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Ordinance 841--2023

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING AND REVISING ORDINANCE NO. 220-70, MODIFYING THE CODE OF ORDINANCES AT CHAPTER 1 [ADMINISTRATION AND GOVERNMENT], PART 4 [BOARDS, COMMISSIONS AND COMMITTEES] PARAGRAPH F [PLANNING COMMISSION], SECTION 451 [CREATION, MEMBERSHIP, POWERS] BY AMENDING SECTION 451 TO REDUCE THE NUMBER OF MEMBERS OF THE PLANNING COMMISSION FROM SEVEN TO FIVE MEMBERS AND ESTABLISHING APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING COMMISSION BY RESOLUTION AND REPEALING INCONSISTENT ORDINANCES AND REPUBLISHING CHAPTER ONE OF THE CODE OF ORDINANCES .

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of East Pennsboro, Cumberland County, Pennsylvania, the following amendments to the Code of Ordinances of East Pennsboro Township, Chapter 1, Administration and Government, Part 4, Boards, Commissions and Committees, Paragraph F, Planning Commission, Section 451, Creation, Membership, Powers as follows:

SECTION 1. Sections 451 [Creation, Membership, Powers] of Paragraph F [Planning Commission] Part 4 [Boards, Commissions and Committees] of Chapter 1 [Administration and Government] the Code of Ordinances of the Township of East Pennsboro are hereby amended and revised in its entirety to provide as follows:

§ 1-451 Creation, Membership, Alternate Members, Powers.

a. There is hereby created a Township Planning Commission, which shall be constituted as provided as set forth in Article II of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10201 et seq., as enacted or amended and shall perform all the duties and may exercise all the powers conferred upon planning commissions of first-class townships by law.

b. The Township Planning Commission shall hereafter be composed of five (5) members whose terms shall be in accordance with Article II of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10203 et seq., as enacted or amended by law.

c. At least one (1) but no more than three (3) Alternate members of the Township Planning Commission may be appointed by resolution of the Board of Commissioners. The term of office of an alternate member shall be for four (4) years. Alternates shall not serve as a member of the zoning hearing board nor as a zoning officer. Any alternate may participate in any proceeding or discussion of the commission but shall not be entitled to vote as a member of the commission unless designated as a voting alternate member by the Chair of the Planning Commission. The Chair may designate a Board-appointed alternate member of the Planning Commission to substitute for any absent member or member who has recused himself/herself or has been disqualified by the Board of Commissioners, and, if, by reason of absence, recusal or disqualification of a

member, a quorum is not reached, the Chair of the commission shall designate as many Board-appointed alternate members of the Planning Commission to sit on the Commission as may be needed to reach a quorum. Any alternate member of the Commission shall continue to serve on the Commission in all proceedings involving the matter or case for which the alternate was initially appointed until the Commission has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

SECTION 2. Severability. If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality, or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the ones declared to be unconstitutional, illegal, or invalid.

SECTION 3. Repealer. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. In all other respects, Chapter 1 [Administration and Government], of the Code of Ordinances of the East Pennsboro Township shall remain as heretofore enacted, ordained, and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 5. This Ordinance shall take effect immediately upon its enactment.

ENACTED AND ORDAINED this 1st day of Feb, 2023

ATTEST:

A John Pietropaoli, Secretary

EAST PENNSBORO TOWNSHIP

By:

George A. Tyson, President,
Board of Commissioners