

Ordinance No. 2018-1

AN ORDINANCE OF THE TOWNSHIP OF RACCOON, BEAVER COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2016-6 PROHIBITING LITTERING, UNAUTHORIZED DEPOSIT OR DISPOSAL OF WASTE MATERIALS, UNAUTHORIZED DISTRIBUTION, PLACEMENT, AND DISSEMINATION OF WRITTEN MATERIALS AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, the Township of Raccoon (hereinafter “Township”), is a township located in the County of Beaver, Commonwealth of Pennsylvania, incorporated as a body corporate and politic pursuant to the Second Class Township Code, 53 P.S. §65101, et. seq. (hereinafter “Township Code”), having its office located at 1234 State Route 18, Aliquippa, Pennsylvania, 15001; and

WHEREAS, pursuant to the Township Code, 53 P.S. §66601, township supervisors may adopt ordinances in accordance with Township Code and the laws of the Commonwealth of Pennsylvania in which the general or specific powers of the Township may be exercised; and

WHEREAS, pursuant to the Township Code, 53 P.S. §66601, by enactment of subsequent ordinances, the Township Board of Supervisors may amend, repeal or revise existing ordinances; and

WHEREAS, on June 28, 2018, Commonwealth of Pennsylvania Governor Tom Wolf signed into law Senate Bill 431, effective December 28, 2018, further providing for the offense of scattering rubbish; in rules of the road in general, providing for duty of driver in litter enforcement corridors; and, in powers of department and local authorities, providing for designation of litter enforcement corridors and further providing for specific powers of department and local authorities; and

WHEREAS, the Township desires to amend and revise its Anti-Litter Ordinance, Ordinance No. 2016-6, to reflect the provisions of Senate Bill 431, prohibiting littering, unauthorized deposit or disposal of waste materials, and the unauthorized distribution, placement, and dissemination of written materials within Township limits for the benefit of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Raccoon, Beaver County, Pennsylvania and it is hereby ordained and enacted by the authority of the same that:

1. Township Ordinance No. 2016-6, entitled “Township of Raccoon Anti-Litter Ordinance,” adopted by the Board of Supervisors of the Township on December 13, 2016, codified at Chapter 114 of the Township Code, shall remain in full force and effect, with the exception of the amendments described in the following paragraphs.

2. A new subsection is inserted at §114-7 of the Township Code and provides: “The Township may designate any local road as a litter enforcement corridor, as described in subsection §114-8 (relating to designation of litter enforcement corridors) and enforcing provisions for violations of subsection §114-9 (relating to duty of driver in litter enforcement corridors), provided that the Township has received written complaints about littering or the scattering of rubbish and demonstrates the need to designate the local road as a litter enforcement corridor.”

3. A new subsection is inserted at §114-8 of the Township Code, entitled “Designation of Litter Enforcement Corridors,” and provides:

“Litter enforcement corridors shall be designated as follows:

(1) The Pennsylvania Department of Transportation shall have the power to designate a segment of any state highway a litter enforcement corridor.

(2) The Township shall have the ability to petition the Pennsylvania Department of Transportation to designate a segment of any State highway that is located within the Township.

(3) The Township shall have the ability to designate any local road, by authority granted in subsection §114-7.

(4) All scenic highways, as designated by Pennsylvania statute, shall be litter

enforcement corridors.”

4. A new subsection is inserted at §114-9 of the Township Code, entitled “Duty of Driver in Litter Enforcement Corridors,” and provides:

“(a) Areas Indicated by Traffic-Control Devices. The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within a litter enforcement corridor indicated by official traffic-control devices placed in accordance with Pennsylvania Department of Transportation regulations, including advanced warning signs or a vehicle having flashing or revolving yellow lights.

(b) Fines to be Doubled: For any of the following violations, when committed in a litter enforcement corridor designated pursuant to §114-8 (relating to designation of litter enforcement corridors), the fine shall be double the usual amount: 75 Pa. C.S.A. §3709 (relating to depositing waste and other material, 75 Pa. C.S.A. §4903 (relating to securing loads in vehicles) and 18 Pa. C.S.A. §6501 (relating to scattering rubbish).

(c) Fines to be Tripled: If a person is found to be littering or scattering rubbish under 18 Pa. C.S.A. §6501 that originated from a commercial business, the fine shall be tripled.

(d) Notice: Official traffic devices shall be appropriately placed to notify motorists that increased penalties apply for all littering violations within a litter enforcement corridor.”

6. The subsection that is §114-7 in the current, pre-amended Anti-Litter Ordinance is renumbered to be §114-10, and each subsection thereafter will continue to be renumbered in the same fashion, with the last subsection, §114-23, entitled “Placing Configurations on Right-of-Way Prohibited,” now being referred to as §114-26.

7. The “Violations and Penalties” subsection, §114-21 of the pre-amended Anti-Litter Ordinance Township Code, now referred to as §114-24 of the Township Code (*see 6. above*), is amended to provide: “Any person, firm or corporation violating any provision of this chapter shall, upon conviction before any Magisterial District Justice, pay a fine not exceeding one thousand (\$1,000.00) dollars, the costs of prosecution and be required to pick up litter or illegally dumped trash for not less than five (5) nor more than thirty (30) hours to be completed within six (6) months for a first offense and pay a fine not exceeding one thousand (\$1,000.00) dollars, the costs of prosecution and be required to pick up litter or illegally dumped trash for not less than thirty (30) nor more than one hundred (100) hours to be completed within one (1) year for a second and subsequent offense; and in default of one (1) payment of the fine and costs or the failure to perform the required pick up litter or illegally dumped trash hours, the violator may be sentenced to the county jail for a term of not more than ninety (90) days. Each and every day in which any person, firm or corporation shall be in violation of this chapter shall constitute a separate offense.”

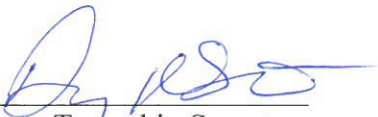
8. Any Ordinance or part thereof conflicting with this Ordinance is hereby repealed insofar as the same is inconsistent herewith.

9. This Ordinance shall become effective on December 28, 2018.

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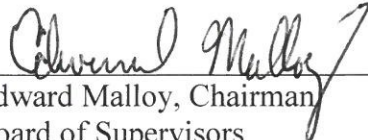
ORDAINED AND ENACTED this 11th day of December, 2018.

ATTEST:



Daisy R. Stone, Township Secretary

TOWNSHIP OF RACCOON



Edward Malloy, Chairman
Board of Supervisors

CERTIFICATION OF THE TOWNSHIP

I hereby certify that the foregoing Ordinance was advertised in the *Beaver County Times* on Monday, November 19, 2018, a newspaper of general circulation in the municipality, and was duly enacted and approved as set forth a regular meeting of the Township of Raccoon on Tuesday, December 11, 2018.



Daisy R. Stone, Township Secretary

(SEAL)