CLARKS SUMMIT BOROUGH COUNCIL

ORDINANCE NO. 2019 - 02

AMENDING ORDINANCE NUMBER 2002-01 ENTITLED

"THE BOROUGH OF CLARKS SUMMIT ZONING ORDINANCE"

TO REFLECT AN AMENDMENT PERMITTING A CREATORIUM AS ACCESSORY USE OF THE OPERATION IN A FUNERAL PARLOR IN THE BOROUGH.

WHEREAS, the Borough of Clarks Summit is a duly ordained political subdivision (the "Borough"); and

WHEREAS, the Borough has duly enacted Zoning Ordinance No. 2002-01 (the "Zoning Ordinance"); and

WHEREAS, the use of cremation services in the United States has increased annually; and

WHEREAS, there has been a change in the case-law regarding crematoriums in the Commonwealth of Pennsylvania;

WHEREAS, neighboring municipalities have made amendments to accommodate the use of a crematorium as an accessory use to funeral parlors based on the changes in case-law;

WHEREAS, it is expected and will be required that any operator of a crematorium will safeguard against any increase in noise levels, smoke or odor from the property through the use laboratory tested equipment which protects against the same; and

WHEREAS, any development of a parcel must be consistent with the permitted uses in the Central Commercial District and be in the best interest of the Borough and result in the property being developed consistent with the surrounding properties and substantially improve the esthetic, environmental and public health and safety concerns relative to this area within the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Clarks Summit, and it is hereby enacted and ordained by the authority granted to Boroughs under the laws of the Commonwealth of Pennsylvania that Ordinance Number 2002-01 is amended as follows:

SECTION 1: "Funeral Parlor" shall be defined as a building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related

funeral supplies; (d) the storage of funeral vehicles and (e) facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

SECTION 2: Accessory uses. The use of a crematorium shall be considered a permissible accessory use to any funeral parlor.

SECTION 3: Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Clarks Summit Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. In all other respects, Ordinance Number 2002-01 of the Borough of Clarks Summit, as amended, shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon adoption.

SECTION 7. This Ordinance is enacted by the Borough of Clarks Summit under the authority of the Act of Legislature, February 1, 1966, P.L. (1965) No. 581Sec. 1005, as amended 1979, November 2, P.L. 458 No. 94, 53 P.S. Sec. 46006 et seq. known as the Borough Code and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

Approved this 7th day of August, 2019.

Germaine Carey
Clarks Summit Council President

ATTEST:

Virginia Kehoe, Manager