BOROUGH OF ARCHBALD

ORDINANCE NO. _____ OF 2026

AN ORDINANCE AMENDING ORDINANCE #1 of 2024, THE BOROUGH OF ARCHBALD'S SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, REMOVING THE AUTHORITY TO APPROVE MAJOR SUBDIVISIONS AND LAND DEVELOPMENT FROM THE PLANNING COMMISSION OF THE BOROUGH OF ARCHBALD, WITH THE EXCEPTION OF APPROVAL OF RESIDENTIAL LOT MERGERS AND RESIDENTIAL MINOR SUBDIVISIONS, AND VESTING THIS AUTHORITY IN THE ARCHBALD BOROUGH COUNCIL

By the powers granted to the Borough of Archbald by the Pennsylvania Borough Code, 8 Pa.C.S. §101 et seq., and by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq., specifically including, but not limited to, the power to enact ordinances in accordance with the laws of the Commonwealth of Pennsylvania, 8 Pa.C.S. §3301.1(a), and the power to amend its Subdivision and Land Development Ordinance, 53 P.S. §§10501 and 10505, be it **ENACTED** and **ORDAINED** by the Borough Council of the Borough of Archbald, Lackawanna County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of the Archbald Borough Council as follows:

SECTION I. TITLE

This Ordinance shall be known as, "Ordinance No. _____ of 2026, An Ordinance Amending Ordinance #1 of 2024, The Borough of Archbald Subdivision and Land Development Ordinance, Removing the Authority to Approve Major Subdivisions and Land Development from the Planning Commission of the Borough of Archbald, with the Exception of Approval of Residential Lot Mergers and Residential Minor Subdivisions, and Vesting This Authority in the Archbald Borough Council".

SECTION II. AMENDMENT TO ARCHBALD BOROUGH CODE

The Code of Ordinances of the Borough of Archbald, Chapter 445 "Archbald Borough Subdivision and Land Development Ordinance of 2024" is hereby amended to add, delete, or modify Chapter 445 to include the terms of the within Ordinance.

SECTION III. POLICY

Pursuant to its authority under the Pennsylvania Borough Code and the Pennsylvania Municipalities Planning Code to make such regulations as may be necessary for the health, safety, morals, and general welfare of the Borough of Archbald and its residents, 8 Pa.C.S. §1202(5), and to regulate subdivisions and land development within the Borough of Archbald and to require that all subdivision and land development plats of land situate within the Borough of Archbald be submitted for approval to the Archbald Borough Council as the Borough of Archbald's governing body, 53 P.S. §10501, the Archbald Borough Council enacts the within Ordinance.

SECTION IV. DEFINITIONS

A. BOROUGH - Means the Borough of Archbald, Lackawanna County, Pennsylvania, and, where applicable, the Archbald Borough Council as the Borough of Archbald's governing body and/or any duly authorized member or agent of any of the above.

B. MPC – Means the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et seq., as amended.

C. SUBDIVISION – Means the definition of "Subdivision", which includes the definitions of "Subdivision – Major" and "Subdivision – Minor", contained in Section 106(b)(63) of Ordinance #1 of 2024, the Borough of Archbald's Subdivision and Land Development Ordinance, which definition is incorporated by reference herein as fully as though same were set forth at length herein.

D. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - Means Ordinance #1 of 2024, the Archbald Borough Subdivision and Land Development Ordinance adopted by the Borough of Archbald on June 19, 2024, and currently in effect.

SECTION V. CONSTRUCTION OF WORDS AND PHRASES

A. NUMBER; GENDER; TENSE - The singular shall include the plural and the plural, the singular. Words used in the masculine gender shall include the feminine and neuter. Words used in the past or present tense shall include the future.

B. WORDS AND PHRASES - Words and Phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and

phrases and such others as have acquired a peculiar and appropriate meaning or are defined in the within Ordinance, shall be construed according to such peculiar and appropriate meaning or definition.

C. **RULES OF INTERPRETATION** - Where applicable, the rules of interpretation as set forth in 1 Pa.C.S.A. §1901, et seq., shall apply to the within Ordinance.

SECTION VI. AMENDMENT OF ORDINANCE #1 of 2024, THE BOROUGH OF ARCHBALD'S SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, REMOVING THE AUTHORITY TO APPROVE MAJOR SUBDIVISIONS AND LAND DEVELOPMENT FROM THE PLANNING COMMISSION OF THE BOROUGH OF ARCHBALD, WITH THE EXCEPTION OF APPROVAL OF RESIDENTIAL LOT MERGERS AND RESIDENTIAL MINOR SUBDIVISIONS, AND VESTING THIS AUTHORITY IN THE ARCHBALD BOROUGH COUNCIL

Be it **ENACTED** and **ORDAINED** by the Archbald Borough Council, and it is hereby **ENACTED** and **ORDAINED** by the Archbald Borough Council pursuant to its authority under the Pennsylvania Borough Code and the Pennsylvania Municipalities Planning Code as set forth herein, that the Archbald Borough Council hereby amends Borough of Archbald Ordinance #1 of 2024, the Archbald Borough Subdivision and Land development Ordinance, adopted on June 19, 2024, as follows:

A. Section 501 of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10501, expressly authorizes the Archbald Borough Council, as the governing body of the Borough of Archbald, to regulate subdivisions and land development within the Borough of Archbald by enacting a Subdivision and Land Development Ordinance and further authorizes the Borough of Archbald to require that all subdivision and land development plats of land situated within the Borough of Archbald be submitted for approval to the Archbald Borough Council as the Borough of Archbald's governing body or, in lieu thereof, to the Archbald Borough Planning Commission, in which case the action of the Archbald Borough Planning Commission shall be considered the action of the Archbald Borough Council.

B. Section 505 of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10505, expressly authorizes amendments to the Borough of Archbald Subdivision and

Land Development Ordinance in accordance with the provisions of 53 P.S. Section 10505.

C. Based upon the above authority, the Archbald Borough Council hereby amends Borough of Archbald Ordinance #1 of 2024, the Borough of Archbald Subdivision and Land Development Ordinance, to remove the authority to approve Major Subdivisions and land development from the Planning Commission of the Borough of Archbald, with the exception of approval of all residential lot mergers and residential Minor Subdivisions, and vests this authority in the Archbald Borough Council as the governing body of the Borough Archbald. Specifically, the Archbald Borough Planning Commission retains, and has, the authority to approve (a) all residential lot mergers and (b) all residential Minor Subdivisions. All other approvals, including the approvals of all Major Subdivisions and other land development, is vested in the Archbald Borough Council.

D. Section 102 b. of Borough of Archbald Ordinance #1 of 2024, the Borough of Archbald Subdivision and Land Development Ordinance, is hereby amended to read as follows:

102. **APPLICABILITY AND AUTHORITY**

* * *

b. The Borough Council of the Borough of Archbald hereby, through the adoption of this Ordinance, delegates the specific authority granted to it under Section 501 of the MPC to the Archbald Borough Planning Commission to approve only (a) all residential lot mergers and (b) all residential Minor Subdivisions. All other approval authority under this Ordinance and under Section 501 of the MPC is retained by the Archbald Borough Council, specifically including, but not limited to, the power to approve all Major Subdivisions and other land development.

E. All other provisions of Ordinance #1 of 2024 not affected by this amendment shall remain in full force and effect.

SECTION VII. SEVERABILITY AND AMENDMENT

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

section, clause, provision or portion of this Ordinance, so long as it remains workable minus the invalid portion.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall become effective five (5) calendar days after its enactment date.

ORDAINED AND ENACTED THIS ____ day of _____, of 2026.

ATTEST:

Borough of Archbald

By: _____
JAMAYCA KAVANAUGH,
ARCHBALD BOROUGH SECRETARY

By: _____
LOUIS J. RAPOCH, PRESIDENT
ARCHBALD BOROUGH COUNCIL

EXAMINED AND APPROVED this _____ day of _____ of 2026.

_____
SHIRLEY BARRETT, MAYOR
BOROUGH OF ARCHBALD