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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 199

Session of  
1977

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INTRODUCED BY MESSRS. GARZIA, MORRIS, COLE, RUGGIERO, O'KEEFE,  
STAPLETON, DeMEDIO AND FRYER, FEBRUARY 9, 1977

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SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,  
SEPTEMBER 12, 1978

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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 class A  
6 through eighth classes, individually or jointly, to plan  
7 their development and to govern the same by zoning,  
8 subdivision and land development ordinances, planned  
9 residential development and other ordinances, by official  
10 maps, by the reservation of certain land for future public  
11 purpose and by the acquisition of such land; providing for  
12 the establishment of planning commissions, planning  
13 departments, planning committees and zoning hearing boards,  
14 authorizing them to charge fees, make inspections and hold  
15 public hearings; providing for appropriations, appeals to  
16 courts and penalties for violations; and repealing acts and  
17 parts of acts," further providing for membership on zoning  
18 hearing boards.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. Section 903, act of July 31, 1968 (P.L.805,  
22 No.247), known as the "Pennsylvania Municipalities Planning  
23 Code," is amended to read:

24 Section 903. Membership of Board.--(a) The membership of  
25 the board shall, upon the determination of the governing body,

1 consist of either three or five residents of the municipality  
2 appointed by the governing body. [Their] The terms of office of  
3 a three member board shall be three years and shall be so fixed  
4 that the term of office of one member shall expire each year.  
5 The terms of office of a five man MEMBER board shall be three <—  
6 years and shall be so fixed that the term of office of no more  
7 than two members of a five man MEMBER board shall expire each <—  
8 year and of the initial appointments of the two additional  
9 members, one shall be appointed for a one year term and one  
10 shall be appointed for a two year term. If a three member board  
11 is changed to a five member board, the members of the existing  
12 three member board shall continue in office until their term of  
13 office would expire under prior law. and the THE governing body <—  
14 shall appoint two additional members to the board with terms  
15 scheduled to expire in accordance with the provisions of this  
16 section. The board shall promptly notify the governing body of  
17 any vacancies which occur. Appointments to fill vacancies shall  
18 be only for the unexpired portion of the term. Members of the  
19 board shall hold no other office in the municipality, except  
20 that no more than one member of the board may also be a member  
21 of the planning commission.

22 (b) A five member board shall not be changed to a three  
23 member board except upon an affirmative vote on the question by  
24 a majority of the electors of the municipality voting thereon at  
25 a referendum held at the municipal or general election prior to  
26 a year in which the terms of two of the members on the board  
27 expire.

28 Section 2. Section 906 of the act, amended June 1, 1972  
29 (P.L.333, No.93), is amended to read:

30 Section 906. Organization of Board.--The board shall elect

1 from its own membership its officers, who shall serve annual  
2 terms as such and may succeed themselves. For the conduct of any  
3 hearing and the taking of any action, a quorum shall be not less  
4 than a majority of all the members of the board, but [where two  
5 members are disqualified to act in a particular matter, the  
6 remaining member may act for the board. The] the board may  
7 appoint a hearing officer from its own membership to conduct any  
8 hearing on its behalf and the parties may waive further action  
9 by the board as provided in section 908. The board may make,  
10 alter and rescind rules and forms for its procedure, consistent  
11 with ordinances of the municipality and laws of the  
12 Commonwealth. The board shall keep full public records of its  
13 business and shall submit a report of its activities to the  
14 governing body once a year.

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