

UNION TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE: 2021-04

AN ORDINANCE BY THE BOARD OF SUPERVISORS OF UNION TOWNSHIP AMENDING CHAPTER 280 (ZONING) OF THE TOWNSHIP CODE, SPECIFICALLY SECTION 280-104 (A) ENVIRONMENTAL PERFORMANCE STANDARDS AND 280-104(A)(9) NATURAL WATERWAYS AND WATER BODIES WITHIN THE TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 et seq. (the “MPC”), authorizes the Township (the “Township”) to create ordinances 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 “Township Supervisors”) have adopted a Township Code, containing provisions that regulate environmental performance standards set forth in Chapter 280; and,

WHEREAS, the Board believes certain performance standards should be amended, especially those pertaining to natural waterways and water bodies to further address local concerns related thereto; and,

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

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the Union Township “Environmental Performance Standards Amendment Ordinance of 2021”.

SECTION 2. AMENDMENT TO CHAPTER 280, ARTICLE XVII, SUPPLEMENTARY REGULATIONS.

Chapter 280, Article XVII, Supplementary Regulations is amended by repealing any current provisions that are in conflict with those set forth herein:

§ 280-104. Performance Standards.

The following performance standards shall apply to all permitted uses, conditional uses and uses by special exception in all districts. In order to determine whether a proposed use will conform to the requirements of this chapter, the Board of Supervisors or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

§ 280-104.A. Environmental Performance Standards.

All properties shall be subject to the following environmental performance standards. It shall be unlawful to excavate, fill or clear vegetation prior to demonstrating compliance with the following standards. The Board of Supervisors, Zoning Officer, or Township Engineer may, at their discretion, require submission of plans for development which show compliance with the following standards:

§ 280-104.A.(9). Natural Waterways and Water Bodies.

- (a) When natural waterways and water bodies are located on or pass through an individual lot, the portion or portions situated on the individual lot are the responsibility of that landowner to maintain.
- (b) Any stopping up, filling up, confining, paving, filling next to, changing of embankments, or any other interference with or change of the course of any natural waterways and water bodies must be done in accordance with the regulations of the Union Township Code of Ordinances, the requirements of the rules and regulations of the Pennsylvania Department of Environmental Protection (25 Pa. Code Chapter 105) and any applicable federal statute or regulation.
- (c) If Union Township determines at any time that any natural waterways and water bodies have been eliminated, altered, or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, Union Township may cause the work to be done, file a municipal claim or lien against the property or institute an action in assumpsit against the property owner to collect all costs, i.e., engineering design, permitting fees, contractor's work, administrative costs, filing fees and interest at 6% on the unpaid balance.
- (d) Where, owing to special circumstances and conditions, compliance with the provisions of this section would result in unnecessary hardship, the Board of Supervisors may make such special reasonable exceptions as will not be contrary to the public interest and may impose such conditions as it deems necessary to adequately protect the public interest.

SECTION 3. PENALTIES.

Any person, agent and/or owner shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600.00, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further the appropriate officers or agents of the Township are hereby authorized to issue a cease-and-desist notice and/or to seek equitable relief, including injunction to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Township. A person who violates this ordinance shall also be responsible for all reasonable Township's fees, including but not limited to attorney fees, engineering fees, expert fees and court costs associated with enforcement.

SECTION 4. REPEALER. Any Township Ordinances or provisions of the Township Code, which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 5. SEVERABILITY. If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective five (5) days after adoption.

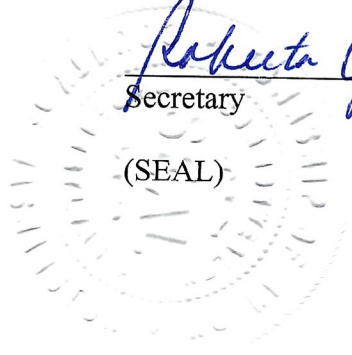
ENACTED AND ORDAINED this 28th day of July, 2021.

ATTEST:

**BOARD OF SUPERVISORS
UNION TOWNSHIP**

Roberta Jmger
Secretary

Shawn Dan
Chairperson, Board of Supervisors



Ch. E. T. Jr.
Supervisor

Richard L. Rowson
Supervisor

Hal Brancy
Supervisor

Les Esh
Supervisor