PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the following ordinance may be enacted at a special meeting of the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, to be held on January 29, 2002, at 2:00 P.M. prevailing time, at the Franklin Township Municipal Building, at 900 Fairyland Road, in Franklin Township. The Ordinance is entitled, "AN ORDINANCE PROVIDING FOR THE COLLECTION BY THE TOWNSHIP OF FRANKLIN OF GARBAGE, RUBBISH AND ASHES; DEFINING MEANING OF TERMS AS USED IN THIS ORDINANCE; IMPOSING CERTAIN DUTIES UPON HOUSEHOLDERS AND OTHERS; PROVIDING FOR ENFORCEMENT THEREOF; AND REPEALING FRANKLIN TOWNSHIP ORDINANCE NO. 86-1 AND ANY AND ALL AMENDMENTS THERETO." A summary of the contents of this ordinance are as follows:

SECTION 1. Ordination and enactment.

SECTION 2. Definitions, in which the following terms are defined: "Ashes", "Garbage", "Leaf Waste", "Person", "Refuse", "Rubbish".

SECTION 3. Administration.

SECTION 4. Precollection Practice.

SECTION 5. Collection Practice.

SECTION 6. Recycling.

SECTION 7. Fees.

SECTION 8. Enforcement.

SECTION 9. Severability.

SECTION 10. Repealer.

This Ordinance provides that all refuse accumulated in the Township of Franklin (with certain enumerated exceptions) shall be collected, conveyed and disposed of by the Township. It is substantially a reenactment of Ordinance No. 86-1, as amended, with certain changes, including providing

ORDINANCE NO. 2002-2

AN ORDINANCE PROVIDING FOR THE COLLECTION BY THE TOWNSHIP OF FRANKLIN OF GARBAGE, RUBBISH AND ASHES; DEFINING MEANING OF TERMS AS USED IN THIS ORDINANCE; IMPOSING CERTAIN DUTIES UPON HOUSEHOLDERS AND OTHERS; PROVIDING FOR ENFORCEMENT THEREOF; AND REPEALING FRANKLIN TOWNSHIP ORDINANCE NO. 86-1 AND ANY AND ALL AMENDMENTS THERETO.

SECTION 1. Ordination and enactment. Be it ordained and enacted by the Township Supervisors of the Township of Franklin, in the Board assembled, and it is hereby ordained and enacted by authority of the same, that the Township of Franklin collect garbage, rubbish and ashes from the properties within the limits of said Township as hereafter provided.

SECTION 2. Definitions: The following words when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context indicates otherwise:

"Ashes" means the residue from the burning of wood, coal, coke, and other combustible materials for the purpose of heating and cooking. It shall not include the cinders produced in steam generating plants.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food processing wastes from canneries, packing plants, or similar industries, nor large quantities of condemned food products.

"Leaf Waste" means grass and grass clippings, trees and tree trimmings, brush and brush clippings, and similar materials.

"Person" means a natural person, firm, partnership, association, or corporation, or other entity.

"Refuse" means garbage, ashes and rubbish as herein defined, excluding tires.

"Rubbish" means all waste materials not included in garbage and ashes, except building rubbish from building construction or reconstruction, street refuse, industrial refuse, leaf waste, dead animals, large bulky items, large machinery or vehicles or such other waste materials as are not commonly produced in home, stores, and institutions.

SECTION 3. Administration.

(A) All refuse accumulated in the Township of Franklin shall be collected, conveyed and disposed of by the Township, and the cost of such service shall be paid for as set forth in Section 7 hereof by the person producing refuse, or responsible for the existence or disposal thereof, or for whom such refuse is removed. Except in conjunction with the Township recycling program (see section 6), it shall be unlawful for any person to collect, convey over any of the streets or alleys of the Township, or dispose of, any refuse accumulated in the Township.

(B) The collection and disposal of refuse in the Township of Franklin shall be under the supervision of the Township Supervisors. They shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection and disposal of refuse as they may deem advisable, and to change and modify the same after notice, if required by law, provided that such regulations are not contrary to the provisions hereof.

(C) Ownership of refuse material set out for collection shall remain vested in the owner until collected; the ownership of all material placed at the Township Transfer Station shall be vested in the Township.

(D) Even though the person producing the refuse is a tenant, the refuse is removed for the landlord, and the landlord is responsible for the removal thereof. Therefore, the landlord and the tenant shall be jointly and severally responsible to pay the cost of such service as set forth in Section 7 hereof.

This section shall not apply to a mobile home, which is owned by one party, but is located on a parcel of land owned by another party. In such case, the mobile home owner shall be solely responsible to pay the cost of such service as set forth in Section 7 hereof.

SECTION 4. Precollection Practices.

(A) Preparation of Refuse.

1. All refuse before being placed in garbage cans or bags for collection, shall have drained from it all free liquids and may be wrapped in paper.

2. All refuse shall be drained of liquid before being deposited for collection.

(B) Refuse Containers/Receptacles.

1. Refuse receptacles must be water-tight, and be provided with a tight-fitting cover, or, if bags, tied shut.

2. No person shall use for the reception of garbage any receptacle having a capacity of more than thirty gallons and the total weight of such receptacle and its contents shall not exceed 50 lbs.

3. Refuse receptacles shall be kept as sanitary as possible.

4. Ash receptacles shall be metal and have a capacity of not more than twenty gallons.

5. Refuse receptacles shall be of a suitable kind which can be easily handled by one man.

6. Refuse receptacles shall be provided by the owner, tenant, lessee, or occupant of the premises.

7. Refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this ordinance or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. Failure to comply may result in refusal to collect the refuse, or the removal of the defective receptacle as refuse.

(C) Storing of Refuse.

1. No person shall place any refuse in any street, or upon any alley or public place, or upon any private property whether owned by such person or not, within the Township except it be in proper receptacles for collection or under any express approval granted by the Township Supervisors. No person shall throw or deposit any refuse in any stream or other body of water.

2. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this ordinance shall be deemed a violation of this ordinance.

3. It shall be unlawful for any person, other than the occupants of the premises on which refuse receptacles are stored, or the collector, to remove the covers or any of the contents of refuse receptacles.

(D) Points of Collection.

Refuse receptacles shall be placed for collection not more than 24 hours before the scheduled collection at ground level on the property, not within the right-of-way of a street or alley and accessible to the side of the street or alley from which collection is made. Receptacles may be placed for collection at other areas when approved by the Township Supervisors and an additional payment for the extra service is agreed upon by both parties.

SECTION 5. Collection Practices.

(A) Frequency of Collection.

1. Refuse shall be collected at least once each week.

2. Hotels, restaurants, contractors and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the Township Supervisors may require that more frequent collections be made.

(B) Limitation of Quantity.

1. It is the intent of the ordinance that the reasonable accumulation of refuse of each family, or housekeeping unit, for the collection period will be collected for the standard charge. The Township Supervisors may refuse to collect unreasonable amounts or may make an additional charge for such amounts. Each family or housekeeping unit should have no more than four 30 gallon containers of

refuse per week. Any amount in excess of four 30 gallon containers of refuse per week shall be deemed unreasonable.

2. It is the intent of this ordinance that hotels, restaurants, contractors, and other businesses and institutions shall have their reasonable accumulations of refuse for the collection period collected at a fair charge based upon the average weight and volume. The Township Supervisors may refuse to collect unreasonable amounts or make an additional charge for such amounts.

(C) Special Refuse Problems.

1. Contagious disease refuse.

The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious disease has prevailed should be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collections.

2. Inflammable or explosive refuse.

Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Township Supervisors at the expense of the owner or possessor thereof.

3. Other waste material not included in definition of refuse.

Building rubbish from building construction or reconstruction, street refuse, industrial refuse, leaf waste, dead animals, large bulky items, large machinery or vehicles, tires, or such other waste materials as are not commonly produced in homes, stores and institutions, shall not be placed

for collection by the Township, but shall be disposed of in an appropriate manner by the owner or possessor thereof; except and unless the Township Supervisors provide otherwise by agreement, ordinance or resolution.

SECTION 6. Recycling.

The Township has a voluntary recycling program. Persons desiring to participate in this program must bring and deposit their recyclables in the appropriate bins at designated township recycling centers . The Township Supervisors may establish rules and regulations for the administration and operation of the voluntary recycling program by ordinance or resolution.

SECTION 7. Fees.

(A) The Supervisors of Franklin Township from time to time, may establish by Resolution the rate, including discounts and penalties, to be charged for the collection of refuse, for every person producing refuse, or being responsible for disposal or existence of refuse or for whom refuse is removed, or being the owner of any premises on which refuse is in existence or is produced, and which accumulations require removal.

(B) Any large, bulky items not subject to and under the normal collection procedure and fee schedule, may be disposed of at the Township Transfer Station and will be subject to a fee schedule payable to the Township Transfer Station operator.

SECTION 8. Enforcement.

A. Penalty for Violation.

Any person , whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this ordinance, or of any rules or regulations made by the Board of

Supervisors under the provisions hereof, shall upon conviction thereof, pay a fine of One Thousand ($1,000.00) Dollars and in default of payment of such fine shall be imprisoned in the County Jail for a period of not more than thirty (30) days. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this ordinance (or any ruled or regulation made by the Board of Supervisors under the provisions hereof) which is found to be violated.

B. Public Nuisance.

Any violation of any provision of this ordinance or, any rule or regulation of the Township adopted pursuant to this Ordinance, shall constitute a public nuisance. Any person committing such a violation shall be liable for the cost of abatement of any pollution or any public nuisance caused by such violation.

C. Concurrent Remedies.

The penalties and remedied prescribed by this ordinance shall be deemed concurrent and the existence or exercise of any remedy shall not prevent the Township from exercising any other remedy hereunder, or at law or in equity, including but not limited to bringing a civil action for non-payment of any fee pursuant to Section 7.

SECTION 9. Severability.

It is the intention of the Board of Supervisors that each separate provision of this ordinance shall be independent of all other provisions herein and it is further the intention of the Board of Supervisors that if any of the provisions of this ordinance be declared to be invalid all of the other provisions herein shall remain valid and in force.

SECTION 10. Repealer.

All ordinances and/ or any parts of ordinances inconsistent herewith be, and the same hereby are expressly repealed. Particularly Franklin Township Ordinance No. 86-1 entitled "AN ORDINANCE PROVIDING FOR THE COLLECTION BY THE TOWNSHIP OF FRANKLIN OF GARBAGE, RUBBISH AND ASHES: DEFINING MEANING OF TERMS AS USED IN THIS ORDINANCE: IMPOSING CERTAIN DUTIES UPON HOUSEHOLDERS AND OTHERS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING FRANKLIN TOWNSHIP ORDINANCE NO. 38 AND ANY AND ALL AMENDMENTS THERETO, adopted on March 11, 1986 and any and all amendments thereto, including Ordinance No. 91-5, Ordinance No. 95-2 and Ordinance No. 2000-01.

ENACTED AND ORDAINED this 29th day of January, 2002.

TOWNSHIP OF FRANKLIN

ATTEST:

NANOVIC LAW OFFICES
ATTORNEYS AT LAW
57 BROADWAY
P. O. BOX 359
JIM THORPE, PENNSYLVANIA 18229-0359

ORDINANCE NO. 2010 - 01

AN ORDINANCE AMENDING FRANKLIN TOWNSHIP ORDINANCE NO. 2002-2, ENTITLED "AN ORDINANCE PROVIDING FOR THE COLLECTION BY THE TOWNSHIP OF FRANKLIN OF GARBAGE, RUBBISH AND ASHES; DEFINING MEANING OF TERMS AS USED IN THIS ORDINANCE; IMPOSING CERTAIN DUTIES UPON HOUSEHOLDERS AND OTHERS; PROVIDING FOR ENFORCEMENT THEREOF; AND REPEALING FRANKLIN TOWNSHIP ORDINANCE NO. 86-1 AND ANY AND ALL AMENDMENTS THERETO."

BE IT ORDAINED AND ENACTED by the Franklin Township Board of Supervisors, and it is hereby ORDAINED and ENACTED by the authority of the same, that the aforementioned Ordinance be amended as follows:

1. A new Section 8(D) entitled "Termination of Service" shall be added and shall provide as follows:

> Notwithstanding anything to the contrary in this Ordinance, the Board of Supervisors reserves the right, at their sole discretion, to stop collecting refuse from any person who violates any of the provisions of this Ordinance, or any of the rules or regulations made by the Board of Supervisors under the provisions of this Ordinance, including, non-payment of fees. The Board of Supervisors also reserves the right to determine whether or not to resume collection of refuse after the violation has been corrected. If the Board of Supervisors terminates service under this Section 8(D) of the Ordinance, said person for whom services was terminated shall contract with a Licensed Collector to collect and dispose of their refuse. Upon written request from the Township, such person shall provide the Township with:
>
> 1. A copy of an agreement or letter signed by a licensed contractor, stating that it will collect and dispose of all refuse, produced or accumulated by such person for the Township's entire garbage collection year;
>
> 2. Proof that the licensed collector has been paid in full to provide the services described in paragraph (D)1 above for the Township's entire garbage collection year; and,

3. Such other documentation or information as may be deemed necessary by the Township to ascertain or confirm that the refuse produced or accumulated by such person will be collected and disposed of in accordance with the terms of this Ordinance and the terms of any other relevant laws or regulations.

ORDAINED and ENACTED this 21st day of September, 2010.

TOWNSHIP OF FRANKLIN

ATTEST:

Secretary

ORDINANCE NO. 2011 - 03

AN ORDINANCE AMENDING FRANKLIN TOWNSHIP ORDINANCE NO. 2002-2, ENTITLED "AN ORDINANCE PROVIDING FOR THE COLLECTION BY THE TOWNSHIP OF FRANKLIN OF GARBAGE, RUBBISH AND ASHES; DEFINING MEANING OF TERMS AS USED IN THIS ORDINANCE; IMPOSING CERTAIN DUTIES UPON HOUSEHOLDERS AND OTHERS; PROVIDING FOR ENFORCEMENT THEREOF; AND REPEALING FRANKLIN TOWNSHIP ORDINANCE NO. 86-1 AND ANY AND ALL AMENDMENTS THERETO."

BE IT ORDAINED AND ENACTED by the Franklin Township Board of Supervisors, and it is hereby ORDAINED and ENACTED by the authority of the same, that the aforementioned Ordinance be amended as follows:

1. The second paragraph of Section 3(d) shall be deleted in its entirety and replaced by the following:

> This Section shall apply to persons using or living in mobile homes located on a parcel of land owned by another party. That is, the person using or living in the mobile home and the owner of the parcel of land on which it is located shall be jointly and severely responsible to pay the cost of such service as set forth in Section 6 hereof.

ORDAINED and ENACTED this 18th day of October, 2011.

TOWNSHIP OF FRANKLIN

ATTEST:

Secretary

I hereby certify and attest that the foregoing is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Franklin Township on October 18, 2011.

Sandra L. Gaumer

SANDRA L. GAUMER, Secretary