

ORDINANCE NO. 318

AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED ZONES AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE AND THE NATURE AND EXTENT OF THE USES OF LAND AND THE EXERCISE OF SUCH AUTHORITY, SUBJECT TO THE PROVISIONS OF LAW, REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZES OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF THE LOT THAT MAY BE OCCUPIED; THE SIZES OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE AND EXTENT OF USE OF BUILDINGS AND STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; ESTABLISHING A ZONING HEARING BOARD; AND REPEALING ALL PRIOR ORDINANCES RELATING TO ZONING; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF, IN THE BOROUGH OF ORWIGSBURG, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA.

BE IT ORDAINED by the BOROUGH COUNCIL of the BOROUGH OF ORWIGSBURG, in the County of Schuylkill and the Commonwealth of Pennsylvania, as follows:

ARTICLE I

SHORT TITLE, PURPOSE AND
COMMUNITY DEVELOPMENT OBJECTIVES

SECTION 1.01 - SHORT TITLE. This Ordinance shall be known as the "ORWIGSBURG BOROUGH ZONING ORDINANCE."

SECTION 1.02 - PURPOSE.

This Zoning Ordinance has been prepared in consideration with the Borough Comprehensive Plan as amended, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

- A. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

ARTICLE XVII
LEGAL PROVISIONS

SECTION 17.01 - INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises, or upon the height of the building, or requires a larger open space than is imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

SECTION 17.02 - REPEALER. All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 17.03 - VALIDITY. 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 holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in itself invalid or unconstitutional.

SECTION 17.04 - EFFECTIVE DATE. This Ordinance shall take effect and be in force immediately after its adoption and advertisement - the public welfare demanding it.

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