

TOWNSHIP OF ELDRED
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-____

**AN ORDINANCE AMENDING THE ELDRED TOWNSHIP ZONING ORDINANCE,
TOWNSHIP ORDINANCE #2014-01, AS AMENDED, TO CHANGE REFERENCE IN
THE COMMERCIAL DISTRICT SCHEDULE OF USES THAT ALLOWS FLEA
MARKETS BY SPECIAL EXCEPTION FROM FLEA MARKETS TO FLEA MARKET,
INDOOR; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.**

WHEREAS, Eldred Township, Monroe County, Pennsylvania, (the "Township") is a Pennsylvania second class township, organized and operating under the Pennsylvania Second Class Township Code ("Township Code"), 53 P.S. Sec. 65101, et seq.;

WHEREAS, pursuant to Sec. 1505 of the Township Code, 53 P.S. Sec. 66505, the corporate powers of the Township shall be exercised by the Township Board of Supervisors (the "Board");

WHEREAS, Section 1506 of the Township Code, 53 P.S. Section 66506, authorizes the Board of Supervisors to make and adopt any ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and the laws of this Commonwealth necessary for the proper management, care and control of the Township, and its finances and maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce and manufactures;

WHEREAS, Section 1516 of the Township Code, 53 P.S. 66516, entitled "Land Use Regulations," authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code";

WHEREAS, pursuant to such authority, the Township enacted on May 1, 2014, Township Ordinance #2014-01, commonly known as the Eldred Township Zoning Ordinance, (the "Zoning Ordinance");

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and re-enacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10609, entitled "Enactment of

Zoning Ordinance Amendments," sets forth provisions for the enactment of amendments to zoning ordinances pursuant to certain procedural formalities;

WHEREAS, the Board of Supervisors from time to time has reviewed the Zoning Ordinance, and amended the Zoning Ordinance, as the Board finds in the best interests of the health, safety and welfare of Township residents;

WHEREAS, the Zoning Ordinance definitions provide separate definitions for "Flea Market, Indoor" and "Flea Market, Outdoor";

WHEREAS, Section 400.4 of the Zoning Ordinance governing Regional Uses prohibits "Flea Market, Outdoor" use in Eldred Township;

WHEREAS, the Commercial District Schedule of Uses allows "Flea markets" by Special Exception;

WHEREAS, the Board desires to resolve any ambiguity by use of the undefined term "Flea markets" in the Commercial District Schedule of Uses allowed by Special Exception;

WHEREAS, the Board desires to change reference in the Commercial District Schedule of Uses that allows "Flea markets" by Special Exception from "Flea markets" to "Flea Market, Indoor";

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

Section 1. ARTICLE IV, DISTRICT REGULATIONS, C - COMMERCIAL DISTRICT - SCHEDULE OF USES, SPECIAL EXCEPTIONS, is amended by deleting "Flea markets" and in its place adding "Flea Market, Indoor".

Section 2. If any sentence, clause, section, or 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 remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that

such remainder shall be and shall remain in full force and effect.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of this Zoning Ordinance Amendment are the same as any provisions of the Zoning Ordinance, as amended, in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

Section 4. This ordinance shall take effect five (5) days after the date of its enactment.

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ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania this ____ day of _____, 2024.

TOWNSHIP OF ELDRED
BOARD OF SUPERVISORS

Chairperson

Vice Chairperson

Supervisor

(TOWNSHIP SEAL)

Township Secretary