

CODIFIED ORDINANCES OF THE CITY OF FRANKLIN
PART ONE - GOVERNMENTAL ORGANIZATION CODE

TITLE ONE - General Provisions

Article 101. Codified Ordinances

ARTICLE 101
Codified Ordinances

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CROSS REFERENCES

Codification Required: Home Rule Charter, Section 4.15

101.01 TITLE

The ordinances embraced in the following Articles and Sections shall constitute and be designated the "Codified Ordinances of the City of Franklin, Pennsylvania, 1977," and may be so cited. (Ord. 15A of 1977, Sect. 1, Passed 12-19-77)

101.02 PURPOSE OF CODE

The ordinances contained in this Codified Ordinances of the City of Franklin are intended to encompass and to promote the general health, peace, welfare, good order and morals of the community at large and the said ordinances have been codified herein for the purpose of facilitating the enforcement thereof. (Ord. 15A of 1977, Sect. 2, Passed 12-19-77)

101.03 DEFINITIONS AND AIDS IN CONSTRUCTION

a.) Generally, the provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. In case of doubt or ambiguity in the meaning of such provisions, the general shall yield to the particular. Reference for interpretation and construction shall tend to further the elimination of the particular mischiefs for which the provisions were enacted. Words and phrases shall be

construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

b.) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the City of Franklin adopting the Codified Ordinances of the City of Franklin, Pennsylvania, 1977.

c.) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.

d.) City and Municipality. "City" and "Municipality" mean the City of Franklin, Pennsylvania.

e.) Conjunctions. "And" shall include "or" shall include "and" if the sense so requires.

f.) Corporate limits, corporation limits, corporate boundaries, corporation boundaries. Whenever the words "corporate limits", "corporation limits", "corporate boundaries", "corporation boundaries" or "City limits" are used, they shall mean the legal boundary of the City of Franklin.

g.) Council. "Council" means the Council of the City of Franklin, Pennsylvania.

h.) Councilman. The word "councilman" shall mean any person elected to that office in the City.

i.) County. "County" means the County of Venango, Pennsylvania.

j.) Fire Department or Fire Bureau. "Fire Department" or "Fire Bureau" means the Fire Department of the City of Franklin, Pennsylvania.

k.) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.

l.) Interpretation. In the interpretation and application of any provision of this Code, it shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

m.) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.

n.) Keeper or Proprietor. "Keeper" or "Proprietor" means and includes persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.

o.) Land or Real Estate. "Land" or "real estate" includes rights and easements of incorporeal nature as well as an area of land.

p.) Number. Words in the plural include the singular, and in the singular include the plural number.

q.) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.

r.) Owner. "Owner", when applied to property, includes a part owner, joint owner or tenant in common, of the whole or any part of such property.

s.) Person. "Person" extends to and applies to associations, clubs, corporations, firms, partnerships and bodies politic, as well as to individuals.

t.) Police Department or Bureau. "Police Department" or "Police Bureau" means the Police Department of the City of Franklin, Pennsylvania.

u.) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

v.) Premises. "Premises", when used as applicable to property, extends to and includes land and buildings.

w.) Property. "Property" includes real and personal, and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes lands, tenements and hereditaments.

x.) Residence. the term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

y.) Seal. Whenever the word "seal" is used, it shall mean the City or corporate seal.

z.) Sidewalk. "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

aa.) State or Commonwealth. "State" or "Commonwealth" means the Commonwealth of Pennsylvania.

bb.) Street. "Street" shall be construed to include alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.

cc.) Tenant or Occupant. "Tenant" or "occupant", as applied to buildings or land, extends and applies to any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.

dd.) Tenses. the use of any verb in the present tense includes the future.

ee.) Written. "Written" or "in writing" shall be construed to include any physical representation of words, letters or figures, whether by printing or otherwise.

(Ord. 15A of 1977, Sect. 3, Passed 12-19-77)

101.04 HEADINGS OF SECTIONS

The headings of the several sections of this Code printed in capital letters are intended as mere headings to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the headings, are amended or re-enacted. (Ord. 15A of 1977, Sect. 4, Passed 12-19-77)

101.05 AMENDMENTS AND SUPPLEMENTS: NUMBERING

a.) The codified Ordinances of the City of Franklin, Pennsylvania, 1977, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of the City of Franklin, Pennsylvania, 1977, and any and all such amendments and supplements.

b.) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan as follows: each code shall be subdivided into titles; each title shall be subdivided into articles; each article shall be subdivided into section, which shall be numbered in accordance with the decimal numbering system. the numbering of all sections, except the penalty sections, shall be consecutive within each article commencing with the first section of Article 101, which shall be numbered 101.01, the first "1" signifying Code 1, the two figures "01" before the decimal signifying the article within the code, and the two figures "01" after the decimal signifying the first section of Article 101 of the Code. Penalty sections shall be designated ".99" and shall be the last section of the article.

c.) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section of this Code in language substantially as follows: "That Section ___ of the Codified Ordinances of the City of Franklin, Pennsylvania, 1977, is hereby amended to read as follows:..." The new provision may then be set out in full as desired.

d.) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Codified Ordinances of the City of Franklin, Pennsylvania, 1977, are hereby amended by adding a section (or article or title or code, as the case may be), to be numbered ___, which reads as follows:..." The new provisions may then be set out in full as desired.

e.) In lieu of the foregoing paragraph, when the City Council desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the City Council desires to incorporate into the Code, a provision in substantially the following language may be made a part of the ordinance: "It is the intention of the Council of the City of Franklin, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Codified Ordinances of the City of Franklin, Pennsylvania, 1977, and the sections of this Ordinance may be renumbered to accomplish such intention.

f.) All sections, articles, titles or codes of this Code desired to be repealed shall be specifically repealed by section number, article number, title number or other number, as the case may be.

(Ord. 15A of 1977, Sect. 5, Passed 12-19-77)

101.06 EFFECT OF REPEAL OF ORDINANCES

a.) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

b.) The repeal of any ordinances or any portion thereof by this enactment or by any future enactments hereunder shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any case before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered shall be discharged or affected by such repeal or alteration, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

(Ord. 15A of 1977, Sect. 6, Passed 12-19-77)

101.07 ALTERING CODE

It shall be unlawful for any person in the City to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Franklin to be misrepresented thereby. (Ord. 15A of 1977, Sect. 7, Passed 12-19-77)

101.08 SEPARABILITY OF PROVISIONS

Each section and each part of each section of the Codified Ordinances is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid.

(Ord. 15A of 1977, Sect. 8, Passed 12-19-77)

101.99 GENERAL PENALTY

Whenever in the Codified Ordinances or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such provision or any ordinance shall be fined not more than three hundred dollars (\$300.00) and, in default of payment of fine and costs, imprisoned not more than ninety (90) days. Each day's violation shall constitute a separate offense. (Ord. 15A of 1977, Sect. 9, Passed 12-19-77)