

ORDINANCE #8 OF 2018

**AN ORDINANCE OF THE BOROUGH OF THROOP, LACKAWANNA COUNTY,
PENNSYLVANIA, CREATING A BOROUGH PLANNING COMMISSION
PURSUANT TO SECTION 201 ET SEQ OF THE PENNSYLVANIA
MUNICIPALITIES PLANNING CODE, 53 P.S. § 10201 ET SEQ AND ABOLISHING
THE THROOP BOROUGH PLANNING AGENCY AND REPEALING AND
RESCINDING ORDINANCE #8 OF 1990, ORDINANCE #6 OF 1994 AND
ORDINANCE #6 OF 1997**

WHEREAS, on May 29, 1990 Throop Borough Council adopted Ordinance #8 of 1990, the Subdivision and Land Development Ordinance; and

WHEREAS, on March 28, 1994 Throop Borough Council enacted Ordinance #6 of 1994 abolishing the Throop Borough Planning Commission; and

WHEREAS, on May 9, 1994 Throop Borough Council enacted Ordinance #13 of 1994 creating a Planning Agency appointing 2 council members, the Borough Solicitor and Borough Engineer; and

WHEREAS, on January 27, 1997 Throop Borough Council enacted Ordinance #6 of 1997 amending and repealing Ordinance #13 of 1994 changing the composition of the Planning Agency to eliminate Council members, Borough Solicitor and Borough Engineer and appointing five Throop residents to the Planning Agency along with specific powers and duties; and

WHEREAS, Throop Borough Council's desire and intention is to create the Throop Borough Planning Commission who shall act as an advisory board to Throop Borough Council and who works for Throop Borough Council with specific power and duties as assigned herein; and

WHEREAS, Throop Borough Council will simultaneously amend the Subdivision and Land Development Ordinance so that Throop Borough Council has the sole authority on all decisions related to the Subdivision and Land Development Ordinance including authority to approve or reject any and all subdivision and land development plans; and

WHEREAS, it is Throop Borough Council's desire and intention to accomplish the following, regarding divisions of authority:

1. Throop Borough Council – sole authority for all decisions related to this Ordinance and the Subdivision and Land Development Ordinance;
2. Throop Borough Planning Commission – Advisory Commission which works for Throop Borough Council and administers the Subdivision and Land Development Ordinance along with the specific powers and duties identified herein; and
3. Throop Borough Code Enforcement Officer – in charge of enforcing the provisions of this Ordinance and the Subdivision and Land Development Ordinance.
4. Abolish the Throop Borough Planning Agency and repeal/rescind Ordinance #8 of 1994, Ordinance #6 of 1994 and Ordinance #6 of 1997.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF THROOP AS FOLLOWS:

1. Pursuant to the Pennsylvania Municipalities Planning Code, Section 201, et seq, 53 P.S. §10201 et seq, Throop Borough Council hereby creates a five (5) member Planning Commission.
2. The Throop Borough Council shall appoint Commission members by separate Resolutions.
3. Throop Borough Council shall follow Pennsylvania Municipalities Planning Code Section 203 for appointments, terms and vacancy and Sections 205 through and including Section 207 regarding Membership, Removal and Conduct of Business.
4. The Planning Commission shall be required to maintain and keep on file records of its actions. All records and files of the Planning Commission shall be in the possession of Throop Borough Council and remain in the Throop Borough Building.
5. The Planning Commission shall have the following duties and responsibilities:
 - A. Administer the Throop Borough Subdivision and Land Development Ordinance as an advisory commission to Throop Borough Council.
 - B. Prepare, recommend and administer subdivision and land development and planned residential development regulations as set forth in Throop's Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Code.
 - C. Make recommendations to Throop Borough Council on proposed amendments to the Throop Borough Subdivision and Land Development Ordinance and Zoning Ordinance.
 - D. Make recommendations to Throop Borough Council concerning the adoption or amendment of an official map.
 - E. Do such other acts or recommend other studies to Throop Borough Council as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code and Throop Borough Subdivision and Land Development Ordinance.
 - F. Hold public hearings and meetings.
 - G. Present testimony before any board.
 - H. Require from other departments and agencies of Throop such available information as relates to the work of the planning commission.
 - I. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
6. Throop Borough Council shall maintain authority for final decision on all issues submitted to the Commission.

7. The Throop Borough Planning Commission shall act in an advisory capacity only and shall make recommendations to Council on all decisions that come before the Commission.
8. The Throop Borough Planning Agency is abolished and Ordinance #8 of 1994, Ordinance #6 of 1994 and Ordinance #6 of 1997 is hereby repealed and rescinded.
9. The Throop Borough Code Enforcement Officer shall enforce all provisions of this Ordinance, the Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code.

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.

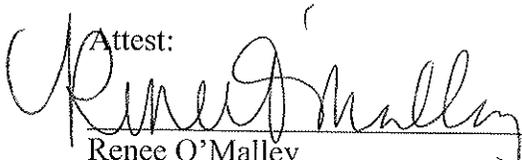
This ordinance shall become effective immediately upon its enactment.

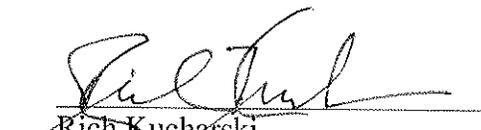
SECTION 3.

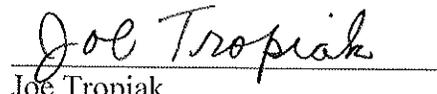
This Ordinance is enacted by the Council of the Borough of Throop under the authority of the Act of the Legislative, as amended, December 12, 1990, P.L. 1994, No. 220, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 20th day of March, 2018.

Attest:


Renee O'Malley
Secretary


Rich Kucharski
Council President


Joe Tropiak
Mayor