

**BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 162

**AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND
COMMONWEALTH OF PENNSYLVANIA, AMENDING BARRETT TOWNSHIP
ORDINANCE NUMBER 150 CONCERNING STORMWATER MANAGEMENT.**

THE FOLLOWING ORDINANCE IS ORDAINED AND ENACTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, by the authority of the Stormwater Management Act, October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 *et seq.*, as amended; and the general powers permitted by the Second Class Township Code, 53 P.S. § 66506:

SECTION 1. – TITLE. -

This Ordinance shall be known and may be cited as the “Amendment to Ordinance 150 (Stormwater Management) Concerning Modifications.”

**SECTION 2. – AMENDMENT TO BARRETT TOWNSHIP ORDINANCE 150 TO
ADD A NEW SECTION 807 ENTITLED “MODIFICATIONS.” -**

Barrett Township Ordinance 150 is hereby amended to add a new Section 807 as follows:

Section 807. Modifications

- A. In order to permit the reasonable utilization of property, the Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if literal compliance will result in undue hardship or be unreasonable as it is applied to a particular property, or if the Applicant establishes to the satisfaction of the Board of Supervisors that an alternative proposal will allow for equal or better results, provided that such modification will not be contrary to the public interest and fulfills the purpose and intent of this Ordinance.
- B. In granting any requested modification, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.
- C. All requests for modification shall be made in writing, shall be signed by the Applicant, shall accompany the submission of the Drainage Plan, and shall include:

1. The specific provision of this Ordinance with respect to which a modification is desired.
 2. The specific modification desired and the proposed alternative.
 3. The Applicant's justification for the modification, including the full basis and facts of the alleged unreasonableness or undue hardship, and an explanation of how the requested modification is the minimum modification necessary to permit the reasonable utilization of the property but still achieves the purposes and objectives of this Ordinance.
- D. The Board of Supervisors shall maintain a written record of the action taken on all requests for modification. Any modifications that are granted or approved shall be set forth on the approved Drainage Plan and on the record plan.

SECTION 3. – SEVERABILITY. -

The provisions of this ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as the legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

SECTION 4. – REPEALER. -

All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed. This ordinance specifically amends Barrett Township Ordinance 150. Except as amended by this ordinance, Ordinance 150 shall remain in full force and effect.

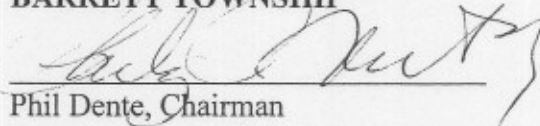
SECTION 5. – EFFECTIVE DATE. -

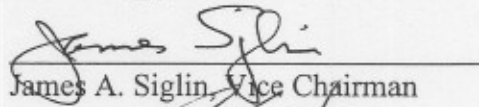
This ordinance shall take effect five (5) days after the date of its enactment.

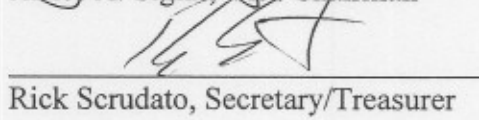
ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of

Supervisors of Barrett Township, Monroe County, Pennsylvania, this 23 day of April, 2009.

**BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP**

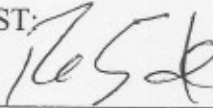

Phil Dente, Chairman


James A. Siglin, Vice Chairman


Rick Scudato, Secretary/Treasurer

John Seese, Supervisor

Arthur C. Gray, Supervisor

ATTEST: 

Secretary

(TOWNSHIP SEAL)

BARRETT TOWNSHIP ORDINANCE NO. 162

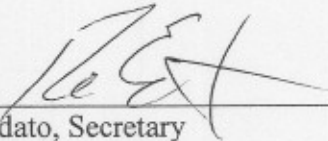
IN RE:

**AN ORDINANCE OF THE TOWNSHIP OF
BARRETT, COUNTY OF MONROE, AND
COMMONWEALTH OF PENNSYLVANIA,
AMENDING BARRETT TOWNSHIP ORDINANCE
NUMBER 150 CONCERNING STORMWATER
MANAGEMENT.**

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, on the 23 day of April, 2009.

(TOWNSHIP SEAL)


Rick Scudato, Secretary
Barrett Township Board of Supervisors
R.R. 2, Box 2337
Cresco, PA 18326