

ORDINANCE NUMBER 3 OF 2008

AN ORDINANCE REQUIRING A \$1,000.00 PER LOT FEE TO BE USED FOR THROOP BOROUGH RECREATION/PARKS FOR ANY SUBDIVISION WITH TEN (10) LOTS OR GREATER

WHEREAS, recreation and public spaces are an important part of any community; and,

WHEREAS, Throop Borough Council recognizes the importance of wants building and/or maintaining sufficient public spaces for Throop Borough and its residents.

NOW THEREFORE be it enacted by the Council of the Borough of Throop as follows:

- 1. This ordinance applies only to approved subdivisions with ten (10) lots or greater;*
- 2. If an approved subdivision meets paragraph number one (1), a fee of \$1,000.00 per lot will be assessed to buyer and delivered to the Throop Borough Manager on the date of closing;*
- 3. Throop Borough must be notified by seller of the closing date for all property transfers within the subdivision and receive a copy of the HUD settlement statement (which shall include a line item for said fee) prior to closing taking place;*
- 4. The \$1,000.00 per lot fee will be held in escrow by Throop Borough until all lots in the approved subdivision are sold or for a maximum of five (5) years whichever occurs first;*
- 5. Within sixty (60) days following the sale of the last lot in the approved subdivision or sixty (60) days following the expiration of five (5) years, whichever occurs first, Throop Borough will have sole discretion to use the accumulated funds for maintenance of an existing park/public space or*

construction of a new park/recreation/public space within the approved subdivision.

6. It shall be the obligation of the developer/seller to include the \$1,000.00 fee in its Agreement of Sale as a term and condition of sale. Failure to include the \$1,000.00 fee and failure to deliver the fee to the Borough within two (2) days post closing will result in the seller being responsible for payment of said fee plus a penalty of \$500.00.

BE IT FURTHER ENACTED AND ORDAINED, that all ordinances or parts of ordinances conflicting with the provision of this Ordinance be and the same are hereby repealed; and

SECTION 1.

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough of Throop reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

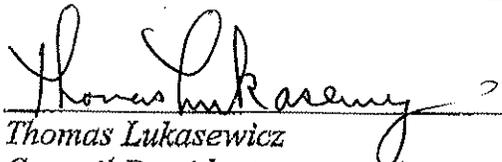
SECTION 2.

This Ordinance shall become effective immediately upon approval.

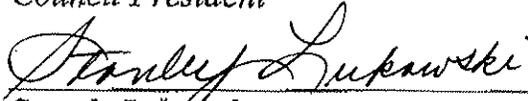
SECTION 3.

This Ordinance is enacted by the Council of the Borough of Throop under the authority of the Pennsylvania Legislature, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

Approved this 25TH day of NOVEMBER, 2008:

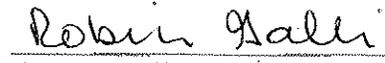


Thomas Lukasewicz
Council President



Stanley Lukowski
Mayor

Attest:



Robin Galli
Secretary