

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1047 Session of  
2011

INTRODUCED BY STABACK, BENNINGHOFF, CALTAGIRONE, CARROLL, DAVIS,  
DENLINGER, FARRY, GRELL, GROVE, HARKINS, KAVULICH, KOTIK,  
KULA, LONGIETTI, MAHONEY, MURT, MYERS, O'NEILL, QUINN,  
READSHAW AND K. SMITH, MARCH 14, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 14, 2011

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," in planning agencies, further providing for  
21 appointment, term and vacancy of planning commission members  
22 and for conduct of business of planning commission.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. Section 203 of the act of July 31, 1968 (P.L.805,  
26 No.247), known as the Pennsylvania Municipalities Planning Code,  
27 reenacted and amended December 21, 1988 (P.L.1329, No.170), is

1 amended by adding a subsection to read:

2 Section 203. Appointment, Term and Vacancy.--\* \* \*

3 (e) The governing body may appoint by resolution at least  
4 one but no more than three residents of the municipality to  
5 serve as alternate members of the planning commission. The term  
6 of office of an alternate member shall be four years. When  
7 seated pursuant to the provisions of section 207, an alternate  
8 shall be entitled to participate in all proceedings and  
9 discussions of the commission to the same and full extent as  
10 provided by law for commission members, including specifically  
11 the right to cast a vote as a voting member during the  
12 proceedings, and shall have all the powers and duties set forth  
13 in this act and as otherwise provided by law. Alternates shall  
14 not serve as a member of the zoning hearing board or as a zoning  
15 officer. Any alternate may participate in any proceeding or  
16 discussion of the commission but shall not be entitled to vote  
17 as a member of the commission nor be reimbursed pursuant to  
18 section 202 unless designated as a voting alternate member  
19 pursuant to section 207.

20 Section 2. Section 207 of the act, reenacted December 21,  
21 1988 (P.L.1329, No.170), is amended to read:

22 Section 207. Conduct of Business.--(a) The commission shall  
23 elect its own chairman and vice-chairman and create and fill  
24 such other offices as it may determine. Officers shall serve  
25 annual terms and may succeed themselves. The commission may make  
26 and alter by laws and rules and regulations to govern its  
27 procedures consistent with the ordinances of the municipality  
28 and the laws of the Commonwealth. The commission shall keep a  
29 full record of its business and shall annually make a written  
30 report by March 1 of each year of its activities to the

1 governing body. Interim reports may be made as often as may be  
2 necessary, or as requested by the governing body.

3 (b) The chairman of the planning commission may designate  
4 alternate members of the commission to substitute for any absent  
5 member or member who has recused himself or has been  
6 disqualified by the governing body, and if, by reason of  
7 absence, recusal or disqualification of a member, a quorum is  
8 not reached, the chairman of the commission shall designate as  
9 many alternate members of the commission to sit on the  
10 commission as may be needed to reach a quorum. Any alternate  
11 member of the commission shall continue to serve on the  
12 commission in all proceedings involving the matter or case for  
13 which the alternate was initially appointed until the commission  
14 has made a final decision on the matter or case. Designation of  
15 an alternate pursuant to this section shall be made on a case-  
16 by-case basis in rotation according to declining seniority among  
17 all alternates.

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