

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 780

Session of  
2007

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INTRODUCED BY STABACK, BELFANTI, BENNINGHOFF, BIANCUCCI, BOYD, CAPPELLI, CARROLL, DeLUCA, DENLINGER, DeWEESE, FABRIZIO, FREEMAN, GERGELY, GIBBONS, GRELL, GRUCELA, HERSHEY, KOTIK, KULA, MUNDY, O'NEILL, PALLONE, PHILLIPS, PRESTON, SAYLOR, SIPTROTH, SOLOBAY, WANSACZ, WOJNAROSKI, YOUNGBLOOD, LONGIETTI AND CALTAGIRONE, MARCH 19, 2007

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 1, 2007

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### AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,  
2 as amended, "An act to empower cities of the second class A,  
3 and third class, boroughs, incorporated towns, townships of  
4 the first and second classes including those within a county  
5 of the second class and counties of the second through eighth  
6 classes, individually or jointly, to plan their development  
7 and to govern the same by zoning, subdivision and land  
8 development ordinances, planned residential development and  
9 other ordinances, by official maps, by the reservation of  
10 certain land for future public purpose and by the acquisition  
11 of such land; to promote the conservation of energy through  
12 the use of planning practices and to promote the effective  
13 utilization of renewable energy sources; providing for the  
14 establishment of planning commissions, planning departments,  
15 planning committees and zoning hearing boards, authorizing  
16 them to charge fees, make inspections and hold public  
17 hearings; providing for mediation; providing for transferable  
18 development rights; providing for appropriations, appeals to  
19 courts and penalties for violations; and repealing acts and  
20 parts of acts," further providing for appointment, term and  
21 vacancy of planning commission members and for conduct of  
22 business of planning commission.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 203 of the act of July 31, 1968 (P.L.805,

No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended by adding a subsection to read:

Section 203. Appointment, Term and Vacancy.--\* \* \*

(e) The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the planning commission. The term of office of an alternate member shall be ~~three~~ FOUR years. When seated pursuant to the provisions of section 207, an alternate shall be entitled to participate in all proceedings and discussions of the commission to the same and full extent as provided by law for commission members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall ~~hold no other elected or appointed office in the municipality, including service~~ NOT SERVE as a member of the zoning hearing board or as a zoning officer, ~~nor shall any alternate be an employee of the municipality.~~ 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 nor be reimbursed pursuant to section 202 unless designated as a voting alternate member pursuant to section 207.

Section 2. Section 207 of the act is amended to read:

Section 207. Conduct of Business.--(a) The commission shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The commission may make and alter by laws and rules and regulations to govern its procedures consistent with the ordinances of the municipality

1 and the laws of the Commonwealth. The commission shall keep a  
2 full record of its business and shall annually make a written  
3 report by March 1 of each year of its activities to the  
4 governing body. Interim reports may be made as often as may be  
5 necessary, or as requested by the governing body.

6 (b) The chairman of the planning commission may designate  
7 alternate members of the commission to ~~replace any absent or~~ <—  
8 ~~disqualified member~~ SUBSTITUTE FOR ANY ABSENT MEMBER OR MEMBER <—  
9 WHO HAS RECUSED HIMSELF OR HAS BEEN DISQUALIFIED BY THE  
10 GOVERNING BODY, and if, by reason of absence or, recusal or <—  
11 disqualification of a member, a quorum is not reached, the  
12 chairman of the commission shall designate as many alternate  
13 members of the commission to sit on the commission as may be  
14 needed to reach a quorum. Any alternate member of the commission  
15 shall continue to serve on the commission in all proceedings  
16 involving the matter or case for which the alternate was  
17 initially appointed until the commission has made a final  
18 decision on the matter or case. Designation of an alternate  
19 pursuant to this section shall be made on a case-by-case basis  
20 in rotation according to declining seniority among all  
21 alternates.

22 Section 3. This act shall take effect in 60 days.