

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2981 Session of
2002

INTRODUCED BY NICKOL, BENNINGHOFF, BUNT, CAPPELLI, CREIGHTON,
EGOLF, JAMES, LAUGHLIN, MACKERETH, MELIO, PIPPY, ROBERTS,
ROSS, SATHER, SCAVELLO AND E. Z. TAYLOR, NOVEMBER 19, 2002

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 19, 2002

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 membership of board and
21 for organization of board.

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

24 Section 1. Sections 903 and 906 of the act of July 31, 1968
25 (P.L.805, No.247), known as the Pennsylvania Municipalities
26 Planning Code, reenacted and amended December 21, 1988
27 (P.L.1329, No.170), are amended to read:

1 Section 903. Membership of Board.--(a) The membership of
2 the board shall, upon the determination of the governing body,
3 consist of either three or five residents of the municipality
4 appointed by resolution by the governing body. The terms of
5 office of a three member board shall be three years and shall be
6 so fixed that the term of office of one member shall expire each
7 year. The terms of office of a five member board shall be five
8 years and shall be so fixed that the term of office of one
9 member of a five member board shall expire each year. If a three
10 member board is changed to a five member board, the members of
11 the existing three member board shall continue in office until
12 their term of office would expire under prior law. The governing
13 body shall appoint two additional members to the board with
14 terms scheduled to expire in accordance with the provisions of
15 this section. The board shall promptly notify the governing body
16 of any vacancies which occur. Appointments to fill vacancies
17 shall be only for the unexpired portion of the term. Members of
18 the board shall hold no other elected or appointed office in the
19 municipality[.] nor shall any member act as an employee of the
20 municipality.

21 (b) The governing body may appoint by resolution at least
22 one but no more than three residents of the municipality to
23 serve as alternate members of the board. The term of office of
24 an alternate member shall be three years. When seated pursuant
25 to the provisions of section 906, an alternate shall be entitled
26 to participate in all proceedings and discussions of the board
27 to the same and full extent as provided by law for board
28 members, including specifically the right to cast a vote as a
29 voting member during the proceedings, and shall have all the
30 powers and duties set forth in this act and as otherwise

1 provided by law. Alternates shall hold no other elected or
2 appointed office in the municipality nor shall any alternate act
3 as an employee of the municipality, including [membership on]
4 service as a member of the planning commission [and] or as a
5 zoning officer. Any alternate may participate in any proceeding
6 or discussion of the board but shall not be entitled to vote as
7 a member of the board nor be compensated pursuant to section 907
8 unless designated as a voting alternate member pursuant to
9 section 906.

10 Section 906. Organization of Board.--(a) The board shall
11 elect from its own membership its officers, who shall serve
12 annual terms as such and may succeed themselves. For the conduct
13 of any hearing and the taking of any action, a quorum shall be
14 not less than a majority of all the members of the board, but
15 the board may appoint a hearing officer from its own membership
16 to conduct any hearing on its behalf and the parties may waive
17 further action by the board as provided in section 908.

18 (b) [If] The chairman of the board may designate alternate
19 members of the board to replace any absent or disqualified
20 member and if, by reason of absence or disqualification of a
21 member, a quorum is not reached, the chairman of the board shall
22 designate as many alternate members of the board to sit on the
23 board as may be needed to [provide] reach a quorum. Any
24 alternate member of the board shall continue to serve on the
25 board in all proceedings involving the matter or case for which
26 the alternate was initially appointed until the board has made a
27 final [determination of] decision on the matter or case.

28 Designation of an alternate pursuant to this section shall be
29 made on a case-by-case basis in rotation according to declining
30 seniority among all alternates.

1 (c) The board may make, alter and rescind rules and forms
2 for its procedure, consistent with ordinances of the
3 municipality and laws of the Commonwealth. The board shall keep
4 full public records of its business, which records shall be the
5 property of the municipality, and shall submit a report of its
6 activities to the governing body as requested by the governing
7 body.

8 Section 2. This act shall take effect in 60 days.