

**Independence Township,
Washington County**

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, WASHINGTON COUNTY, PENNSYLVANIA, PROHIBITING THE USE OF CERTAIN RESIDENT ONLY DESIGNATED DUMPSTERS/ TRASH RECEPTACLES BY NON-RESIDENTS AND/OR FOR ANY COMMERCIAL OPERATORS; AND PROVIDING PROCEDURES FOR ENFORCEMENT, REMEDIES AND/OR PENALTIES FOR VIOLATIONS OF SAID REGULATIONS TO IMPROVE THE QUALITY OF LIFE WITHIN INDEPENDENCE TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA.

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the "MPC"), authorizes the Township of Independence (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 Independence Township Dumpster/Waste Receptacle Ordinance.

SECTION 2. PURPOSE.

The Township continues to enact rules and regulations concerning the maintenance of properties in the Township. To better assist its residents in maintaining and cleaning their properties, the Township provides dumpsters/waste receptacles on the premises of the Independence Township Community Center. The purpose of this Ordinance is to promote the health, safety and general welfare of the Township by limiting the scope and use of the Township provided dumpsters/waste receptacles for Township resident use.

SECTION 3. DEFINITIONS.

All definitions relevant hereto as previously set forth in the Independence Township Code, including but not limited to those definitions in Ordinance No. 14-05 are incorporated as if set forth fully herein.

In addition to previous definitions the following are provided:

TOWNSHIP RESIDENT - A person and/or business who permanently resides in Independence Township.

SECTION 4. UNLAWFUL TO DUMP IN TOWNSHIP DESIGNATED DUMPSTERS/WASTE RECEPTACLES.

It shall be unlawful for all non-resident individuals and/or commercial businesses (whether located in the Township or not) to dump waste, trash, debris, construction materials, etc. in Township provided dumpsters/waste receptacles located on the premises of the Independence Township Community Center and/or other areas designated for such dumpsters/waste receptacles in the Township from time to time.

SECTION 5. QUALITY OF LIFE VIOLATIONS

Any individual and/or business found to be guilty of the unlawful dumping activities described in Section 4 of this Ordinance, will be deemed to be a violation of the Quality-of-Life standards of Independence Township, set forth more fully in Ordinance No. 14-05 as amended from time to time and shall be subject to the applicable notice, enforcement, and penalty provisions therein.

SECTION 6. FINES AND PENALTIES

In addition to the fines and penalties set forth in Section 5, individuals in violation of this Ordinance may be subject to the following 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 One-Hundred Dollars (\$100).

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 One-Hundred Fifty Dollars (\$150).

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 Three Hundred Dollars (\$300).

B. Additional Costs

1. In addition to the penalty set forth above, any individual may be responsible for the reasonable costs incurred by the Township for removing the illegally dumped/disposed of materials in the resident designated dumpster/waste receptacles.

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 Quality of Life Ordinance No. 14-05 as amended from time to time.

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 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 Independence 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 Independence 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.

SECTION 7: 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. Specifically, Ord. No(s). 14-05, dealing with other Quality of Life violations.

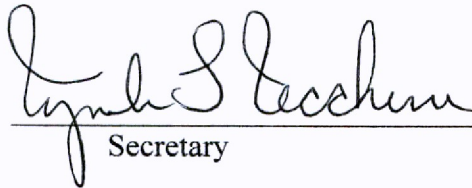
SECTION 8. SEVERABILITY.

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

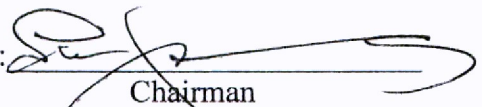
remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

ENACTED this 15th day of July, 2022, by the Board of Supervisors of the Township of Independence, Washington County, Pennsylvania; and shall become effective five (5) days after enactment.

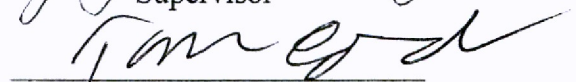
ATTEST:


Secretary

TOWNSHIP OF INDEPENDENCE
WASHINGTON COUNTY, PA

By: 
Chairman


Supervisor


Supervisor