

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, INCLUDING [MEMBERSHIP ON]  
20 SERVICE AS A MEMBER OF THE PLANNING COMMISSION [AND] OR AS A  
21 ZONING OFFICER, NOR SHALL ANY ALTERNATE BE AN EMPLOYEE OF THE  
22 MUNICIPALITY. ANY ALTERNATE MAY PARTICIPATE IN ANY PROCEEDING OR  
23 DISCUSSION OF THE BOARD BUT SHALL NOT BE ENTITLED TO VOTE AS A  
24 MEMBER OF THE BOARD NOR BE COMPENSATED PURSUANT TO SECTION 907  
25 UNLESS DESIGNATED AS A VOTING ALTERNATE MEMBER PURSUANT TO  
26 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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