

ORDINANCE NO. 2018-03

AN ORDINANCE AMENDING THE ELDRED TOWNSHIP ZONING ORDINANCE, TOWNSHIP ORDINANCE #2014-01, AS AMENDED; ESTABLISHING A NEW DEFINITION FOR TOWNSHIP FACILITIES; AMENDING THE SCHEDULE OF USES TO PERMIT BY RIGHT TOWNSHIP FACILITIES IN EACH TOWNSHIP ZONING DISTRICT; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS

WHEREAS, Eldred Township, Monroe County, Pennsylvania, 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;

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 Ordinance, as the Board finds in the best of interests of the health, safety and welfare of Township residents; and

WHEREAS, the Board of Supervisors finds that it is appropriate, convenient, and efficient to permit by right Eldred Township owned and/or operated building, structure and uses ("Township Facilities") in each Township Zoning District, because the establishment and use of Township Facilities is already subject to the control and continuing oversight and regulation by elected Township officials;

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. The Zoning Ordinance is amended as follows:

A. **Section 303, Definitions**, is amended by adding an additional definition entitled "Township Facilities", as follows:

Township Facilities - Any building, structure, or use owned and/or operated by Eldred Township for municipal purposes. In the event this definition conflicts with any other definition in the Zoning Ordinance, this definition shall take precedence, but only to the extent there is a conflict.

B. **Section 404, District Regulations**, is amended by adding "Township Facilities" to the list of **PRINCIPAL PERMITTED USES** for each Township zoning district's SCHEDULE OF USES. In the event that a proposed Township building or use could be considered to fall within another use category in addition to "Township Facilities", or in the event of conflict generally, the "Township Facilities" use category shall take precedence.

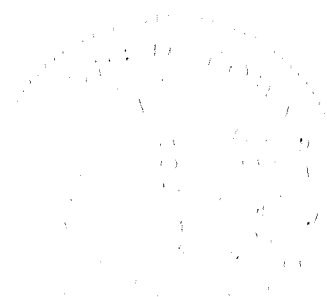
Section 2. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. 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.

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

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Eldred Township, Monroe County, Pennsylvania this 3rd day of May, 2018.

TOWNSHIP OF ELDRED
BOARD OF SUPERVISORS


Mary Anne Course
Chairperson

John Beach
Vice Chairperson

[Signature]
Supervisor

E. Ann Felopalek
Township Secretary

(TOWNSHIP SEAL)