

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 87

Session of  
2003

INTRODUCED BY NICKOL, CREIGHTON, HARPER, HENNESSEY, HERSHEY,  
MACKERETH, MAITLAND, MELIO, R. MILLER, REICHLEY, ROBERTS,  
ROSS, RUBLEY, SAYLOR, SCAVELLO, E. Z. TAYLOR, WILT, FRANKEL,  
GRUCELA, YUDICHAK, HORSEY, PALLONE AND SEMMEL,  
FEBRUARY 3, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 3, 2003

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

1 (P.L.1329, No.170), are amended to read:

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

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

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

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

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

29 Designation of an alternate pursuant to this section shall be  
30 made on a case-by-case basis in rotation according to declining

1 seniority among all alternates.

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

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