

ORDINANCE NO. 874-23

AN ORDINANCE OF THE BOROUGH OF HAMBURG, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, "ZONING," OF THE BOROUGH CODE OF ORDINANCES IN ORDER TO REDUCE THE MEMBERSHIP OF THE ZONING HEARING BOARD FROM FIVE (5) MEMBERS TO THREE (3) MEMBERS.

WHEREAS, the Borough of Hamburg Zoning Hearing Board initially consisted of five (5) members in accordance with Subsection 27-801(2) of the Borough Code of Ordinances; and

WHEREAS, the Borough of Hamburg has been unable to find eligible, qualified volunteers to fill all five (5) spots on the Zoning Hearing Board membership for many years resulting in the Zoning Hearing Board being unable to obtain a quorum and conduct business on certain occasions; and

WHEREAS, the Borough of Hamburg has determined that the membership of the Zoning Hearing Board should be three (3) members and such reduction would not require the removal of any members because there are not more than three (3) currently appointed members of the Zoning Hearing Board.

BE IT, and it is hereby enacted by the Borough Council of the Borough of Hamburg, Berks County, Pennsylvania, as follows, and **NOW, THEREFORE**, the Borough Council does hereby enact and ordain the following:

SECTION 1. Amendment to Chapter 27, "Zoning," Part 8, "Zoning Hearing Board," Section 801, "Zoning Hearing Board" by reducing the number of members of the Zoning Hearing Board to three (3) members.

Subsection 801(2) of Part 8, "Zoning Hearing Board," of Chapter 27, "Zoning," of the Borough Code of Ordinances is amended and restated to read as follows:

2. The membership of the Board shall consist of ~~five~~ **three (3)** residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies, which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

SECTION 2. Repeal of Ordinances. Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 3. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough Council of the Borough of Hamburg, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

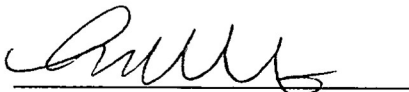
SECTION 4. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

SECTION 5. Code of Ordinances. The Code of Ordinances, as amended, of the Borough of Hamburg, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

ENACTED AND ORDAINED this 25th day of JULY, 2023.

ATTEST:

BOROUGH OF HAMBURG


Secretary

By: 
President

Approved as an Ordinance of the Borough of Hamburg this 30th day of July, 2023.


Mayor