

Code of Ordinances of the Township of Franklin

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Code of Ordinances
of the
Township of Franklin
Chester County, Pennsylvania

Published by Authority of the Township

Adopted by *Ord. 2009-05*, 8/19/2009

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Officials
of the
Township of Franklin
County of
Chester, Pennsylvania

ELECTED OFFICIALS

Board of Supervisors

Chairman	-	Richard W. Whipple
Vice-Chairman	-	Nancy A. Latimer
	-	Norman Hughes
	-	Paul Overton
	-	Eric Brindle
Tax Collector	-	Marcie Lee
Auditors	-	Fred Scheing
	-	Carol Daly
	-	Michael Korsak

APPOINTED OFFICIALS

Assistant Manager	-	Jeffrey Eastburn
Secretary	-	Sharon Norris
Treasurer	-	Joan McVaugh
Codes Officer	-	Duane Brady
Solicitor	-	Lamb McErlane
Engineer	-	John Theisan, LTL Consultants, Ltd.
Sanitary Engineer	-	Stan Corbett
Tax Collector	-	Berkheimer Tax Administrator

FOREWORD

History

This comprises the codification of the ordinances of the Township of Franklin. The Township of Franklin was formed in 1852, from the southeast part of New London Township.

The Code of Ordinances of the Township of Franklin was prepared by Keystate Publishers, Inc., and adopted by the Township of Franklin Board of Supervisors on August 19, 2009, by *Ord. 2009-05*.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Township of Franklin contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Table to the disposition of each ordinance ever enacted by the Township of Franklin, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if known.

The Table to Disposition indicates what action has been taken by the Township of Franklin Board of Supervisors with regard to every ordinance ever enacted. An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Table to Disposition. The Table to Disposition is a cross reference to the original ordinance books of the Township of Franklin, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 2009-05

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF FRANKLIN, CHESTER COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Township of Franklin hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Township of Franklin," as prepared and published for the said Township of Franklin, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township of Franklin. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Township of Franklin organized as follows:

TABLE OF CONTENTS

Chapter 1 Administration and Government
Chapter 2 Animals
Chapter 3 [Reserved]
Chapter 4 Buildings
Chapter 5 Code Enforcement
Chapter 6 [Reserved]
Chapter 7 Emergency Management
Chapter 8 [Reserved]
Chapter 9 [Reserved]
Chapter 10 Health and Safety
Chapter 11 Historic District
Chapter 12 [Reserved]
Chapter 13 Licenses, Permits and General Business Regulations
Chapter 14 [Reserved]
Chapter 15 Motor Vehicles and Traffic
Chapter 16 Parks and Recreation
Chapter 17 [Reserved]
Chapter 18 Sewers and Sewage Disposal
Chapter 19 Stormwater Management
Chapter 20 Solid Waste
Chapter 21 Streets and Sidewalks
Chapter 22 Subdivision and Land Development
Chapter 23 [Reserved]
Chapter 24 Taxation; Special
Chapter 25 Transportation Impact Fee
Chapter 26 Water
Chapter 27 Zoning

APPENDIX:

- A. Adjustments to Township Boundaries
- B Debt and Bond Issues
- C Franchises and Services
- D Governmental and Intergovernmental Affairs
- E Plan Approval
- F Public Property
- G Sewers
- H Streets and Sidewalks
- I Water
- J Zoning; Prior Ordinances
- K Agricultural Security Area

Table to Disposition of All Ordinances

Table to Disposition of Significant Resolutions

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township of Franklin shall be authoritative.

Section 2. Citation and Effective Date. The codification referred to in Section 1 of this ordinance shall be known and cited officially as the "Township of Franklin Code of Ordinances," and all future ordinances shall make reference thereto. This ordinance shall become effective 5 days from the date of enactment.

Section 3. Saving Clause. The provisions of the Township of Franklin Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of the Township of Franklin Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation and Revision. As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. *Consolidations.*

Section	Subject	Ordinance No., Section
15, Entire Chapter	Motor Vehicles and Traffic	506B, 86-02, Res. 86-04, 88-07, Res. 89-08, Res. 89-09

B. *Revisions.*

Section	Subject	Ordinance No., Section
	[Reserved]	

Section 5. New Enactments, Amendments and Repeals. As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. *New Enactments.*

Section	Subject
§§1-101–1-111	Preliminary Provisions
§§1-401–1-406	Fire Loss Insurance Proceeds Escrow
15, Entire Chapter	Motor Vehicles and Traffic

B. *Amendments.*

Section	Subject	Ordinance No., Section
§1-301	Creation of Office	94-04, §1
§1-302	Powers and Duties	94-04, §2
§2-104	Enforcement and Penalties	2000-01, §4
§4-106	Display of Numbers	97-01, §6
§4-108	Violations and Penalties	97-01, §8
§5-102	Violations and Penalties	2004-06, §2
§10-105	Violation and Penalty	91-02, §5
§10-106	Cost of Removal	91-02, §6
§11-903	Penalty	2003-06, §902
§16-106	Violations and Penalties	2001-03, §VI
§18-112	Appeals	2002-14, §XII
§18-113	Penalties	2002-14, §XIII
§19-404	Stormwater Detention/Retention Facilities Design Requirements	2005-03, §404
§19-904	Penalties	2005-03, §904
§20-103	Collection and Disposal	89-08B, §3
§20-105	Penalties	89-08B, §5
§21-136	Violations and Penalties	2004-05, §36
§24-111	Violations and Penalties	2005-01, §9
§26-118	Violations and Penalties	2002-07, §XVIII

C. *Repeals.*

Ordinance/Resolution	Subject
<i>Ord. 87-05</i>	Noxious Weeds and Excessive Growth

Section 6. Procedural Changes. The following minor procedural changes have been made to existing Township of Franklin ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Township Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 7. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby amended [revised] to read as follows..."
- B. Additions - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby amended by the addition of the following..."
- C. Repeal - "Chapter ___, Part ___, Section ___, Subsection ___ is hereby repealed in its entirety."

Section 8. Responsibility for Code of Ordinances. It shall be the responsibility of the Township of Franklin Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Township of Franklin Code of Ordinances and shall be available for public inspection.

Section 9. Penalties. It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Township of Franklin. Whosoever shall violate this Section shall be guilty of an offense under §4911, "Tampering with Public Records or Information," of the Crimes Code, 18 Pa.C.S.A. §4911, and shall be prosecuted under that Section of the law.

Section 10. Severability of Parts of Codification. It is hereby declared to be the intention of the Township of Franklin that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED this 19th day of August, 2009.

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS

/s/ Richard W. Whipple
Richard W. Whipple, Chairman

/s/ Nancy A. Latimer
Nancy A. Latimer, Vice Chairman

/s/ Norman Hughes
Norman Hughes, Member

/s/ Paul Overton
Paul Overton, Member

/s/ Eric Brindle
Eric Brindle, Member

ATTEST:

/s/ Sharon K. Norris
Secretary

