

Franklintown Borough			Borough Code/Ordinance Affected			Township Code Affected		
Ordinance Index from 1999 Codification			Part	Chapter	Section	Part	Chapter	Section
#	Year	Summary						
250	1997	1st ordinance of 1999 Codification regarding the disposition of all previous						
251	1998	Ord to join PMRS - followed by PMRS pension plan agreement and retirement plan, not scanned						
252	1999	Stormwater, ice, snow run-off Nuisance						
253	1999	Auth Boro to enter Coop bidding for Trash with Monaghan						
254	1999	Ord amending 250-1997 for payment of expenses regarding domestic						
255	2000	Sig page only						
256	2000	Ord amending 250-1997 Boro to condemn 114 S. Baltimore then owned by						
257	2000	Approving Monroe Township to join DAA						
258	2001	No break retarders in boro & penalties - only have sig page	7?					
259	2001	Removing 1 hr parking limit on N. South St.	7	3	304			
260	2001	Allowing Jr. Firefighters to engage in fundraising making them eligible for	10	2	202			
260	2002	Adding Handicapped parking	7	3	308			
261	2002	Vehicle weight limits established	7	2	206			
262	2002	Compensation of Council members and Mayor	2	1	102/103			
263	2003	Adding Northern York Community Services Committee	5	3	304			
264	2004	Establishing a Board of Appeals	2	3	305			
265	2004	Changing Building Requirements	6	1	1			
266	2004	Handicap Parking Changing Motor Vehicles and Traffic Ordinances	7	3	1			
267	2005	Removing Queen Street as an official Borough Street	7	2	205			
268	2006	Changing Gen Building requirements and Parking Ordinances	2	2	202/203			
			6	1				
			7	3	301-306			
269	2006	PMRS benefit changes						
270	2008	Allowing PA Dep Of Rev to collect & Enforce Interest & Penalties on Realty						
271	2008	Zoning for Northern York County Regional Comprehensive Plan						
272	2008	Compensation of Elected officials, tax collectors and authorized fees for tasks	1/2	2/1				
273	2009	Zoning ordinances and map	14	1	100-615			
274	2009	Tax collection (except real estate) schedule of costs for certain tasks	3	1	106			
275	2009	General Building Requirements Min cost permit from \$500.00-\$1000.00	6	1	102			

Franklintown Borough			Borough Code/Ordinance			Township Code Affected		
Ordinance Index from 1999 Codification			Part	Chapter	Section	Part	Chapter	Section
#	Year	Summary						
276	2009	Adding Subdivision & Land Development Chapters		13	10-Jan			
277	2011	Stormwater						
278	2011	Public Safety - replacing 250-1997	10	4				
279	2011	Imposing Earned Income & Net profits tax, filing, enforcement and penalties -	3	2	202			
280	2011	Tax collection (except real estate) schedule of costs for certain tasks	3	1	106			
281	2011	EIT tax rate increased in error due to typo	3	2	202			
282	2012	Correcting Real Estate Tax rate eff 1/1/13	3	2	201			
283	2014	Public Places and Gatherings & Recreation- Future Park	9	2				
284	2014	Amending Zoning - rural conservation zone	14	1				
285	2017	CBPRP YC plan						
286	2017	Carroll Township Police						
287	2017	NEMA			1202			1507/2205
288	2018	Banning Fireworks within the Borough	10	5				
289	2019	Stormwater Ordinance modification						

**BOROUGH OF FRANKLINTOWN  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 285-2017**

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**AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, YORK COUNTY, PENNSYLVANIA, AUTHORIZING AN AMENDED AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE IMPLEMENTATION OF THE YORK COUNTY REGIONAL CHESAPEAKE BAY POLLUTANT REDUCTION PLAN**

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**BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained by the Borough Council of the Borough of Franklinton, York County, Pennsylvania (the "Municipality"), as follows:

**SECTION 1: Intergovernmental Cooperation.** The cooperation with other nearby municipalities to implement an Amended and Restated Regional Chesapeake Bay Pollutant Reduction Plan and to share in the costs of administering it is hereby authorized.

**SECTION 2: Agreement.** The Amended and Restated Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan (the "Agreement") is attached hereto as Exhibit "A" and incorporated herein by reference. Provisions of the Agreement include the following:

- a. Background
- b. Guiding Principles
- c. Organization
- d. Meetings
- e. Authority of Management Committee
- f. Implementation of Agreement
- g. Financing
- h. Effective Date
- i. Term
- j. Termination and Wind-Up
- k. Applicable Law
- l. Integration
- m. No Oral Modification
- n. Severability
- o. Representation by Counsel
- p. Counterparts

- q. Execution by Facsimile or Electronic Scanning
- r. Fees and Costs
- s. Signatures
- t. Prior Participants
- u. Cost Sharing Exhibit
- v. Participant Listing

The Municipality is hereby authorized to enter into the Agreement. Further, the Municipality may modify the Agreement by subsequent resolution or ordinance.

**SECTION 3: Adoption of Ordinance.** This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 *et seq.*, and the authority granted herein shall continue from year to year while the Municipality cooperates pursuant to the Agreement.

**SECTION 4: Staff and Officials.** The staff and officials of the Municipality are directed and empowered to take all actions necessary or convenient to implement this Ordinance and the Agreement.

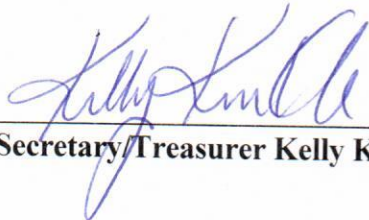
**SECTION 5: Inconsistency.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.


**SECTION 6: Effective Date.** The Ordinance shall become effective five (5) days after date of enactment as provided by law.

**ENACTED AND ORDAINED** by the Borough Council of the Borough of Franklinton this 6th day of September, 2017.

**ATTEST:**

**BOROUGH OF FRANKLINTOWN**

  
\_\_\_\_\_  
Secretary/Treasurer Kelly Kunkle

By:   
\_\_\_\_\_  
Borough Council President, Richard H. Blouch

Approved this the 6th day of September, 2017.

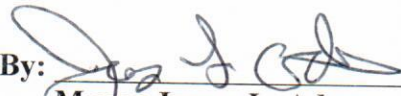
By:   
\_\_\_\_\_  
Mayor James L. Adams

Exhibit A to Ordinance

**AMENDED AND RESTATED  
INTERGOVERNMENTAL COOPERATION AGREEMENT  
FOR THE IMPLEMENTATION OF THE  
YORK COUNTY REGIONAL CHESAPEAKE BAY  
POLLUTANT REDUCTION PLAN**



**BOROUGH OF FRANKLINTOWN  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 286-2017**

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**AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, YORK COUNTY, PENNSYLVANIA, AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIP OF CARROLL, YORK COUNTY, ALLOWING THE CARROLL TOWNSHIP POLICE DEPARTMENT TO PROVIDE POLICE SERVICES FOR THE BOROUGH EFFECTIVE JANUARY 1, 2018.**

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**BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained by the Borough Council of the Borough of Franklinton, York County, Pennsylvania (the "Borough"), as follows:

**SECTION 1: Intergovernmental Cooperation.** The cooperation with Carroll Township, York County, to authorize the Carroll Township Police Department to provide police service to the Borough is hereby authorized.

**SECTION 2: Agreement.** The 2018-2019 Police Service Agreement authorizing and empowering the Carroll Township Police Department to provide police services to the Borough (the "Agreement") is attached hereto as Exhibit "A" and incorporated herein by reference. Provisions of the Agreement include the following:

- a. Duration of Agreement
- b. Authorization to Extend Services
- c. Warrant and Authority
- d. Powers and Enforcement of Laws
- e. Nature of Services Provided
- f. Supervision, Direction and Control
- g. Reports to Borough Council
- h. Insurance
- i. Fees for Services
- j. Adjustment of Hours of Service
- k. Additional Costs and Expenses
- l. Method of Payment
- m. Continuation of Services
- n. Termination of Services; Notice
- o. Integrated Agreement
- p. Severability

- q. Paragraph Headings
- r. Successors and Assigns

The Borough is hereby authorized to enter into the Agreement. Further, the Borough may modify the Agreement only in writing executed by all parties thereto.

**SECTION 3: Adoption of Ordinance.** This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 *et seq.*, and the authority granted herein shall continue from year to year while the Borough cooperates pursuant to the Agreement.

**SECTION 4: Staff and Officials.** The staff and officials of the Borough are directed and empowered to take all actions necessary or convenient to implement this Ordinance and the Agreement.

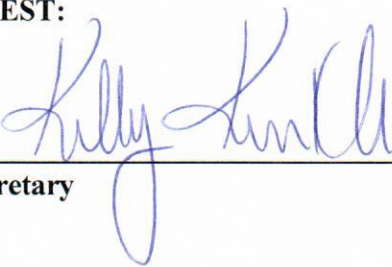
**SECTION 5: Inconsistency.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

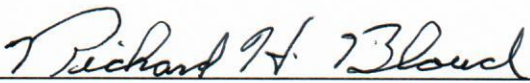
**SECTION 6: Effective Date.** The Ordinance shall become effective immediately. The Agreement shall commence on January 1, 2018 and continue through December 31, 2019, as provided therein.

**ENACTED AND ORDAINED** by the Borough Council of the Borough of Franklinton this 6<sup>th</sup> day of December, 2017.


ATTEST:

**BOROUGH OF FRANKLINTOWN**

  
\_\_\_\_\_  
Secretary

By:   
\_\_\_\_\_

Approved this the 6<sup>th</sup> day of December, 2017.

By:   
\_\_\_\_\_  
Mayor



## **2018 - 2019 POLICE SERVICES AGREEMENT**

**THIS AGREEMENT**, executed this 6th day of December, 2017, by and between the **Township of Carroll**, a municipality duly organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal place of business at 555 Chestnut Grove Road, Dillsburg, York County, Pennsylvania, and the **Borough of Franklintown**, a municipality duly organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal place of business at 116 South Baltimore Street, Franklintown, York County, Pennsylvania.

### **WITNESSETH:**

**WHEREAS**, the respective municipalities desire to enter into an agreement whereby the Carroll Township Police Department will extend police services to and throughout the Borough of Franklintown; and

**WHEREAS**, the respective municipalities have agreed between themselves as to the implementation of the said police service; and

**WHEREAS**, the respective municipalities have acted and intend to act pursuant to Article IX, Section 5 of the Pennsylvania Constitution, relating to the exercise of police powers, as well as the Pennsylvania Consolidated Statutes Title 53, Sections 2301 et seq, enacted by the Legislature in 1996 and providing for intergovernmental cooperation; and

**WHEREAS**, this agreement has been submitted to the Borough Council of Franklintown and the Board of Supervisors of the Township of Carroll prior to the adoption of any ordinance or resolution authorizing the execution of this agreement;



**NOW, THEREFORE**, in mutual consideration of the various covenants, promises, and conditions hereinafter set forth and for other good and valuable consideration, the receipt of which is hereby acknowledged by both parties to this agreement, it is hereby agreed by and between the Township of Carroll and the Borough of Franklinton as follows:

**I. DURATION OF AGREEMENT**

The term of this agreement shall commence as of the first day of January 2018 and shall continue until the last day of December 2019. Proposals for the renewal of this agreement shall be presented in writing to the Franklinton Borough Council on or before June 1, 2019. Acceptance of the proposed renewal shall be completed no later than August 31, 2019.

**II. AUTHORIZATION TO EXTEND SERVICES**

The Borough of Franklinton hereby authorizes the police force of the Township of Carroll to extend and provide its police service throughout the Borough of Franklinton by duly qualified and trained police officers.

**III. WARRANT AND AUTHORITY**

This agreement shall be sufficient warrant and authority for the police officers, as appointed and employed by the Township of Carroll, to perform and execute their police duties and activities throughout the Borough of Franklinton.

#### **IV. POWERS AND ENFORCEMENT OF LAWS**

The police force of the Township of Carroll shall have those powers and abilities to enforce the law as are granted to police officers under the rules of the United States Supreme Court, the rules of the Pennsylvania Supreme Court, the Commonwealth of Pennsylvania, the ordinances of the County of York, Pennsylvania or the ordinances of the Borough of Franklinton for which certain conduct is proscribed and a fine or penalty is imposed.

#### **V. NATURE OF SERVICES PROVIDED**

The Carroll Township Police Department shall provide the Borough of Franklinton the following types of police services, including but not necessarily limited to, patrolling the roadways; the prevention of crime; responding to calls or complaints; the investigation of motor vehicle accidents; the enforcement of local ordinances; the handling of special events and other normal and routine functions of a police department including those police related functions and services as may be agreed upon by the respective municipalities.

#### **VI. SUPERVISION, DIRECTION AND CONTROL**

The police officers coming under the terms of this Agreement shall be at all times under the immediate supervision, direction, and control of the Chief of Police of the Carroll Township Police Department. The Chief of Police shall at all times exercise his professional discretion in setting forth an appropriate schedule which insures, insofar as reasonably practical, the welfare and safety of the community at large.

## **VII. REPORTS TO BOROUGH COUNCIL**

The Chief of Police or a police officer under his authority and at his direction shall provide a full report at the regular monthly meeting of the Franklinton Borough Council describing the police services and activities rendered to the Borough of Franklinton for the previous month. Said report shall include an accurate and detailed accounting for all time spent in the Borough of Franklinton including but not limited to the following activities: patrolling the roadways; prevention of crime; responding to calls or complaints; investigations of motor vehicle accidents; investigation of crimes and criminal activities; enforcement of local ordinances; and any other information the Chief of Police may believe to be appropriate for report.

## **VIII. INSURANCE**

The Township of Carroll shall place the Borough of Franklinton on its professional police liability insurance policy as an additional named insured. The Township of Carroll shall provide to the Borough of Franklinton by January 31 of each year of this Agreement a Certificate of Insurance evidencing such insurance. The amount of said insurance shall be set at a minimum amount of at least Three Million Dollars and No Cents (\$3,000,000.00) and the insurance shall remain in force during the entire term of this agreement and any extension hereof.

## **IX. FEES FOR SERVICES**

**A.** For police services rendered in the calendar year 2018, the Borough of Franklinton hereby agrees to purchase police services and pay the Township of Carroll at the rate of \$84.15 per hour for said services. In the year 2018, the Borough of Franklinton agrees



to purchase 45 minutes a day for the sum of twenty three thousand, thirty six dollars and .06/100 (\$23,036.06).

**B.** For police services rendered in the calendar year 2019, the Borough of Franklinton hereby agrees to purchase police services and pay the Township of Carroll at the rate of \$86.67 per hour for said services. In the year 2019, the Borough of Franklinton agrees to purchase 45 minutes a day for the sum of twenty three thousand, seven hundred and twenty five dollars and .91/100 (\$23,725.91).

#### **X. ADJUSTMENT OF HOURS OF SERVICE**

An informal adjustment of hours of service will be made by the Chief of Police on a regular basis so as to substantially perform according to the terms of this agreement. The parties recognize and acknowledge that from time to time circumstances may dictate either an excess or a shortage of hours of service provided. An accurate accounting of all time spent in the Borough of Franklinton shall be provided with the monthly police report to the Franklinton Borough Council. Additionally, the Borough of Franklinton may increase or decrease the requested hours of service as established in "IX" above at no penalty.

#### **XI. ADDITIONAL COSTS AND EXPENSES**

The Borough of Franklinton agrees to reimburse the Township of Carroll for all additional costs and expenses incurred directly as a result of providing police services in the Borough. These additional costs and expenses are defined as expenditures previously made and absorbed by the Township of Carroll in payment of services obtained or contractual obligations



assumed through its Collective Bargaining Agreement with the Carroll Township Police and include, but are not necessarily limited to, the following:

A. OVERTIME — Overtime occurs in those instances where an officer handles a call or incident in the Borough of Franklinton and is required to work beyond his regularly scheduled tour of duty in order to complete the assignment. Overtime will be billed at 1<sup>1</sup>/<sub>2</sub> times the individual officer's hourly rate of pay.

B. COURT TIME AND PARKING FEES — Court time occurs when off-duty Carroll Township Police Officers appear on behalf of the Borough of Franklinton in either the Courts of Common Pleas or in the District Justice Courts. The Borough of Franklinton agrees that whenever possible, it will schedule its officers such that Court time occurs during a regularly scheduled shift and does not result in the incurrence of additional time. Court time will be billed at 1<sup>1</sup>/<sub>2</sub> times the individual officer's hourly rate of pay. Parking fees are those fees charged for parking while attending court.

C. PROCESSING/BOOKING FEES — All individuals arrested for misdemeanor offenses or greater are transported to the York County Booking Center, processed, arraigned and detained pending release on bail or incarceration in the county prison. The fees, if any, for this service will be billed in kind.

D. DUI TESTING — Most defendants charged with driving under the influence offenses under the Pennsylvania Motor Vehicle Code are taken to a hospital for the withdrawal of blood and/or urine for testing. These fees will be billed in kind. The Township of Carroll agrees that

it will use its best efforts to mitigate these additional costs and expenses through its scheduling and utilization of officers.

## **XII. METHOD OF PAYMENT**

For each year covered under this agreement and upon presentation of a detailed and itemized bill reflecting all monies due, payment will be made to the Township of Carroll in four equal installments, due and payable on January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup>, and October 1<sup>st</sup>. In addition, payment of any additional costs or expenses will be billed by the Chief of Police on a monthly basis as needed.

## **XIII. CONTINUATION OF SERVICES**

In the event at the expiration of this agreement the parties hereto have not entered into a new agreement for the provision of police services, the Township of Carroll agrees to continue to render police services to the Borough of Franklinton, which agrees to pay for the continued services, under all of the same terms and conditions of this agreement until such time as this agreement is expressly terminated, including unilateral termination, or a new agreement is in place. It is acknowledged by both parties that a new agreement may contain different terms, including hourly rates, which may bind the parties retroactively to January 1st immediately following the expiration of this agreement. Further, the parties agree that in the event the Township of Carroll no longer sustains a police department, it would not be obligated to provide police services to the Borough of Franklinton.

#### **XIV. TERMINATION OF SERVICES; NOTICE**

The parties hereto may terminate this Agreement for any reason, with or without cause, upon written notice of termination delivered via U.S. Mail Certified — Return Receipt Requested, Restricted Delivery, to the aforesaid offices of the parties at least 120 days prior to the effective date of termination.

#### **XV. INTEGRATED AGREEMENT**

This writing contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior oral or written representations, understandings, promises or agreements, which are not reduced to writing and included herein.

#### **XVI. SEVERABILITY**

If any of the provisions of this Agreement or the application of any of such provisions hereof shall for any reason be held invalid by a court of competent jurisdiction, such invalidity shall not affect or impair any other provision hereof, it being the intention of the parties hereto that such other provisions shall be and remain in full force and effect.

#### **XVII. PARAGRAPH HEADINGS**

The paragraph headings in this agreement are provided for convenience of reference only and shall not be included in any interpretation or construction of the substantive provisions.

**XVIII. APPLICABLE LAW**

This agreement has been executed in the Commonwealth of Pennsylvania and the rights and obligations of the parties shall be governed by, enforced under and interpreted in accordance with the substantive law of the Commonwealth of Pennsylvania.

**XIX. SUCCESSOR AND ASSIGNS**

This Agreement shall be binding and shall inure to the benefit of the parties hereto and to their respective successors and assign.



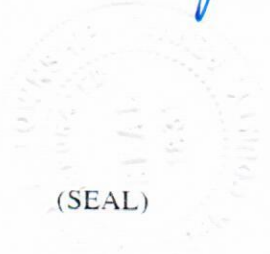
IN WITNESS THEREOF, the parties hereunto intending to be legally bound hereby, have set forth their hands and seal the day and year first written above.

ATTEST:

FOR THE TOWNSHIP OF CARROLL

BY: Faye J Romberger

By: [Signature]



(SEAL)

ATTEST:

FOR THE BOROUGH OF FRANKLINTOWN

BY: [Signature]  
Secretary

By: Richard H. Bloud  
Franklintown Borough Council President



(SEAL)

**BOROUGH OF FRANKLINTOWN  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 287-2017**

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**AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, YORK COUNTY, PENNSYLVANIA, AUTHORIZING THE BOROUGH'S ENTRY INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT AMONG CARROLL TOWNSHIP, DILLSBURG BOROUGH, FRANKLINTOWN BOROUGH, FRANKLIN TOWNSHIP, MONAGHAN TOWNSHIP, WELLSVILLE BOROUGH AND WARRINGTON TOWNSHIP TO CREATE AND JOINTLY PARTICIPATE IN THE NORTHERN YORK COUNTY UNIFIED EMERGENCY MANAGEMENT AGENCY (NEMA).**

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**WHEREAS**, Carroll Township (Carroll) is a municipal corporation, being a township of the second class in the Commonwealth of Pennsylvania; and

**WHEREAS**, Dillsburg Borough (Dillsburg) is a municipal corporation, being a borough in the Commonwealth of Pennsylvania; and

**WHEREAS**, Franklintown Borough (Franklintown) is a municipal corporation, being a borough in the Commonwealth of Pennsylvania; and

**WHEREAS**, Franklin Township (Franklin) is a municipal corporation, being a township of the second class in the Commonwealth of Pennsylvania; and

**WHEREAS**, Monaghan Township (Monaghan) is a municipal corporation, being a township of the second class in the Commonwealth of Pennsylvania; and

**WHEREAS**, Wellsville Borough (Wellsville) is a municipal corporation, being a borough in the Commonwealth of Pennsylvania; and

**WHEREAS**, Warrington Township (Warrington) is a municipal corporation, being a township of the second class in the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to Section 1202 (34) of the Borough Code, as amended, 53 P.S. § 46202 (34), and Sections 1507 and 2205 of the Second Class Township Code, as amended, 53 P.S. § 66507, the parties are authorized to enter into joint intergovernmental agreements with other municipalities; and

**WHEREAS**, the other Parties had to enter into such governmental cooperation, the purpose of which is to create and jointly operate the Northern York County Unified Emergency Management Agency (NEMA), and Franklintown now wishes to join, to which all other Parties agree.

**Exhibit A to Ordinance**

**INTERGOVERNMENTAL COOPERATION AGREEMENT**



**BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained by the Borough Council of the Borough of Franklinton, York County, Pennsylvania (Franklinton”), as follows:

**SECTION 1:** Franklinton is hereby authorized to enter into the Intergovernmental Cooperation Agreement (Agreement) with Carroll, Dillsburg, Franklin, Monaghan, Wellsville and Warrington (collectively “the Parties”) thereby joining the Northern York County Unified Emergency Management Agency (NEMA). A copy of the Intergovernmental Cooperation Agreement is attached hereto, marked Exhibit “A”, and incorporated herein by reference.

**SECTION 2:** The purpose and objectives of the Agreement are for Franklinton to work cooperatively with Carroll, Dillsburg, Franklin, Monaghan, Wellsville and Warrington to create, operate and finance NEMA, to create a board among the seven Parties, to identify the rights and responsibilities of the Parties, to set the formula for and fix the reimbursements due from each Party for those services of each Party, and otherwise to set forth the financial rights and obligations of the Parties pursuant to the Agreement.

**SECTION 3:** This President of Franklinton Borough Council and the Franklinton Borough Secretary are hereby authorized to execute the Agreement on Behalf of Franklinton and by so doing, to bind Franklinton to the terms of the Agreement.

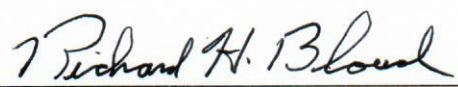
**SECTION 4:** This Ordinance shall be effective immediately or upon the effective date of a similar ordinance enacted by each other Party and the signing of the Agreement by all Parties, whichever occurs last.

**ENACTED AND ORDAINED** by the Borough Council of the Borough of Franklinton this 6<sup>th</sup> day of December, 2017.


**ATTEST:**

**BOROUGH OF FRANKLINTOWN**

  
\_\_\_\_\_  
Secretary

By:   
\_\_\_\_\_

**Approved this the 6<sup>th</sup> day of December, 2017.**

By:   
\_\_\_\_\_  
Mayor





**BOROUGH OF FRANKLINTOWN,  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE 288-2018**

**AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, YORK COUNTY,  
PENNSYLVANIA, ACKNOWLEDGING THE ADOPTION OF THE PENNSYLVANIA  
FIREWORKS LAW, PROVIDING THAT THE BOROUGH DOES NOT GRANT PERMISSION  
FOR ANYONE TO DISCHARGE CONSUMER FIREWORKS ON BOROUGH STREETS,  
SIDESALKS OR PROPERTY, AND PROVIDING FOR AN AMENDMENT TO ORDINANCE  
NUMBER 250-1997, KNOWN AS THE "CODE OF ORDINANCES," BY ADDING CHAPTER 5  
FIREWORKS TO PART 10, PUBLIC SAFETY.**

**WHEREAS**, the Borough of Franklinton ("Borough") is a political subdivision of the Commonwealth of Pennsylvania, which is entitled to the rights, privileges and immunities conferred under The Borough Code ("Code"), Act of February 1, 1996, P.L. (1965), § 101, Reenacted May 17, 1012, P.L. 262 § 1, codified April 18, 2014, P.L. 432, § 1, 8 Pa.C.S.A. § 101 et seq.; and

**WHEREAS**, under Sections 1005 and 1006 of the Code, the corporate power of the Borough is vested in the Borough Council ("Council"); and

**WHEREAS**, under Section 3301.1(a) of the Code, Council has the duty to enact ordinance which it deems beneficial to the Borough; and

**WHEREAS**, the Commonwealth of Pennsylvania enacted the Pennsylvania Fireworks Law, Act 43 of 2017, which law took effect on October 30, 2017; and

**WHEREAS**, The Pennsylvania Fireworks Law defines consumer fireworks as any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, suitable for use by the public, which complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 C.F.R. (relating to commercial practice), or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout the Commonwealth (the term does not, however, include devices as "ground and handheld sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout the Commonwealth); and

**WHEREAS**, pursuant to the Pennsylvania Fireworks Law, a person who is at least eighteen years of age and meets the requirements of the law may purchase, possess and use consumer fireworks provided, however, that person may not intentionally ignite or discharge consumer fireworks on public or private property without the express permission of the owner, may not intentionally ignite or discharge consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building, may not intentionally ignite or discharge consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person, may not intentionally ignite or discharge consumer fireworks or sparkling devices while a person is under the influence of alcohol, a controlled substance or another drug, and may not intentionally ignite or discharge consumer fireworks within 150 feet of an occupied structure; and



**WHEREAS**, the Borough Council of the Borough of Franklinton has determined that the use of consumer fireworks and sparkling devices in a suburban setting such as the Borough provides safety and health hazards if the terms of the Pennsylvania Fireworks Law are not specifically complied with.

**NOW, THEREFORE**, it is hereby ordained and enacted by the Borough Council of the Borough of Franklinton, York County, Pennsylvania, as follows:

SECTION 1. As a result of the background paragraphs above, which are incorporated herein, it is hereby ordained and enacted that no permission is granted by the Borough to any person to ignite or discharge consumer fireworks on the streets of the Borough of Franklinton, the sidewalks of the Borough of Franklinton or any property owned by the Borough of Franklinton, including, without limitation, all parks and public buildings.

SECTION 2. Provisions of this Ordinance shall be incorporated into the Borough's Code of Ordinances, Ordinance No. 250-1997, as Part 10 Public Safety, Chapter 5 Fireworks.

SECTION 3. The officers and employees of the Borough of Franklinton are hereby directed to provide copies of this Ordinance to the magisterial district judge to provide judicial notice that no permission has been granted by the Borough for any person to intentionally ignite or discharge consumer fireworks on Borough streets and sidewalks or on any Borough-owned real estate.

SECTION 4. All ordinances, resolutions or parts thereof which are inconsistent with this Ordinance are hereby repealed and rescinded.


SECTION 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Franklinton that the remainder of the Ordinance shall be and shall remain in full force and effect.

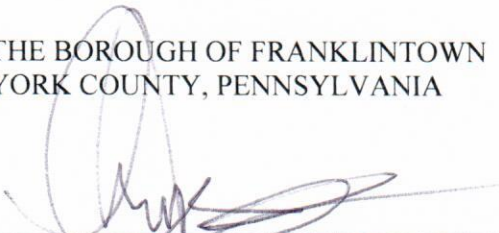
SECTION 6. This Ordinance shall become effective immediately.

**DULY ENACTED AND ORDAINED** this 5<sup>th</sup> day of September, 2018 by the Borough Council of the Borough of Franklinton, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

THE BOROUGH OF FRANKLINTOWN  
YORK COUNTY, PENNSYLVANIA

  
\_\_\_\_\_  
Kelly Kunkle, Secretary

  
\_\_\_\_\_  
Anthony Vasco, III, President, Borough Council

Examined and approved this 5<sup>th</sup> day of September, 2018.

By: \_\_\_\_\_  
Mayor of Borough of Franklinton