough of Franklinton, Pennsylvania, to be misrepresented by that action.

Section 108: General penalty.

Whenever in this code or in any ordinance of the Borough any act is prohibited or is made or declared to be unlawful, where no specific penalty is provided for that act, the violator of any such provision of this code or ordinance shall, upon conviction, for every violation, be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00 and costs of prosecution; and/or to undergo imprisonment for not more than 30 days as is now or may hereafter be permitted by law. Notwithstanding any provision or penalty contained in this section or elsewhere in this code, the Borough of Franklinton shall have the right to utilize any and all civil, criminal, equitable, and/or summary proceedings available to them by law.

Section 109: Filing with secretary; supplementation.

A certified copy of this code shall be kept on file in the office of the secretary. It shall be the duty of the secretary, or someone duly authorized by the secretary, to insert in their designated places all amendments or ordinances which indicate the intention of council to make the same a part of the code when the same have been printed or reprinted in page form, and to extract from the code all provisions which may be from time to time repealed by council. This copy of this code shall be available to all persons desiring to examine the code, and the copy on file shall be considered the official Code of the Borough of Franklinton.

PART 2

ADMINISTRATION AND GOVERNMENT

CHAPTER 1: ELECTED OFFICERS

- Section 101 Council Board.
- Section 102 Compensation of Council Members.
- Section 103 Compensation of the Mayor.
- Section 104 Tax Collector - (all but income tax).

CHAPTER 2: APPOINTED OFFICERS AND EMPLOYEES

- Section 201 Authority to appoint secretary and/or treasurer.
- Section 202 Authority to appoint a manager
- Section 203 Authority to appoint any other position necessary.

CHAPTER 3: AUTHORITIES, BOARDS, AND COMMISSIONS

- Section 301 York County Planning Commission.
- Section 302 Franklinton Municipal Authority.
- Section 303 Dillsburg Area Authority
- Section 304 Northern York Community Services Committee
- Section 305 Board of Appeals

CHAPTER 4: PENSIONS, RETIREMENT, AND SOCIAL SECURITY

- Section 401 Fireman's Relief.
- Section 402 Social Security for Borough Employees and Officers.
- Section 403 Pennsylvania Municipal Retirement System.

CHAPTER 1 - ELECTED OFFICIALS

Section 101: Council Board.

The Council shall be made up of seven members elected at large. The Council shall elect a President and Vice-President of Council. The Council shall meet at least once a month in accordance with its advertised schedule.

Section 102: Compensation of Council Members.

The compensation of each member of the Council shall be \$360.00 per year, payable in one annual payment, from which shall be deducted one twelve (1/12) of the annual compensation for each month in which the member failed to attend at least one meeting of the council. The Council President shall be compensated \$1,000.00 in expenses, per year. (As amended by Ordinance No. 262-2002, December 4, 2002.)

Section 103: Compensation of the Mayor.

The compensation of the Mayor shall be \$400.00 salary plus \$200.00 in expenses per year, payable in quarterly installments. (As amended by Ordinance No. 262-2002, December 4, 2002).

Section 104: Tax Collector - (all but income tax).

A. The compensation of the Tax Collector of the Borough of Franklinton, York County, Pennsylvania, is set at three percent (3%) of the Borough tax collected during the rebate period, two percent (2%) of the Borough tax collected during the face period, and five percent (5%) of the Borough tax collected during the penalty period in each year by the said tax collector, fixed from time to time by resolution of the Borough Council in accordance with the law.

B. The Tax Collector of the Borough of Franklinton, York County, Pennsylvania, is authorized to provide tax certifications, copies and receipts upon request by the public. The Tax Collector is further authorized to assess, collect and retain fees in the following amounts as compensation for such additional service. These fees may be changed from time to time by resolution of the Borough Council in accordance with the law.

Tax Certification	\$20.00
Copies	1.00
Receipts	2.00
Fax Fee	1.00

Section 104 amended by Borough Ordinance 272-2008, October 1, 2008

CHAPTER 2 - APPOINTED OFFICERS AND EMPLOYEES

Section 201: Authority to appoint secretary and/or treasurer.

Council may, at any organization meeting, or at any other time when it is necessary to do so, appoint either a treasurer or a secretary, or both or appoint one individual to serve in both positions.

Section 202. Authority to appoint a manager

Council may, at any organization meeting, or at any other time when it is necessary to do so, appoint a Borough Manager.

Section 203: Authority to appoint any other position necessary.

Council may, at any organization meeting, or at any other time when it is necessary to do so, appoint any other position necessary for the good of the Borough that is within their power to do so.

Section 202 added by Borough Ordinance 268-2006, July 5, 2006

CHAPTER 3 - AUTHORITIES, BOARDS, AND COMMISSIONS

Section 301: York County Planning Commission.

The Borough participates in planning matters with the York County Planning Commission.

Section 302: Franklinton Municipal Authority.

- A. The creation of the Municipal Authority is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare of, and will increase the prosperity of the citizens of this Borough
- B. The Board will consist of five (5) members, appointed by the Borough Council, with a term of office of 5 years. These terms shall be staggered so that only one officer will be appointed in any one year except for vacancies not caused by completion of term.
- C. The Municipal Authority is authorized and empowered to set and collect all water rates for the Borough.

Section 303: Dillsburg Area Authority

- A. Participation in the Dillsburg Area Authority is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare of, and will increase the prosperity of the citizens of this Borough.

B. The Board of the Authority shall consist of eight members appointed by the governing bodies of the participating municipalities. The Borough shall appoint two Board members to serve five-year terms, and shall thereafter appoint each successor.

C. The Dillsburg Area Authority is designated the exclusive agent of the Borough providing public sewer service within the Borough, to the extent and in the manner provided in the 1999 amended Dillsburg Area Authority Articles of Incorporation.

Section 303, added by Borough Ordinance 255-2000, February 1, 2000.

Section 304: Northern York Community Services Committee

A. The creation of the Northern York Community Services Committee, hereinafter referred to as the Committee, is deemed desirable and beneficial for the effective and efficient delivery of recreational, social, educational, and cultural activities for the citizens of the Borough.

B. The Committee shall be governed by a Board established under an agreement between the participating municipalities.

C. The Agreement entered into between participating municipalities shall be incorporated by reference to this Code and made a part hereof including any Amendments subsequently entered into between the participating municipalities.

Section 304 added by Borough Ordinance 263-2003, June 4, 2003

Section 305: Board of Appeals

A. A Board of Appeals shall be established by the Borough Council in conformity with the relevant provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, creating the Uniform Construction Code, as amended from time to time (hereinafter referred to as the "Act"), and pursuant to the Act, the Pennsylvania Department of Labor and Industry regulations contained in 34 Pa. Code Chapters 401-405, as amended from time to time. The Board of Appeals may be established by joint action of the Borough and other participating municipalities, or the County of York, Pennsylvania, as provided by law.

B. The Borough Council specifically agrees to enter into an intergovernmental cooperation agreement (hereinafter referred to as "Agreement") to create, operate, maintain and fund a joint Board of Appeals with other participating municipalities, or the County of York. The Agreement shall be incorporated by reference into this Code and made a part hereof including any Amendments subsequently entered into between the participating municipalities, or the County of York.

C. The Borough Council shall establish fees assessable by the Borough for the administration of the joint Board of Appeals pursuant to this Ordinance and the Agreement by resolution from time to time.

D. The Agreement shall be effective five (5) days after enactment, or upon the effective date of the last party that executes the Agreement, whichever occurs last.

Section 305 added by Borough Ordinance 264-2004, July 7, 2004

CHAPTER 4 - PENSIONS, RETIREMENT, AND SOCIAL SECURITY

Section 401: Fireman's Relief.

A. Fireman's Relief Association recognized the Franklinton Community Relief Association, of Pennsylvania, being it is hereby officially recognized by Council as an organization formed for the purpose of maintaining and association for beneficial and protective purposes to its members and their families in case of death, sickness, temporary or permanent disability, or accident, from the funds collected therein.

B. Foreign fire insurance tax monies payable to the Franklinton's Fireman's Relief Association, of the Borough of Franklinton is hereby designated by Council as the proper association to receive those funds as are due and payable to the Borough treasurer of the Commonwealth of Pennsylvania from the 2% tax on premiums from foreign fire insurance companies.

C. Annual Appropriations to Fireman's Relief Association. There is hereby annually appropriated from the Borough treasurer all sums of money that may hereafter be paid into the Borough treasurer by the Treasurer of the Commonwealth of Pennsylvania on account of taxes paid by premiums by foreign fire insurance companies in pursuance to an act of assembly in the case made and provided

Section 402: Social Security for Borough Employees and Officers.

A. The Borough is a participant in the Social Security program and the benefits of Social Security shall be extended to its employees and officers;

B. The proper officers are authorized to execute and deliver to the state agency the plan and agreement required under the provisions of the Social Security Act and the Enabling Act to extend coverage to the employees and officers of the Borough;

C. The Treasurer is authorized to make all required payments into the contribution fund established by the Enabling Act and to establish a system of payroll deductions from wages of employees and officers as may be necessary to their coverage under the Social Security program;

D. The Borough hereby appropriates from the proper fund or funds of the Borough the amounts necessary to pay into the contribution fund as provided in the Enabling Act and in accordance with the plan and agreement.

Section 403: Pennsylvania Municipal Retirement System.

A. Franklinton Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all the requirements and provisions of said Article and the Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

B. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time employees of the Borough. Membership for part-time employees is optional. The election by part-time employees to join the system must be made within one year after the employee first enters the service of the Borough. Membership for elected officials, employees hired on a temporary or seasonal basis, and individuals paid only on a fee basis is prohibited.

C. Credit for service toward the annuity of each original member shall begin to accrue as of January 1, 1998, or the original date of hire or expiration of the member's probationary period, if one so existed. However, for purposes of determining eligibility for superannuation retirement, early retirement and vesting, credited service shall accrue from each original member's date of hire or the expiration of the member's probationary period, if one so existed. Benefits provided to members in the agreement dated October 4, 2006, shall accrue based on all credited service granted and earned in accordance with this section.

D. Payment for any obligation established by the adoption of this Ordinance and the agreement between the Board and Franklinton Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

E. As part of this Ordinance, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Franklinton Borough, dated October 4, 2006. The passage and adoption of this Ordinance by Franklinton Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Franklinton Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

F. Franklinton Borough intends this ordinance to be the complete authorization of the Borough's municipal pension plan and it shall become effective and specifically repeal Ordinance Number 251-1998 either

immediately or on August 1, 2006, which is the effective date of the Agreement dated October 4, 2006, between the Pennsylvania Municipal Retirement System and Franklinton Borough, whichever is later.

A duly certified copy of this Ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Franklinton Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1998, with the revised plan structure reflected in the agreement dated October 4, 2006, effective the first day of August, 2006.

Section 403 Amended by Ordinance 269-2006, October 4, 2006

PART 3

FINANCIAL ADMINISTRATION

CHAPTER 1: GENERAL PROVISIONS

- Section 101 The Tax Collector.
- Section 102 Tax Collector's Commission.
- Section 103 Tax Discounts and Penalties.
- Section 104 Exemptions.
- Section 105 Enabling Legislation and Options.
- Section 106 Tax Collector (Except Real Estate) Schedule of Costs

CHAPTER 2: TAXATION

- Section 201 Real Estate Tax.
- Section 202 Earned Income and Net Profits Tax.
- Section 203 Per Capita Tax.
- Section 204 Occupational Privilege Tax.
- Section 205 Realty Transfer Tax.

CHAPTER 3: OTHER REVENUES, FEES AND CHARGES

Reserved.

CHAPTER 1 - GENERAL PROVISIONS

Section 101: Tax Collector.

The tax collector shall have all rights and authority for the collection of taxes granted by existing laws and laws hereafter passed.

Section 102: Tax Collector's Commission.

The rate of compensation to be paid to the Borough Tax Collector for collecting those Borough taxes for which he or she is designated shall be as follows: two (2%) percent of those taxes collected in the discount period or at face, and five (5%) percent of those taxes collected in the penalty period.

Section 103: Tax Discounts and Penalties.

- A. Every tax payer subject to the payment of taxes levied by the Borough shall be entitled to a discount of two (2%) percent from the face amount of the tax upon making payment of the whole amount of that tax due within two (2) months after the date of the tax notice.
- B. Every tax payer who shall fail to make payment of any tax levied by the Borough for four (4) months after the date of the tax notice shall be charged a penalty of Ten (10%) percent, which penalty shall be added to the face amount of the taxes by the tax collector and be collected by the same.
- C. Taxes paid between 2 months after date of tax notice and 4 months after date of tax notice, the payment will be considered face amount.

Section 104: Exemptions.

Provided that any resident of the Borough whose total income from all sources is less than five thousand (\$5,000.00) dollars per annum may make application to the Council for the exemption from this tax. The Council shall have authority to grant these exemptions using the guidelines of the allowable exemptions from the Local Tax Enabling Act, and the tax collector shall be exonerated from the responsibility of collecting the tax from those exempted individuals.

Section 105: Enabling Legislation and Options.

Section 13 of the Local Tax Enabling Act of 1965, P.L. 1257, is hereby incorporated by reference into and made part of this article, to the same extent as if the full text of the section had been set out verbatim in this article, except that:

- A. In the case of net profits, the Borough elects to operate under the option set forth in Subsection III-A(1)i, requiring an annual return with the accompanying payment of the tax due on net profits for the preceding year,

rather than the option set forth in Subsection III-A91ii, requiring an annual declaration of net profits and quarterly payments of the tax on net profits.

B. In the case of earned income not subject to withholding, the Borough elects to operate under the option set forth in Subsection III-B(1), requiring an annual return and payment of the tax, rather than the option set forth in Subsection III-B(2), requiring quarterly returns, with accompanying payment of tax.

Section 106: Tax Collector (Except Real Estate) Schedule of Costs

1. The Borough of Franklinton hereby approves and adopts the Cost of Collection Schedule attached hereto and made a part hereof, to be imposed by the West Shore Tax Bureau or such other tax collection entity hereinafter designated by the Borough for the collection of local taxes, upon any taxpayer or employer whose taxes are or become delinquent and/or remain due and unpaid; provided, however, that the Borough may amend said fee schedule by resolution from time to time.
2. The West Shore Tax Bureau, or such other tax collection entity designated by the Borough of Franklinton, is authorized to collect and retain such costs of collection as set forth in the attached schedule in recovering delinquent taxes and as permitted to be assessed on delinquent taxpayers pursuant to law.
3. Any Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.
4. This Ordinance shall become effective five (5) days after the enactment hereof.

CHAPTER 2 - TAXATION

Section 201: Real Estate Tax.

A tax is hereby levied on all property and occupations within the municipality subject for taxation for each fiscal year as designated by Resolution.

Section 202: Earned Income and Net Profits Tax.

A tax for general revenue purposes of one-half (1/2) of one percent (1%) is hereby imposed on:

- A. Incomes earned and net profits, by residents of the Borough;
- B. Incomes earned and net profits, by non-residents of the Borough for work done or services performed or rendered in the Borough.

Section 203: Per Capita Tax.

A per capita tax of ten (\$10.00) dollars annually for general Borough purposes is hereby levied and assessed upon each resident or inhabitant of the Borough, of the age of eighteen (18) years or older, which tax shall be in addition to all other taxes levied and assessed by this Borough.

Section 204: Occupational Privilege Tax.

An occupational privilege tax of ten (\$10.00) dollars annually for general Borough purposes is hereby levied and assessed upon every employee whose place of employment is located in the Borough, of the age of eighteen (18) years or older, which tax shall be in addition to all other taxes levied and assessed by this Borough.

Section 205: Realty Transfer Tax.

In every transaction, transfer or privilege arising therefrom, by which any lands, tenement or hereditaments, or any interest in them, lying, being and situate wholly or in part with in the Borough, shall be granted, bargained, sold or otherwise conveyed, a tax for general revenue purposes of the Borough at the rate of 1% of the value of the property is hereby assessed, imposed and levied.

CHAPTER 3 - OTHER REVENUES, FEES AND CHARGES

RESERVED.

Attachment to Part 3, Section 106
Tax Collector (Except Real Estate) Schedule of Costs

**BOROUGH OF FRANKLINTOWN
YORK COUNTY, PENNSYLVANIA**

**SCHEDULE OF COSTS TO PROVIDE DELINQUENT TAX NOTICES AND TO
COLLECT DELINQUENT TAXES FROM INDIVIDUAL TAXPAYERS
AND EMPLOYERS**

1. INDIVIDUAL AND EARNED INCOME TAX

A.	Non-filing individual taxpayer delinquency notices:	
1.	First delinquent notice – 1 st Class Mail (each notice)	No cost
2.	Second delinquent notice – Certified Mail (each notice)	\$ 10.00
3.	Notice of Tax Examination – Certified Mail (each notice)	\$ 10.00
B.	Unpaid individual earned income tax:	
1.	First non-payment notice – 1 st Class Mail (each notice)	No cost
2.	Second non-payment notice – Certified Mail (each notice)	\$ 10.00
3.	Payment schedule fee	
a.	0 – 4 months	\$ 20.00
b.	4 – 6 months	\$ 30.00
4.	Wage attachment	\$ 40.00
5.	Suit in assumpsit or other appropriate remedy	Actual Cost + \$20.00
C.	Non-compliance with required quarterly individual Earned Income Tax payments (per quarter):	\$ 5.00
D.	Cost to provide copies of filed tax returns or W-2 forms to taxpayers:	
1.	Current year and next prior year	\$ 5.00
2.	2 nd prior year and older	\$ 10.00

2. EMPLOYER EARNED INCOME TAX

A.	Non-filing tax return or support documentation (applicable for each quarter):	
1.	First delinquent notice – 1 st Class Mail (each notice)	No cost
2.	Second delinquent notice – Certified Mail (each notice)	\$ 10.00
3.	Preparation of Non-Traffic Citation	\$ 20.00
4.	Preparation on re-filing Non-Traffic Citation due to non-compliance	\$ 40.00

B. Unpaid employer's remittance of tax withheld from employee (applicable for each quarter):

1.	First non-payment notice – 1 st Class Mail (each notice)	No cost
2.	Second non-payment notice – Certified Mail (each notice)	\$ 10.00
3.	Payment schedule fee	
	a. 0 – 4 months	\$ 20.00
	b. 4 – 6 months	\$ 30.00
4.	Preparation of Non-Traffic Citation	\$ 20.00
5.	Preparation on re-filing Non-Traffic Citation due to non-compliance	\$ 40.00
6.	Suit in assumpsit or other appropriate remedy	Actual Cost + \$20.00

OTHER TAX COLLECTION SERVICES (Occupational Privilege Tax)

Non-filing of return or supporting documentation:

1.	First delinquent notice – 1 st Class Mail (each notice)	No cost
2.	Second delinquent notice – Certified Mail (each notice)	\$ 10.00
3.	Preparation of Non-Traffic Citation	\$ 20.00
4.	Preparation on re-filing Non-Traffic Citation due to non-compliance	\$ 40.00

Unpaid taxes:

1.	First non-payment notice – 1 st Class Mail (each notice)	No cost
2.	Second non-payment notice – Certified Mail (each notice)	\$ 10.00
3.	Payment schedule fee	
	a. 0 – 4 months	\$ 20.00
	b. 4 – 6 months	\$ 30.00
4.	Preparation of Non-Traffic Citation	\$ 20.00
5.	Preparation on re-filing Non-Traffic Citation due to non-compliance	\$ 40.00
6.	Suit in assumpsit or other appropriate remedy	Actual Cost + \$20.00

* "Actual costs incurred" includes court fees such as filing and service costs, legal fees paid by West Shore Tax Bureau to prosecute or defend the specific case and any other costs incurred by the West Shore Tax Bureau while preparing to prosecute or defend the specific case, including, but not limited to, witness fees, costs of obtaining certified documents from government regulatory agencies or other tax bureaus, etc.

PART 4
GENERAL BUSINESS REGULATIONS

CHAPTER 1: TRANSIENT RETAIL BUSINESS

- Section 101 Definitions.
- Section 102 License Required.
- Section 103 Exemptions.
- Section 104 Application for License.
- Section 105 Investigation and Refusal.
- Section 106 Custody, Display and Exhibit of License.
- Section 107 Prohibited Acts.
- Section 108 Suspension or Revocation of License.

CHAPTER 2: OTHER BUSINESS REGULATIONS

RESERVED.

CHAPTER 1 - TRANSIENT RETAIL BUSINESS

Section 101: Definitions.

Transient Retail Business - engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wears or merchandise, upon any street, public place or from house to house, within the Borough or from a fixed location in the Borough, on a temporary basis. Such examples shall include but not limited to, those activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for particular yearly holidays.

Section 102: License Required.

A. No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Council a license. The license can be issued for a fee set periodically by the Council for periods of daily, monthly or bi-annually.

B. Every license issued under this Article shall be issued on an individual basis to person engaging in such businesses; every such individual shall obtain a separate license, issued to him in his name, and a license fee imposed by this section shall be applicable to every such individual.

Section 103: Exemptions.

No license fee shall be required under this section for:

A. Farmers selling their own produce;

B. For the sale of goods, wears and merchandise, donated by the owners of which the proceeds are to be applied to any charitable or philanthropic; or

C. Those persons working without compensation in selling goods, wears or merchandise for the sole purpose of a non-profit organization.

Any person dealing in any of the above categories and also selling non-exempt items, shall be subject to payment of the license fee. The Borough reserves the right to exempt individual licensing to group activities when they determine it appropriate.

Section 104: Application for License.

Every person desiring a license under this Article shall first make application to the Borough Council for the license. If that person is also required to obtain a license from any State or County officer or department, when making application for the Borough license, exhibit of a valid license from that State or County shall be shown.

The applicant shall give their name and address, the name of the person by whom they are employed, the type of goods, wears and merchandise they wish to deal with in the transient retail business; the number of persons to be employed by them in the Borough; and the type and license number of all vehicles to be used, if any. The application shall be accompanied by the license fee required and shall include a photograph of the applicant.

Section 105: Investigation and Refusal.

Following the making of the application by the applicant, no license shall be issued until the Borough Council has investigated the application the applicant, and the waiting period for this purpose shall not extend beyond the next Council meeting. Following the investigation the Borough Council may refuse the license in cases where the investigation discloses a criminal record or any false or misleading statements by the applicant. When a license is refused, the Borough shall not issue any refund. The application fee will be used to partially reimburse the Borough for expenses of investigation.

Section 106: Custody, Display and Exhibit of License.

Every license holder shall carry their license upon their person or shall display the license upon their vehicle if they are engaged in a transient retail basis from house to house or upon any of the streets or public grounds; or shall display the license at the fixed location where they are engaged in business if doing so from a fixed location. Such person shall exhibit their license, upon request, to any Borough official or resident of the Borough.

Section 107: Prohibited Acts.

No person engaged in any transient retail business shall

- A. Sell any product or type of product not mentioned in their license;
- B. Use any loud speaker or horn or other device for announcing his presence by which the public may be annoyed;
- C. When selling from a vehicle, stop or park the vehicle upon any street in the Borough for longer than necessary in order to sell persons residing or working in the immediate vicinity; and no stopping in the right-of-way of traffic;
- D. Engage in any house to house activity except by prior appointment before the hour of 9:00a.m. or after dusk.

Section 108: Suspension or Revocation of License.

The Borough Council may suspend or revoke any license issued under this Article when it is deemed suspension or revocation to be in the interest of the public health, safety or morals, or for violation of any provision of this Article, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to Council any time within ten (10) days after suspension or revocation. No part of a license fee shall be refunded to any person whose license is suspended or revoked.

CHAPTER 2 - OTHER BUSINESS REGULATIONS

RESERVED.

PART 5

HEALTH AND SANITATION

CHAPTER 1: ANIMALS

- Section 101 Housing Conditions for Keeping Fowl or Rabbits.
- Section 102 Housing Conditions for Keeping Other Livestock.
- Section 103 Restrictions on Animal Butchering.
- Section 104 Domestic Animals.

CHAPTER 2: GRASS, WEEDS AND OTHER VEGETATION

- Section 201 Vegetation Unlawful and A Nuisance Under Certain Conditions.
- Section 202 Responsibility for Removing, Trimming or Cutting Vegetation.
- Section 203 Authority of the Borough to do the Work and Collect Costs.

CHAPTER 3: COLLECTION OF TRASH, GARBAGE AND RECYCLABLE MATERIALS

- Section 301 Authority.
- Section 302 Licensing of Refuse Collectors.
- Section 303 Fees and Costs.
- Section 304 Receptacles for Recyclable Materials.
- Section 305 Recyclable Materials.
- Section 306 Bulk Clean Up.
- Section 307 Collection Date.
- Section 308 Unauthorized Collection.

CHAPTER 1 - ANIMALS

Section 101: Conditions for Keeping Fowl or Rabbits.

No person shall keep any fowl or rabbits anywhere in the Borough except in pens which shall be constructed and located out of doors and shall be at least thirty (30) feet from any inhabited dwelling. All felt accumulating in, about or under any pen shall be removed at least once a week and more often if so ordered by Council.

Section 102: Housing Conditions for Keeping Other Livestock.

It shall be unlawful for any person to keep any horse, sheep, goat, cattle, swine or other domestic livestock anywhere in the Borough unless the following conditions are strictly adhered to: a barn, stable or similar roofed building shall be provided on the premises for those animals, and that building shall be located at least fifty (50) feet from any property line. The building shall be kept clean with all filth accumulating in or around it to be removed at least once a week or more often if so ordered by the Council.

Section 103: Restrictions on Animal Butchering.

Butchering, skinning, dressing, processing or rendering shall only be permitted within the confines of the Borough provided that:

- A. Such use shall not be conducted within a distance of five hundred (500) feet of any property line unless there has been secured from the Council a waiver as provided in subsection B hereof.
- B. A waiver shall be granted only upon the condition that fifty-one (51%) percent of the persons owning real estate or occupying and utilizing real estate within five-hundred (500) feet of the proposed use site, shall have approved of the use and executed waiver in writing, delivering same to authorized members of Council.
- C. Personal Exemption: These restrictions on animal butchering do not apply to processing for personal use.

Section 104: Domestic Animals.

- A. Definition: Any animal owned, maintained, controlled, or kept by any person for pleasure, including, but not limited to: dogs, cats, pigs, horses, birds, and rabbits.
- B. Loud Noises: No person having control or custody of any domestic or non-domestic animal shall allow or permit such animal to make loud, harsh noises to the extent that it shall disturb or interfere with the peace, quiet, rest or sleep of other persons. No person having the control or custody of any

dog or other domesticated animal shall allow or permit such animal to make loud, harsh noises continually and/or incessantly for a period of 10 minutes or intermittently for ½ hour or more to the extent that it shall disturb or interfere with the peace, quiet, rest or sleep of other persons.

C. Domestic Animal Waste: No person having the control or custody of any domestic animal shall allow or permit such animal to defile, defile or corrupt any public property, street, road, driveway, sidewalk or walkway, or property of another person.

D. Running at Large: No person having control or custody of a domestic animal shall suffer or permit such animal to run at large in the Borough of Franklinton and upon public streets or highways or upon lands of another other than the person having the control or custody of the animal. In the event the Borough provides for the capture, retention, pick-up, or other animal-related services relating to a domestic animal running at large, the Borough has the authority to collect from the person having control or custody of said animal the costs associated with such services.

E. Exceptions: This Ordinance shall not be deemed to prohibit, or otherwise declare unlawful, any agricultural operations protected from nuisance suits by Act No. 1982-133.

Section 104, Subsection D, last amended by Borough Ordinance 254-1999, November 3, 1999.

CHAPTER 2 - GRASS, WEEDS AND OTHER VEGETATION

Section 201: Vegetation Unlawful and A Nuisance under Certain Conditions.

No person owning or occupying any property in the Borough shall permit any grass, weed or any other vegetation whatsoever, that is not edible or planted for a useful purpose, to grow or remain upon the property so as to exceed a height of twelve (12) inches or to throw off any unpleasant or obnoxious odor or to conceal any filthy deposit or to create or produce excessive pollens. Any vegetation growing upon any property in the Borough in violation of any provision of this section is declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

Section 202: Responsibility for Removing, Trimming or Cutting Vegetation.

The owner or occupant of any property shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon said property in violation of Borough Ordinances.

Section 203: Authority of the Borough to do the Work and Collect Costs.

The Council is authorized to give notice or personal service or United States Mail to the owner or occupant of any property where grass, weeds, or other vegetation is growing or remaining in violation of Borough Ordinances, directing and requiring that the owner or occupant to remove, trim or cut said vegetation, so as to conform to the requirements of Borough Ordinances, within five (5) days after issuance of such notice. In case such person shall neglect, fail or refuse to comply with the notice, within the period of time stated, the Borough has the authority to remove, trim or cut the vegetation, and the cost of the work, together with an additional penalty of ten (10%) percent, may be collected by the Borough from that person in the manner provided by law.

CHAPTER 3 - COLLECTION OF TRASH, GARBAGE AND RECYCLABLE MATERIALS

Section 301: Authority.

The Borough Council shall have the authority to contract with any person to carry out its duties for the recycling, transportation, collection, and storage of municipal waste and sort separated recyclable materials and any such person shall be jointly and severally liable with the Borough of Franklinton when carrying out its duties for transportation, collection or storage activities.

Section 302: Licensing of Refuse Collectors.

A. One who seeks to become authorized to collect garbage and refuse and recyclable materials within the Borough may request a license by a writing directed to the Council, sitting for therein the type or types of refuse to be collected, the manner of collection, the place and method of disposal, frequency of collection, any schedule of fees to be charged. Together with such requests, there shall be filed a license fee for each calendar year, in an amount periodically set by Council.

B. Council may, in its discretion, enter into exclusive agreements with any responsible collector for a period of time not exceeding an initial period of 3 years, renewable by 3 years, provided that such collector shall be the only licensee under this article. Provided, however, that such collectors shall be required to post a performance bond in such amount as may be deemed reasonable by Council, and further provided that the license fee as stated in Section 302 above shall be collected for the entire period of the exclusive licensing at the time of such agreement is executed.

C. The license issued for collection shall approve collection as requested by applicant, limiting the collector to provide for collection in accordance with the methods, frequencies, and fees set forth in his application. No license shall be issued for collection of garbage less frequently than once a week.

Any deviation from such collection, rates or method of disposal shall be considered a violation of the code.

D. An authorized collector is one who has entered in to a contract with, or has been granted a license by, the Borough for the specific purpose of collecting and disposing of refuse and/or recyclable material.

E. No license collector shall dispose of any refuse collected in the Borough, except by conveyance to a place of disposal approved by the York County Solid Waste Management Authority, and operated in accordance with the rules and regulations propounded by that agency. Failure of a licensed collector to comply with the provisions of this chapter shall result in the revocation of its license.

Section 303: Fees and Costs.

A. The Borough shall set fees for the cost of collection of waste and recyclable materials, to be paid on a quarterly basis for each resident or property owner of the Borough. Borough Council shall also have the authority to establish monthly rates for the collection of waste from dumpsters. Borough Council shall establish such rates by resolution. Residences will be billed on a quarterly basis, property owners with dumpsters will be billed on a monthly basis, and payment will be due upon receipt of the invoice. The Council may increase rates at any time by resolution.

B. Each resident or dwelling unit will have thirty (30) days from the billing date in which to pay the fee established by the Borough in full. After thirty (30) days, a late charge in the amount of ten (10%) percent will be imposed and an additional one (1%) percent will be added each month thereafter until the balance due is paid in full.

C. Each property owner will be responsible for all fees imposed subject to the Code. All fines, fees, interest and penalties and any other assessments shall be collectable in any manner provided by law for the collection of debts. If the person liable to pay any such amount neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall be a judgment in favor of the Borough upon the property of such person, but only after the same has been entered and docketed of record by the Prothonotary of York County.

Section 304: Receptacles for Recyclable Materials.

Each residential unit will be given one container or bin for recyclable materials by the Borough of Franklinton. Thereafter the Council will only provide an additional or replacement container or bin at a cost periodically set by resolution.

Furthermore, property owners with inadequate dumpsters or property owners who request a larger dumpster will be liable for any rate increase due to the larger dumpster. In the event that the Borough requests that a property owner obtain a larger dumpster, the property owner will be responsible for the higher rate that may be imposed.

Section 305: Recyclable Materials.

Recyclable materials, which must be placed in the recycling receptacle, include the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastic.

Section 306: Bulk Clean Up.

The Borough may conduct a spring and/or fall clean up at a date and time to be scheduled by the Council. Notice of the date of such clean up and a description of the items that the Borough will collect shall be made available one month prior to the collection date.

Section 307: Collection Date.

The Borough shall establish the day of the week for the weekly collection of solid waste and recyclable material. No resident shall be allowed to put out this material for collection prior to 5:00p.m. on the evening prior to the date scheduled for collection.

Section 308: Unauthorized Collection.

No person, business, or corporation shall be permitted to collect any recyclable material or other refuse from the Borough without permission of the Council. Furthermore, it shall be unlawful for any person to enter or disturb or remove objects from any containers that have been set out for the collection of solid waste or recyclable materials.

PART 6

GENERAL BUILDING REQUIREMENTS

CHAPTER 1: BUILDING IMPROVEMENTS

- Section 101 Uniform Construction Code.
- Section 102 General Requirements.
- Section 103 Conditions for Issuance of a Building Permit. (deleted)
- Section 104 Permit Fee; Issuance of Permit. (deleted)
- Section 105 Display of Permit; Report of Completion of Work. (deleted)
- Section 106 Revocation of Permit. (deleted)

CHAPTER 2: DANGEROUS STRUCTURES

- Section 201 Report and Investigation of Dangerous Structures.
- Section 202 Notice to Repair or Remove Dangerous Structure.
- Section 203 Authority of Borough to Repair or Remove at Expense of Owner.

CHAPTER 3: TENANT OCCUPANCY

- Section 301 Permit.
- Section 302 Application.
- Section 303 Fees.

CHAPTER 4: MOBILE HOME PARK REGULATIONS

- Section 401 Approval Required
- Section 402 Application, Fees, and Permits
- Section 403 Limited Applicability to Existing Parks
- Section 404 Registration
- Section 405 Suspension
- Section 406 Inspection
- Section 407 Site Location and Dimensions
- Section 408 Soil and Drainage Requirements
- Section 409 Lot Requirements
- Section 410 Stands and Skirting
- Section 411 Street System

- Section 412 Additional Street Requirements
- Section 413 Sidewalks and Curbs
- Section 414 Water Supply
- Section 415 Sewer Requirements
- Section 416 Storm Drainage
- Section 417 Other Utilities
- Section 418 Service Facilities
- Section 419 Street Lights
- Section 420 Off-Street Parking
- Section 421 Required Recreation Area
- Section 422 Refuse Handling
- Section 423 Fuel Supply and Storage
- Section 424 Fire Protection
- Section 425 Nonresidential Uses
- Section 426 Responsibilities of the Park Management
- Section 427 Guidelines for Rules, Regulations and Agreements between Mobile Home Operator and Tenants

CHAPTER 1 - BUILDING IMPROVEMENTS

Section 101: Uniform Construction Code.

A. The Borough of Franklinton hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 – 7210-1103, as amended from time to time, and its regulations.

B. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time (hereafter referred to as the "Code"), is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Franklinton.

C. Administration and enforcement of the Code within the Borough of Franklinton shall be undertaken in any of the following ways as determined by the governing body of the Borough of Franklinton from time to time by resolution.

1. By the designation of an employee of the Borough to serve as the Borough code official to act on behalf of the Borough;

2. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough;

3. By agreement with one or more municipalities for the joint administration and enforcement of this ordinance through an intergovernmental cooperation agreement;

4. By entering into a contract with another municipality for the administration and enforcement of this ordinance on behalf of the Borough;

5. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

D. All relevant ordinances, regulations and policies of the Borough of Franklinton not governed by the Code shall remain in full force and effect.

E. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the Borough Council from time to time.

Section 101 amended by Borough Ordinance 265-2004, July 7, 2004

Section 102: General Requirements.

Section 102: General Requirements.

A. Minimum Area – Each dwelling constructed shall have a fully enclosed floor area (exclusive of roofed or unroofed porches, terraces, carport or other outbuildings) of not less than six hundred seventy (670) square feet for a single-story dwelling, and one thousand three hundred (1300) square feet for a two-story dwelling. Not less than six hundred seventy (670) square feet shall be situated on the first floor of any two-story dwelling. No structure or improvement shall extend for a height of more than thirty-five (35) feet above a finished grade level.

B. Sewage Disposal - No new structure shall make use of a privy vault for sewage disposal, and a permit for a sewage disposal system or for use of a holding tank shall be obtained for every structure, including a mobile home, and a copy of that permit shall be submitted with the application for the building permit under this chapter and Part 11 of the Code of Ordinances before the application will be considered or the building permit issued.

C. Public Water – The owner of any improved property accessible to and whose principal building is within one hundred fifty (150) feet of the water distribution system shall connect such improved property with and shall use such water distribution system, in such manner as the Borough may require.

1. No well, spring, artesian well, cistern or similar source of water shall at any time be connected with a water distribution system.

D. Driveways – Every new or reconstructed driveway connecting with a state or borough owned road must be paved and must be a minimum of fifteen (15) feet in length.

E. Building Permits – Any improvements, additions, or construction that does not fall under the jurisdiction of the Code shall require a permit, provided however, that no permit is required for general maintenance and any work costing less than \$1,000.00. The Borough Council shall establish fees for such permits by resolution from time to time.

Section 102 amended by Borough Ordinance 265-2004, July 7, 2004

Section 102 D amended by Borough Ordinance 268-2006, July, 2006

Section 102-E amended by Borough Ordinance 275-2009, August 5, 2009

Section 103: Conditions of Issuance of Building Permit.

Section 103 deleted by Borough Ordinance 265-2004, July 7, 2004

Section 104: Permit Fee; Issuance of a Permit.

Section 104 deleted by Borough Ordinance 265-2004, July 7, 2004

Section 105: Display of Permit; Report of Completion of Work.

Section 105 deleted by Borough Ordinance 265-2004, July 7, 2004

Section 106: Revocation of Permit.

Section 106 deleted by Borough Ordinance 265-2004, July 7, 2004

CHAPTER 2 - DANGEROUS STRUCTURES

Section 201: Report and Investigation of Dangerous Structures.

Whenever it shall be reported to the Council that any structure, completed or in the process of construction, or any portion of any such structure, is in a dangerous condition, the Council shall immediately cause an investigation and examination to be made of that structure. If the investigation or examination indicates the structure to be dangerous in any respect, the Council shall report in writing the exact condition of the structure, setting forth in their report whether and in what respect they consider the structure to be dangerous, and if so, whether the structure is capable of being properly repaired or whether it should be removed as a dangerous structure.

Section 202: Notice to Repair or Remove Dangerous Structure.

A. If any structure is found by the Council to be in dangerous condition, the Council shall immediately have written notice served upon the owner of the structure. The notice shall require the owner to commence the repair or removal of the building within ten (10) days of the notice and to complete the repair or removal within thirty (30) days of the notice. Provided: in any case where the notice prescribed the repair of any structure, the owner shall have the option to remove the structure instead of making the repairs to it, within the same time limit. Provided further: if the property owner shall appeal from the notice to Council, Council may grant him a hearing which shall serve to extend the commencement of the ten day and thirty day time limits respectively until the case is disposed of.

B. Such notice shall be served personally upon the owner of the structure, if such owner resides in the Borough; or upon the agent of the owner, if the agent has a residence or a place of business within the Borough. If neither the owner nor his agent can be served within the Borough as provided above, the notice shall be sent to the owner of the structure by certified mail, at his last known address.

Section 203: Authority of Borough to Repair or Remove at Expense of Owner.

If the owner of any dangerous structure, to whom a notice to repair or to remove the structure is sent under the provisions of this chapter, fails to commence or to complete the repair or removal within the time limit prescribed by the notice, Council shall be empowered to have the work of repair or removal commenced and/or completed, with the costs and expense of the work with a penalty of ten (10%) percent exacted from the owner of the structure in any manner provided by the law.

CHAPTER 3 - TENANT OCCUPANCY

Section 301: Permit.

Every owner or agent of the owner of real property located within the Borough, which is rented, leased, or made available to persons other than the owner and his immediate family for the purpose of human habitation, shall obtain from the Borough Secretary a permit prior to occupancy of such real property by the tenants, or other inhabitants.

Section 302: Application.

Application shall be made to the Borough Secretary and shall include but not limited to the following information.

- A. The names of the Lessees or inhabitants of real estate,
- B. The name and address of the owner;
- C. The name and address of the parties responsible for payment of water and sewer rentals; and
- D. The number of individuals over the age of eighteen (18) expected to reside in the premises. The Borough may, in its discretion, provide application forms that may require additional information.

Section 303: Fees.

The fee for the application and permit required by this Ordinance shall be set from time to time by Resolution as needed. The applicant prior to the issuance of the permit shall pay the fee, and no permit shall be issued until the fee is paid.

CHAPTER 4 - MOBILE HOME PARK REGULATIONS

Section 401: Approval Required.

It shall be unlawful for any person to construct, alter, extend, or operate any mobile home park within the Borough limits, unless they hold a valid permit issued by the Borough Council.

Section 402: Application, Fees, and Permits.

- A. An application furnished by the Borough shall be submitted to the Borough secretary for a permit to operate a mobile home park within the

Borough. Upon receipt of such application the Borough Council shall inspect the applicant's plans and proposed park site to determine compliance with this chapter.

B. After favorable determination of same the Council shall issue a mobile home park permit to the applicant, which shall be valid for a period of one year.

C. Renewal permits for a life period shall be issued by the Borough Council upon proof furnished by applicant that his park continues to meet the standards prescribed by this chapter.

D. Each application for new or renew permit hereunder shall be accompanied by the payment of a fee required by the Borough Council. In the event that Borough is required to perform additional or unusual service to determine the application, the cost of such additional service shall be borne by the applicant. Such charges shall be levied whether or not the applicant is approved.

Section 403: Limited Applicability to Existing Parks.

Any mobile home park in existence as of the effective date of this Code shall be required to meet the standards of the Pennsylvania Department of Environmental Resources and any existing ordinance within the Borough, which were in effect at the time of the initial development, and all other parks which are construed or expanded after the effective date hereof.

Section 404: Registration.

A. It shall be unlawful for any person to operate any mobile home park within the Borough limits unless they hold a permit issued by the Borough Council in the name of such person for which the specific mobile home park. Proof of such registration shall be furnished to the Borough secretary no later than February 1, of each year.

B. Every person holding a mobile home park permit shall file notice in writing to the Borough Council within ten (10) days after having sold, transferred, given away, or otherwise disposed of, interest in or control of any mobile home park.

Section 405: Suspension.

Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist or of any violation of any provisions of this chapter, or of any regulations adopted pursuant thereof, the Borough Council shall give notice

in writing to the person to whom the certificate is issued, advising them that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Borough shall be suspended. At the end of such period, such mobile home park shall be inspected and, if such conditions or practices have not been corrected, and the licensee has not requested a hearing, the Borough secretary shall suspend the license and give notice in writing of such suspensions to the person to whom the certificate is issued. Any person, partnership or corporation who is in violation of any provision of this Code shall be subject to the penalties stated in this Code.

Section 406: Inspection.

The Borough Council or its authorized representative may inspect a mobile home part at reasonable intervals, and at reasonable times, to determine compliance with this Ordinance. The authorized representative may give notice for violations of this Ordinance and issue notice thereof, without express authority from the Borough Council in each instance.

Section 407: Site Location and Dimensions.

The location and minimum area of all mobile home parks shall comply with the following minimum requirements:

- A. The site area of any mobile home park shall not be less than twelve (12) contiguous acres.
- B. The overall density of any mobile home park shall not exceed four (4) dwelling units per acre of the site area. Site area shall exclude the beds of existing streets and existing public right-of-ways. Additionally, no mobile home park shall contain more than fifty (50) mobile homes or stands.
- C. A twenty-five (25) foot wide buffer yard shall be provided along the entire perimeter of any mobile home park. Within such buffer yard a planting screen at least ten (10) feet wide shall be provided. Buffer yards shall be naturally landscaped and shall not be use for buildings, parking, loading or storage purposes. A buffer yard shall be continued for the entire length of a property line.

Section 408: Soil and Drainage Requirements.

- A. Site Drainage Requirements - surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated and controlled. Any site for mobile home parks may not be subject to flooding.

B. Park grounds surfaces shall be maintained free of vegetative growth which is poisonous or which harbors rodents, insects, or other pests harmful to humans.

C. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screening, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and emanation of dust during dry weather.

Section 409: Lot Requirements.

A. Each mobile home shall be placed on an individual designated lot. Each lot shall be not less than six-thousand (6000) square feet in size and shall have a lot width of not less than fifty-five (55) feet.

B. Each mobile home shall adhere to the following minimum setback requirements:

1.	Front Setback	twenty-five (25) feet
2.	Rear Setback	twenty-five (25) feet
3.	Side Setback	twenty-five (25) feet

Section 410: Stands and Skirting.

A. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplifts, sliding, or rotation, and in no even shall the mobile home be erected on jacks, loose blocks, or other temporary materials. The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

B. The mobile home stand shall be provided with anchors and tiedowns such be cast in place concrete "deadman". These anchors and tiedowns shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of twenty-eight hundred (2800) pounds.

C. An enclosure of design and material compatible with the mobile home shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhabitant decay and deterioration of the structure.

Section 411: Street System.

- A. All mobile home lots shall abut a park street.
- B. Two (2) safe and convenient accesses shall be provided from abutting public streets and roads.
- C. At entrances, exits and where parking is permitted on both sides, the minimum width shall be thirty-six (36) feet, unless standards for Borough streets require a greater width.
- D. In all other cases the minimum width shall be twenty-six (26) feet.
- E. The above may be reduced in the case of one-way traffic, to not less than eighteen (18) feet, with parking on one side only.
- F. Cul-de-sac streets shall be provided with a turn-around having an outside roadway diameter of at least one hundred (100) feet.
- G. The pavement edge at all intersections shall have an inside radius of at least thirty (30) feet.
- H. Street grades shall not exceed eight (8) percent and adequate transition shall be made at grade changes for the maneuvering of mobile home units.
- I. All other basic street and intersection design standards of this Ordinance not modified above shall apply.

Section 412: Additional Street Requirements.

- A. All plans for streets must be submitted to Borough Council and reviewed by the Borough Council and the Borough Engineer before final approval is given.
- B. Each street within a mobile home park shall be provided with street names and street name signs. Lot numbers shall be displaced in an easily visible location on each mobile home in a common place on the front yard side of the mobile home, at least six (6) feet above ground.

Section 413: Sidewalks and Curbs.

- A. Sidewalks shall be provided in accordance with general Borough requirements under Part 12.

B. Curbs shall be installed along both sides of all streets. The Borough Council shall have the option of waiving curbs in areas where the lot frontage exceeds one hundred (100) feet. Only the vertical type curbs may be used. All curbing must be constructed of Portland Cement concrete. The construction of vertical curbs will conform to the approval of the Borough Engineer, and Type A of current Pennsylvania Department of Transportation Specification, as amended or supplemented.

Section 414: Water Supply.

A. All mobile home parks within the Borough must comply with all Ordinances set forth by the Borough Council and Franklintown Borough Municipal Authority. All plans will be approved or disapproved by the Municipal Authority.

B. Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing. Adequate provisions shall be made to prevent freezing of the service lines, valves and riser pipe. The water riser pipe shall have a minimum inside diameter of $\frac{3}{4}$ inch and terminate at least four (4) inches above the ground surface.

C. Approval of the Borough Council and Engineer must be given for the individual water riser pipes and connections.

Section 415: Sewer Requirements.

All mobile home parks within the Borough of Franklintown must meet requirements set forth by the Dillsburg Borough Authority. All plans will be approved or disapproved by the Dillsburg Borough Authority and the Franklintown Borough Council.

Section 416: Storm Drainage.

A. The ground surface in all parts of a mobile home park shall be graded and equipped to drain surface water in a safe, efficient manner. All plans will be approved by the Borough Council and Borough Engineer.

B. All storm water facilities shall be kept completely separate from any sanitary sewer systems.

C. Where the construction of streets and storm sewers is such that the directions of storm water is diverted to affect surrounding properties,

the applicant shall obtain sufficient drainage easements to provide adequate disposal of the storm water.

Section 417: Other Utilities.

- A. Electric, telephone and all other utility facilities shall be provided as necessary within the mobile home park. Such Utilities shall be installed underground and maintained in accordance with the local Utilities company's specifications regulating such systems.
- B. Additional requirements for utilities shall be upon approval of the Borough Council and the Borough Engineer.

Section 418: Service Facilities.

Service facilities include Management offices, repair shops, storage areas, Laundry facilities, indoor recreation areas, and all other area uses supplying essential goods or services for the exclusive use of the park occupants. All service facilities must meet the following requirements:

- A. Have at least one (1) window or skylight facing directly to outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area serviced by them. The window must be easily opened, or a mechanical devise which will adequately ventilate the room.
- B. Install at least two (2) smoke detectors, and maintain them properly.
- C. Toilets shall be located in separate compartments equipped with self-closing doors. Toilets shall have soundproof walls extending to the ceiling between the male and female facilities. Walls and partitions and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material.

Section 419: Street Lights.

Street lights shall be provided to illuminate streets, driveways, and pedestrians' interior walkways for the safe movement of vehicles and pedestrians at night. Their type and location shall be shown on the plan.

Section 420: Off-Street Parking.

- A. Two (2) paved off-street parking spaces for motor vehicles shall be provided on each mobile home lot. Required parking spaces shall be so

located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve.

B. A separate parking area for recreational vehicles shall be provided in each mobile home park.

C. Paved off-street parking areas will be provided for all other buildings.

Section 421: Required Recreation Area.

A. In all mobile home parks a recreation area, or areas with suitable facilities shall be maintained within the park for the use of all park residents.

B. Land required for such recreation areas shall not be less than five percent (5%) of the gross site area. Such land should generally be provided in a central location within the park.

C. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located on relatively level ground.

D. If a suitable recreation area cannot be properly provided for the park, as determined by the Borough Council, a yearly payment of a recreation purpose fee is required. Such fee shall be established by a resolution of the Borough Council.

Section 422: Refuse Handling.

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodents harborage, insect breeding areas, accidents, fire hazards or air pollution. Storage and collection will follow Borough Ordinances on the matter.

Section 423: Fuel Supply and Storage.

A. Natural gas piping systems, when installed in mobile home parks, shall be maintained in conformance with acceptable engineering practices and rules and regulations of the authority having jurisdiction.

B. Liquefied Petroleum Gas systems, when installed in mobile home parks, shall be maintained in conformance with acceptable engineering practices and rules and regulations of the authority having jurisdiction.

C. All fuel oil supply systems, when installed in mobile home parks, shall be maintained in conformance with acceptable engineering practices and rules and regulations of the authority having jurisdiction.

Section 424: Fire Protection.

A. The mobile home park area shall be subject to the rules and regulations of the Franklinton Borough fire authorities. A copy of the mobile home park plans shall be provided to the appropriate Fire Company officials.

B. Approved Portable fire extinguisher shall be kept in all public service buildings under park control.

C. Fire hydrants shall be installed throughout the mobile home park, with the requirements of the local fire authority and all other applicable regulations.

Section 425: Nonresidential Uses.

A. No part of any park shall be used for nonresidential purposes except such uses that are required for recreation, direct servicing and well-being of park residents and for the management and maintenance of the park.

B. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on an approved mobile home lot and connected to utilities.

C. Portions of parks not to exceed five percent (5%) of the total area may be used for commercial purposes if, in the opinion of the Borough Council such uses are primarily intended to service the residents of the park. Such five percent of the total land area shall also contain all parking and landscaped area associated with commercial uses.

Section 426: Responsibilities of the Park Management.

A. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean sanitary conditions

- B. The park management shall supervise the placement of each mobile home on its mobile home lot. This includes securing its stability and installing all utility connections
- C. The park management shall give the Borough Council and officials free access to all mobile home list, service buildings and of the community service facilities for the purposes of inspections.
- D. The management shall maintain a register containing the names of all park occupants. Such registers shall be available to any authorized person inspection the park.
- E. A building permit shall be obtained by the park management for all structures and mobile home in accordance with the Franklinton Borough Building permit Ordinance. Overnight campers, recreational vehicles and unoccupied mobile home for sale are excluded from this requirement.

Section 427: Guidelines for Rules, Regulations and Agreements between Mobile Home Operator and Tenants.

The following is a list of minimum requirements that shall be included within a set of rules and regulations developed by each mobile home park operator to inform each prospective tenant of the park's policies:

- A. Number of pets allowed and other restrictions
- B. Speed limits and traffic control within the park.
- C. Rent payments provisions and sub-letting policies.
- D. Vehicular ownership and maintenance restrictions
- E. Responsibilities of the tenant regarding behavior, including that of children and visitors.
- F. Garbage collection schedules.
- G. Policies regarding swimming pools, mobile home skirting and other lot improvements required by operator or desired by tenants.
- H. Maintenance Responsibilities of each tenant.

PART 7

MOTOR VEHICLES AND TRAFFIC

CHAPTER 1: GENERAL REGULATIONS

- Section 101 Official Borough Streets
- Section 102 Temporary and Emergency Regulations.
- Section 103 Experimental Regulations.
- Section 104 Traffic on streets closed or restricted for constructions, maintenance or repairs.

CHAPTER 2: TRAFFIC REGULATIONS

- Section 201 Maximum Speed Limits Established on Certain Highways.
- Section 202 Traffic Signals at Certain Intersections.
- Section 203 One-way Roadways Established.
- Section 204 Through Highways Established.
- Section 205 Stop Intersections Established.
- Section 206 Vehicle Weight Limits Established.
- Section 207 Truck Traffic Restricted on Certain Highways.
- Section 208 Plow Highways Authorized.
- Section 209 Use of Engine Brakes Prohibited on Certain Highways

CHAPTER 3: PARKING REGULATIONS

- Section 301 Vehicles to be Parked Within Marked Spaces.
- Section 302 Parking Prohibited at All Times in Certain Locations.
- Section 303 Parking Prohibited in Certain Locations Certain Days and Hours.
- Section 304 Special Purpose Parking Zone Established, Otherwise Prohibited.
- Section 305 On Street Metered Parking.
- Section 306 Handicapped Parking.

CHAPTER 1 - GENERAL REGULATIONS

Section 101: Official Borough Streets.

The following roadways are hereby designated official Borough of Franklinton Streets:

<u>STREET</u>	<u>SEGMENT</u>	<u>BEGINNING/ENDING</u>	<u>LENGTH/ MILES</u>
Cabin Hollow Road	1	SR 0194 - South St	0.15
	2	South St – Township Line	0.03
Church Street	1	Dead End - South St	0.05
	2	South St - SR 4036	0.12
East Avenue	1	Timber Ave - Queen St	0.06
	2	Queen St - South St	0.13
Firehouse Street	1	West Ave - SR 0194	0.04
Long Avenue	1	South St - SR 4036	0.11
	2	South Ave - South St	0.07
North Street	1	Glenview Dr - SR 0194	0.04
Queen Street	1	SR 0194 - East Ave	0.04
South Avenue	1	Church St - Water St	0.08
	2	Water St - West Ave	0.04
	3	West Ave - SR 0194	0.04
South Street	1	Church St - Long Ave	0.04
	2	Long Ave - Water St	0.05
	3	Water St - West Ave	0.04
	4	West Ave - SR 0194	0.04
	5	SR 0194 - East Ave	0.04
	6	East Ave - Cabin Hollow Rd	0.13
Timber Avenue	1	Water St - West Ave	0.04
	2	West Ave - SR 0194	0.05
	3	SR 0194 - East Ave	0.05
Water Street	1	Timber Ave - South Ave	0.07
	2	South Ave - South St	0.07
	3	South St - SR 4036	0.11
West Avenue	1	Cul De Sac – Firehouse St	0.04
	2	Firehouse St - Timber Ave	0.10
	3	Timber Ave - South Ave	0.07
	4	South Ave - South St	0.08
	5	South St - SR 4036	0.10
	6	SR 4036 - North St	0.09
Glenview Drive	1	North St – Glenview Cir	0.08
	2	Glenview Cir – Borough Line	0.06
Glenview Circle	1	Glenview Dr – Glenview Extended	0.07
	2	Glenview Extended - Cul De Sac	0.05
Glenview Extended	1	Glenview Cir – Borough Line	0.05

Section 102: Temporary and Emergency Regulations.

- A. The council or mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
1. In the case of fire, flood, storm, ice, snow or other emergency, to establish temporary traffic and/or parking regulations.
 2. In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
- B. In order to facilitate the movement of traffic and to combat the hazards of an emergency situation, the Borough Council, in their discretion, may declare an emergency. Information on the existence of the emergency may be given through radio, newspaper or other available media, and notification of the termination of the emergency may be given by use of the same media.
- C. After any emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person to park a motor vehicle or to allow a motor vehicle to remain parked, on any emergency route established or to drive any motor vehicle on an emergency route, unless otherwise authorized. The mayor, council and the police department shall enforce these temporary and emergency regulations in the same manner as permanent regulations.

Section 103: Experimental Regulations.

Council may, from time to time, designate places upon and along highways in the Borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate those locations by proper signed and markings. Those regulations, prohibitions and restrictions shall be effective just as if they had been specified in this part.

Section 104: Traffic on streets closed or restricted for constructions, maintenance or repairs.

- A. Council shall have authority to close any highway or any specific part of a highway to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a motor vehicle upon any such closed portion.

B. Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way, and to situate flagmen at each end of the restricted portion.

CHAPTER 2 - TRAFFIC REGULATIONS

Section 201: Maximum Speed Limits Established on Certain Highways.

No person shall operate any vehicle upon any portion of a street or highway in the Borough at a greater rate of speed than the maximum prescribed for that part of the street or highway as set forth below:

<u>STREET</u>	<u>PORTION</u>	<u>MAX SPEED</u>	<u>APPLICABLE</u>
Cabin Hollow Rd & Baltimore St	Entire Extent	35 m.p.h.	At all times
All other Borough Streets	Entire Extent	25 m.p.h.	At all times
West Ave	Entire Extent	15 m.p.h.	At all times
East Ave	Entire Extent	15 m.p.h.	At all times
Long Ave	Entire Extent	15 m.p.h.	At all times

Section 202: Traffic Signals at Certain Intersections.

Official traffic signals shall be erected at those intersections listed below and traffic at those intersections shall be directed by those signals: Reserved.

Section 203: One-way Roadways Established.

One-way roadways are established as listed below it shall be unlawful for any person to drive a vehicle upon a one-way roadway other than in the direction established for traffic upon that roadway: Reserved.

Section 204: Through Highways Established.

The following listed roadways are hereby established as through highways. All applicable Pennsylvania Vehicle Code Regulations apply.

STREETBETWEEN

Baltimore Street

North and South Borough Lines

Section 205: Stop Intersections Established

The following listed intersections are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named highway at each stop intersection, in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection upon the first-named highway, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) of the Vehicle Code and shall not proceed into or across the second-named highway until he has followed all applicable requirements of that section of the law.

<u>STOP STREET</u>	<u>THROUGH STREET</u>	<u>DIRECTION OF TRAVEL</u>
Cabin Hollow Road	SR 0194, Baltimore St	East & West
Church Street	SR 4036, Cabin Hollow Rd	North
East Avenue	South Street	North
Firehouse Street	SR 0194, Baltimore St	East
Firehouse Street	West Avenue	West
Glenview Drive	SR 0194, Baltimore St	East
Glenview Circle	Glenview Drive	East
Glenview Extended	Glenview Circle	South
Long Avenue	South Street	North & South
Long Avenue	SR 4036, Cabin Hollow Rd	North
North Street	SR 0194, Baltimore St	East
South Avenue	Church Street	West
South Avenue	Water Street	East & West
South Avenue	West Avenue	East & West
South Avenue	SR 0194, Baltimore St	East
South Street	Church Street	West
South Street	Water Street	East & West
South Street	SR 0194, Baltimore St	East & West
South Street	Cabin Hollow Rd	North
Timber Avenue	SR 0194, Baltimore St	East & West
Water Street	Cabin Hollow Rd	North
Water Street	South Street (4-way)	North & South
West Avenue	Timber Ave	North & South
West Avenue	South Ave	North
West Avenue	South Street	North & South
West Avenue	SR 4036, Cabin Hollow Rd	North & South
West Avenue	North Street & Glenview Drive	North

As amended by Ordinance 267-2005, December 7, 2005

Section 206: Vehicle Weight Limits Established.

A. On those highways and portions of highways listed below vehicle weight limits are established by authority granted by Section 4902(a) of the Vehicle Code, and it shall be unlawful for any person to operate on any of those highways or portions of highways, as the case may be, any vehicle or combination having a gross weight in excess of the maximum prescribed for that highway or portion of highway.

B. The Borough may issue permits for movement of vehicles of size and weight in excess of restrictions promulgated under sub-sections (a) and (b) above with respect to highways and portions of highways within the Borough and may require such undertaking or security as the Borough deems necessary to cover the cost or repairs and restoration necessitated by the permitted movement of vehicles. The Borough shall set fees for such permits, by Resolution, as may from time to time be required.

<u>STREET</u>	<u>BETWEEN</u>	<u>MAX GROSS WEIGHT</u>
Church Street	SR 4036, Cabin Hollow Road and South Street	5 ton
South Street	Church Street and SR 0194, Baltimore Street	5 ton
Water Street	South Street and SR 4036, Cabin Hollow Road	5 ton
Cabin Hollow Road	Beginning at Borough Line & Terminating at Baltimore St., Westbound Begin at Borough Line & Terminate at Baltimore St. Eastbound	Class IV and/or Vehicles with a Registered Gross Weight of over 9,000 lbs. (Trucks)

As amended by Ordinance 281-2002, May 1, 2002

Section 207: Truck Traffic Restricted on Certain Highways.

It shall be unlawful for any person to operate on any highway or portion of a highway listed below any vehicle other than a passenger vehicle, except that nothing in this section shall prohibit the operation of a truck on any portion of a highway listed below where that operation is necessary in order to pick up or deliver any goods, wares, merchandise or material from or to any premises located on any such highway or portion of a highway: 102" wide trucks of any combination prohibited in the entire Borough of Franklinton.

Section 208: Play Roadways Authorized.

- A. The Council shall have authority to designate as play roadways, whenever it is deemed that such action is advisable, and for whatever period of time directed by same, any portion of any roadway in the Borough, for use by sledders. The roadway shall be set apart for that purpose under the direction of the Council.
- B. No person shall drive any motor vehicle upon any play roadway at any time when that roadway is so designated, except in case of emergency, with special permission of the mayor or other person in charge, who shall first clear that roadway of all persons using the play roadway for sledding.

SECTION 209: Use of Engine Breaks Prohibited on Certain Highways

No gasoline powered or diesel powered motor vehicle shall be operated along SR 0194 within the Borough limits of Franklintown Borough, York County, Pennsylvania, utilizing, in said operation, an engine break or engine retarder, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle

CHAPTER 3 - PARKING REGULATIONS

Section 301: Vehicles to be Parked Within Marked Spaces.

Whenever a space shall be marked off on any highway for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space and it shall be a violation of this part for any person to park a vehicle otherwise.

Section 302: Parking Prohibited at All Times in Certain Locations.

No person shall park a vehicle or allow a vehicle to remain parked, at any time, in any location along the streets in the Borough designated as a prohibited zone listed below:

- A. Parking is prohibited on the South side of West South Street.
- B. Parking is prohibited on the North side of West South Street between Water Street and Church Street.
- C. Parking is prohibited on East South Street between East Avenue and East Cabin Hollow Road.

- D. Parking is prohibited on either side of Cabin Hollow Road.
- E. Parking is prohibited on East Avenue.
- F. Parking is prohibited on West Avenue.
- G. Parking is prohibited on Timber Avenue.
- H. Parking is prohibited on South Avenue.
- I. Parking is prohibited on Long Avenue.
- J. Parking is prohibited on North Street.

Section 303: Parking Prohibited in Certain Locations Certain Days and Hours.

In the location listed below parking shall be prohibited at all times on the dates and between the hours indicated: Reserved.

Section 304: Special Purpose Parking Zones Established; Parking Otherwise Prohibited.

Special purpose parking zones Borough Council may, when they deem necessary, establish in the locations listed below and it shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked, in any such zone, except as specifically provided for that zone: Reserved.

Section 305: On Street Metered Parking.

RESERVED.

Section 306: Handicapped Parking.

In the interest of health, safety and protection of handicapped individuals, the Borough of Franklinton shall establish Handicapped Parking spaces for the convenience thereof. The designated spaces shall be properly marked, shall accommodate one motor vehicle, shall be set forth by number of spaces and location herein, and are as follows:

1. 10 North Baltimore Street (2 spaces)
2. 50 West South Street (1 space)

Section 306 amended by Borough Ordinance 266-2004, July 7, 2004.

Chapter 3 revised by Borough Ordinance 268-2006, July 5, 2006

PART 8

NUISANCES AND OFFENSIVE ACTIVITIES

CHAPTER 1: NUISANCES

- Section 101 Nuisance Defined.
- Section 102 Unlawful to Create or Maintain Nuisance.
- Section 103 Removal or Abatement of Nuisances.
- Section 104 Exceptions.

CHAPTER 2: JUNKYARDS

- Section 201 Definition.
- Section 202 License Required; Fees.
- Section 203 Posting of Junkyard Licenses; Operating Procedures.
- Section 204 Manner of Storage of Junk in Junkyards.
- Section 205 Time Limit for Allowing Certain Materials to Remain on Premises.
- Section 206 Burning Restricted.
- Section 207 Certain Materials not to be Received or Stored in Junkyard.
- Section 208 Fencing and Screening; Maintenance.
- Section 209 Right of Entry for Inspection; Additional Regulations Authorized.
- Section 210 Exceptions for Existing Junkyards.
- Section 211 Time Limit for Existing Establishments to Comply and Obtain License.

CHAPTER 3: ADULT USES

- Section 301 Definitions.
- Section 302 Other Adult Uses.
- Section 303 Location.

CHAPTER 1 - NUISANCES

Section 101: Nuisance Defined.

A. The word nuisance, as used in this chapter, shall mean any use of property within the Borough, or any condition upon property within the Borough that, other than infrequently, causes or results in:

1. Annoyance or discomfort to persons beyond the boundaries of that property;
2. Interference with the health and or safety of persons beyond the boundaries of that property or of person who might reasonably be expected to enter upon or be on that property; and/or,
3. Disturbance to or interference with the peaceful uses of the property of others within the Borough, and any case taking into consideration the location of the use or condition and the nature and the condition of the surrounding neighborhood.
4. The accumulation of inoperable vehicles that does or may cause a breeding ground for rodents and/or insects.
5. Any property deemed a junkyard.
6. The release, condition or occurrence of storm water run-off in any manner which does not adequately protect the health and property of Borough residents from injury.
Amended by Ordinance 252-1999, July 8, 1999.
7. Allowing the quantity, velocity or direction of storm water run-off in any manner which does not adequately protect the health and property of Borough residents from injury.
Amended by Ordinance 252-1999, July 8, 1999.

B. The word nuisance shall include but shall not be limited to the following examples:

1. Loud playing of radios, television sets, amplifiers and other sound devices so as to be heard beyond the premises.
2. Otherwise lawful action that is conducted after allowable timetable.
3. Operating model airplanes equipped with motorized engine on any public street or on any public ground, including any playground.

4. Operating go-carts, three-wheelers, all terrain vehicles, or other unlicensed motorized vehicles on any public street or on any public ground.

5. Keeping or harboring any dog or other animal or fowl which, by frequent howling or barking or other noise or odor shall cause a noise or disturb the neighborhood or a number of persons.

6. Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:

- a. Open wells or cisterns;
- b. Open excavations;
- c. Unfinished buildings, foundations or other structures;
- d. Buildings or structures damaged or partially destroyed or in a state of disrepair or danger;
- e. Dangerous placement or storage of vehicles, materials or equipment;
- f. Lakes, ponds or swimming pools not properly safeguarded;
- g. Stagnate water in pools in which mosquitoes, flies or insects multiply;
- h. Premises where rodents are harbored or multiply.

7. Carrying on any building or road construction, excavation, or trenching, or the operation of heavy equipment or trucks in connection therewith at any after hours time without a special permit issued by the secretary. The special permit shall be issued only if it is shown that the construction work must proceed as a matter of emergency or that it can be carried on in a manner or in such a place that the public residents will not be annoyed or disturbed by such construction work.

8. Allowing storm water run-off to occur within the Borough which fails to adequately protect the health, safety and property of Borough residents from injury including, but not limited to, allowing storm water run-off or discharge from any private or public street in such a way that the run-off creates a hazardous condition or damages property of Borough residents or otherwise fails to adequately protect the health, safety and property of Borough residents from injury such as accumulation of snow or ice or flooding from such hazardous storm water run-off.

Amended by Ordinance 252-1999, July 8, 1999.

9. Operation of an engine break or engine retarder in a gasoline powered or diesel powered motor vehicle along SR 0194

within the Borough limits of Franklintown Borough, York County, Pennsylvania, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excess noise to be created by said motor vehicle.

Added by Ordinance 258-2001, February 7, 2001.

C. When annoying or nuisance actions are conducted for a lawful purpose, and cannot be avoided, there will be a restriction on the allowable time for such action. These hours of operation will be on weekdays between 8:00a.m. and 8:30p.m. and on Sundays and federal holidays the hours shall be 12 noon until 8:30p.m.

D. Using any property or operating any business or other activities so as to permit or cause smoke, soot, cinders, fly-ash, dust, mud, dirt or offensive fumes, gases or odors to be discharged into the air, or to be carried off the premises, or to cause any water to become polluted by sewage, industrial wastes, acid or other substance or to cause a glare from lights, or noise of such character as to cause annoyance to residents or interference with the normal use of adjacent properties.

Section 103: Unlawful to Create or Maintain Nuisance.

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough.

Section 104: Removal or Abatement of Nuisances.

Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough, shall, within five (5) days after notice from Council or its agent, to do so, remove or abate that nuisance. If that person shall fail, neglect or refuse to abate the nuisance within the time limit, Council shall have authority, in person or by its agents and/or employees, to remove or abate the nuisance, and in so doing, shall have authority to enter upon the property of the person in default. There upon, the Council shall collect the cost and expense of the abatement or removal from the person who created it, caused or maintained the nuisance and/or permitted it to exist, that person having failed, neglected or refused to remove or abate the nuisance with the additional amount of 10%, in the manner provided for the collection of municipal claims, or by any manner authorized by law.

Section 105: Exceptions.

This chapter shall not be construed to be the sole means for abatement of nuisances within the Borough, and nothing shall preclude any person from

proceeding individually or with other injured persons, to effect the abatement of a nuisance. Furthermore, in an exercise of the powers conferred in this Part, the Borough may institute proceedings in equity or law.

CHAPTER 2 - JUNKYARDS

Section 201: Definition.

- A. Junk - any worn out or discarded material in general that may be turned to some use and is not ordinarily disposed of as rubbish or refuse; and shall include but not be limited to scrap metal, disabled motor vehicles and equipment, unused farm implements, household appliances, furniture, or other articles that have outlived their usefulness in their original form, and are commonly gathered up and sold to be converted into another product.
- B. Junkyard - any accumulation of junk for the purpose, appearance, or otherwise qualifying as buying, selling, trading or otherwise dealing in junk. It also includes any property that has 3 or more disabled, unlicensed and/or unregistered vehicles, or major parts thereof.

Section 202: License Required; Fees.

No person may be a junk dealer as herein defined within the municipality without first obtaining a license to operate as herein described.

- A. Any person desiring to be a licensed junk dealer in the Borough of Franklinton shall first make written application to the Borough of Franklinton. Such application shall be in the form established by the Borough of Franklinton and shall set forth the applicant's name and address, include an accurate description of the premises on which the junkyard is to be located including the York County tax map parcel number(s), and a statement that the application will comply with this ordinance and any regulations adopted pursuant to this ordinance, and such other information as the Borough of Franklinton may require.
- B. An application for license under this ordinance shall be examined by the Borough of Franklinton or its duly authorized agent and license shall be issued or refused within sixty (60) days of submission to the Borough of Franklinton. Examination of the application shall include consideration of the suitability of the property proposed to be used for the purpose of the license, the character of nearby properties, and the effect of the proposed use upon the Borough of Franklinton. When the application is found in compliance with the provisions herein given, the

Borough of Franklinton or its agent shall issue a license to the junk dealer applicant for operation of the junkyard as described in the application.

C. The license fee shall consist of two parts: the application fees that is not returnable in case of refusal of license, and an annual license renewal fee. Both fees are set periodically by Council resolution. All fees are due, payable to and for the use of the Borough of Franklinton, at time of application. The Borough of Franklinton or its agent may waive the application fee when issuing renewed licenses. The period of any license issued under this ordinance shall be for one calendar year or portion thereof, and shall terminate on December 31st of the year in which issued.

D. Licenses issued under this ordinance are required to be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing, in such form as may be required by the Borough of Franklinton and accompanied by the license fee. Renewal applications are subject to complete reexamination and consideration by the Borough of Franklinton or its agents for continued compliance with the terms of this ordinance.

E. No person licensed under this ordinance shall, by virtue of one license, operate more than one business or junkyard within the municipality. No person shall engage in business or operate a junkyard at any place other than the place designated by his license. Licenses are nontransferable, both as to junk dealer and junkyard premises. The permitted size of a junkyard shall be fixed at the time of the license issuance, with due regard for the existing and proposed used of the surrounding area and properties and shall not be in excess of ten (10) acres, excluding setback areas.

Section 203: Posting of Junkyard Licenses; Operating Procedures.

The license under which the junkyard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

A. Permanent records of all junk received in or removed from any junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered, the date thereof, and a description of the junk. Such records shall be open to inspection at all reasonable times by the Borough of Franklinton or its agent, and by any law enforcement officer.

B. Junkyards and businesses licensed under this ordinance may only

operate Monday through Saturday between the hours of 8:00a.m. and 8:30p.m., and on Sundays and federal holidays between the hours of 12:00p.m. and 8:30p.m., except to remove any wrecked automobile from any public highway.

Section 204: Manner of Storage of Junk in Junkyards.

All junk in junkyards licensed under this ordinance shall be stored as herein provided:

- A. All junk shall be set back at least forty (40) feet from any adjoining premises and at least sixty (60) feet from the nearest right-of-way of any public street, road or highway.
- B. All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be spaced in rows at least fifteen (15) feet apart; other junk shall be stored in piles or tiers which shall be separated by aisles or cleared areas of no less than six (6) feet.
- C. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than six (6) feet from the ground.
- D. All gasoline and oil shall be drained from junked motor vehicles within thirty (30) days of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than one thousand (1,000) gallons in the aggregate, in proper containers, may be stored above ground.
- E. Paper, rags, plastics and similar materials for salvage shall be stored indoors.

Section 205: Time Limit for Allowing Certain Materials to Remain on Premises.

Paper, rags, plastic and similar materials for salvage shall not be accumulated or remain on the junkyard premises for more than sixty (60) days. Materials separated as solid waste shall not be accumulated for more than thirty (30) days.

Section 206: Burning Restricted.

Not more than one motor vehicle or its equivalent may be burned at any one time. Gasoline, grease, oil, tires or similar materials that could be dangerous or tend to produce obnoxious smoke or odors shall not be burned at any time. Any

and all burning or melting on junkyard premises shall be in accordance with the Borough Code in regard to outdoor burning.

Section 207: Certain Materials not to be Received or Stored in Junkyard.

Garbage, organic waste, or plain solid waste shall not be received or stored in any junkyard. Materials designated as solid waste may be received only as mixed with salvageable materials and shall be promptly disposed of as herein provided.

Section 208: Fencing and Screening; Maintenance.

Every junk dealer licensed under this ordinance shall enclose and maintain his junkyard as herein provided:

- A. Every junkyard premises shall be completely enclosed by a fence. Such fences shall be set back in accordance with the provisions of this part, shall be six (6) to eight (8) feet in height, and shall be of wood or wire with maximum lineal openings of three (3) inches. Entrance gates shall be of similar material, well constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.
- B. Junkyard premises which have open-wire fence enclosures visible from an abutting public thoroughfare or from an abutting residential property within five hundred (500) feet of the fence shall have a landscaped screen of trees and/or shrubs, of varieties capable of attaining a continuous height of six (6) feet within two (2) years, planted along such fence or section of fence. All required open areas between fence and lot lines of the premises shall be maintained continuously in good order, free of weeds, scrub growth and rodents.
- C. The area inside the fence and lot lines of any junkyard premises shall have weeds mowed regularly and not permitted to go to seed.
- D. All junkyard premises shall be maintained in such manner so as not to cause a public or private nuisance. Nor shall they cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring or infesting of rats, rodents, vermin or insects. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

Section 209: Right of Entry for Inspection; Additional Regulations Authorized.

Every junk dealer and junkyard licensed under this ordinance is subject to inspection and regulation as herein provided.

- A. Any member of the Borough of Franklinton or the agent of the Council may at any reasonable time enter upon the premises currently licensed or for which a license application is pending.
- B. The Borough of Franklinton may from time to time pursuant to resolution adopt regulations to carry out the provisions of this ordinance, upon giving notice to licensees affected by such regulations.

Section 210: Exceptions for Existing Junkyards.

The Borough of Franklinton may waive the setback requirements as established by this Part for those junkyard in existence at the time of the enactment of this ordinance, if such junkyard is in compliance with the other requirements as provided by this ordinance, and if, in the Borough of Franklinton's discretion, compliance with said setback requirements would cause undue hardship to such existing junkyard. All other requirements must be complied with.

Section 211: Time Limit for Existing Establishments to Comply and Obtain License.

Junk dealers and junkyards operating and existing in the Borough of Franklinton on the effective date of this ordinance shall be required to comply with the provisions of and obtain a license under this ordinance within six (6) months from the effective date. However, an extension of the time allotted in complying with the terms of this ordinance may be granted at the discretion of the Borough of Franklinton. Such extension shall be for good reason, and shall not exceed six (6) months.

CHAPTER 3 - ADULT USES

Section 301: Definitions.

Adult Book Store - an establishment which has as a substantial or significant portion of its stock in trade in books, magazines or other periodicals and which excludes minors because of their age.

Adult Movie House/Movie Theater - an enclosed structure used for presentation of motion pictures, films, movies, slides or similar photographic reproductions for observations by persons within, in which preclude viewing minors because of their age.

Massage Parlor - any place of business in which persons engage in or permit to be engaged in, or administer to an individual, any method of pressure or friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aides such as rubbing alcohol, oil or other items.

Section 302: Other Adult Uses.

Any activity, business or use similar to or of the same general nature as those referred above. This section shall include but shall not be limited to adult drive-in theaters, rap centers, nude wrestling studios and escort services, all of which preclude minors as patrons thereof by virtue of their age.

Section 303: Location.

- A. Such adult uses shall not be conducted within a distance of five hundred (500) feet of a residence, restaurant, church, playground, park, state game lands or other adult use.
- B. Such use shall not be located within one thousand (1,000) feet of a school.

PART 9

PUBLIC PLACES AND GATHERINGS

CHAPTER 1 - PARADES/PUBLIC GATHERINGS

Section 101 Permit requirements.

Section 102 Fees.

CHAPTER 2 - PARKS AND RECREATION

Section 201 Recreation Commission.

Section 202 Recreation Fund.

Section 203 Recreation Fee.

Section 204 Additional funding

CHAPTER 1 - PARADES/PUBLIC GATHERINGS

Section 101: Permit Requirements.

No person shall conduct any parade, street meeting or organized public gathering of any nature upon any street, sidewalk or public ground in the Borough without first having obtained a permit from the Borough Council. The permit shall state the time and place where the permit shall be valid, and in case of a parade, shall also state the route that may be followed by a parade. The application for the permit shall be made in writing at least five (5) days in advance of the date of the parade, street meeting, or public gathering.

Section 102: Fees.

The permit shall be issued without payment of any fee. However the Borough reserves the right to charge for any costs associated with the gathering such as police for traffic control, detours, or protection.

CHAPTER 2 - PARKS AND RECREATION

Section 201: Recreation Commission.

To be designated in the future by Borough Council.

Section 202: Recreation Fund.

To be funded by the Borough of Franklinton Council, other appropriate funding and by donations from public or private persons or entities.

Section 203: Recreation Fee.

To be assessed at a future time by the Borough Council to fund recreational areas within the Borough.

Section 204: Additional funding

Additional funding to come from a fee assessed against all new building construction. This does not include additions to existing buildings.

PART 10

PUBLIC SAFETY

CHAPTER 1: POLICE PROTECTION.

Section 101 Contractual Police Protection.

CHAPTER 2: OFFICIAL BOROUGH FIRE COMPANY.

Section 201 Fire Company Recognized.

Section 202 Authorized Activities of Fire Company Members.

CHAPTER 3: HOME FIRE PREVENTION.

Section 301 Residential Occupancy.

Section 302 Requirements for the Installation of Smoke Detectors.

Section 303 Location.

Section 304 Alternatives.

Section 305 Installation and Maintenance.

Section 306 Certification and Change of Occupancy.

Section 307 Permits, Fees and Testing.

CHAPTER 4: OUTDOOR BURNING.

Section 401 Open Burning and Outdoor Burning Prohibition.

Section 402 Additional Restrictions for ALL Burning Activities.

Section 403 Penalties.

Section 404 Severability.

Section 405 Repealer.

CHAPTER 1 - POLICE PROTECTION

Section 101: Contractual Police Protection.

The Borough of Franklinton has the authority to contract with any police protection agency to provide police protection services in the Borough.

CHAPTER 2 - OFFICIAL BOROUGH FIRE COMPANY

Section 201: Fire Company Recognized.

The Borough recognizes the Franklinton and Community Fire Company as the official fire protection unit for the Borough.

Section 202: Authorized Activities of Fire Company Members.

In addition to actually fighting fires or while engaged in the transportation to or from any fire or fire call, the members of the fire company recognized by the Borough are authorized to do the following things:

- A. Answer any type of fire alarm or call, whether general alarm, private call or investigation of fire report or emergency call of any type, inside or without the Borough;
- B. Engage in any type of drill, training, ceremonial, practice, test or parade when dully called or authorized by a proper officer or officers of the Fire Company;
- C. Engage in the performance of any duty authorized by any officer or officers of the Fire Company.
- D. Enlist the help and support of those minors, (16 years of age and under), who have obtained an employment certificate from their local school district authorizing them to participate as junior members of the Franklinton and Community Fire Company, (JUNIOR FIREFIGHTERS), for the purpose of engaging in fundraising activities for the benefit of the Franklinton and Community Fire Company.

Subsection D added by Ordinance 260-2001.

CHAPTER 3 - HOME FIRE PREVENTION

Section 301: Residential Occupancy.

The occupancy or use of a building or structure or any portion thereof for persons for whom sleeping accommodations are provided: including but not

limited to, one and two family dwellings, lodging or rooming houses, dormitories, apartment buildings, hotels, single-family attached and detached dwellings, shall maintain smoke detectors according to this Section.

Section 302: Requirements for the Installation of Smoke Detectors.

- A. Existing family dwellings - it shall be the responsibility of each property owner to install smoke detectors as are provided herein within six (6) months after a building permit is issued for that property.
- B. New construction - it shall be the responsibility of the owner of any new residence to install smoke detectors as provided herein.
- C. Any other residential occupancy, including but not limited to those listed above shall be installed with smoke detectors.

Section 303: Location.

A. At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the family living unit in which bedrooms or sleeping rooms are located. Where two or more bedrooms or rooms are habitually used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets,) they shall be considered a separate sleeping areas for the purpose of this Section.

B. At least one smoke detector shall be installed at the head of each stairwell leading to an occupied area. Each living floor in a building shall have a smoke detector.

Section 304: Alternatives.

As an alternative to self-contained smoke detectors, an improved fire detection system may be installed. Each fire detection system must be individually approved and a permit issued therefore by the Fire Chief or designee of the Borough of Franklinton.

Section 305: Installation and Maintenance.

A direct wire or a monitor battery system unit is acceptable. It shall be the responsibility of the tenants or residents to maintain smoke detectors. Such maintenance shall include keeping smoke detector units serviceable by replacing batteries when necessary or by keeping them connected to the electrical source,

so they may remain capable of transmitting an audible signal in the presence of smoke.

Section 306: Certification and Change of Occupancy.

At every change of occupancy of every residential unit occasioned by or incidental to a sale, lease, or sub-lease of said unit, it shall be the duty of the Grantor (i.e. the seller, lessor, sublessor, as the case may be) to certify, before occupancy, to the new occupants that all smoke detectors are required by this Part, or other applicable laws, are installed and in proper working condition. Failure to comply with this subsection shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

Section 307: Permits, Fees and Testing.

The Fire Chief or a designee of the Borough is hereby authorized to adopt a fee schedule for the issuance of permits which declare the property to be operating in accordance with this chapter. Such fees shall not exceed the cost of administration of this chapter. Further, the designees are authorized to waive partially or wholly, the fee requirement at its discretion or to issue multiple permits under a payment of a single fee. The Fire Chief or a designee shall conduct annual tests of smoke detector systems to insure compliance with this chapter.

CHAPTER 4 – OUTDOOR BURNING

Section 401: Open Burning and Outdoor Burning Prohibition

It shall be and is hereby declared to be unlawful for any person or entity to burn or permit to be burned any substances or maintain or permit to be maintained any fire out-of-doors on any tract of land within the Borough of Franklinton except for the following:

- a. Outdoor fires to cook food for human consumption provided the fire is confined to a fire ring, fireplace, charcoal or gas grill or other similar fireproof container;
- b. Fires used exclusively for burning small piles of brush or yard waste, provided that any such burning occurs at a distance of not less than twenty-five (25) lineal feet from the nearest point of any building and not less than ten (10) lineal feet from any boundary line of the tract of land on

which said burning occurs;

c. Upon the issuance of a permit from any two (2) members of Borough Council, kindling a fire for burning large piles of brush or yard waste. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

- 1) Where required by state law or regulations, open burning shall only be permitted with prior approval from the Bureau of Air Quality control or other State authority, provided that all conditions specified in the authorization are followed.

d. Bonfires, upon the issuance of a permit from any two (2) members of Borough Council, provided that:

- 1) The fuel for the bonfire shall not be more than five (5) feet long by five (5) feet wide by five (5) feet high in dimension. The size and duration of a bonfire shall be defined in the approval of the two (2) members of Borough Council;
- 2) Any such bonfire must occur at a distance of not less than one hundred (100) lineal feet from the nearest point of any building and not less than one hundred (100) lineal feet from any boundary line of the tract of land on which said bonfire occurs.
- 3) All bonfires must be completely extinguished at the end of the event. The end time will be noted on the permit.

e. Fires set or maintained for fire fighting training purposes.

Section 402: Additional Restrictions for ALL Burning Activities

a. It shall be and is hereby declared to be unlawful for any person, firm, partnership or corporation to burn any substance or maintain any fire upon any of the public streets, roads, highways, alleys, sidewalks, parks or other public grounds within and under the jurisdiction of the Borough of Franklinton unless specifically authorized in advance of such burning by specific authority of the Borough Council.

b. Burning which produces noxious smoke that could travel to an adjoining

property and cause personal discomfort to the residents of that adjoining property or when atmospheric conditions or local circumstances make such fires hazardous shall not be permitted. Additionally, no burning shall be permitted between dusk and dawn of any day or on Sunday. All fires must be completely extinguished by the initiating property owner before dusk.

c. Any permitted open burning shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher, small hose line, or other approved on-site fire extinguisher equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

d. Open burning of refuse is prohibited. Refuse shall refer to any waste material including, but not limited to, construction and demolition waste but excluding trees, logs, brush, grass clippings and other vegetative matter.

e. Open burning of recyclable materials is prohibited.

f. Additional restrictions may be placed on fires by any two (2) members of the Borough Council or other duly authorized official of the Borough if it is determined that the situation is likely to constitute an unreasonable threat to people or property. During periods of low humidity, drought, high wind or other adverse weather conditions, the official may restrict burning to prevent the spread of fire. The two (2) members of Borough Council or other duly authorized official of the Borough shall have the authority to order the extinguishment of any fire in violation of this Ordinance or which creates an unreasonable threat to people or property. Prior to any approved exception of this burning ordinance to allow burning, the property owner must notify the Township Secretary or other duly authorized official of the Borough (717) 342-4969 of their intent to burn with the hours of burning stated.

Section 403: Penalties

Any person or entity who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars, plus costs of prosecution, and, in default of payment of such fines and costs, shall be imprisoned for not more than thirty (30) days in the county prison. Extinguishing costs may also be assessed as necessary.

Section 404: Severability

The provisions of this Ordinance shall be severable, and if any of its provisions

shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted if such unconstitutional, illegal or invalid provision had not been included herein.

Section 405: Repealer

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

PART 11

SEWERS AND SEWAGE DISPOSAL

CHAPTER 1: DEFINITIONS

Section 101 Definitions.

CHAPTER 2: REQUIRED CONNECTIONS TO PUBLIC SEWAGE SYSTEM

Section 201 Requirement to Connect to Public Sewer.
Section 202 Municipality May Make Connections and Collect Costs.
Section 203 Owners Required to Connect upon Expansion of System.
Section 204 Access to Premises by Agents.

CHAPTER 3: INSTALLATION OF COMMUNITY SEWAGE SYSTEMS, INDIVIDUAL SEWAGE SYSTEMS AND BUILDING SEWERS

Section 301 Sewage Facilities Act Implemented.
Section 302 Connections with Individual Sewage Systems.
Section 303 Permit Required for Installation; Systems Subject to Approval by Department of Environmental Protection.
Section 304 Application for Permit; Conditions of Issuance.
Section 305 Permit Fee.
Section 306 Effective Date of Permit Contingent upon Satisfactory Completion of Work.
Section 307 Conformity to All Regulations.

CHAPTER 4: CONNECTION PERMITS AND SPECIFICATIONS

Section 401 Permit Required to Open or Disturb Sewer.
Section 402 Sewer Permit Fees.
Section 403 Owner Responsible for Connection Costs.
Section 404 Separate Connections Required; Exception
Section 405 Status of Old Building Sewers.
Section 406 Material and Specifications for Sewer Pipes and Joints.
Section 407 Size and Slope of Building Sewer.

- Section 408 Elevation, Grade and Depth of Building Sewer.
- Section 409 Discharge by Artificial Means when Gravity Flow Insufficient.
- Section 410 Connection of Building Sewer to Public Sewage System.
- Section 411 Notification Prior to Connection.
- Section 412 Safety and Warning Facilities.

CHAPTER 5: USE OF PUBLIC SEWAGE SYSTEM

- Section 501 Certain Wastewaters Not to be Discharged into Sewage System.
- Section 502 Accepted Means of Disposal for Certain Wastewater.
- Section 503 Prohibited Wastes.
- Section 504 Grease, Oil and Sand Interceptors.
- Section 505 Manholes May be Required.
- Section 506 Measurements, Tests, and Analyses of Waters and Wastes.

CHAPTER 6: HOLDING TANKS

- Section 601 Duties of Improved Property Owner.

CHAPTER 1 - DEFINITIONS

Section 101: Definitions.

As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

Authority. The Dillsburg Authority.

Biochemical Oxygen Demand (B.O.D.) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in parts per million by weight.

Building Drain. Part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building Sewer. Piping carrying liquid wastes from a building to the treatment or holding tank or to the public sewer main.

Combined Sewer. A sewer receiving both surface runoff and sewage.

Community Sewage System. Any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving three or more individual lots.

Department, D.E.P. Department of Environmental Protection of the Commonwealth of Pennsylvania.

Enforcement Officer. A person or agency appointed to perform inspections and issue permits in connection with individual sewage systems and community sewage systems. The Dillsburg Borough Authority and the Franklintown Borough Engineer.

Garbage. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Holding Tank. Watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

Chemical Toilet. Toilet using chemicals that discharge into a holding tank.
Retention Tank. Holding tank to which sewage is conveyed by a water-carrying system.

Privy. Holding tank designed to receive sewage where water under pressure is not available.

Holding Tank Cleaner. Municipal authority or person, including a holding tank owner, who removes the contents of a holding tank for purposes of disposing the sewage at another site.

Individual Sewage System. Single system of piping, tanks or other facilities serving one or two lots and collecting and disposing of sewage in whole or in part into the soil of the property or into any waters of the Commonwealth.

Industrial Waste. Any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industry or from any establishment, [mine drainage, silt, coal mine solids, rock debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations.]

Lot. A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

Person. Any natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

pH. The logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

Pollution. Contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animal, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The Sanitary Water Board of the Commonwealth shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution.

Properly Shredded Garbage. Wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public Sewage System. Sewer system and the treatment facility owned, operated, or maintained by the Authority approved by the Department under a

permit issued pursuant to the Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. §§691.1 - et seq. (1982) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. [Word as applicable.]

Sewage. Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

Sewage Treatment Plant. Any arrangement of devised and structures used for treating sewage.

Storm Sewer. Sewer that carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

Subdivision. Division or a single tract or other parcel of land or a part thereof, into two (2) or more lots, and including changes in street lines or lot lines.

Suspended Solids. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

CHAPTER 2 - REQUIRED CONNECTIONS TO PUBLIC SEWAGE SYSTEM

Section 201: Requirement to Connect to Public Sewer.

All property owners whose property lines are within two hundred fifty (250) feet of any public sewer line shall be required to connect thereto.

Section 202: Municipality May Make Connections and Collect Costs.

If the owner of any property, after ninety (90) days notice from the Borough to make connection of such property with the public sewage system shall fail to make such connection, the Borough may make the connection and collect the costs thereof in the manner provided by law.

Section 203: Owners Required to Connect upon Expansion of System.

From time to time in the future, as public sewage services become available to additional properties within the Borough by reason of additions to the public sewage system or improvements on abutting properties, each and every owner

of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines, and any septic tanks, cesspools, holding tanks and similar devices connected to an individual sewage system shall be abandoned and filled with new material.

Section 204: Access to Premises by Agents.

The Borough or its authorized agent and agents of the Dillsburg Borough Authority shall have access at all reasonable hours of the day to all parts of the premises to which sewage service is supplied to make necessary inspections.

**CHAPTER 3 - INSTALLATION OF COMMUNITY SEWAGE SYSTEMS,
INDIVIDUAL SEWAGE SYSTEMS AND BUILDING SEWERS**

Section 301: Sewage Facilities Act Implemented.

This part shall be construed as implementing for the Borough the provisions of the Pennsylvania Sewage Facilities Act, P.L. 1535, No. 537, January 24, 1966, 35 P.S. §§750.1 - 750.20 (1982) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

Section 302: Connections with Individual Sewage Systems.

Where public sewage services are not available to a property owner, the building sewer shall be connected to an individual sewage system complying with the provisions of this part.

Section 303: Permit Required for Installation; Systems Subject to Approval by DEP.

A permit shall be required for the installation of a community sewage system or new individual sewage system and building sewer prior to the construction of any buildings for which such system or systems will be installed, and prior to the alteration, replacement, repair or extension of any such existing sewage system; provided, every such sewage system shall be subject to approval by the Pennsylvania Department of Environmental Protection.

Section 304: Application for Permit; Conditions of Issuance.

Application for such permit to install a community sewage system or an individual sewage system and building sewer, shall be made prior to the expected date of

commencement of construction of such facilities, on forms provided by the Borough, which the applicant shall submit with any plans, specifications or other information deemed necessary by the Borough. No person shall commence any construction requiring a written permit until such permit has been issued by the Borough and the fee for issuing such permit has been paid in full.

Section 305: Permit Fee.

A permit and inspection fee shall be paid at the time the application is filed. The fee amount shall be set periodically by the Borough through resolution.

Section 306: Effective Date of Permit Contingent upon Satisfactory Completion of Work.

A permit for a community sewage system or an individual sewage system and building sewer shall not become effective until the installation is completed to the satisfaction of the Enforcement Officer. He shall be permitted to inspect the work at any stage of construction, and the applicant shall notify him when the work is ready for final inspection, and before any underground portions are covered.

Section 307: Conformity to All Regulations.

The type, capacities, location and layout of a community sewage system or an individual sewage system and building sewer shall comply with the recommendations of the Borough, rules and regulations of the Dillsburg Authority, and applicable statutes of the Commonwealth of Pennsylvania.

CHAPTER 4 - CONNECTION PERMITS AND SPECIFICATIONS

Section 401: Permit Required to Open or Disturb Sewer.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any part of the public sewage system or appurtenance thereto without first obtaining a permit from the Borough.

Section 402: Sewer Permit Fees.

Before making a connection with the sewer system, each property owner shall make a written application therefor in the manner prescribed by the Borough; and pay the following permit fee as set periodically by the Borough through resolution.

Section 403: Owner Responsible for Connection Costs.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Borough and its authorized agents from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 404: Separate Connections Required; Exception.

A separate and independent building sewer shall be provided for every building. Exceptions to this provision shall be made where one building stands to the rear of another on an interior lot and no sewer line is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, in which case the building sewer from the front building may be extended to the rear building only on approval by the Borough. Such connection of the two buildings to the sewer lines shall be considered as two building sewers.

Section 405: Status of Old Building Sewers.

Old building sewers may be used in connection with a building only when such connection is approved by the Borough, and they meet the requirements of this ordinance or rules and regulations adopted pursuant hereto.

Section 406: Material and Specifications for Sewer Pipes and Joints.

Comply with all specifications and technical requirements of the Dillsburg Borough Authority and the Department of Environmental Protection.

Section 407: Size and Slope of Building Sewer.

The size and slope of the building sewer shall be subject to the approval of the Enforcement Officer, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall be not less than one-eighth (1/8) inch per foot.

Section 408: Elevation, Grade and Depth of Building Sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

Section 409: Discharge by Artificial Means when Gravity Flow Insufficient.

In a building in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Section 410: Connection of Building Sewer to Public Sewage System.

The connection of the building sewer to the public sewerage system shall be made at the "Y" branch if such branch is available at a suitable location. If the public sewer line is fifteen (15) inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the Enforcement Officer.

Section 411: Notification Prior to Connection.

The permit holder shall notify the Borough Engineer and the Dillsburg Borough Authority when the building sewer is ready for inspection and connection with the public sewer, and the connection shall be made under his supervision.

Section 412: Safety and Warning Facilities.

All excavations for building sewer installation and connection shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough. Where a street has been overlaid for five (5) years or less, than open trench work will not be allowed. The permittee shall bore or tunnel underneath the overlaid street.

CHAPTER 5 - USE OF PUBLIC SEWAGE SYSTEM

Section 501: Certain Wastewaters Not to be Discharged into Sewage System.

No person shall discharge or cause to be discharged any spring water, storm water, surface water, ground water, roof runoff, subsurface drainage, building foundation drainage, drainage from roof leader connections, cooling water or unpolluted industrial process waters into the public sewage system.

Section 502: Accepted Means of Disposal for Certain Wastewater.

Vapor water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, storm sewers or to a natural outlet approved by the Borough; industrial cooling water or unpolluted process waters may be discharged, upon approval of the Borough, to a storm sewer, combined sewer or natural outlet.

Section 503: Prohibited Wastes.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the public sewage system:

- A. Any liquid or vapor having a temperature higher than 150 degrees F. or 68 degrees C.;
- B. Any water or waste which may contain more than one hundred (100) parts per million by weight of tar, fat, oil, or grease;
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gases;
- D. Any solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type disposal units or other suitable garbage grinders;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, cotton, wool or other fibers, or any other solid or viscous substances capable of causing obstruction or other interference with proper operation of the public sewage system;
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or operating personnel of any part of the sewer system;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the waters receiving the sewage treatment plant effluent;
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance;

- I. Any solids of such character and quantity that special and unusual attention is required for their handling.

Section 504: Grease, Oil and Sand Interceptors.

Grease, oil and sand interceptors shall be provided by and at the expense of the property owner when, in the opinion of the Borough, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or containing any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Borough, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be construed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight. Where installed, the owner, at his expense, shall maintain all grease, oil and sand interceptors, in a continuously efficient operation.

Section 505: Manholes May be Required.

When required by the Borough, the owner of any property served by a building sewer carrying industrial wastes or a building serving as a commercial operation shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located outside of the building, and shall be constructed in accordance with plans approved by the Borough. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 506: Measurements, Tests, and Analyses of Waters and Wastes.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in sections 503 and 505 of this part shall be determined in accordance with standard methods for the examination of water and sewage, and shall be determined at the control manhole provided for in section 507, or if there is no control manhole as provided for in section 507, the control manhole shall be considered to be the nearest manhole in the public sewer line downstream from the point at which the building sewer is connected, and the matter shall be determined upon suitable samples taken from that point.

CHAPTER 6 - HOLDING TANKS

Section 601: Duties of Improved Property Owner.

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain a holding tank in conformance with this or any ordinances of this Borough, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit the Borough Council or its agent to inspect holding tanks on an annual basis.
- C. Permit only an entity in possession of a permit from the Department of Environmental Protection of the Commonwealth of Pennsylvania for the transportation of sewage to collect and transport the contents therein.
- D. Forward copies of all pumping receipts to the Authority within fifteen (15) days of their receipt.

PART 12

SIDEWALKS

CHAPTER 1: SIDEWALK CONSTRUCTION AND REPAIR

- Section 101 Property Owner Responsibility.
- Section 102 Maintenance of sidewalks and curbs.
- Section 103 Authority for Borough.
- Section 104 Standard Construction Details.

CHAPTER 2: SNOW AND ICE REMOVAL

- Section 201 Responsibility for removal.
- Section 202 Authority for Borough.

CHAPTER 3: OTHER USES THAN PEDESTRIANS

- Section 301 Sledding prohibited or restricted.
- Section 301 Pedalcycles and Skates Defined.
- Section 302 Restrictions on Operations of Pedalcycles and Skates.

CHAPTER 1 - SIDEWALK CONSTRUCTION AND REPAIR

Section 101: Property Owner Responsibility.

Every owner of property in the Borough shall, on 30 days notice from Council, construct, reconstruct or repair sidewalks and/or curbs, which shall conform to all applicable requirements of this article, in front of and/or alongside that property. In the work of construction, reconstruction or repair, the following requirements shall apply:

- A. Any new sidewalks and curbs shall be constructed of concrete, according to specifications adopted by Council from time to time, and shall conform to the grades and lines adopted by Council and furnished to the property owner by the Borough. Walks lawfully constructed of brick prior to the adoption of this code may be repaired of brick if Council determines that the sidewalk is repairable and is not in a condition requiring complete reconstruction. In no case may bituminous or other "blacktop" material be used in construction, reconstruction or repair of any sidewalk.
- B. All concrete walks shall be laid so that there shall be a rough, perforated or similarly finished surface.
- C. Whenever a sidewalk or curb is constructed or reconstructed along the front or side of a corner lot, the property owner shall be required to continue the walk beyond the corner of the lot for a distance equal to the width of the intersecting walk on the intersecting street so that a continuous walk or curb is provided.
- D. All newly constructed sidewalks within the Borough shall be 4 foot in width or in conformity with sidewalks on either side of the subject property.

Section 102: Maintenance of sidewalks and curbs.

The owner of abutting property shall be required at all times to keep the sidewalk and curb in front of or alongside his property in good repair and free from any obstruction interfering with the free and full use of the walk or curb and in safe condition. Failure on the part of the property owner to take all action necessary to conform to the requirements of this section shall constitute a violation of this article.

Section 103: Authority for Borough.

Whenever any property owner shall fail, neglect or refuse to construct, reconstruct or repair a sidewalk or curb following notice by Council within the

time limit prescribed, the Borough shall have authority to have the work of construction, reconstruction or repair, as the case may be, done, and shall then collect the cost and expenses of the work with an additional amount of ten percent (10%) from that property owner in default. Similarly, when a sidewalk or curb is constructed, reconstructed or repaired otherwise than in strict conformity with the requirements of this article, and the property owner shall fail, neglect or refuse to remedy, complete or rectify the defective or incomplete work, following ten (10) days notice from Council to do so, the Borough shall have the authority to have any work done that is necessary for completion, remedy or rectification, and shall collect the costs and expenses of the work, with an additional amount of ten percent (10%) from the property owner in default.

Section 104: Standard Construction Details.

See attached pages for drawings depicting the standard construction details as are acceptable for all sidewalk construction within the Borough. Deviations from these standards are only allowed pursuant to applying for and obtaining an exception from the Borough Council. Application for this exception must be made to the Borough Secretary.

CHAPTER 2 - SNOW AND ICE REMOVAL

Section 201: Responsibility for removal.

The owner, occupant or tenant of every property fronting upon or alongside any street in the Borough shall remove or cause to be removed from all sidewalks in front of and alongside of that property a 24 inch path through the snow or ice fallen or formed on the sidewalk, within 24 hours after the snow or ice has ceased to fall or to form.

Section 202: Authority for Borough.

In any case where an owner, occupant or tenant shall fail, neglect or refuse to comply with any provision of chapter 12 within the time limit prescribed in that Section, the Borough authorities may proceed immediately to clear a 24 inch path through the snow and/or ice from the sidewalk of that delinquent, and to collect the expenses of the work, plus ten percent (10%) from the owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty or cost of prosecution imposed under the Code.

CHAPTER 3 - OTHER USES THAN PEDESTRIANS

Section 301: Sledding prohibited or restricted.

No person shall coast or ride upon any sled or similar conveyance upon any sidewalk in the Borough, or upon any street or alley unless that street or alley is especially set apart as a "play highway" for the purpose of sledding and is blocked off or otherwise adequately protected from vehicular traffic.

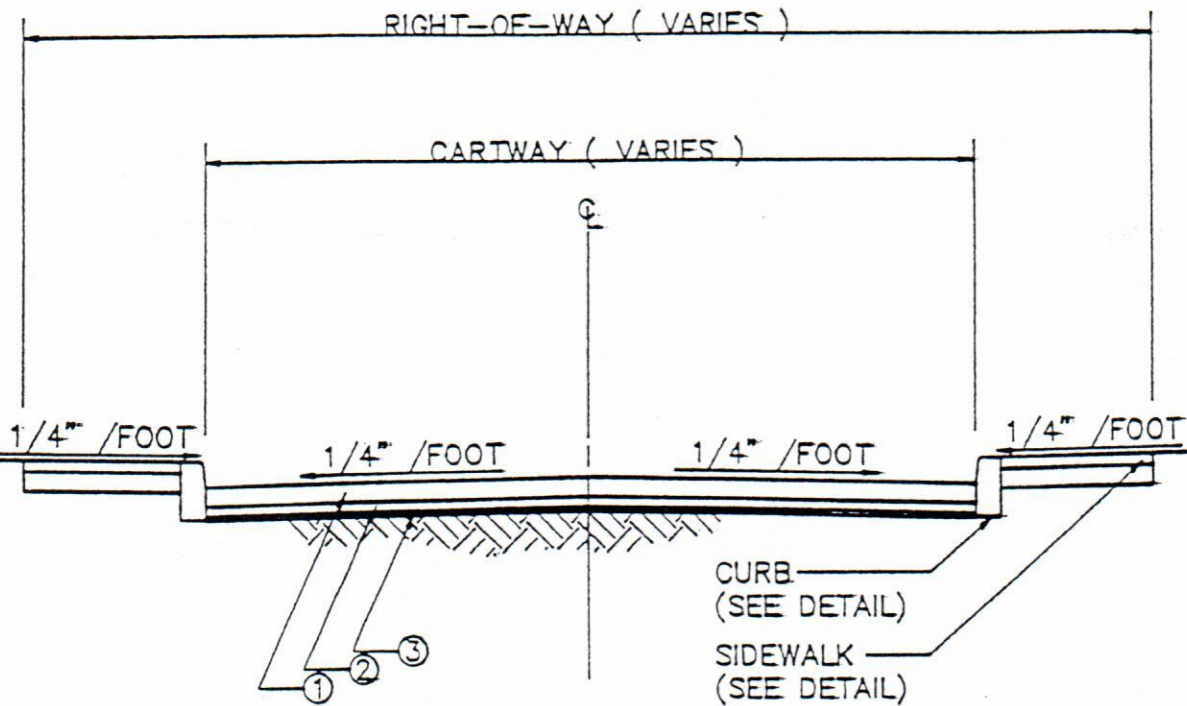
Section 302: Pedalcycles and Skates Defined.

- A. The word "Pedalcycle", as used in this chapter, shall mean a vehicle propelled solely by human powered pedals.
- B. The word "Skates", as used in this chapter, shall mean a vehicle propelled solely by human power and shall include skateboards, rollerskates and rollerblades.

Section 303: Restrictions on Operations of Pedalcycles and Skates.

It should be unlawful for any person to:

- A. Ride a pedalcycle upon any sidewalk within the Borough;
- B. Ride skates upon any sidewalk within the Borough;
- C. Ride a pedalcycle upon any street or public ground within the Borough unless both hands are on the handlebars.
- D. Ride a pedalcycle within the Borough having more riders than the bike is built for, unless it to be a child in an approved riding seat or a bike built for two (2).



ALTERNATE 1

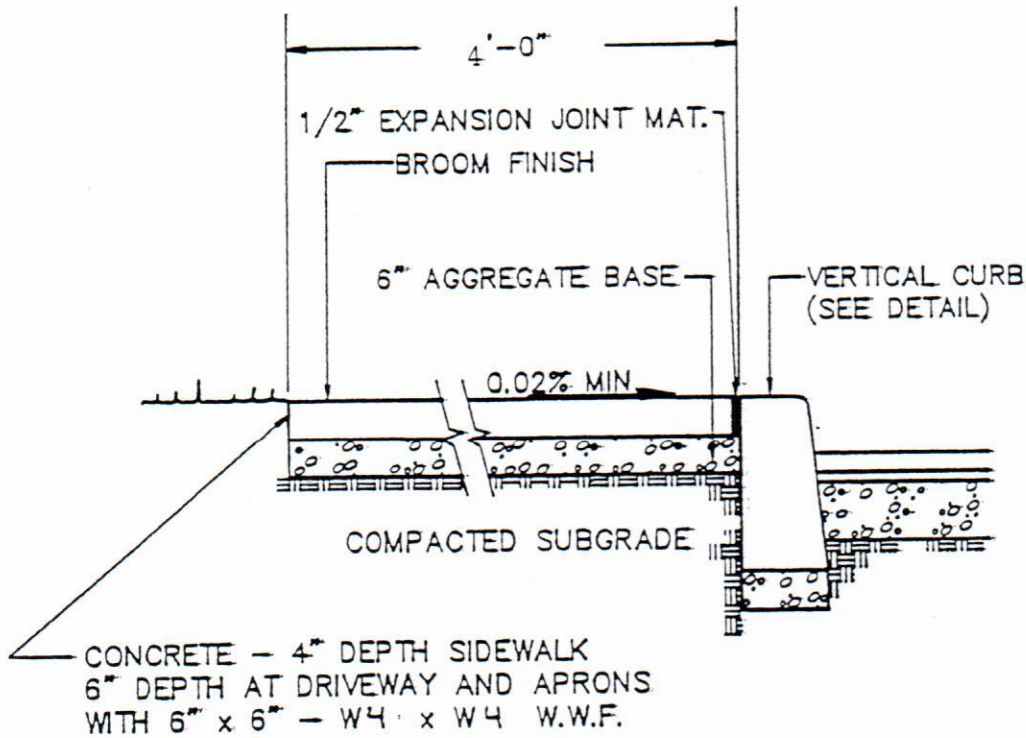
- ① 1 1/2" ID-2 WEARING
- ② 3" ID-2 BINDER
- ③ 8" SUBBASE

TITLE
TYPICAL STREET
CROSS SECTION

FRANKLINTOWN
BOROUGH
Standard Construction
Details

DATE	REVISIONS
SCALE NOT TO SCALE	

PROVIDE EXPANSION JOINTS AT 30' C. TO C. (MAX.)
 PROVIDE TRANSVERSE CONTROL SCORE JOINTS AT
 4' C. TO C. (MAX.)



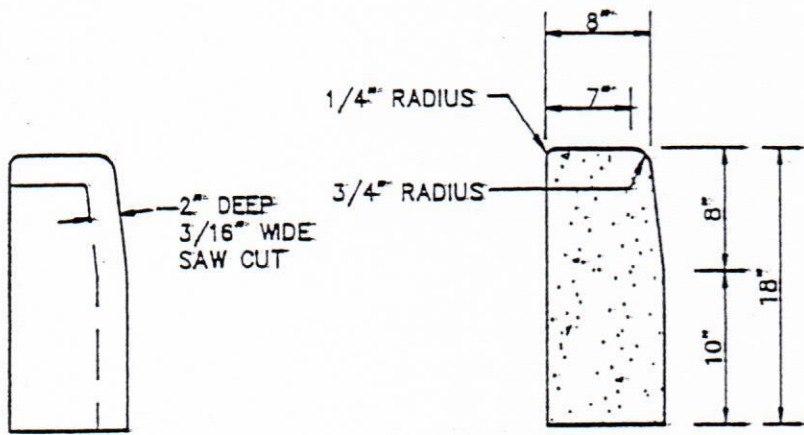
TITLE
 CONCRETE WALK

FRANKLINTOWN
 BOROUGH
 Standard Construction
 Details

DATE	REVISIONS
SCALE NOT TO SCALE	

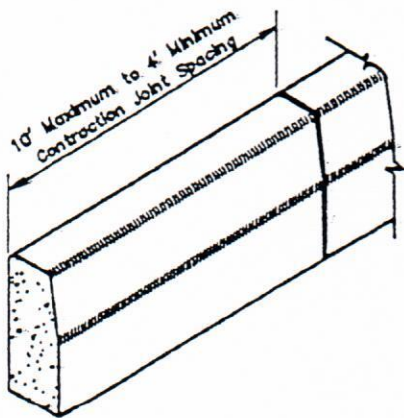
NOTE:

1/2" EXPANSION JOINTS AT ALL INLETS AND STRUCTURES.
 CONTRACTION JOINTS AT 10' MAXIMUM TO 4' MINIMUM.
 CONCRETE TO BE AE 3,300 PSI AFTER 28 DAYS.

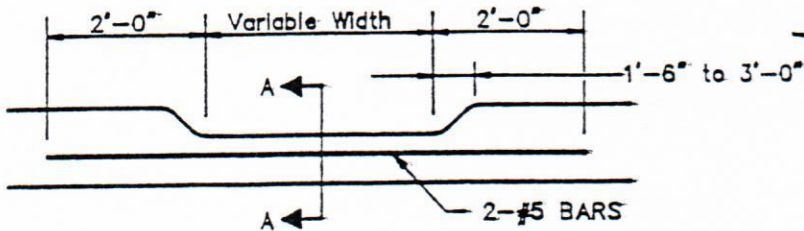


CONTRACTION JOINT

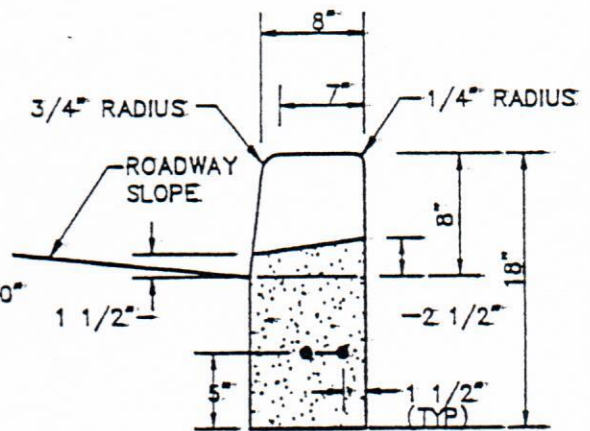
TYPICAL CROSS SECTION



PLAIN CEMENT CONCRETE CURB



DEPRESSED DRIVE AREA



SECTION A-A

TITLE
CONCRETE CURB

FRANKLINTOWN
BOROUGH
 Standard Construction
 Details

DATE	REVISIONS

SCALE
 NOT TO SCALE