

**ORDINANCE TO REPEAL ARARAT TOWNSHIP SALDO AND ABOLISH THE  
ARARAT TOWNSHIP PLANNING COMMISSION**

**NO. 2019 -11/6**

**ARARAT TOWNSHIP  
SUSQUEHANNA COUNTY**

**AN ORDINANCE OF ARARAT TOWNSHIP, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, REVOKING ARARAT TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE NO. 1-01, AND ALL OTHER ORDINANCES INCONSISTENT HERewith, ABOLISHING THE ARARAT TOWNSHIP PLANNING COMMISSION, AND ALLOWING FOR THE OVERSIGHT OF SUBDIVISION AND LAND DEVELOPMENT IN ARARAT TOWNSHIP BY THE SUSQUEHANNA COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND SUSQUEHANNA COUNTY PLANNING COMMISSION.**

**WHEREAS**, the Pennsylvania Municipalities Planning Code (53 P.S. § 10101, et seq.) allows for the regulation of subdivision and land development in the Commonwealth of Pennsylvania through the enactment of subdivision and land development ordinances at the county and township levels; and

**WHEREAS**, the Board of Commissioners of Susquehanna County has enacted the Susquehanna County Subdivision and Land Development Ordinance<sup>1</sup> to allow for subdivision and land development in the County of Susquehanna, provide application procedures, design standards and maintenance requirements for improvements in Susquehanna County, and prescribe penalties for violations of the same; and

**WHEREAS**, the Susquehanna County Planning Commission enforces the Susquehanna County Subdivision and Land Development Ordinance; and

**WHEREAS**, the Board of Supervisors of Ararat Township additionally enacted its own Subdivision and Land Development Ordinance, known as the Ararat Township Subdivision and Land Development Ordinance (No. 1-01), on July 3, 2001, and thereby allowed for the creation of the Ararat Township Planning Commission for the enforcement of the Ararat Township Subdivision and Land Development Ordinance within Ararat Township; and

**WHEREAS**, the Pennsylvania Municipalities Planning Code, pursuant to 53 P.S. § 10502(b), requires the submission of applications for subdivision and land development to the Ararat Township Planning Commission for review and report, and thereafter nonetheless requires

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<sup>1</sup> The current Susquehanna County Subdivision and Land Development Ordinance was enacted and ordained on January 26, 2011. The current Susquehanna County Subdivision and Land Development Ordinance repealed and replaced a previous Susquehanna County Subdivision and Land Development Ordinance that was enacted and ordained on or about December 31, 1997.



that all applications be forwarded to the Susquehanna County Planning Commission for additional review and report; and

**WHEREAS**, the Ararat Township Planning Commission is not permitted to approve any application until the county report is received; and

**WHEREAS**, the Board of Supervisors of Ararat Township has received complaints from some residents of the Ararat Township related to the additional fees and timelines required for approval from both township and county level planning commissions; and

**WHEREAS**, the Board of Supervisors of Ararat Township is authorized pursuant to the Pennsylvania Municipalities Planning Code and the Pennsylvania Second Class Township Code, 53 P.S. § 66516, to plan for the development of Ararat Township through subdivision and land development regulations; and

**WHEREAS**, the Board of Supervisors believes that regulation of subdivision and land development at both the township and county level is unnecessary and burdensome for the residents of Ararat Township; and

**WHEREAS**, the Board of Supervisors of Ararat Township has reviewed the Susquehanna County Subdivision and Land Development Ordinance and believe it sufficiently provides for the regulation of subdivision and land development in Ararat Township; and

**WHEREAS**, the Board of Supervisors of Ararat Township wishes to thank the present and past members of the Ararat Township Planning Commission for their dedication to Ararat Township and for their service on the Planning Commission; and

**WHEREAS**, the Board of Supervisors of Ararat Township wishes to revoke and repeal the Ararat Township Subdivision and Land Development Ordinance (No. 1-01) and abolish the Ararat Township Planning Commission; and

**WHEREAS**, the Board of Supervisors of Ararat Township will allow for the regulation of subdivision and land development through the Susquehanna County Subdivision and Land Development Ordinance and the Susquehanna County Planning Commission.

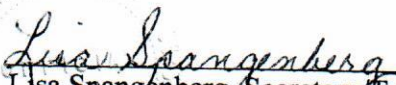
**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Ararat Township as follows:

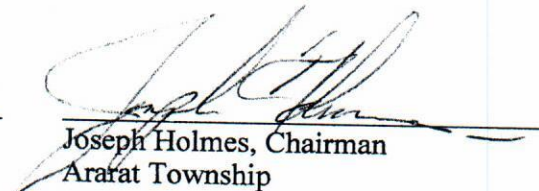
1. The Ararat Township Subdivision and Land Development Ordinance, enacted and ordained on July 3, 2001, known as Ordinance No. 1-01, is hereby repealed and revoked, together with all amendments and modifications made subsequent to the enactment of the same.
2. The Ararat Township Planning Commission is hereby abolished.

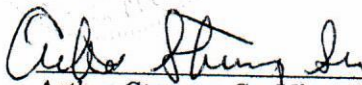
3. All subdivision and land development in Ararat Township shall be governed by the Susquehanna County Subdivision and Land Development Ordinance and shall thereafter be reviewed and overseen by the Susquehanna County Planning Commission.
4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions hereof.
5. This ordinance shall be in full force and effect on December 1, 2019.
6. The Ararat Township Planning Commission shall comply with the following conditions to allow for the transition of regulation to the county level without unnecessary burden for residents and employees of the township:
  - a. The Ararat Township Planning Commission shall forward all applications for subdivision and land development in its possession to the Susquehanna County Planning Commission on or before December 1, 2019.
  - b. The Ararat Township Planning Commission shall turn over all minutes and records to the Ararat Township Board of Supervisors, through its Secretary, on or before December 1, 2019.
  - c. Any and all outstanding invoices for services performed and/or allowable fees for members of the Planning Commission shall be submitted to the Ararat Township Board of Supervisors on or before December 1, 2019, or they will not be given consideration for reimbursement.


**ENACTED AND ORDAINED** this 6<sup>th</sup> day of November by the Board of Supervisors of Ararat Township, Susquehanna County, Commonwealth of Pennsylvania in lawful session, duly assembled.

ATTEST:

  
Lisa Spangenberg, Secretary/Treasurer  
Ararat Township

  
Joseph Holmes, Chairman  
Ararat Township

  
Arthur Straway Sr. Vice-Chairman  
Ararat Township

  
Peter Seman, Supervisor  
Ararat Township