

**North Franklin Township,
Washington County**

ORDINANCE NO. 5

AN ORDINANCE OF THE TOWNSHIP OF NORTH FRANKLIN, WASHINGTON COUNTY, PENNSYLVANIA, ESTABLISHING ADDITIONAL REQUIREMENTS AND REGULATIONS FOR PROPERTY MAINTENANCE THAT DIRECTLY IMPACTS THE QUALITY OF LIFE IN THE TOWNSHIP; AND PROVIDING PROCEDURES FOR ENFORCEMENT, REMEDIES AND/OR PENALTIES FOR VIOLATIONS OF SAID REGULATIONS TO IMPROVE THE QUALITY OF LIFE WITHIN NORTH FRANKLIN TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA.

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township of North Franklin (the “Township”) to regulate various conduct in the Township; and

WHEREAS, from time to time, the Board has enacted Ordinances to regulate various activities that could be deemed to be nuisances in the Township; and

WHEREAS, the Board desires to enact an Ordinance to supplement the previous Ordinances and to provide requirements and regulations for property maintenance to further improve the quality of life of the Township’s residents; and

NOW THEREFORE, the Board hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. TITLE

This Ordinance shall be known as the North Franklin Township Quality of Life Improvement Ordinance.

SECTION 2. PURPOSE

The Township continues to enact rules and regulations concerning the maintenance of properties in the Township. The purpose of this Ordinance is to promote the health, safety and general welfare of the Township by helping to create a clean environment that will improve the quality of life for Township residents.

SECTION 3. DEFINITIONS

The following words, terms, and phrases, when used in this Part, shall be defined as follows, unless context clearly indicates otherwise:

AUTHORIZED LITTER RECEPTACLE - is a litter collection receptacle which is placed on the public right-of-way or on public property by the Township for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.

CHARITABLE SOLICITATION ACT - The Solicitation of Funds for Charitable Purposes Act enacted by the Commonwealth of Pennsylvania, 10 P.S. §162.1 et seq., as such act may be amended from time to time.

COMMERCIAL COVENTURER - Has the meaning set forth in the Charitable Solicitation Act.

DEBRIS - any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked, or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

DUMPING - includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products, and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by law.

GARBAGE - the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HAZARDOUS WASTE - any waste material or a combination of solid, liquid, semisolid, 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.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE (HHW) - waste which would be chemically or physically classified as a hazardous waste, but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive, or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints, and acids.

INDOOR FURNITURE - any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

JUNKED VEHICLE – see Chapter 389 of the Township Code. See also "motor vehicle nuisance."

LITTER - includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited, or disposed.

LOCAL RESPONSIBLE AGENT - any person residing or working within the County of Washington designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

MOBILE VENDOR - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the Township that does not typically remain stationary for more than approximately 10 minutes each hour.

MOTOR VEHICLE NUISANCE - a motor vehicle with one or more of the following defects:

- (1) Broken windshields, mirrors, or other glass, with sharp edges.
- (2) Broken headlamps, tail lamps, bumpers, or grills with sharp edges.
- (3) Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
- (4) Protruding sharp objects from the chassis.
- (5) Missing doors, windows, hood, trunks, or other body parts that could permit animal harborage.
- (6) One or more open tires or tubes which could permit animal harborage.
- (7) Any vehicle suspended by blocks, jacks, or other such materials in a location which may pose a danger to the public, property owners, visitors, or residents of the property on which said vehicle is found.
- (8) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.
- (9) Disassembled body or chassis parts stored in on or about the vehicle.
- (10) Vehicles that do not display a current valid license and registration.

(11) Such other defects which the Fire Department or Code Enforcement Officer determines to be a danger to the general public or property.

(12) Motor vehicles parked, drifted, or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

MUNICIPAL WASTE - any garbage, refuse, industrial, lunchroom, or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

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 time frame 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, or causes a blighting effect in Township neighborhoods. See also: Chapter 268 of the Township Code. See also "public nuisance."

PERSON – Any individual, organization, corporation, association, partnership, trust, foundation or other entity, however styled, including but not limited to charitable organizations, business organizations, Commercial Coventurers, Professional Fundraising Counsel, Professional Solicitors, and volunteer fundraisers and solicitors.

PLANTER STRIP - the non-concrete space in the sidewalk area filled with dirt and/or grass.

PRIVATE PROPERTY - any land and the improvements thereon owned by any person and includes front, side, and rear yards; vacant lots, buildings, and other structural improvements; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial, or commercial purposes, whether inhabited, temporary, continuously uninhabited, or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging to or appurtenant to such dwelling, house, building, or other structure.

PROFESSIONAL FUNDRAISING COUNSEL – Has the meaning set forth in the Charitable Solicitation Act.

PROFESSIONAL SOLICITOR – Has the meaning set forth in the Charitable Solicitation Act.

PUBLIC OFFICER - any police officer, authorized inspector, or public official designated by the Township to enforce the Township ordinances.

PUBLIC NUISANCE - any conditions or premises which are unsafe or unsanitary.

PUBLIC RIGHT-OF-WAY - the total width of any land used, reserved, or dedicated as a street, alley, driveway, sidewalk, or utility easement, including curb and gutter areas.

RECYCLABLE MATERIAL - material which would otherwise become municipal waste, which can be collected, separated, or processed, and returned to the economic main-stream in the form of raw materials or products. These materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires, and large auto parts.

RESIDUAL WASTE - any discarded material or other waste including solid, semisolid, or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

RUBBISH - combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

SHADE TREE - unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

SIDEWALK AREA - the public right-of-way between the property line and the curb line or the established edge of the roadway.

SOLICITATION – Acts of individual Solicitors on behalf of a particular Person.

SOLICITOR – A Person who Solicits. (This shall not include the Township's Attorney, also referred to as Solicitor).

SOLICITING ORGANIZATION – The Person on whose behalf Solicitors are acting.

SOLID WASTE - any waste including, but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials.

STATE PERMIT – A permit issued by the Bureau of Charitable Organizations of the Department of State, pursuant to the terms of the Charitable Solicitation Act.

STORAGE - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of three (3) months constitutes disposal.

TREE WELL - the non-concrete area surrounding a shade tree planted in a sidewalk area.

VEGETATION - any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET - a form issued by a police officer or public officer to a person who violates a provision of this Part. The violation ticket is an offer by the Township of North Franklin extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WEEDS – see Chapter _____ of the Township Code.

YARD - an open space on the same lot with a structure.

SECTION 4. QUALITY OF LIFE VIOLATIONS

1. Storage or keeping of a Nuisance Vehicle. It shall be unlawful to keep or store a vehicle recognized under this chapter as a “MOTOR VEHICLE NUISANCE.” A “MOTOR VEHICLE NUISANCE” must be stored inside a fully enclosed building designed for the storage of a vehicle(s).

2. Brush, Grass and Weeds. It shall be unlawful for any person, firm, corporation or entity owning, occupying or having any legal interest in any real estate in the Township located in districts which is located within 50 feet of any dwelling house or occupied structure, to permit grass, weeds or similar vegetation, not generally considered edible nor planted for some useful or ornamental purpose, to grow to a height in excess of six inches and to remain on the premises in such condition. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township.

3. Storing of Junk, Debris, Hazardous Materials, Appliances, and Unsanitary Conditions. It shall be unlawful for any person, business or entity to store Domestic or Household Waste, Garbage, Hazardous Waste, Municipal Waste, Rubbish, or Solid Waste on any improved or unimproved public or private property in the Township. Any and all Appliances are required to have doors, hatches, or compartment lids and any and all lock mechanisms removed or disabled prior to being placed outside of any structure.

4. Permits Not Displayed. It shall be unlawful to perform any construction work to a new or existing structure without issuance of required permitting, and the conspicuous posting of permitting.

5. Parking. It shall be unlawful to park or cause or permit to be parked on any public street or roadway (including within the entire public right of way) any motor vehicle or other object (other than law enforcement, emergency services or snow removal vehicles parked in connection with the conduct of the duties and responsibilities of the drivers thereof) in a manner to obstruct the regular and safe flow of traffic and/or within the twelve hour period immediately following a snowfall event, unless the street or road in question has sooner been cleared of snow as set forth in Township Ordinance ____ of 2019.

6. Zoning Infraction / Use not permitted. Any use in a zoning district that is not “permitted” as identified in the Township Zoning Ordinance. This includes but is not limited to land use, the keeping of non-permitted animals, or permitted item or structure obviously encroaching in the required yard setbacks at the discretion of any Township Official or appointed officer.

SECTION 5. ENFORCEMENT AND VIOLATIONS

- 1. Enforcement.** The provisions of this Part shall be enforced by the Township Code Enforcement, or any other public officer authorized to enforce ordinances.
- 2. Warnings.** Any property where a violation is found shall be posted by the Township, unless said violation does not warrant a warning as per section 4 of this Ordinance. Warnings shall be posted conspicuously on the violating property. The notice may be hung on a door of a structure, posted on or near the violation, or mounted on a stake and placed on the property.
- 3. Citations.** A citation will be left or mailed to the violating property following the method prescribed herein.
- 4. Violations.** Any violation of the provisions of this Part may be cause for a citation, a violation ticket following a prescribed five (5) day compliance following the posting of a notice of violation / warning at the site of the violation. Some sections may not have a prescribed warning time and will be so noted.
- 5. Separate Offense.** Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.
- 6. Abatement of Violations** – Any person or business who receives a quality-of-life ticket shall have five (5) days to remediate said violation(s). Following this five (5) day remediation period, a second quality-of-life ticket shall be issued. Any person or business who receives a second quality-of-life ticket shall have five (5) days to remediate said violation(s). Following this five (5) day remediation period, a third and final quality-of-life ticket shall be issued. Should the violation remain un-remediated, a citation is to be filed with the Magisterial District Judge.
- 7. Township Abatement.** The Township reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the Quality of Life Citation. Should the violation at the discretion of the Code Enforcement Officer and/or his or her designee present imminent danger and/or pose a health hazard and/or risk, the Township reserves the right to perform the abatement immediately. The Township will perform this work at a rate as set forth in the Township’s Schedule of Fees plus materials and forward the cost for the abatement. The Township reserves the right to charge an additional twenty percent

(20%) on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

SECTION 6. APPEALS

A. Administrative Appeal

1. A person in receipt of a violation ticket may appeal to the Township Board of Supervisors by filing an appeal in writing within 72 hours of date of the violation citation.

2. In order for an appeal to be deemed valid, the following must be performed by the alleged violator requesting the appeal within 72 hours *of the date that the Quality of Life Citation was issued*:

(a) All paperwork including the appropriate appeal form, for the appeal must be submitted and complete.

(b) Payment of the fine must be *paid* in full which will be refunded within thirty (30) calendar days should the alleged violator win their appeal.

3. The appeal will be reviewed by the Township Board of Supervisors or its designee. The Board or its designee may uphold the appeal, deny the appeal, or may modify the violation citation and/or any associated costs, fines or penalty amounts as deemed appropriate.

B. Subsequent Appeals

1. Any subsequent appeal shall be with the local Magistrate's office

SECTION 7. FINES AND PENALTIES

A. Citation Fines

1. For the first of a violation of this Ordinance within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-Five Dollars (\$25) or an amount established by the Board by resolution from time to time.

2. For the second offense of a violation of this Ordinance within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50) or an amount established by the Board by resolution from time to time.

3. For the third and subsequent offense of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of One Hundred and Fifty Dollars (\$150) or an amount established by the Board by resolution from time to time.

B. Additional Costs

1. If the person in receipt of a violation citation does not remedy the violation within 48 hours, pay the corresponding fine or request a hearing the appeal period, the person will be subject to a ten (\$10) dollar penalty for every ten (10) days they fail to pay the accrued balance.

2. If violations are deemed to be continuous or egregious, the code enforcement officer has right to issue a nuisance citation under the Township Code and/or International Property Maintenance Code.

C. Additional Fines and Remedies.

1. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay to pay a fine of not less than One Hundred (\$100) Dollars, not more than One Thousand (\$1,000) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

2. Nonexclusive Remedies. The penalty and collection provisions of this Section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to North Franklin Township as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Township in the case of a violation of any other North Franklin Township or Codified Ordinance, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

3. Solicitation Violations may also result in the revocation of the violator's Solicitation Permit.

SECTION 8. AGRICULTURAL ZONE

Nothing in this ordinance is intended nor shall conflict with any protections provided properties engaged in active farming operations.

SECTION 9. REPEALER AND OTHER PUBLIC NUISANCES

This Ordinance is a supplement to existing ordinances regulating behavior that may be classified as a public nuisance. This ordinance does not directly repeal any prior enacted ordinances; however, it repeals sections of enacted ordinances that directly conflict with sections of this ordinance.


SECTION 10. SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

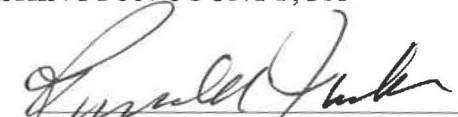
ENACTED this 8 day of OCT, 2019, by the Board of Supervisors of the Township of North Franklin, Washington County, Pennsylvania; and shall become effective five (5) days after enactment.

ATTEST:

TOWNSHIP OF NORTH FRANKLIN
WASHINGTON COUNTY, PA


Secretary/Treasurer

(SEAL)

By: 
Chairman

By: 

By: 