

FRANKLIN TOWNSHIP, PENNSYLVANIA ORDINANCE NO. 101

AN ORDINANCE OF FRANKLIN TOWNSHIP, PENNSYLVANIA, ADOPTING A COMPREHENSIVE PROPERTY MAINTENANCE ORDINANCE

WHEREAS, the Franklin Township Board of Supervisors has the power to protect the health, safety, and welfare of the people and property in the Township; and

WHEREAS, the Township Planning Commission has considered the adoption of an Ordinance establishing property maintenance regulations for properties situated in the Township; and

WHEREAS, the Township Planning Commission has recommended to the Board of Supervisors that the regulations established by this Ordinance be enacted,

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Franklin Township Board of Supervisors that:

Section I: Purpose — The purpose of this Ordinance is to promote and provide for the health, safety, and welfare of all the residents of Franklin Township; to preserve property values for property owners in the Township; to secure the reasonable and lawful use and enjoyment of all properties for those owners and/or their tenants; and to correct existing blight within the Township.

Section II: Definitions – including any not listed below but as found in the current version of the Merriam Webster Dictionary.

Agriculture or Agricultural Purpose – The enterprise, operation, or business of cultivating soil and producing crops but not including the transportation of goods, materials, or products onto a property for further processing and/or production, even if any of those transported goods, materials, or products are otherwise agricultural goods, materials, products, or by-products.

Blight or Blighted Property – Includes any of the following:

- A premises:
 - ascertained to be a public nuisance due to physical condition or use and regarded as such at common law and deemed to be a danger to public health, safety, and welfare or public nuisance as regulated by this Ordinance or by the Commonwealth's act of November 10, 1999 (P.L.491, No. 45), known as the Pennsylvania Construction Code Act; or
 - the condition of which contains an attractive nuisance created by physical condition, use or occupancy, including abandoned water wells, shafts, basements, excavations, and unsafe fences or other structures, or which contains an unauthorized entry, unsafe equipment or other safety risk.
- A dwelling that has been condemned or otherwise deemed unfit for occupancy or use by the Code Enforcement Officer due to dilapidated, unsanitary, unsafe, or vermin-infested condition or that is lacking in the facilities and equipment as required by the Pennsylvania Construction Code Act.

- A structure determined, by the Code Enforcement Officer or the Chief of any volunteer fire company providing services with the township, to be a fire hazard or otherwise that could easily catch fire or cause a fire and endanger public health, safety, and welfare.
- A vacant or unimproved lot or parcel of ground located in a predominantly developed neighborhood that has become a place for the accumulation of trash and debris or a haven for rodents and other vermin by reason of neglect or lack of maintenance.
- A property that is vacant and has not been rehabilitated within one year from receipt of notice for corrective action as issued by the Code Enforcement Officer except a property where a valid construction permit is in place.

Calendar Day – A period of twenty-four hours measured from midnight to midnight of any day.

Bulk Waste – All waste materials too large for collection in ordinary containers or subject to Commonwealth of Pennsylvania or Pennsylvania Department of Environmental Protection regulations regarding disposal. Includes but is not limited to:

- furniture
- appliances
- carpeting
- children’s toys
- vehicle parts or tires
- televisions or electronic waste
- hazardous waste materials or
- construction waste, including but not limited to drywall, cement block, excess wood.

Garage Sale or Yard Sale – Any display and/or sale of tangible property regardless of size or amounts of property for sale, for the purpose of transferring ownership of tangible personal property. This definition does not include legally permitted and legally operating zoning uses, such as a Storage Yard, which allow certain displays and sales.

Mechanical Equipment - Any apparatus designed to operate by an internal combustion engine or designed to be towed by an apparatus propelled by an internal combustion engine with the exception of automobiles that are not junk vehicles.

Mobile Home Park or Manufactured Home Park – As defined in the Franklin Township Zoning Ordinance with mobile home and manufactured home being used interchangeably.

Noise – Any sound which can be heard from the property line of the property from which the noise emanates and which:

- annoys or disturbs humans or
- causes or tends to cause an adverse psychological or physiological effect on humans or
- injures or endangers the comfort, health, safety, or peace of others.

Person - Every natural person, partnership, institution, cooperative enterprise, association, corporation, or legal entity. This definition includes any member or officer of any of the aforementioned persons all of whom are jointly and severally liable for abating any violations of this Ordinance. This definition also includes any occupant of a structure in Franklin Township, whether owner or tenant, and in all cases includes the property owner. Both owner and tenant are jointly and severally liable for preventing and abating any violations of this Ordinance.

Public View – Able to be observed within a person’s normal visual range from any location exterior to the property.

Recreational Vehicle – As defined in the Franklin Township Zoning Ordinance.

Trash – Combustible and noncombustible waste materials including:

- paper,
- rags,
- boxes or cartons,
- wood or lumber,
- excelsior,
- rubber,
- leather,
- tree branches and mulch from tree cutting or trimming,
- yard trimmings,
- leaves,
- cans,
- metals,
- mineral matter,
- glass,
- crockery,
- plastics,
- all putrescible waste, including but not limited to animal or vegetable matter or waste,
- any personal property of any kind which is no longer useable for the purpose for which it was manufactured, or
- any material which may be deleterious to public health or increase the risk of fire or which emits or gives off offensive or noxious odors.

Township – Franklin Township in Butler County, Pennsylvania

Vehicle - Any vehicle, equipment, machinery, trailer, semi-trailer, or implement with a Vehicle Identification Number (VIN) or with a title or any vehicle, equipment, machinery, or implement required by the Pennsylvania Department of Transportation to be registered.

Vehicle, Junk or Junk Vehicle - Any vehicle, excluding agricultural equipment, agricultural implements and Township-owned equipment or vehicles, but including any vehicle being offered for sale, that is:

- not in full and complete working order or
- lacking current vehicle registration or
- lacking current inspection sticker or

- lacking current vehicle license plate or
- wrecked or dismantled or disabled or
- without an appropriate and working muffler and exhaust system if the vehicle was manufactured with a muffler or exhaust system or
- stored for resale as junk metal or
- stored for selling for parts.

Section III: Storing Junk Vehicles

It shall be unlawful to store, outside of a legally permitted and legally constructed structure, any abandoned or junk vehicle on private or public property within the geographic boundaries of any zoning district, regardless of any permitted use (other than a permitted salvage/junk yard), of the Township for any portion of a calendar day. The storage of any vehicle as herein prohibited for more than one calendar day shall constitute a separate and distinct unlawful act for any portion of each calendar day.

Section IV: Accumulating Trash or Bulk Waste

With the exception of compostable materials stored for processing in a compost bin, it shall be unlawful to store any residential or commercial trash or bulk waste outside on private or public property within the geographic boundaries of the Township unless it is stored in commercially produced containers, labeled for such collection, pending regular and prompt disposal. No trash, bulk waste, or indoor furniture shall be exposed to the weather by placement on porches, balconies, decks, patios, roofs, yards, driveways, or walkways.

It shall be the duty of every person owning property in the Township to ensure the sanitary, regular, and legal disposal of all trash and bulk waste and hazardous materials in accordance with this Ordinance and all other Township, state, and federal laws and regulations.

With the exception of Franklin Township as related to performing Township operations and functions, it shall be the duty of every person in the Township to ensure that all exterior property and exterior premises shall be free from any accumulation of trash or bulk waste.

Section V: Hauling Trash or Bulk Waste

No person shall haul or transport trash or bulk waste from any property, whether within or outside of Franklin Township’s geographic boundaries, onto or into any other property in the Township for any purpose including burning, storage, disposal, or any other type of disposition of any kind unless conducted by a company whose sole business purpose is such disposition and who the state Department of Environmental Protection has authorized and permitted the exact business and business practices of that company.

Section VI: Noise

No activity may transmit noise, as measured at the property line, in excess of levels established below unless otherwise permitted in the Franklin Township Zoning Ordinance:

Within the following Zoning District	Anytime
A-R, R-1	60 dBA
C-1	60 dBA
I	60 dBA

Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standard shall govern.

The following uses or activities shall be exempted from the above noise regulations:

- Township employees, other government employees, and fire or ambulance personnel in the exercise of their official responsibilities
- customary and usual farming activities
- construction or maintenance activities between 7:00 a.m. and 9:00 p.m.
- public recreational uses between 7:00 a.m. and 11:00 p.m.
- normal utility and public works activities between 7:00 a.m. and 9:00 p.m.
- emergency utility and public works operations at any time.

Section VII: Buffer Yards Required for Agricultural Uses

As defined in this Ordinance, all agriculture operations shall respect a no plow, no seed, no till, no harvest buffer yard of four (4) feet, measured in horizontal distance, from the farthest outside edge of any berm of any township street or road and/or any stream or waterway in all seasons. Property owners are responsible for any tenant’s or lessee’s compliance with this regulation. All agricultural uses shall have a Butler County Conservation Bureau-approved or United States Department of Agriculture National Resources Conservation Service-approved Agriculture Erosion and Sedimentation Plan. Franklin Township officials may review at any time the aforementioned plan for any agricultural use. Failure to produce such a plan within forty-eight (48) hours of a request by a Franklin Township official shall be considered a violation of this Ordinance.

Section VIII: Streets to be Kept Clear

It shall be a violation of this Ordinance to wash, track, or otherwise deposit dirt, mud, soil, stone, grass trimmings, snow, or debris upon or onto the pavement of any township road or street, without removing the material before 7:00 p.m. of the day on which the material was deposited.

Section IX: Mobile or Manufactured Home Park Maintenance and Performance Standards

A. Applicability.

This Ordinance and this section apply to all existing, proposed, and future mobile home parks or manufactured home parks. Both the property owner, the person operating the business or property, and the person managing a mobile home or manufactured home park are responsible for meeting and for providing and for maintaining all the performance standards of this Ordinance and this section. Additionally, all sections of this Ordinance shall apply to and shall regulate all existing, proposed, and future mobile or manufactured home parks within the Township immediately upon the effective date of this Ordinance.

B. Utilities.

Mobile home or manufactured home park owners, operators, and managers shall provide, maintain, and secure access to all utilities necessary for the health, safety, and welfare of all their park residents and tenants, definitely including but not limited to sewage disposal, potable water, electricity, and heating fuel(s).

C. Streets and Roads.

Mobile home or manufactured home park owners, operators, and managers shall provide, maintain, and secure all street lighting, streets, road bases, and road surfaces of any type within the park so that all streets and roads within the park are safe, clean, and passable by pedestrians and vehicles at all seasons of the year and in all weather conditions. Failure to maintain all street lighting, streets, roads, sidewalks, and any other associated surfaces and structures within the park to an appropriate level of safety, cleanliness, and passability as determined by the Township Road Foreman or Township Engineer shall be considered a violation of this Ordinance. The Township Road Foreman and Township Engineer shall consider in their decisions the needs of the Slippery Rock Area School District within which the park is located and the needs of the local fire department(s) and ambulance services which service the park.

D. Trash and Bulk Waste Hauling.

Mobile home or manufactured home park owners, operators, and managers shall provide, maintain, and secure, by contract, services from a Pennsylvania Department of Environmental Protection-licensed trash, bulk waste, and recycling hauler. The park owners, operators, and managers shall provide, maintain, and secure appropriate and correctly sized trash and recycling containers for use by the residents, tenants, and hauler.

E. Delivery and Service.

Mobile home or manufactured home park owners, operators, and managers shall provide, maintain, and secure approved containers and access to those containers so that the United States Postal Service, other recognized national delivery services—such as United Parcel Service, FedEx, DHL, and Amazon--and any emergency services personnel or vehicles can provide their services without interruption to park residents and tenants.

Section X: Recreational Vehicles Not for Use as Residences

A. Except within certain Mobile Home or Manufactured Home Parks.

No recreational vehicle shall be used as a permanent dwelling unit or residence in Franklin Township unless it is located in a currently operated, legally permitted, and Township-recognized mobile home or manufactured home park which complies in all ways with the provisions of this Ordinance.

B. Temporary Use.

A recreational vehicle may be used as a temporary dwelling unit for no more than fourteen (14) calendar days if the recreational vehicle contains provision for and only uses its own self-contained sewage, utility, and water facilities and supplies. A recreational vehicle used as a temporary dwelling unit must be parked twenty (20) feet off any rights of way.

Section XI: Mechanical Equipment not to be Stored on Residentially-used Property

No more than five (5) pieces of mechanical equipment of any type shall be stored in public view on residentially-used property in the A-R Agriculture-Residential or the R-1 Rural Residential zoning districts; however, this Section does not apply to mechanical equipment specifically manufactured for and in use for a legally permitted agricultural purpose.

Section XII: Garage Sales or Yard Sales Limited

In all zoning districts and for all uses, garage sales and yard sales shall not be conducted on the same parcel more than three (3) times in a calendar year nor shall they be conducted for longer than any consecutive three (3) calendar day period.

Section XIII: Blighted and Abandoned Property

A. Prohibition against creation or maintenance of blight.

No person shall cause or allow blighted premises or structures to be created or maintained in the Township.

B. Responsibility for compliance.

The owner of premises subject to this section shall be obligated to comply with the provisions of this section. In the event that the relevant lot, building, structure, or portion of a building or structure is known by the Code Enforcement Official to be occupied by or under the legal control or possession of a person other than the owner, the Code Enforcement Official may direct similar notices and orders to any such person whom they may reasonably believe to be fully or partially responsible for creating or maintaining the blighted condition. Each person receiving such notices or orders shall be deemed to be jointly and severally liable for correcting the blighted or unsafe conditions.

Section XIV: Code Enforcement Official

A. Appointment.

The Franklin Township Board of Supervisors shall annually authorize a Township official to function as the Township Code Enforcement Official. The Code Enforcement Official shall have all authority and power necessary to enforce this Ordinance. Any suit instituted against any Township officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Ordinance shall be defended by the legal representative of Franklin Township until the final termination of the proceedings. The Code Enforcement Officer or any colleague or subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this chapter and any officer of Franklin Township, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

B. Duties and powers of Code Enforcement Official.

1. General.

The Code Enforcement Official shall enforce the provisions of this chapter if a written complaint is received by the township.

2. Inspections.

The Code Enforcement Official shall make all of the required inspections or shall accept reports of inspection by township-approved agencies or township-employed individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

3. Right of entry.

The Code Enforcement Official is authorized to enter any premises at reasonable times to inspect when violations are suspected or reported. If entry is refused or not obtained, the Code Enforcement Official is authorized to pursue recourse as provided by law.

4. Identification.

The Code Enforcement Official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

5. Notices and orders.

The Code Enforcement Official shall issue all necessary notices or orders to ensure compliance with this chapter.

6. Township records.

The Code Enforcement Official shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records of Franklin Township as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

Section XV: Enforcement, Violations, and Penalties

A. Notice of Violation.

A violator of this Ordinance shall be given a Notice of Violation stating the Section(s) of this Ordinance in violation and the factual basis and/or condition causing such violation and be given thirty (30) days to cure said violation. Each calendar day the factual basis and/or condition causing such violation continues following the expiration of 30-day cure period shall be considered a separate offense. A non-traffic citation shall be issued by the Code Enforcement Officer for any inadequate response to a Notice of Violation. At the discretion of the Franklin Township Board of Supervisors, the Township may, at any time after a violation is noted and not cured, take any and all steps necessary to cure any violation of this Ordinance using Township employees and funds to do so.

B. Enforcement.

Any person, firm, or corporation who shall violate any provision of this Ordinance, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before the magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs--including reasonable attorney fees incurred by the Township--and to imprisonment to the extent permitted by

law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and for each section of the Ordinance found to have been violated. The Township may also commence appropriate actions in equity, at law or otherwise to prevent, restrain, correct, enjoin, or abate violations of this Ordinance. All fines and penalties collected for violation of this Ordinance shall be paid to the Township Treasurer.

C. Lien

Any action taken by the Township in the prosecution of a violation of this Ordinance and any costs incurred by the Township related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.

SECTION XVI: This Ordinance shall take effect immediately upon its adoption.

DULY ENACTED AND ORDAINED this ____ day of _____, 2021, by the Board of Supervisors in public session duly assembled.

ATTEST:

TOWNSHIP OF FRANKLIN

Shauna Holt Percy, Secretary

Herman W. Bauer, Jr.
Chair, Board of Supervisors

Janet Gray
Vice Chair, Board of Supervisors

Robert J. Thompson, Supervisor