

ORDINANCE NUMBER 4 OF 2010

**AN ORDINANCE AMENDING ORDINANCE NUMBER 21 OF 1998 AND
ORDINANCE NUMBER 9 OF 2006 TO INCORPORATE WAIVER PROVISIONS
FOR INSTALLATION OF CONCRETE SIDEWALKS FOLLOWING NEW
CONSTRUCTION**

WHEREAS, Throop Borough Council adopted Ordinance Number 21 of 1998 requiring the installation of concrete sidewalks following new construction; and,

WHEREAS, on October 30, 2006, Throop Borough Council adopted Ordinance Number 9 of 2006 to incorporate penalties for non compliance with Ordinance Number 21 of 1998; and,

WHEREAS, throughout the history and application of Ordinance Number 21 of 1998 it has come to Throop Borough Council's attention that citizens should be able to request a waiver from installing concrete sidewalks to the Throop Borough Zoning Officer which will be reviewed on a case by case basis.

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

SECTION 1.

Ordinance Number 9 of 2006 and Ordinance Number 21 of 1998 are amended to grant the Throop Zoning Officer the authority to grant or deny a waiver to be requested in writing from a contractor or property owner for relief from installing concrete sidewalks following new construction.

SECTION 2.

The Zoning Officer will make a decision on whether or not to grant the waiver on a case by case basis. The Zoning Officer will provide his reasons for granting/denying the request in writing to the contractor/homeowner within ten (10) days of receipt of the waiver request.

SECTION 3.

The applicant shall have the right to appeal the Throop Zoning Officer's decision to Throop Council within ten (10) days of receipt of the Throop Zoning Officer's decision. Throop Council will hear the appeal at its next scheduled meeting following receipt of the appeal.

SECTION 4.

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 5.

This ordinance shall become effective immediately upon approval.

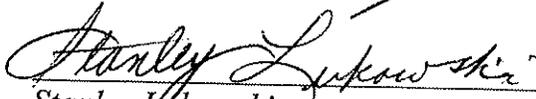
SECTION 6.

This Ordinance is enacted by the Council of the Borough of Throop under the authority of the Act of the Legislative, as amended, December 12, 1990, P.L. 1994, No. 220, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 25th day of October, 2010.



Thomas Lukasewicz
Council President



Stanley Lukowski
Mayor

Attest:



Renee O'Malley
Secretary