

ORDINANCE NO. 10-2021-642

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, REPEALING ORDINANCES NO. 207 AND 11-88-303; AMENDING CHAPTER 6 PART 3 OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES AND ADOPTING NEW REGULATIONS PROHIBITING DUMPING AND LITTERING WITHIN THE TOWNSHIP; AND PROVIDING FOR ENFORCEMENT, FINES AND PENALTIES

WHEREAS, the Salisbury Township Board of Commissioners finds littering and dumping to be detrimental to the physical, mental, and social wellbeing of the community, as well as to their comfort, living conditions, general welfare, and safety and being; and

WHEREAS, the Salisbury Township Board of Commissioners believes it is necessary to provide for greater control and more effective regulation of littering and dumping within the Township of Salisbury; and

WHEREAS, this Ordinance aims to ensure that public health, safety and welfare shall not be abridged by the making and creating of public nuisances from littering and dumping occurring in the Township of Salisbury. The Salisbury Township community recognizes that littering and dumping represents a danger to the health and welfare of residents and visitors and that each person in the community is entitled to live in a clean environment. This Ordinance attempts to stop pollution and hold individuals that litter and illegally dump waste within the Township responsible. The community believes that it should rely on the good sense of all residents and non-residents to respect one another's living and working environments, and one another's right to an environment that is free from pollution.

WHEREAS, a public hearing was held on October 28, 2021 for input from the public on the proposed Ordinance; and

WHEREAS, the Board of Commissioners has carefully reviewed and considered the proposed regulations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania that Ordinances No. 207 and 11-88-303 are repealed.

BE IT FURTHER ORDAINED AND ENACTED, that Chapter 6, Part 3 of the Salisbury Township Code of Ordinances shall be amended in its entirety as follows:

ARTICLE I: Chapter 6 Part 3 of the Salisbury Township Code of Ordinances currently entitled "Littering" shall now be renamed as "**Littering and Dumping**";

ARTICLE II: §6-301 shall be read as follows:

§6-301. DEFINITIONS.

For the purpose of this Ordinance, the following words, terms, and phrases when used in this Ordinance shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning.

1. **DUMPING:** An amount of discarded material that cannot fit cumulatively within a five-gallon container.
2. **HAZARDOUS WASTE:** Waste discarded in any amount which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate Pennsylvania agency by or pursuant to Federal or State law, or waste, in any amount, which is regulated under Federal or State law. For purposes of this ordinance, the term Hazardous Waste shall also include motor oil, gasoline, paint, and appliances containing freon. Hazardous waste shall be regulated as dumping.
3. **LITTERING:** An amount of discarded material that can cumulatively fit within a five-gallon container.
4. **PUBLIC RIGHT-OF-WAY:** Any street, avenue, boulevard, circle, highway, sidewalk, or similar place which is owned or controlled by a governmental entity.
5. **PUBLIC SPACE:** Any real property, or structures thereon, which is owned or controlled by a governmental entity.
6. **PROPERTY LINE (BOUNDARY):** An imaginary line or "party wall" that separates adjoining lands or the dwelling units of apartments, condominiums, town homes, or duplexes, drawn through the points of contact of adjoining lands, or, in the case of apartments, condominiums, townhouses, and duplexes owned, rented, or leased by different persons, a demarcation or a line of separation between dwelling units or properties. In the circumstances of any two or more buildings sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public right-of-way or a common or shared area shall be deemed to be across the property line.
7. **REAL PROPERTY:** All land, whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to the public right-of-way.
8. **TOWNSHIP:** Township of Salisbury, Lehigh County, Pennsylvania

ARTICLE III: §6-302 shall read as follows:

§6-302 UNLAWFUL DEPOSITING ON PUBLIC STREETS, PUBLIC PROPERTY OR PRIVATE PROPERTY.

From and after the effective date of this Part 3, it shall be unlawful for any person to place, discard, or deposit any material including, but not limited to garbage, rubbish, cans, trash, hazardous waste and materials, or other refuse materials that threaten the environment upon any public street, public right-of-way, public real property, or the private real property of others.

ARTICLE IV: §6-303 shall read as follows:

§6-303 REMOVAL OF DEPOSITED MATERIALS

- A. Any person who deposits any materials on any public street, public property or the property of others shall immediately remove and carry away the same; failure to do so shall be a separate offense under this Part 3.
- B. Any person who deposits hazardous materials and/or materials requiring specialized disposal shall be financially responsible for abatement costs; failure to do so shall be a separate offense under this Part 3.

ARTICLE V: §6-304 shall read as follows:

§6-304. PENALTIES.

LITTERING. Any person who violates any provisions of this Part with respect to littering as defined in §6-301 shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not less than three hundred (\$300) nor more than one thousand (\$1,000) for each offense, plus costs of prosecution, and in default of payment thereof shall undergo imprisonment for a period of not more than 90 days.

DUMPING. Any person who violates any provisions of this Part with respect to dumping, as defined in §6-301 shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) plus costs of prosecution, and removal and remediation costs incurred by the Township. Default of payment thereof shall undergo imprisonment for a period of not more than 90 days.

ARTICLE VI: SEVERABILITY.

If any provision, paragraph, word, section, or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsections shall not be affected, and shall remain in full force and effect.

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

ARTICLE VII: CONFLICT.

Any ordinance or part of an ordinance conflicting with the provisions of this Ordinance shall be, and the same is hereby repealed, to the extent of such conflict. All relevant ordinances, regulations, and policies of the Township of Salisbury not amended shall remain in full force and effect.

ARTICLE VIII: EFFECTIVE DATE.

This Ordinance shall be effective immediately upon adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this 28th day of October, 2021, by a majority of the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, in lawful session duly assembled.

Attested:

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)



Township Secretary

By:  _____
President, Board of Commissioners