

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 796 Session of
2003

INTRODUCED BY MARSICO, BALDWIN, BROWNE, CAPPELLI, CREIGHTON,
DALLY, DeWEESE, FRANKEL, FREEMAN, GEIST, GEORGE, GILLESPIE,
HARHAI, HARPER, HERSHEY, HORSEY, KOTIK, McNAUGHTON,
R. MILLER, S. MILLER, PAYNE, RUBLEY, SAYLOR, SCHRODER,
B. SMITH, SOLOBAY, STEIL, STURLA, E. Z. TAYLOR, TIGUE,
REICHLEY AND HICKERNELL, MARCH 10, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 1, 2004

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 defining "multimunicipal ~~plan~~." <—
21 PLAN"; AND FURTHER PROVIDING FOR MEMBERSHIP OF BOARD AND FOR <—
22 ORGANIZATION OF BOARD.

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

25 Section 1. The definition of "multimunicipal plan" in

1 section 107(a) of the act of July 31, 1968 (P.L.805, No.247),
2 known as the Pennsylvania Municipalities Planning Code,
3 reenacted and amended December 21, 1988 (P.L.1329, No.170) and
4 added June 22, 2000 (P.L.483, No.67), is amended to read:

5 Section 107. Definitions.--(a) The following words and
6 phrases when used in this act shall have the meanings given to
7 them in this subsection unless the context clearly indicates
8 otherwise:

9 * * *

10 "Multimunicipal plan," a plan developed and adopted by any
11 number of contiguous municipalities, including a joint municipal
12 plan as authorized by this act[.], except that all of the
13 municipalities participating in the plan need not be contiguous,
14 if all of them are within the same school district.

15 * * *

16 SECTION 2. SECTIONS 903 AND 906 OF THE ACT ARE AMENDED TO
17 READ:

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18 SECTION 903. MEMBERSHIP OF BOARD.--(A) THE MEMBERSHIP OF
19 THE BOARD SHALL, UPON THE DETERMINATION OF THE GOVERNING BODY,
20 CONSIST OF EITHER THREE OR FIVE RESIDENTS OF THE MUNICIPALITY
21 APPOINTED BY RESOLUTION BY THE GOVERNING BODY. THE TERMS OF
22 OFFICE OF A THREE MEMBER BOARD SHALL BE THREE YEARS AND SHALL BE
23 SO FIXED THAT THE TERM OF OFFICE OF ONE MEMBER SHALL EXPIRE EACH
24 YEAR. THE TERMS OF OFFICE OF A FIVE MEMBER BOARD SHALL BE FIVE
25 YEARS AND SHALL BE SO FIXED THAT THE TERM OF OFFICE OF ONE
26 MEMBER OF A FIVE MEMBER BOARD SHALL EXPIRE EACH YEAR. IF A THREE
27 MEMBER BOARD IS CHANGED TO A FIVE MEMBER BOARD, THE MEMBERS OF
28 THE EXISTING THREE MEMBER BOARD SHALL CONTINUE IN OFFICE UNTIL
29 THEIR TERM OF OFFICE WOULD EXPIRE UNDER PRIOR LAW. THE GOVERNING
30 BODY SHALL APPOINT TWO ADDITIONAL MEMBERS TO THE BOARD WITH

1 TERMS SCHEDULED TO EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF
2 THIS SECTION. THE BOARD SHALL PROMPTLY NOTIFY THE GOVERNING BODY
3 OF ANY VACANCIES WHICH OCCUR. APPOINTMENTS TO FILL VACANCIES
4 SHALL BE ONLY FOR THE UNEXPIRED PORTION OF THE TERM. MEMBERS OF
5 THE BOARD SHALL HOLD NO OTHER ELECTED OR APPOINTED OFFICE IN THE
6 MUNICIPALITY[.] NOR SHALL ANY MEMBER BE AN EMPLOYEE OF THE
7 MUNICIPALITY.

8 (B) THE GOVERNING BODY MAY APPOINT BY RESOLUTION AT LEAST
9 ONE BUT NO MORE THAN THREE RESIDENTS OF THE MUNICIPALITY TO
10 SERVE AS ALTERNATE MEMBERS OF THE BOARD. THE TERM OF OFFICE OF
11 AN ALTERNATE MEMBER SHALL BE THREE YEARS. WHEN SEATED PURSUANT
12 TO THE PROVISIONS OF SECTION 906, AN ALTERNATE SHALL BE ENTITLED
13 TO PARTICIPATE IN ALL PROCEEDINGS AND DISCUSSIONS OF THE BOARD
14 TO THE SAME AND FULL EXTENT AS PROVIDED BY LAW FOR BOARD
15 MEMBERS, INCLUDING SPECIFICALLY THE RIGHT TO CAST A VOTE AS A
16 VOTING MEMBER DURING THE PROCEEDINGS, AND SHALL HAVE ALL THE
17 POWERS AND DUTIES SET FORTH IN THIS ACT AND AS OTHERWISE
18 PROVIDED BY LAW. ALTERNATES SHALL HOLD NO OTHER ELECTED OR
19 APPOINTED OFFICE IN THE MUNICIPALITY ANY ALTERNATE ACT AS AN
20 EMPLOYEE OF INCLUDING [MEMBERSHIP ON] SERVICE AS A MEMBER OF THE
21 PLANNING COMMISSION [AND] OR AS A ZONING OFFICER, NOR SHALL ANY
22 ALTERNATE BE AN EMPLOYEE OF THE MUNICIPALITY. ANY ALTERNATE MAY
23 PARTICIPATE IN ANY PROCEEDING OR DISCUSSION OF THE BOARD BUT
24 SHALL NOT BE ENTITLED TO VOTE AS A MEMBER OF THE BOARD NOR BE
25 COMPENSATED PURSUANT TO SECTION 907 UNLESS DESIGNATED AS A
26 VOTING ALTERNATE MEMBER PURSUANT TO SECTION 906.

27 SECTION 906. ORGANIZATION OF BOARD.--(A) THE BOARD SHALL
28 ELECT FROM ITS OWN MEMBERSHIP ITS OFFICERS, WHO SHALL SERVE
29 ANNUAL TERMS AS SUCH AND MAY SUCCEED THEMSELVES. FOR THE CONDUCT
30 OF ANY HEARING AND THE TAKING OF ANY ACTION, A QUORUM SHALL BE

1 NOT LESS THAN A MAJORITY OF ALL THE MEMBERS OF THE BOARD, BUT
2 THE BOARD MAY APPOINT A HEARING OFFICER FROM ITS OWN MEMBERSHIP
3 TO CONDUCT ANY HEARING ON ITS BEHALF AND THE PARTIES MAY WAIVE
4 FURTHER ACTION BY THE BOARD AS PROVIDED IN SECTION 908.

5 (B) [IF] THE CHAIRMAN OF THE BOARD MAY DESIGNATE ALTERNATE
6 MEMBERS OF THE BOARD TO REPLACE ANY ABSENT OR DISQUALIFIED
7 MEMBER AND IF, BY REASON OF ABSENCE OR DISQUALIFICATION OF A
8 MEMBER, A QUORUM IS NOT REACHED, THE CHAIRMAN OF THE BOARD SHALL
9 DESIGNATE AS MANY ALTERNATE MEMBERS OF THE BOARD TO SIT ON THE
10 BOARD AS MAY BE NEEDED TO [PROVIDE] REACH A QUORUM. ANY
11 ALTERNATE MEMBER OF THE BOARD SHALL CONTINUE TO SERVE ON THE
12 BOARD IN ALL PROCEEDINGS INVOLVING THE MATTER OR CASE FOR WHICH
13 THE ALTERNATE WAS INITIALLY APPOINTED UNTIL THE BOARD HAS MADE A
14 FINAL [DETERMINATION OF] DECISION ON THE MATTER OR CASE.
15 DESIGNATION OF AN ALTERNATE PURSUANT TO THIS SECTION SHALL BE
16 MADE ON A CASE-BY-CASE BASIS IN ROTATION ACCORDING TO DECLINING
17 SENIORITY AMONG ALL ALTERNATES.

18 (C) THE BOARD MAY MAKE, ALTER AND RESCIND RULES AND FORMS
19 FOR ITS PROCEDURE, CONSISTENT WITH ORDINANCES OF THE
20 MUNICIPALITY AND LAWS OF THE COMMONWEALTH. THE BOARD SHALL KEEP
21 FULL PUBLIC RECORDS OF ITS BUSINESS, WHICH RECORDS SHALL BE THE
22 PROPERTY OF THE MUNICIPALITY, AND SHALL SUBMIT A REPORT OF ITS
23 ACTIVITIES TO THE GOVERNING BODY AS REQUESTED BY THE GOVERNING
24 BODY.

25 Section ~~2~~ 3. This act shall take effect in 60 days.

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