

**Independence Township
Washington County**

ORDINANCE NO. 20-01

AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, WASHINGTON COUNTY, PENNSYLVANIA, REPEALING THE ORDINANCE ADOPTED MAY 21, 2014 HEREBY ESTABLISHING AND/OR CLARIFYING THE AUTHORITY OF THE BOARD OF TO APPOINT SEPARATE INDIVIDUALS/AGENCIES OR ONE INDIVIDUAL/AGENCY TO OPERATE AND SERVE AS THE ORDINANCE/CODE ENFORCEMENT OFFICER AND ZONING OFFICER. THE POSITIONS SHALL RETAIN THE DUTIES AND POWERS AS SET FORTH AND DESCRIBED IN TOWNSHIP ORDINANCE NUMBER 92-3 AS AMENDED FROM TIME TO TIME BY ORDINANCE AND/OR STATUTE.

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township of Independence (the “Township”) to create positions for the regulation, administration and enforcement of Township zoning ordinances, codes, etc.; and

WHEREAS, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Board”) enacted Ordinance No. 92-3 on July 7, 1992, in order to establish two separate positions (and the authority, duties and powers therein) for Ordinance/Code Enforcement and Zoning Officer within the; and

WHEREAS, the provisions of said Ordinance are located in §39, *et seq.* in the Independence Township Code; and

WHEREAS, on May 16, 2012 the Board adopted an Amendment to the original Ordinance in which the separate positions (and the associated powers and duties) were combined into one singular position; and

WHEREAS, on May 21, 2014 the Board adopted an Amendment to the subsequent Ordinances thereby separating the positions once again; and

WHEREAS, after careful consideration, the Board desires to clarify the Board’s authority to appoint a separate individual and/or agency to each position or if the Board deems appropriate, to appoint the same individual and/or agency to both positions, code enforcement and/or zoning officer.

WHEREAS, the Board does not intend to repeal the duties, powers and responsibilities into two separate positions by repealing the May 21, 2014 Amendment.

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

SECTION 1. Purpose.

The Board desires to repeal the Ordinance adopted on May 21, 2014 thereby amending the Independence Township Enforcement Ordinance (No. 92-3). The sole purpose of this is to establish the Board's authority to appoint a separate individual and/or agency to each position or if the Board deems appropriate, to appoint the same individual and/or agency to both positions, code enforcement and/or zoning officer.

SECTION 2. Ordinance adopted May 21, 2014.

The Ordinance adopted May 21, 2014 is hereby repealed in its entirety.

SECTION 3. Effect of Repeals.

- A. Any portions of Ordinance 92-3 not specifically amended and/or repealed previously shall be in effect in its entirety.
- B. The position of Ordinance/ Code Enforcement Officer shall remain with all of the duties and powers initially conferred upon the position in said Ordinance and by the Pennsylvania Municipalities Planning Code and Second Class Township Code (as amended).
- C. The position of Zoning Officer shall remain with all of the powers conferred upon the position by the Pennsylvania Municipalities Planning Code and the Second Class Township Code (as amended).
- D. Separate individuals/agencies may be appointed to serve each of the positions or the same individual/agency may be appointed to serve both positions.

SECTION 4. Severability.

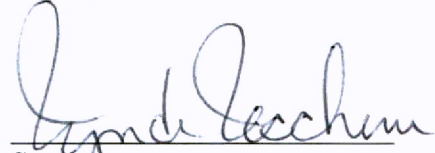
The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that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

SECTION 5: Repealer.


All Ordinances or parts of Ordinances, including but not limited to the May 21, 2014 Amendment Ordinance, that are found to be conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

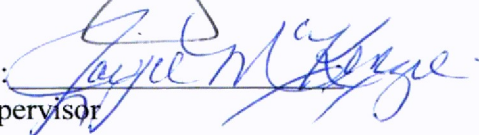
ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Independence, Washington County, Pennsylvania, this 17th day of July, 2020.


Attest:


Secretary

Independence Township Board of Supervisors

By: 
Chairman

By: 
Supervisor

By: 
Supervisor