

Franklintown Borough			Borough Code/Ordinance			Township Code Affected		
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**BOROUGH OF FRANKLINTOWN
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 285-2017

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

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.

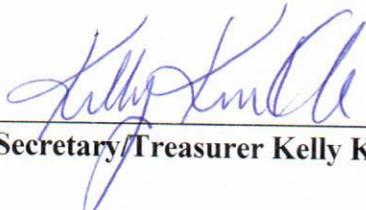
SECTION 5: Inconsistency. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

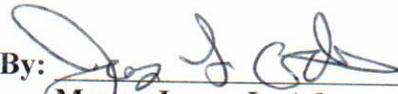


 Secretary/Treasurer Kelly Kunkle

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**

ORDINANCE NO. 286-2017

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.

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.

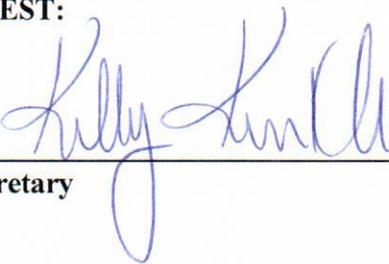
SECTION 5: Inconsistency. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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.

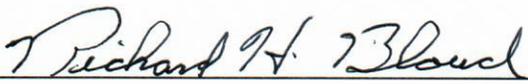
ENACTED AND ORDAINED by the Borough Council of the Borough of Franklinton this 6th day of December, 2017.

ATTEST:

BOROUGH OF FRANKLINTOWN



Secretary

By: 

Approved this the 6th 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 1½ 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 1½ 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 1st, April 1st, July 1st, and October 1st. 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.

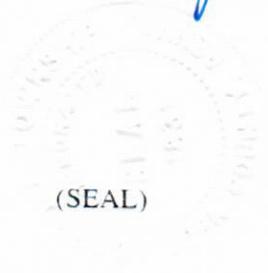
IN WITNESS THEREOF, the parties hereunto intending to be legally bound hereby, have set forth their hands and seal the day and year first written above.

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**

ORDINANCE NO. 287-2017

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).

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.

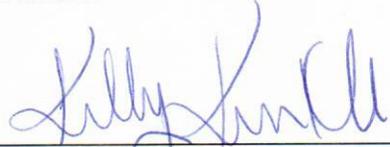
SECTION 3: This President of Franklinton Borough Council and the Franklinton Borough Secretary are hereby authorized to execute the Agreement on Behalf of Franklinton and by so doing, to bind Franklinton to the terms of the Agreement.

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.

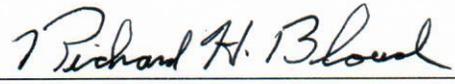
ENACTED AND ORDAINED by the Borough Council of the Borough of Franklinton this 6th day of December, 2017.

ATTEST:

BOROUGH OF FRANKLINTOWN



Secretary

By: 

Approved this the 6th 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.

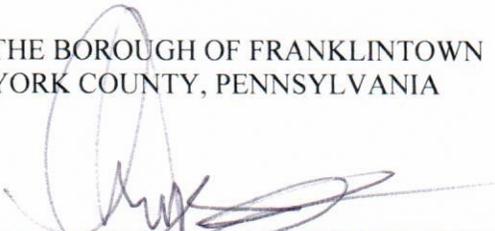
DULY ENACTED AND ORDAINED this 5th day of September, 2018 by the Borough Council of the Borough of Franklinton, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

THE BOROUGH OF FRANKLINTOWN
YORK COUNTY, PENNSYLVANIA



Kelly Kunkle, Secretary



Anthony Vasco, III, President, Borough Council

Examined and approved this 5th day of September, 2018.

By: _____
Mayor of Borough of Franklinton

ORDINANCE NO. 289 -2019

AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NUMBER 250-1997, KNOWN AS THE "CODE OF ORDINANCES" BY AMENDING PART 13 SUBDIVISION AND LAND DEVELOPMENT, CHAPTER 11 STORMWATER MANAGEMENT, ARTICLE III STORMWATER MANAGEMENT STANDARDS, SECTION 302 EXEMPTIONS, REMOVING DIA CRITERIA FROM THE EXISTING SQUARE FOOTAGE EXEMPTIONS.

I. Part 13 Subdivision and Land Development, Chapter 11 Stormwater Management, Article III Stormwater Manage Standards, Section 302 Exemptions is hereby amended by removing all criteria standard references to DIA (Disconnected Impervious Area), and shall read as follows:

Section 302. Exemptions

A property owner or developer of any Regulated Activity that meets the following exemption criteria is, upon approval from the Borough, exempt from the formal SWM plan submission requirements of this Ordinance as specified herein. However, the property owner or developer shall be subject to all other requirements of this Ordinance other than the formal SWM Site Plan submission requirements for which an exemption or exemptions have been approved. The criteria for exemption in this Section apply to the total development proposed, including instances in which the development is proposed to take place in phases. The date of enactment of this Ordinance shall be the starting point from which future development and the respective exemption criteria shall be cumulatively consider and regulated. Exemption shall not relieve an applicant from implementing such measures as necessary to meet the intent of this Ordinance or compliance with any NPDES Permit requirements.

- A. Regulated Activities that create impervious surface equal to or less than one thousand (1,000) square feet may be exempted from the peak rate control, volume control and the SWM Site Plan preparation and submission requirements of this Ordinance.
- B. Regulated Activities that create impervious surface of greater than one thousand (1,000) square feet and equal to or less than five thousand (5,000) square feet may be exempted from only the peak rate control requirement of this Ordinance.
- C. Agricultural activities are exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.
- D. Forest management and timber operations are exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.
- E. Domestic gardening and landscaping are exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.

F. Exemptions from certain provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.D through 301.L of this Ordinance.

G. The Borough may deny or revoke any exemption pursuant to this Section at any time for any project that the Borough determines poses a threat to public health, safety, property or the environment.

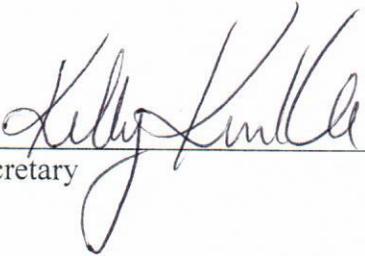
2. All other provisions of the Stormwater Management Ordinance are unaffected by this Ordinance and shall remain in full force and effect.

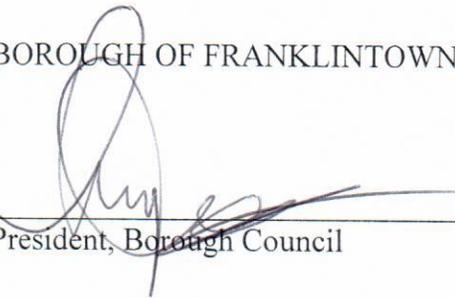
3. This ordinance shall become effective immediately upon enactment by the Borough Council.

DULY ENACTED and ordained by the Council of the Borough of Franklinton, County of York, Commonwealth of Pennsylvania, the 3RD day of July, 2019 in lawful session duly assembled.

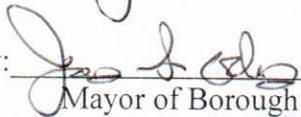
ATTEST

BOROUGH OF FRANKLINTOWN


Secretary

By: 
President, Borough Council

Examined and approved this 3rd day of July, 2019.

By: 
Mayor of Borough of Franklinton

ORDINANCE NO. 290-2019

AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NUMBER 250-1997, KNOWN AS "CODE OF ORDINANCES" BY AMENDING PART 7, MOTOR VEHICLES AND TRAFFIC, CHAPTER 3, PARKING REGULATIONS, SECTION 306, HANDICAPPED PARKING, BY ADDING A NEW LOCATION.

The Borough of Franklinton hereby ordains as follows:

1. Part 7, Motor Vehicles and Traffic, Chapter 3, Parking Regulations, Section 306, Handicapped Parking is hereby amended to read as follows:

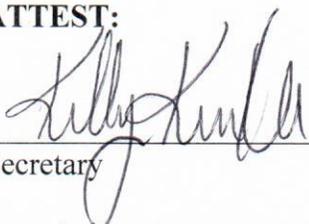
Section 306: Handicapped Parking

In the interest of health, safety and the 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. 20 West South Street (1 space)
 3. 2 North Water Street (1 space)
2. All other provisions of the Code of Ordinances are unaffected by this Ordinance and shall remain in full force and effect.
3. This ordinance shall become effective immediately upon the posting of the space by Borough officials.

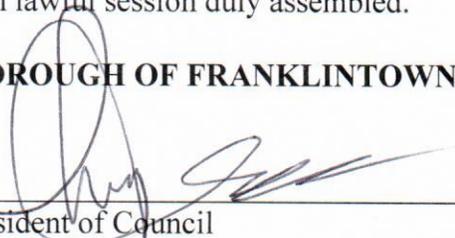
Duly enacted and ordained by the Council of the Borough of Franklinton County of York, Commonwealth of Pennsylvania the 7th day of August, 2019 in lawful session duly assembled.

ATTEST:

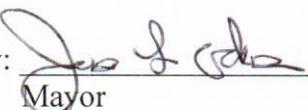


Secretary

BOROUGH OF FRANKLINTOWN


By: _____
President of Council

Examined and approved this 7th day of August, 2019.

By: 

Mayor

ORDINANCE NO. 291-2019

**AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, COUNTY OF YORK,
COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NUMBER 250-1997,
KNOWN AS "CODE OF ORDINANCES" BY AMENDING PART 7, MOTOR VEHICLES
AND TRAFFIC, CHAPTER 3, PARKING REGULATIONS, BY ADDING A NEW SECTION
307, ENFORCEMENT AND PENALTIES.**

The Borough of Franklinton hereby ordains as follows:

1. Part 7, Motor Vehicles and Traffic, Chapter 3, Parking Regulations, is hereby amended to include the following new Section 307:

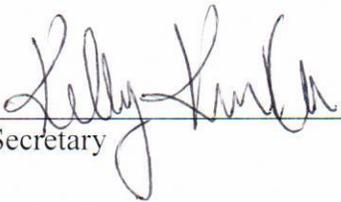
Section 307: Enforcement and Penalties

- A. The provisions of this Chapter shall be enforced by the Borough of Franklinton Codes Enforcement Officer or by any officer of a law enforcement agency contracted with the Borough. The official shall attach to or place upon an offending vehicle a notice stating that the vehicle was parked in violation of this Code, the nature of the violation and the fine imposed by such violation. If the stated fine is not paid to the Borough within thirty (30) days, the Borough or agency shall file charges with the local Magisterial District Judge.
 - B. Any person who shall violate the provisions of this Section shall be guilty of a summary offense and, upon conviction thereof, shall be punishable by a fine of not more than Twenty-five Dollars (\$25.00) for a standard violation, Fifty Dollars (\$50.00) for a first offense in a handicapped parking space, One Hundred Dollars (\$100.00) for a second offense in a handicapped parking space, One Hundred Fifty Dollars (\$150.00) for a third offense in a handicapped parking space, and Two Hundred Dollars (\$200.00) for a fourth or subsequent violation in a handicapped parking space, plus costs of prosecution and, in default of payment of such fine and costs, to imprisonment of not more than five (5) days.
 - C. Any vehicle parked in violation of any provision of this Section may be towed away, and cars thus towed may be reclaimed only after paying the towing and/or storage fees. Payment of the towing/storage fees does not relieve the owner or operator of any fine or penalty imposed for violation of this Section. Within twelve hours (12) from the time of removal, notice that such has occurred shall be sent to the owner of record of the vehicle removed, designating:
 1. The place from which the vehicle was removed;
 2. The reason for the vehicle's removal; and
 3. The place to which it was removed.
 - D. The fact that a vehicle which is illegally parked is registered in the name of a person shall be prima facie evidence that such person was in control of the vehicle at the time of the violation.
2. All other provisions of the Code of Ordinances are unaffected by this Ordinance and shall remain in full force and effect.

3. This ordinance shall become effective 30 days after its enactment.

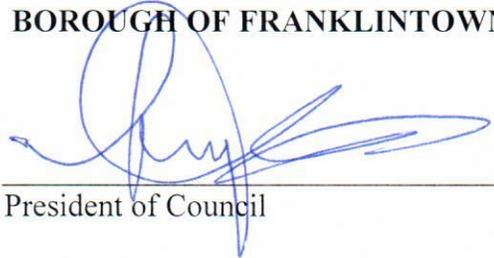
Duly enacted and ordained by the Council of the Borough of Franklinton County of York, Commonwealth of Pennsylvania the 4th day of December, 2019 in lawful session duly assembled.

ATTEST:



Secretary

BOROUGH OF FRANKLINTOWN


By: _____
President of Council

Examined and approved this 4th day of December, 2019.

By: 

Mayor

ORDINANCE NO. 292 -2019

AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NUMBER 250-1997, KNOWN AS "CODE OF ORDINANCES" BY AMENDING PART 2, ADMINISTRATION IN GOVERNMENT, CHAPTER 1, ELECTED OFFICIALS, SECTION 102, COMPENSATION OF COUNCIL MEMBERS AND SECTION 103, COMPENSATION OF MAYOR.

The Borough of Franklinton hereby ordains as follows:

Section 1:

Part 2, Administration in Government, Chapter 1, Elected Officials, Section 102: Compensation of Council Members is hereby amended to read as follows:

The compensation of each member of the Council shall be \$600 per year, payable in one (1) annual payment, from which shall be deducted 1/12th of the annual compensation for each month in which the member failed to attend at least one (1) meeting of the Council. The Council President shall be compensated \$1,000 in expenses, per year.

Section 2:

Part 2, Administration in Government, Chapter 1, Elected Officials, Section 103: Compensation of the Mayor will read as follows:

The compensation of the Mayor shall be \$750 salary, plus \$200 in expenses per year, payable in a single annual payment.

Section 3:

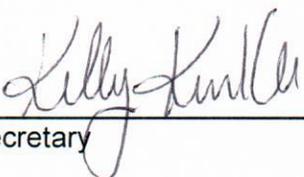
All other parts of Ordinance No. 250-1997 and amendments thereto are continued in full force and effect.

This Ordinance shall become effective for each official upon the start of his or her next term of office, as required by the Borough Code.

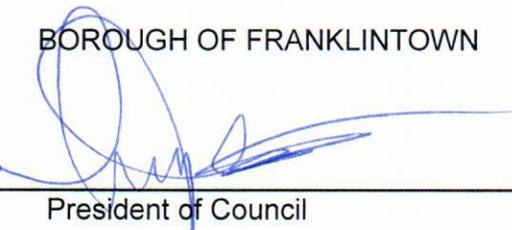
Duly enacted and ordained by the Council of the Borough of Franklinton, County of York, Commonwealth of Pennsylvania this 4th Day of December, 2019 in lawful session duly assembled.

ATTEST

BOROUGH OF FRANKLINTOWN

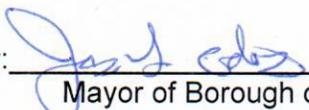


Secretary

By: 

President of Council

Examined and approved this 4th day of December, 2019.

By: 

Mayor of Borough of Franklinton

ORDINANCE NO. 293-2020

AN ORDINANCE OF FRANKLINTOWN BOROUGH, YORK COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO AMEND ITS NON-UNIFORM PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES. IT IS HEREBY ORDAINED BY FRANKLINTOWN BOROUGH, YORK COUNTY, AS FOLLOWS:

SECTION I. Franklinton Borough (the Borough), having established a non-uniform pension plan administered by the Pennsylvania Municipal Retirement System (the System), hereby elects to amend its Non-Uniform Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 et seq. (Retirement Law), and does hereby agree to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities.

SECTION II. As part of this Ordinance, the Borough agrees that the System shall administer and provide the benefits set forth in the amended Non-Uniform Pension Plan Document entered into between the Pennsylvania Municipal Retirement Board and the Borough effective as of the date specified in the adoption agreement (the Contract).

SECTION III. The Borough acknowledges that by passage and adoption of this Ordinance, the Borough officially accepts the Contract and the financial obligations resulting from the administration of the Contract.

SECTION IV. Payment for any obligation established by the adoption of this Ordinance and the Contract shall be made by the Borough in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The Borough hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.

SECTION V. The Borough intends this Ordinance to be the complete authorization of the Contract, as amended and it shall become effective as of the date specified in the adoption agreement, which is the effective date of the Contract, as amended.

SECTION VI. A duly certified copy of this Ordinance and an executed Contract shall be filed with the System.

ENACTED AND ORDAINED by the Council of the Borough of Franklinton County of York, Commonwealth of Pennsylvania the 6th day of January, 2020 in lawful session duly assembled.

TALLY OF VOTES – YEAS 7 NAYS 0

ATTEST:

BOROUGH OF FRANKLINTOWN

Kelly Kunkler
Secretary

By: [Signature]
President of Council

Examined and approved this 6th day of January, 2020.

By: [Signature]
Mayor

ATTEST:

Kelly Kunkler

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

ORDINANCE NO. 294 -2020

**AN ORDINANCE OF THE BOROUGH OF FRANKLINTOWN, YORK COUNTY,
PENNSYLVANIA, ADOPTING RULES AND REGULATIONS REGARDING THE
USE OF THE BOROUGH BRUSH PILE LOCATED IN ARCHIE HESS
MEMORIAL PARK.**

WHEREAS, the Borough Code, 8 Pa.C.S.A §§ 101-3501, provides in Section 1202(4), that the Borough may prohibit and remove any nuisance or dangerous structure on public or private grounds, including, but not limited to, accumulations of garbage and rubbish and collect the cost of removal and a penalty of ten percent (10%), in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the borough may seek relief by bill in equity; and

WHEREAS, Section 1202(8) of the Borough Code authorizes the Borough to prohibit accumulations of garbage and other refuse materials upon public and private property; and

WHEREAS, Section 1202(5) of the Borough Code authorizes the Borough to make regulations as may be necessary for the health, safety, morals, general welfare, cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 205.8 of Part 9, Public Places and Gatherings, Chapter 2, Parks and Recreation, of the Borough of Franklinton Code of Ordinances, as amended, authorizes the Borough to adopt rules and regulations to provide for the efficient and orderly operation, management or maintenance of its parks, and provides that the violation of any such rules and regulations constitutes a violation of that Ordinance; and

WHEREAS, the Borough Brush Pile is located in Archie Hess Memorial Park and is intended as a pile where Borough of Franklinton residents may dispose of natural yard waste; and

WHEREAS, non-residents of the Borough of Franklinton have been using the Borough Brush Pile without the permission or approval of the Borough; and

WHEREAS, individuals have been disposing of items not constituting natural yard waste in the Borough Brush Pile, which creates a significant issue for the Borough in managing the Borough Brush Pile, as many items that have been disposed of in the Brush Pile are not items that the Borough is permitted to legally burn; and

WHEREAS, the Council of the Borough of Franklinton deems it to be in the best interest of the residents of the Borough of Franklinton to enact the provisions set forth

herein regarding the public use of the Borough Brush Pile located in the Archie Hess Memorial Park.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Franklinton, York County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. Part 9 of the Borough of Franklinton Code of Ordinances, entitled “Public Places and Gatherings” is hereby amended to add a Chapter 3, entitled “The Archie Hess Memorial Park Brush Pile”, which shall read as follows:

Section 301. Purpose.

The purpose of this Ordinance is to allow Borough residents to dispose of natural yard waste, as described herein, to the exclusion of all other items and waste, in the Borough Brush Pile located in Archie Hess Memorial Park.

Section 302. Borough Residents Only.

The Borough Brush Pile is for the use of Borough residents only. Any person not residing in the Borough of Franklinton is prohibited from disposing of any items in the Borough Brush Pile. Individuals desiring to discard items in the Borough Brush Pile may be required to produce evidence of Borough residency, prior to using the Borough Brush Pile.

Section 303. Natural Yard Waste Only.

1. Borough residents may only dispose of natural yard waste in the Borough Brush Pile. In addition, only natural yard waste that is produced or generated within the Borough limits may be disposed of in the Borough Brush Pile. Natural yard waste includes only the following items:

- (a) Brush;
- (b) Trees, and branches, limbs, and leaves thereof;
- (c) Shrubbery, bushes, and similar vegetative items; and
- (d) Grass clippings.

2. Except for natural yard waste, all other items are prohibited from being disposed of in the Brush Pile. Prohibited items include, but are not expressly limited to:

- (a) Milled or treated wood;
- (b) Furniture;
- (c) Windows;
- (d) Concrete and similar materials;
- (e) Pianos;
- (f) Mailboxes;
- (g) Construction materials;
- (h) Trash or rubbish; and

- (i) All other items that are not natural yard waste, as provided by paragraph (1) of this section.

Section 304. Penalty.

Any person found guilty of a violation of this Ordinance in a summary proceeding before a Magisterial District Judge shall pay a fine of not more than One Thousand Dollars (\$1,000.00) nor less than Fifty Dollars (\$50.00) and the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned for not more than ten (10) days; provided each day's continuance of a violation shall constitute a separate offense.

Section 305. Nuisance.

1. Any items disposed of in the Borough Brush Pile that do not constitute natural yard waste as defined herein, shall be declared a nuisance. Whenever such a nuisance is found to exist, the owner or occupant of the item(s) constituting the nuisance or the person causing or maintaining the nuisance shall be provided with written notice as provided for herein to abate the nuisance. The nuisance shall be abated by the owner, occupant, or person causing the nuisance, as applicable, within the time required in the notice. Such notice shall be in writing and include the following:
 - a. A description of the item sufficient for identification, which constitutes the nuisance, and a statement as to how the item constitutes a nuisance;
 - b. A corrective order providing the owner with a reasonable amount of time to abate the nuisance by removing it from the Borough Brush Pile; and
 - c. A statement informing the owner, occupant, or person causing a nuisance that if it becomes necessary for the Borough to abate the nuisance, the Borough may file a municipal lien against the applicable real property in accordance with the Municipal Claims Act, 53 P.S. § 7101 et seq.
2. In the event the owner, occupant, or person causing the nuisance, as applicable, shall fail to abate said nuisance, the Borough shall take such actions as it deems necessary to abate said nuisance without liability for damage that may result from the abatement. The actual costs of abating said nuisance, including but not limited to actual labor charges, equipment, rental charges, administrative overhead, postage, plus a penalty of 10% of the costs and attorney's fees, shall be collected from the owner of the property either by an action in assumpsit or by the filing of a municipal claim or lien against the said real property. In addition to the above, the Borough may, at its sole discretion, by an action in equity, compel the owner to comply with this chapter or seek other relief as a court may order.

SECTION 2: REPEALER.

All provisions of previous ordinances of the Borough of Franklinton, which are contrary to this Ordinance, are expressly repealed.

SECTION 3: SAVINGS CLAUSE.

In all other respects, the ordinances of the Borough of Franklinton shall remain as previously enacted and ordained.

SECTION 4: SEVERABILITY.

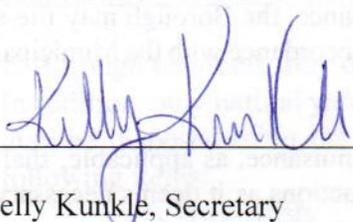
If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

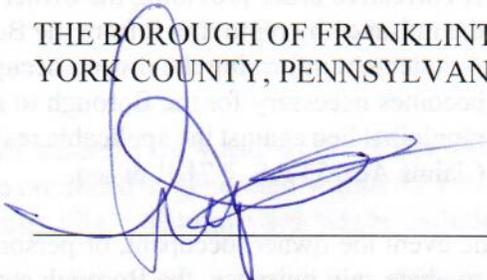
This Ordinance shall take effect in accordance with law.

ENACTED, ORDAINED, AND APPROVED this 4th day of November 2020 by the Borough Council of the Borough of Franklinton, York County, Pennsylvania, in lawful session, duly assembled.

ATTEST:

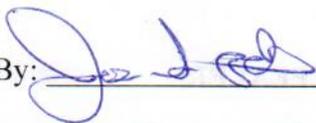


Kelly Kunkle, Secretary

THE BOROUGH OF FRANKLINTOWN,
YORK COUNTY, PENNSYLVANIA


Anthony Vasco, III, Borough Council
President

Review and approved this 4th day of November, 2020.

By: 

James Adams, Mayor of the Borough of
Franklinton