

ORDINANCE 2016- 01

AN ORDINANCE ESTABLISHING SUMMARY PROPERTY MAINTENANCE AND NUISANCE VIOLATIONS AND ESTABLISHING THE FINES, PENALTIES AND VIOLATION TICKET PROCESS FOR SAID VIOLATIONS FOR FRANKLIN TOWNSHIP.

WHEREAS, the lack of maintenance of properties, animal and pet complaints, illegal parking, improper snow and ice maintenance, and other debris are costly problems that contribute to the deterioration of property values and general disorder in Franklin Township; and

WHEREAS, these problems degrade the physical appearance of the township, which reduces economic development and the quality of life in the community; and

WHEREAS, Franklin Township has the authority to promote the health, safety, and general welfare of the township by helping to create a clean and orderly environment for the citizens of Franklin Township;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 1. Definitions. The following words, terms and phrases, when used in this Ordinance, shall be defined as follows:

- *"Debris" – any materials upon the premises that is a residue of structural demolition or any other materials that is not neatly stored, stacked or piled in such a manner so as to not create a nuisance or become a harboring place or food supply for insects or rodents, as more fully set forth in Ordinance No 2002-2.
- *"Dumping" – includes but is not limited to, disposing of litter, disposing of durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, and vehicle automotive parts and products, and other such municipal waste, hazardous waste, residual waste, and construction or demolition debris on public or private property, as more fully set forth in Ordinance No. 2002- 02.
- *"Garbage" – means the animal or vegetable waste resulting from hauling, preparation, cooking and consumption of food, as more fully set forth in Ordinance No. 2002-02.
- *"Hazardous Waste" – any waste materials or combination of solid, liquid, semi-solid, or contained gaseous material that because of its quantity, concentration physical, chemical or infectious characteristics, may: 1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating illness; or 2). Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- *"Indoor furniture"** – any and all pieces of furniture which are made for indoors, including, but not limited to, sofas and upholstered chairs, etc.
- *"Junked Vehicles"** – an vehicle which presents a danger or hazard to the public or is a public nuisance by virtue of its state or condition of disrepair. Junked Vehicles shall be inoperable, unregistered, and unlicensed and because of their condition, create circumstances that induce the harboring of insects, rodents, or other pest, or a likely result in the leaking of any fluids from the vehicle into the ground, with the exemption of antique vehicles, as more fully set forth in Ordinance 2007-02
- *"Litter"** – including, but not limited to, all waste materials, garbage, trash, i.e. wastewater, wrappers, food or beverage containers, newspapers, tobacco products, etc. human waste, municipal waste, domestic animal waste, motor vehicle seats, vehicle parts, automotive parts, shopping carts, furniture, recyclable material, demolition or construction material, mud, dirt, or yard waste that has been abandoned or improperly deposited, discarded, or disposed.
- *"Motor Vehicle"** – any type of mechanical device capable, or at one time capable, of being Propelled by a motor in which persons or property may be transported upon public streets or Highways and including trailers or semi-trailers pulled thereby.
- *"Municipal Waste"** – any refuse, garbage, industrial, lunchroom or office waste and other materials, including, liquids, solid, semi-solid, or contained gaseous material resulting from residential, operation, commercial, or institutional establishments or from community activities and which is not classified as Hazardous Waste or Residual Waste, pursuant to Ordinance 2002-02.
- *"Notice of Violation"** – a written document issued to a person in violation of a Township Ordinance, which specifies the violation and contains a directive to take corrective action within a specified timeframe or face further legal action.
- *"Nuisance"** – any condition, structure or improvement which constitutes a danger or potential danger to the health, safety, or welfare of citizens of the Township.
- *"Person"** – every natural person, firm, corporation, partnership, association or institution.
- *"Private Property"** – and land, and the improvements thereon, owned by any person and includes front, side and rear yards, vacant lots, buildings and other structural improvements, walkways, alleyways, parking areas, designated or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited, temporary, continuously inhabited or vacant, including any yards, grounds, walk, driveway, porch, steps, vestibule, or mailbox belongings to or portent to such dwelling, house, building or structure.
- *"Public Nuisance"** – any conditions or premises which are unsanitary or unsafe.
- *"Residual Waste"** – any discarded material or other waste, including solid, semi-solid, or Contained gaseous materials resulting from industrial, mining, construction, and agricultural

operations, excluding municipal sewer or water operations.

*"Solid Waste" – any waste, including, but not limited to, municipal, residual or hazardous waste, including liquid, solid semi-solid or contained gaseous materials.

*"Storage" – the containment of any municipal waste on a temporary basis in such a manner as to not constitute disposal of such waste and shall be presumed that the containment of any municipal wastes in excess of three (3) months constitutes disposal.

*" Violation Ticket" – a form issued to a person in violation of this Ordinance. A Violation Ticket is an offer by the Township extended to a person to settle a violation by paying a fine to the Township in lieu of a citation being issued against a violator.

*"Weeds" – all grasses annual plants and vegetation which meet any of the following criteria: 1) on an improved property in a residential, suburban residential, or commercial zone exceeds twelve (12) inches in height; 2) exhale unpleasant noxious odors or pollen, such as dandelion, ragweed, and miscellaneous other vegetation commonly referred to as weeds or brush; 3) may contain filthy deposits or serve as a breeding ground for mosquitoes, insects or vermin; 4) may cause a public nuisance. Weeds shall not include cultivated and managed vegetation planted for ornamental purposes, edible, such as vegetable gardens, trees, scrubs, flowers, etc. Weeds shall not include vegetation in any agricultural areas of the Township.

*"Yard" – an open space on the same lot with a structure, pursuant to Ordinance No. 1993-05.

Section 2. Summary Property Maintenance Violations.

1. Accumulation of garbage or rubbish- All exterior premises and property and the interior of every structure shall be free from any accumulation of any waste, trash, garbage or rubbish.
2. Animal waste, clean-up, maintenance – Improper disposal of animal waste on property.
3. Disposal of rubbish or garbage/dumping – Improper disposal of garbage or rubbish or disposing or dumping or garbage on vacant, unoccupied or other property.
4. High weeds – excluding properties in agricultural areas, all improved properties shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited.
5. Littering or scattering or rubbish – No person shall dump, throw, place, dispose

or sweep of any trash, waste, garbage or rubbish upon any public sidewalk, street, bridge, alley, public passageway, public parking area, or any public property.

6. Motor Vehicles – It shall be unlawful to have a motor vehicle nuisance on any premises, pursuant to Ordinance No. 2007-02.
7. Outside placement of indoor furniture and appliances – It is prohibited to place or store any and all furniture or appliances, including, but not limited to, refrigerators, ranges, ovens, washers, dryers, microwaves, dishwashers, recliners, air-conditioners, sofas, interior tables or chairs, on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance or yard sales.
8. Storing of Hazardous Materials – It shall be unlawful for any business, person, or entity to store flammable, explosive, combustible or other hazardous materials, including, but not limited to volatile oils and cleaning fluids, paints or combustible rubbish, including but not limited to, boxes, wastepaper, and rags, unless the storage of said materials is stored in compliance with applicable building codes.

Section 3. Animal and Pet Violations.

1. Animal Welfare- All animals owned, harbored, or kept within the Township shall have access to water and food and where appropriate, shelter from harsh conditions. No animal shall be kept in a vehicle in harsh conditions with the window sealed.
2. Dog Licenses- All persons owning, keeping, or harboring a dog within the Township shall have an issued dog license.
3. Proof of Rabies Vaccination – All people owning, keeping or harboring a dog or cat Within the Township shall have said dog and/or cat vaccinated for rabies and shall be Able to provide a public officer with proof of said vaccination.
4. Barking Dogs – Persons owning, keeping or harboring a dog within the Township shall not permit excessive barking by said dog on a repetitive and continuous basis. A continuous and repetitive basis shall mean barking that goes on for an extended period of time over multiple days and not an isolated incident.
5. Animals at Large – People owning, harboring or keeping animals, including, but not limited to, farm animals, chickens, other fowl, or household pets, shall keep said animals or fowl contained on their property and not allow the animals to roam onto public roads or right-of-way or onto other private or public property without permission.

Section 4. Nuisance Violations.

1. Illegal Burning – any burning that constitutes violation, as pursuant to Ordinance No. 2006-02.

2. Building Numbering – A failure to comply with the requirements for the numbering of residences and businesses within the Township.
3. Streets, sidewalks or other public places-
 - A. All obstructions caused or permitted on any sidewalk or street to the danger or annoyance of the public, and all snow, stones, rubbish, grass, filth, dirt, slops, vegetable matter or other article thrown or placed by any person on or in any sidewalk, street or other public place which in any way may cause injury to the public.
 - B. Placing a vehicle or other obstruction on or along any street of the Township so as to interfere with vehicular or pedestrian traffic, unless it should be necessary to place or drive the vehicle in such position to load or unload materials, furniture or merchandise and then such vehicle shall only be permitted to remain for such lengths of time as is necessary to load or unload the same.

Section 5. Authority of Issuance of a Notice of Violation. Upon finding a violation of the Provisions of Sections 2, 3, or 4 of this Ordinance, any Officer of the Franklin Township Police Department may issue a Notice of Violation to the owner and/or occupant of the property at issue, or to the individual known to have violated this Ordinance.

Section 6. Authority of Issuance of a Violation Ticket. Upon finding a violation of the provisions of Sections 2, 3, or 4 of this Ordinance, any Officer of the Franklin Township Police Department may issue a Violation Ticket to the owner and /or occupant of the property at issue, or to the individual known to have violated this Ordinance. It is not necessary for any Officer of the Franklin Township Police Department to issue a Notice of Violation prior to issuing a Violation Ticket.

Section 7. Enforcement. A Notice of Violation or Violation Ticket shall be served upon the violator by handing said ticket to the violator at the person's residence or place of business or by serving an adult member of the household or other person in charge of the residence, or by leaving it affixed to the property where the violation exists, including, but not limited to, on a vehicle that is in violation of this ordinance.

Section 8. Fines and Penalties. For the first offense where a Violation Ticket is issued for a violation of this Ordinance, within a twelve (12) month period, the Violation Tickets shall be issued in the amount of Twenty-Five (\$25.00) Dollars. For the second offense of a violation of this Ordinance within a twelve (12) month period, the Violation Tickets shall be issued in the amount of Fifty (\$50.00) Dollars. For the third or more offenses of a violation of this Ordinance within a twelve (12) month period, Violation Tickets shall be issued in the amount of One Hundred (\$100.00) Dollars. Each calendar day that a violation continues shall constitute a new offense for which a separate Violation Ticket can be issued.

Section 9. Hearing & Appeals Process. Any person who receives a Violation Ticket has within ten (10) days of receipt to admit the violation, waive a hearing and/or pay the fine in full

satisfaction. Failure of a person to make payment of fines or requests a hearing within twenty (20) days of a Violation Ticket shall make the person subject to a citation before the Magisterial District Judge.

Section 10. Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 11. Severability. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of the Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions not been included therein.

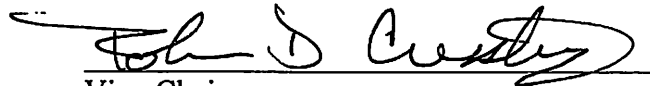
Section 12. Effective Date. This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, this 16th day of February, 2016.

**BOARD OF SUPERVISORS OF
FRANKLIN TOWNSHIP**



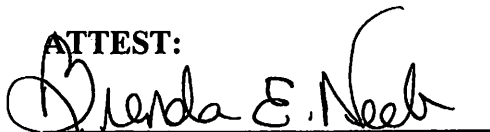
Chairman



Vice-Chairman

Member

ATTEST:



Secretary