

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 317 OF 1991

AN ORDINANCE, AMENDING THE ORWIGSBURG BOROUGH SUBDIVISION CONTROL ORDINANCE ORIGINALLY ENACTED ON SEPTEMBER 20, 1967, REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND INCLUDING MOBILEHOME PARKS WITHIN THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA; PROVIDING FOR THE PREPARATION OF PRELIMINARY AND FINAL PLANS FOR SUCH PURPOSE; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER AND DEVELOPER; REGULATING SALES OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISIONS AND LAND DEVELOPMENTS; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Borough Council of this Borough that The Orwigsburg Borough Subdivision Control Ordinance originally enacted on September 20, 1967, as amended, is further amended by adding and supplementing thereto the following revised Ordinance, all pursuant to the Pennsylvania Municipalities Planning Code of 1968, as amended, (Act 247 of 1968, P.L. 805, as amended by Act 170 of 1988):

ARTICLE I.
AUTHORITY, PURPOSE, TITLE AND JURISDICTION

Section 101. Authority and Adoption

The Borough of Orwigsburg Planning Commission and Borough Council are vested by law with the control of subdivision and land development within the Borough limits by virtue of the Pennsylvania Municipalities Planning Code.

The following regulations have been adopted by ordinance duly enacted by the Borough Council of the Borough of Orwigsburg, and shall remain in effect until modified, amended or rescinded by the Borough Council.

Section 102. Purpose

This Ordinance has been adopted by the Orwigsburg Borough Council for the following purposes:

- A. To assist orderly, efficient and integrated development of land.

1. Funding mediation.
 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 3. Completing mediation, including time limits for such completion.
 4. Suspending time limits otherwise authorized in This Ordinance and the Pa. Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 5. Identifying all parties and affording them the opportunity to participate.
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Pa. Municipalities Planning Code.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 1506. Records

The Planning Commission shall keep a record of its findings, decisions and recommendations relative to all subdivision and land development plans filed with it for review.

Section 1507. Severability

If any section, clause, provision, or portion of This Ordinance shall be held to be invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of This Ordinance.

Section 1508. Repeal

All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 1509. Effective Date

This Ordinance shall become effective in accordance with applicable law and may be amended from time to time in accordance with procedure established by law. No plan submitted prior to the effective date of This Ordinance will be subject to the more stringent regulations under This Ordinance.

Section 1510. Enactment

Enacted this 12th day of February, 1992.

/s/ Joseph M. Burdis
President of Council

Attest: /s/ Kathleen M. Consugar
Borough Secretary

Approved this 17th day of February, 1992.

/s/ Everitt F. Binns
Mayor