

# TOWNSHIP OF WHITPAIN

ORDINANCE NO. 418

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART I [ADMINISTRATIVE LEGISLATION], BY CREATING CHAPTER 34 [ARTS AND CULTURE COMMISSION] TO ESTABLISH AN ARTS AND CULTURE COMMISSION

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## CERTIFICATION

I, ERIC TRAUB, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 418.



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Eric Traub, Township Manager

Aug. 21, 2024

ENACTED: 8-20-24

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**WHEREAS**, The Board of Supervisors of Whitpain Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety and welfare of the residents of Whitpain Township;

**WHEREAS**, the Second Class Township Code authorizes the Board of Supervisors to make, amend and adopt amendments to the Whitpain Code of Ordinances, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents;

**WHEREAS**, the Board of Supervisors of Whitpain Township has determined that certain amendments to the Whitpain Township Code of Ordinances, as amended, are required for the orderly administration of the laws of Whitpain Township; and

**WHEREAS**, the Board of Supervisors has determined that the Code of Ordinances of the Township of Whitpain should be amended to create an Art and Culture Commission for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its residents.

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**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED** by the Whitpain Township Board of Supervisors that the Township's Code is amended as follows:

**SECTION 1. Amendment to Part I [Administrative Legislation], to create Chapter 34 [Arts and Culture Commission].**

The Code of the Township of Whitpain, Part I [Administrative Legislation], to create Chapter 34 [Arts and Culture Commission], as follows:

## **Article 34 [Arts and Culture Commission]**

### § 34-1 Purpose and Scope.

The purpose of the Arts and Culture Commission is to organize and promote initiatives in the Township to celebrate the rich artistic and cultural heritage of Whitpain Township and provide meaningful artistic and cultural experiences to the residents of Whitpain Township.

### § 34-2 Establishment.

Pursuant to the provisions of the Second Class Township Code, 53 P.S. § 65101 et seq., there is hereby created an Arts and Culture Commission in and for the Township of Whitpain.

### § 34-3 Composition; Terms; Vacancies.

- A. All Arts and Culture Commission members shall be residents of Whitpain Township.
- B. All Arts and Culture Commission members shall be appointed by the Board of Supervisors of Whitpain Township.
- C. The Arts and Culture Commission shall consist of five (5) members serving overlapping three-year terms. Initial appointments shall be staggered so that the terms of approximately 1/3 of the Arts and Culture Commission shall expire each year, as follows;
  - (1) One member shall be initially appointed to a one-year term;
  - (2) Two members shall be initially appointed to a two-year term;
  - (3) Two members shall be initially appointed to a three-year term.
- D. Arts and Culture Commission members' terms of office shall expire on the first Monday in January following the last year of their term of office.
- E. Should a vacancy occur, the Board of Supervisors shall appoint a member to fill the vacancy only for the unexpired portion of the term.

### § 34-4 Organization.

- A. The Arts and Culture Commission members first appointed shall organize within twenty (20) days of their appointment.

- B. The Arts and Culture Commission shall designate the Chair of the Arts and Culture Commission.
- C. The Arts and Culture Commission shall elect one member as Vice Chair of the Arts and Culture Commission and one member as Secretary.
- D. The Arts and Culture Commission may appoint other officers and may designate a person to act on behalf of the designated Chair in their absence, and it may make and alter bylaws and rules and regulations to cover its procedures consistent with the ordinances of Whitpain Township and the laws of the Commonwealth of Pennsylvania.
- E. The Arts and Culture Commission shall reorganize at its first meeting in even-numbered years.
- F. A majority of the sitting members shall constitute a quorum, and all business shall be transacted by a majority of the quorum present.
- G. The Arts and Culture Commission shall meet at the call of the Chair or at the direction of the Board of Supervisors.

§ 34-5 Advisory function.

The Arts and Culture Commission is to be advisory to the Board of Supervisors. The Board of Supervisors confers no independent authority on the Arts and Culture Commission. The Art and Culture Commission shall not exercise any powers or perform any duties which by law are conferred or imposed upon the municipality or other commonwealth agency.

§ 34-6 Powers and duties.

The Arts and Culture Commission shall have the following advisory powers and duties:

- A. Serve as an artistic, cultural, and/or creative resource to the Board of Supervisors and the Township's other boards, committees, and commissions.
- B. Develop relationships and liaise with organizations, government agencies, and community groups dedicated to or facilitating artistic, cultural, creative, preservation, historical, or other similar programs or initiatives.
- C. As directed by the Board of Supervisors, represent the community for artistic and/or cultural matters at the regional, state, and national levels.
- D. Advise the Board of Supervisors on artistic and/or cultural programming for the community.

- E. As directed by the Board of Supervisors, conceive, plan, and execute artistic and/or cultural programming for the community.
- F. Other duties as directed by the Board of Supervisors.

§ 34-7 Appropriations.

- A. The Board of Supervisors may appropriate funds for the expenses incurred by the Arts and Culture Commission for such administrative, clerical, printing, and legal services as may be required in the exercise of the aforesaid advisory powers and duties.
- B. The Arts and Culture Commission may not contract separately for professional or vendor services but shall have access to Township professional services with the approval of the Township Manager.
- C. The Arts and Culture Commission must obtain the approval of the Township Manager prior to the expenditure of any funds.

§ 34-8 Compensation

Members of Arts and Culture Commission shall receive no compensation for their services, but they may be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties, provided that the expenses have the prior approval of the Board of Supervisors.

**SECTION 3. Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

**SECTION 4. Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 5. Effective Date.**

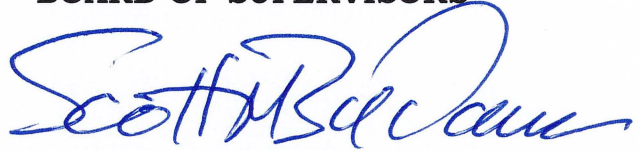
This Ordinance shall become effective five (5) days after enactment.

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**ORDAINED AND ENACTED** this 20th day of August 2024, by the  
Whitpain Township Board of Supervisors.

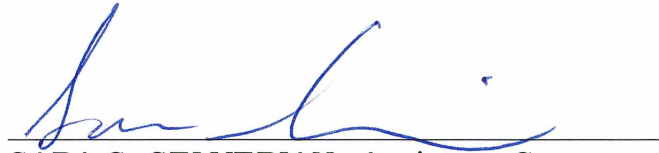
**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

[Seal]



SCOTT M. BADAMI, *Chair*

Attested by:



SARA S. SELVERIAN, *Assistant Secretary*